Decision for dispute CAC-UDRP-107535

Case number	CAC-UDRP-107535
Time of filing	2025-05-05 09:56:37
Domain names	1xbet-uzbekistan.bet

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	MOKVEZA LTD

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Anton Lahtenko

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 owns several word and figurative trade marks consisting of or incorporating the name 1XBET, including the European Union word trade mark 1XBET, registration number 0142227681, first registered on 21 September 2015 in international classes 35, 41 and 42; the European Union figurative trade mark 1XBET, registration number 017517327, first registered on 7 March 2018 in international classes 41 and 42; and the European Union figurative trade mark 1XBET, registration number 017517384, first registered on 7 March 2018 in international classes 41 and 42. The aforementioned trade mark registrations of the Complainant predate the registration of the disputed domain names although the Complainant was only registered as the proprietor of the above trade marks between 14 and 15 January 2025 respectively.

1xBET also operates a website under the domain name <1xbet.com>, which consists of and includes the Complainant's trade mark 1XBET, and is connected to 1xBet's official betting website. There is no information or evidence before the Panel as to whether the Complainant is also the owner or registrant of the domain name <1xbet.com>.

FACTUAL BACKGROUND

The Complainant asserts that it belongs to the group of companies operating under the brand name 1xBET (but submits no evidence in support of that assertion). 1xBet is an online gaming platform with worldwide reach, founded in 2007, and offers sports betting, lottery, bingo, live betting, lottery, etc. it is licensed by the government of Curacao. 1xBET is an active sponsor of top

football tournaments and teams. As mentioned above, there is no information or evidence before the Panel as to the link between the Complainant and 1xBET.

The disputed domain name <1xbet-uzbekistan.bet> was registered on 29 January 2025. The disputed domain name resolves to a website which impersonates the official 1xBet website, uses the Complainant's trade marks and get-up, and closely mimics the official 1xBET website in its visual presentation and branding elements, including the use of a distinctive blue-and-white colour scheme associated with the Complainant's brand identity. The overall layout, typography, and promotional banners replicate the design and marketing style of the official 1xBET website.

PARTIES CONTENTIONS

The Complainant contends that all three elements of the UDRP have been fulfilled and it therefore requests the transfer of the disputed domain name to the Complainant.

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 trade mark 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 notes that the Complainant's authorised representative, Karel Sindelka, is also a UDRP domain name panellist at the ADR Center of the Czech Arbitration Court. Since there is no close personal or financial relationship between the Panel and the Complainant's authorised representative, and they have not previously acted as joint panellists in any UDRP proceeding, the Panel considers the present case to fall within the "green list" of the IBA Guidelines on Conflicts of Interest in International Arbitration and not therefore to give rise to a conflict of Interest on the part of the present Panel.

The Panel further notes that, while the Complainant is the owner of a number of trade marks consisting of the name 1XBET, it does not itself appear to use these trade marks in the course of trade, such use occurring instead through trading affiliates which are not themselves a party to this proceeding. To the extent that this is the case, and absent any submissions from the Complainant on this issue, the Panel is nevertheless satisfied that, were related parties have rights in the relevant trade mark on which a UDRP complaint is based, the UDRP complaint may be brought by any one of these parties, including the corporate entity which holds the relevant trade mark rights on behalf of its group (see, for example, WIPO Case No. D2008-1368, Embarq Holdings Company LLC v. Domainsbigtime.com <embarqblog.com>; and WIPO Case No. D2010-1728, Endemol Netherland B.V v. David Williams <Endemoltv.com>).

The Panel is satisfied that all other 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

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With regard to the first UDRP element, the Panel finds that the disputed domain name <1xbet-uzbekistan.bet> is confusingly similar to the Complainant's trade mark 1XBET. Indeed, the disputed domain name incorporates the Complainant's trade mark in its entirety but adds the geographical term “uzbekistan” as a hyphenated suffix to the Complainant's trade mark. The Panel follows in this respect the view established by numerous other decisions that a domain name which wholly incorporates a Complainant's registered trade mark may be sufficient to establish confusing similarity for the purposes of the UDRP (see, for example, WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin <porsche-autoparts.com>). The Panel further considers it to be well established that the addition of a descriptive or geographical term does not allow a domain name to avoid confusing similarity with a trade mark (see, for example, WIPO Case No. D2019-2294, Qantas Airways Limited v. Quality Ads <qantaslink.com>; and CAC Case No. 102137, Novartis AG v. Black Roses <novartiscorp.com>). Other panels have previously found that “[W]here the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element” (see WIPO Overview 3.0, section 1.8; and, for example, WIPO Case No. D2023-2542, Merryvale Limited v. tao tao <wwbetway.com>; and WIPO Case No. D2020-0528, Philip Morris Products S.A. v. Rich Ardtea <global-iqos.com>).

