Decision for dispute CAC-UDRP-107470

Case number	CAC-UDRP-107470
Time of filing	2025-04-11 10:07:24
Domain names	1xbet-asia.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	MOKVEZA LTD

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	chengfu dai

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of various registrations for the trademark "1XBET", including the European Union trademark No 014227681, registered on September 21, 2015, for goods and services in classes 35, 41 and 42.

The disputed domain name was registered by the Respondent on April 18, 2023.

FACTUAL BACKGROUND

The Complainant states that it belongs to the group of companies operating under the brand name 1XBET, which operates an online gaming platform created in 2007.

The Complainant explains that it offers sports betting, lottery, bingo, live betting, lottery, etc. and is licensed by the government of Curacao.
The Complainant clarifies that it has become one of the world's leading betting companies, has won various awards and has become a partner of various sports clubs.

The Complainant declares that it also operates a website under the domain name <1xbet.com>.

The Complainant points out that its trademark registration predates the registration of the disputed domain name.
The Complainant observes that the disputed domain name fully incorporates the Complainant's trademark and the addition of the geographical term “asia” does not eliminate the confusing similarity with the trademark.
The Complainant adds that the inclusion of the generic top-level domain “.com” is a standard technical requirement and may be disregarded when assessing confusing similarity.
Accordingly, the Complainant considers that the disputed domain name is confusingly similar to the Complainant’s trademark.

The Complainant states that it has not licensed or authorized the Respondent to register or use the disputed domain name.

The Complainant clarifies that the Respondent is not affiliated to the Complainant in any form.
The Complainant notes that there is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks.
The Complainant considers that the Respondent has not been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services, nor making a legitimate non-commercial or fair use of the disputed domain name.
The Complainant states that the structure of the disputed domain name reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, with the Complainant, its trademark and its business, in Internet users’ mind.
The Complainant argues that by reading the disputed domain name, incorporating the 1XBET trademark and the term "asia", Internet users may be falsely led to believe that the disputed domain name is directly connected to, authorized by or endorsed by the Complainant.

The Complainant considers that the content of the website associated with the disputed domain name is intended to imply a direct association with the Complainant and its trademark, given the use of the Complainant's logo without any disclaimer, and argues that such use demonstrates neither a bona fide offering of goods nor a legitimate interest of the Respondent.

The Complainant underlines that the disputed domain name resolves to a website that impersonates the Complainant. The Complainant alleges that the Respondent has improperly concealed its identity in order to avoid being contacted.
The Complainant argues that the Respondent is taking unfair advantage of the lack of clarity regarding the lack of affiliation with the Complainant in order to gain commercial advantage.
Accordingly, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant recalls that the Respondent registered the disputed domain name many years after the first registration of the Complainant’s trademark.
The Complainant adds that it has a strong presence online, and by conducting a simple online search on popular search engines for the term "1xbet", the Respondent would have inevitably learned about the Complainant, its trademark and its business.
The Complainant points out that the structure of the disputed domain name shows that the Respondent registered it with the Complainant and its trademarks in mind.
The Complainant notes that the disputed domain name resolves to a website that includes the Complainant’s trademark, and considers that this shows that, at the time of the registration of the disputed domain name, the Respondent registered it very likely with the intent to later use it in connection to the 1XBET trademark.

The Complainant states that the disputed domain name resolves to a website repeatedly displaying the 1XBET trademark as a part of a “promotional video” and argues that such use of the disputed domain name creates a likelihood of confusion in Internet users’ minds and may lead them to attempt contacting the person operating the website to purchase services. The Complainant takes the view that this use of the disputed domain name might generate revenues for the Respondent, by capitalizing on the fame of the Complainant and its 1XBET trademark. The Complainant considers that this use shows that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of such website.

Accordingly, the Complainant argues that these circumstances are clear demonstration of the registration and use of the disputed domain name in bad faith.

PARTIES CONTENTIONS

The Complainant, relying on the arguments summarised above, contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

In accordance with paragraph 4(a) of the Policy, in order to obtain the transfer of the disputed domain name, the Complainant has to demonstrate that:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) The disputed domain name has been registered and is being used in bad faith.

IDENTICAL OR CONFUSINGLY SIMILAR

The first requirement that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant’s trademark or service mark rights.

There are two elements of this test: the Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark or service mark.

The Complainant has proven ownership, among others, of the registered trademark “1XBET”, identified in section “Identification of rights” above.

