Decision for dispute CAC-UDRP-107475

Case number	CAC-UDRP-107475
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Domain names	11xgame.win

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	MOKVEZA LTD

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Organization	11x Game

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 the trademark “1XGAMES”, designating the services in classes 35, 41 and 42:

EUTM No. 018928828, filed on September 22, 2023 and registered on January 9, 2024;

EUTM No. 018928911, filed on September 22, 2023 and registered on January 9, 2024;

The filing and registration dates of the trademark predate the registration date of the disputed domain name of March 27, 2024.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is the proprietor of the “1XBET” trademark and belongs to the group of companies operating under the brand name “1xBET”, which is an online gaming platform with worldwide reach. “1XBET” was founded in 2007 and exists since March 9, 2015. “1XBET” offers sports betting, lottery, bingo, live betting, lottery, etc. “1XBET” is licensed by the government of Curacao. Furthermore, “1XBET” promotes responsible gambling on its website.

“1XBET” also operates a website under the domain name <1xbet.com>, which incorporates various interactive sections, including a dedicated gaming area known as “1XGAMES”. This section forms part of the broader “1XBET” platform and offers users a variety of original, in-house developed games, ranging from card games and slots to lotteries and dice-based games.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceedings and has consequently made no factual allegations. The Respondent is "11x Game", based at the address of Ramanand, Delhi, Post Code 110001, India. The disputed domain name was registered on March 27, 2024 by the Respondent, as confirmed by the Registrar. At the time of filing of the Complaint, the disputed domain name resolved to a website that offers services that compete with the Complainant’s own offerings.

PARTIES CONTENTIONS

A. COMPLAINANT

The Complainant's contentions can be summarized as follows:

I. The disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights

The disputed domain name is confusingly similar to the Complainant’s registered trademark, “1XGAMES”. It incorporates the core and dominant elements of the Complainant’s trademark, with only minor deviations. The repetition of the numeral “1” in “11x” instead of “1x” creates a visual impression highly similar to the Complainant´s trademark. The use of the singular “game” rather than “games” is a minimal variation that does not eliminate the visual and phonetic similarities.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name on the grounds: i) the Respondent has no trademark rights corresponding to “11XGAME” or “1XGAMES”; ii) the Respondent is not commonly known by “1XGAMES”; iii) the Respondent has not been authorized by the Complainant.

III. The Respondent registered and is using the disputed domain name in bad faith

The Complainant submits that the Respondent registered the disputed domain name in bad faith on the grounds: i) the disputed domain name was registered after the filing and registration date of its trademark “1XGAMES” and it also reflects the Complainant’s earlier and widely recognized trademark “1XBET”; ii) “1XBET” and “1XGAMES” enjoy overwhelming online presence and visibility. It is clear that the Respondent registered the disputed domain name with clear knowledge of the Complainant’s brand and trademark for the purpose of misleading users.

The Complainant submits that the disputed domain name is being used in bad faith on the grounds: i) the website at <11xgame.win> actively offers online betting and gaming services that directly compete with those of the Complainant, under visual and textual branding that mimics the Complainant’s own site at <1xbet.com>. It Offers casino games, sports betting, and live dealer content nearly identical to what is found under the Complainant’s “1XGAMES” section; ii) it uses the “11XGAME” branding in a similar font, styling, and layout to the Complainant’s “1XBET” logo and visual identity; iii) the disputed domain name was registered under the name “11x Game” with the contact email <11xgame7726@gmail.com> and a purported address. The Respondent appears to be intentionally leveraging the Complainant’s reputation to mislead users into believing they are dealing with or affiliated with the Complainant for commercial gain.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

B. RESPONDENT

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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

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

(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.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected. The Respondent did not submit the Response containing any argument against what the Complainant claimed and to show his intention to retain the disputed domain names as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except otherwise there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a) (i) of the Policy, a Complainant must prove that the domain name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights.

(1) Complainant has rights in a trademark or service mark

The Complainant has provided evidence of ownership of valid trademark registrations for trademark “1XGAMES”, which was filed on September 22, 2023 and registered on January 9, 2024, designating the services in classes 35, 41 and 42, under EUTM No. 018928828 and EUTM No. 018928911. The services in class 41 includes casino, gaming and gambling services; on-line gaming services; gaming services for entertainment purposes. The trademark is still valid and the registration date is earlier than the registration date of the disputed domain name, i.e. March 27, 2024. The Complainant therefore has rights in the trademark “1XGAMES”.