Against this background, the Panel finds that the addition of the geographical term “uzbekistan”, separated from the Complainant’s trade mark by a hyphen, is not sufficient to alter the overall impression of the designation as being connected with the Complainant's trade mark and does not prevent a likelihood of confusion between the disputed domain name and the Complainant, its trade mark and its associated domain name. To the contrary, the disputed domain name rather adds to the likelihood of confusion because the addition of the geographical term “uzbekistan”, which identifies the location and market at which the website accessed through the disputed domain name is targeted, in conjunction with the Complainant's trade mark 1XBET, suggests that the disputed domain name links to an official website of the Complainant, and implies that it is linked to the Complainant and its business.

With regard to the second UDRP element, the Panel notes that the disputed domain name resolves to a website impersonating the Complainant’s official website, and using the Complainant’s trade mark and general get-up. The website also includes betting functionality by reference to the Complainant’s trade mark. The Panel further notes that the website accessed through the disputed domain name carries a high risk of affiliation with the Complainant, suggesting that it is either the Complainant’s own website are, or at least endorsed by the Complainant, where this is not the case. The Panel accepts the Complainant’s submissions that the Respondent is not affiliated with or related to the Complainant in any way, and is neither licensed nor otherwise authorised to make any use of the Complainant’s trade mark, or to apply for or use the disputed domain name. Indeed, the website accessed through the disputed domain name does not identify who owns and operates it and does not clearly and prominently identify the registrant’s relationship with the Complainant.

In those circumstances, the Panel accepts that the website accessed through the disputed domain name takes unfair advantage of the Complainant’s trade mark for the purpose of re-directing traffic to that website for commercial gain, and also for the purpose of misleading Internet users because it seeks to impersonate the official 1xBet website. The Panel therefore concludes that the website to which the disputed domain name resolves does not constitute a bona fide offering of goods or services.

Furthermore, the Whois information does not suggest that the Respondent is commonly known by the disputed domain name <1xbet-uzbekistan.bet>. Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name, as is equally not the case here (see, for example, Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> (“Here, the WHOIS information of record identifies Respondent as “Chad Moston / Elite Media Group.” The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).”)). Neither is there any indication that the Respondent is making any legitimate non-commercial or fair use of the disputed domain name. Against this background, and absent any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interest in the disputed domain name.

With regard to the third UDRP element, it is reasonable to infer that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant's trade mark, and that he registered the disputed domain name in full knowledge of the Complainant's trade mark. If the Respondent had carried out a Google search for the term “1xBet”, the search results would have yielded immediate results related to the Complainant and its connected businesses, websites, products and services. Indeed, it is likely that the disputed domain would not have been registered if it were not for the Complainant's trade mark (see, for example, WIPO Case No D2004-0673 Ferrari Spa -v- American Entertainment Group Inc <ferrariowner.com>). The Panel notes that the Respondent seeks to attract Internet users to his own website for commercial gain, based on the Complainant’s trade mark, which constitutes further evidence of bad faith (see, for example, WIPO Case No D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC <studiocanalcollection.com> (“In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it

remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve […] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith."); and WIPO Case No. D2013-1585, Aktiebolaget Electrolux v. Studio web 51 <electroluxbogota.com> ("the use [the respondent] made of the ELECTROLUX trademark "as the dominant part of the Domain Name [was] intended to capture Internet traffic from Internet users who are looking for the Complainant's products" and "[t]he Domain Name and the content of the Respondent's Website [were] calculated to confuse Internet users into thinking that the Respondent [was] an authorised repairer of the Complainant's products when this is not the case. This shows a clear intention on the part of the Respondent to attract Internet users for commercial gain by confusing and misleading Internet users into believing that the Respondent's Website was authorised or endorsed by the Complainant")). Absent any response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **1xbet-uzbekistan.bet**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht LLM MCIArb**

DATE OF PANEL DECISION 2025-06-08

Publish the Decision