On the question of identity or confusing similarity, what is required is simply a comparison and assessment of the disputed domain name itself to the Complainant’s trademark.

The disputed domain name differs from the Complainant’s trademark “1XBET” only by the addition of the hyphen, followed by the word "ASIA", and by the presence of the top-level domain ".COM".

It is well accepted that the hyphen is not relevant in the confusing similarity test (see, for example, WIPO case No. D2016-0676).

It is a common view that where a trademark is the distinctive part of a domain name, the domain name is considered to be confusingly similar to the trademark (see, for example, WIPO case No. D2017-1266).

In the present case, the addition of the word "ASIA" has no impact on the distinctive part “1XBET”. It is well established that where the relevant trademark is recognizable within the domain name, the addition of other terms would not prevent a finding of confusing similarity.

It is also well established that the top-level domain may generally be disregarded in the confusing similarity test (see, for example, WIPO case No. D2016-2547).

Therefore, the Panel considers that the disputed domain name is confusingly similar to the Complainant's trademark “1XBET”.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

RIGHTS OR LEGITIMATE INTERESTS

The second requirement that the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the respondent has rights or legitimate interests in a domain name:

(i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or

(ii) [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the Respondent] [has] acquired no trademark or service mark rights; or

(iii) [the Respondent] [is] making a legitimate non-commercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

This is a non-exhaustive list of circumstances in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement falls on the Complainant. UDRP panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative".

Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent and the burden of proof on this requirement shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in a domain name.

The Panel finds that the Complainant has made out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name.

In particular, the Complainant states that:

- it has not licensed or authorized the Respondent to register or use the disputed domain name;

- the Respondent is not affiliated to the Complainant in any form;
- there is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks.

In the absence of a Response, there is no indication in the present case that the Respondent is commonly known by the disputed domain name.

Furthermore, the Respondent has failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under paragraph 4(c) of the Policy or other evidence of rights or legitimate interests in the disputed domain name.

The Respondent does not appear to make any legitimate non-commercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. Indeed, the disputed domain name resolves to a website where the Complainant's logo is displayed.

The Panel considers that, on the balance of probability, the Respondent knew the Complainant's trademark and registered the disputed domain name with knowledge of the Complainant's rights. Indeed, it is not conceivable that the Respondent did not have the Complainant's trademark in mind, when registering and using the disputed domain name. Under these circumstances, it cannot be concluded that the Respondent is making a "fair" use of the disputed domain name.

Taking into account that the Complainant has not licensed or authorized the Respondent to register the disputed domain name or to use the Complainant's trademark in any form, that the Respondent is not affiliated to the Complainant, that the Respondent is not commonly known by the disputed domain name, that the respondent does not own any trademark corresponding to the disputed domain name, that the disputed domain name resolves to a webpage where the Complainant's logo is displayed, the Panel cannot imagine any possible legitimate justification for this use, and the Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

BAD FAITH

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent.
Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, including:
(i) circumstances indicating that [the Respondent] [has] registered or [has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of [the Respondent's] documented out-of-pocket costs directly related to the [disputed] domain name; or

(ii) [the Respondent] [has] registered the [disputed] domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the Respondent] [has] engaged in a pattern of such conduct; or
(iii) [the Respondent] [has] registered the [disputed] domain name primarily for the purpose of disrupting the business of a competitor; or
(iv) by using the [disputed] domain name, [the Respondent] [has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent's] web site or location or of a product or service on [the Respondent's] web site or location.
The Panel, on the basis of the evidence presented, agrees with the Complainant's contentions that the disputed domain name was registered in bad faith and that it has been used in bad faith.

In particular, the Panel accepts the Complainant's unchallenged assertions that the Respondent is using the disputed domain name with the aim of intentionally attracting, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of its website.

Indeed, it is inconceivable that the Respondent was not aware of the Complainant's rights in the trademark “1XBET” when registering the disputed domain name. If the Respondent had legitimate purposes in registering and using the disputed domain name it would have filed a Response in this proceeding.

The Panel, having taken into account the Respondent's knowledge of the Complainant's trademarks at the time of the disputed domain name's registration, the fact that the disputed domain name resolves to a webpage where the Complainant's trademark is displayed and the lack of reply to the complaint, considers that the disputed domain name was registered and is being used in bad faith.
Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **1xbet-asia.com**: Transferred

PANELLISTS

Name	**Michele Antonini**

DATE OF PANEL DECISION 2025-05-18

Publish the Decision