(2) The domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name contains the Complainant's trade mark “1XGAMES” nearly in its entirety with the addition of numeral “1” and omission of letter “s”. WIPO Overview 3.0 paragraph 1.9 states that “a domain name which consists of a common, obvious, or misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element”. Previous panels have found that the slight spelling variations does not prevent a domain name from being confusingly similar to the Complainant’s trademark. In WIPO Case No. D2004-0971 (Fuji Photo Film U.S.A., Inc. v. LaPorte Holdings), the panelist mentioned that numerous panels in the past have found similarity to be present in the case of a deliberate misspelling of a mark (so-called “typo-squatting”), by adding, deleting, substituting or reversing the order of letters in a mark.

As to the generic Top Level Domain “.win”, it is viewed as a standard registration requirement and as such can be disregarded for

the purpose of assessing identity or confusing similarity. See WIPO Jurisprudential Overview 3.0, paragraph 1.11.1.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a) (i).

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name on the grounds: i) it has no trademark rights corresponding to "11XGAME" or "1XGAMES"; ii) it is not commonly known by "1XGAMES"; iii) it has not been authorized by the Complainant.

Once the Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. Please see WIPO Jurisprudential Overview 3.0 paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent's rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the disputed domain name has been registered and is being used in bad faith.

A. The disputed domain name has been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name, considering the following circumstances:

• WIPO Jurisprudential Overview 3.0 mentions that noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. The Panel believes that before registration of the disputed domain name, the Respondent had made searches for the wording "1XGAMES" and known it is the trademark of the Complainant.

• The Complainant claims that trademarks "1XBET" and its "1XGAMES" sub-brand enjoy overwhelming online presence and visibility. A simple online search for the term "1XGAME" on popular search engines returns results that are overwhelmingly associated with the Complainant, its website, or its services.

• The disputed domain name was registered under the name "11x Game", with the contact email <11xgame7726@gmail.com>. The Complainant submits that the Respondent´s name "11x Game" is not associated with any identifiable natural person or legal entity.

• The Complaint contends that the disputed domain name also reflects the Complainant's earlier and widely recognized trademark "1XBET" (EUTM No. 17517327), which has been used globally for years, including through its official website, where the "1XGAMES" section forms a core component of the offering.

• The website at <11xgame.win> offers online betting and gaming services that directly compete with those of the Complainant, under visual and textual branding that mimics the Complainant's own site at <1xbet.com>, which means that the Respondent and the Complainant are in the same business sector.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademarks at the time of registration of the disputed domain name. As the domain name would cause confusion to internet users as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, it should have avoided the registration, which is considered as good faith, rather it registered the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

B. The disputed domain name is being used in bad faith

Paragraph 4(b) (iv) of the Policy states that the following circumstances in particular shall be evidence of registration and use of a domain name in bad faith: By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The Panel sees the following information from the screenshot of the Respondent's website <11xgame.win> provided by the Complainant:

• "11XGAME" is shown on the top band of every page of the webpage of the disputed domain name.

• The font, styling and layout of “11XGAME” are similar to those of the Complainant’s trademarks, “1XBET” and “1XGAME”.

• Game information are shown on the webpage, such as “Open bets”, “Live Casinos”, “Scratch Card”, “11xGame - Best Online Betting App in India”, “FAQs About Betting Online in India”, “Indian Card Games”, “Popular Games”, “Be Gamble” and “GAMBLING COMMISSION”. The website offers online betting and gaming services that directly compete with those of the Complainant at website <1xbet.com>.

• The website describes itself as the “Best Online Betting App in India,” suggesting a commercial positioning similar to the Complainant’s.

• There is no disclaimer or attempt to differentiate the site from the Complainant’s brand. Instead, the Respondent appears to be intentionally leveraging the Complainant’s reputation to mislead users into believing that they are dealing with or affiliated with the Complainant and therefore obtain unfair commercial gain through user confusion.

It is clear that the Respondent's website is for commercial gain.

Considering the above factors, the Panel finds that the disputed domain name is being used in bad faith, which meets the circumstances mentioned in Paragraph 4(b) (iv).

Regarding the Complainant’s contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel’s findings on its bad faith.

In view of all the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name <11XGAME.WIN> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **11xgame.win**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2025-05-18

Publish the Decision