Decision for dispute CAC-UDRP-107595

Case number	CAC-UDRP-107595
Time of filing	2025-05-20 12:03:32
Domain names	1xbet-az-play.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	MOKVEZA LTD

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Organization	SAROS DIGITAL SOLUTIONS LTD

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

According to the evidence submitted by Complainant, Complainant is the owner of multiple trademarks for 1XBET, including European Union Trademark 1XBET, with registration number 014227681 and registration date 21 September 2015.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <1xbet-az-play.com> was registered on 19 July 2024.

According to the information provided by Complainant the disputed domain name resolves to an active website which imitates the website of Complainant.

PARTIES CONTENTIONS

Complainant

According to the evidence submitted by Complainant, Complainant is an online gaming platform with worldwide reach. It was founded in 2007 and offers sports betting, lottery, bingo, live betting, lottery, etc. and it is licensed by the government of Curacao. In addition to the European Union trademark 1XBET, Complainant operates a website under the domain name <1xbet.com> to resolve to its online betting websites.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark as it fully incorporates Complainant's registered and widely known 1XBET trademark. The addition of the country code "az", which is the two-letter abbreviation of Azerbaijan and the ccTLD of that country, and of the generic and descriptive term "play" does not eliminate the confusing similarity with the mark.

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. According to Complainant it has not licensed or authorized Respondent to register or use the disputed domain name, nor is Respondent affiliated to Complainant in any form. Complainant submits that the website under the disputed domain name is deliberately designed to create the false impression of a direct association with Complainant and its 1XBET trademarks. It closely imitates the official 1XBET website in both visual layout and branding, prominently employing the distinctive blue-and-white color scheme that is strongly associated with Complainant's brand identity. Additionally, the website incorporates the 1XBET name and stylized logo - or confusingly similar variants thereof - in a manner that clearly misappropriates Complainant's registered trademarks and trade dress, thereby reinforcing the deceptive appearance of implied affiliation. Complainant asserts that the use of a domain name for illegal activities such as impersonation and other types of fraud can never confer rights or legitimate interests on Respondent. The disputed domain name resolves to a live website that impersonates and passes itself off as Complainant.

According to Complainant the disputed domain name is registered and is being used in bad faith. Respondent registered the disputed domain name many years after the first registrations of Complainant's 1XBET trademark in 2015 and after introduction of the 1xBET brand in 2007. By conducting a simple online search on popular search engines for the term "1xbet", Respondent would have inevitably learned about Complainant, its mark and its business. In addition the structure of the disputed domain name shows that Respondent registered it with Complainant and its trademarks in mind. It reflects Respondent's clear intent to create an association and subsequent likelihood of confusion with Complainant's trademark in the minds of Internet users.
Complainant submits that the disputed domain name incorporates Complainant's well-known 1XBET trademark in its entirety, coupled with "az," the common abbreviation for Azerbaijan. This combination is clearly intended to mislead Internet users into believing that the website is an official or authorized local platform operated by Complainant in that country. The inclusion of Complainant's trademark alongside a geographical identifier creates the false impression of a regional or national affiliation, thereby reinforcing the deceptive nature of the disputed domain name. By using Complainant's mark in conjunction with a reference to Azerbaijan, Respondent seeks to divert Internet traffic particularly among those searching for localized betting services. This conduct gives rise to a clear likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the associated website. Internet users encountering the domain name are likely to mistakenly believe they are accessing an official Azeri portal of Complainant and may attempt to register accounts or deposit funds under that mistaken belief.
Complainant concludes that the overall described circumstances are a clear demonstration of the registration and use of the disputed domain name in bad faith.

Respondent

Respondent submits that it has carefully studied the claim of Complainant. Respondent regrets to note that the use of the "1xbet" brand on Respondent's website happened without proper approval. Respondent is currently conducting an internal investigation to understand how this situation has developed and will take all necessary measures to prevent it in the future. According to Respondent at first glance the website under the disputed domain name looks like a violation. The controversial site is exclusively informational, the main purpose of which is to raise awareness among users from Azerbaijan about the bookmaker's availability, the conditions for the provision of betting services, as well as general information about the 1XBET brand. If the website contains incorrect information about the 1XBET brand (taken from official sources), Respondent is ready to promptly make changes or, if necessary, to stop using it.
Respondent likes to emphasize that its website used the brand's mention solely for informational purposes, that it did not pursue commercial benefits from this use and that it is ready to eliminate all controversial issues immediately.
As part of the settlement of the situation, Respondent states that it will immediately remove all logos and visual elements of the 1XBET brand, consider the possibility of excluding controversial pages from the search results, and will introduce additional content checks to prevent such cases.
Respondent concludes that it asks Complainant to specify specific materials that violates Complainant's rights, to confirm that the proposed measures will solve the problem and to give Respondent a reasonable period of 10 days to make adjustments.
Respondent appreciates Complainant's understanding and it is ready for a constructive dialogue to resolve the situation peacefully.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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.

The Panel takes into account the fact that Respondent in essence, stated in its response that it was using the IXBET trademark on the website under the disputed domain name without proper approval. Respondent proposed a constructive dialogue and various measures to reach a settlement. No formal written request (according to paragraph 17 of the UDRP Rules) to suspend the proceedings in order to facilitate settlement negotiations was submitted by either party and no settlement between the parties was reached. The Panel thus will proceed to a substantive decision on the merits.

PRINCIPAL REASONS FOR THE DECISION

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's 1XBET trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant’s trademark where the relevant trademark is recognizable within the disputed domain name. Complainant has established that it is the owner of a trademark registration for 1XBET. The disputed domain name incorporates the entirety of the 1XBET trademark as its distinctive element. The addition of the country code Top-Level-Domain “az”, the generic and descriptive term “play” and the two hyphens in the disputed domain name are insufficient to avoid a finding of confusing similarity as the 1XBET trademark remains the dominant component of the disputed domain name. The Top-Level Domain (“gTLD”) “.com” in the disputed domain name may be disregarded.

The Panel notes that Complainant’s registration of its trademark predates the creation date of the disputed domain name.

Having reviewed the available record the Panel finds that Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant has stated that it has not licensed or otherwise permitted Respondent to make any use of its trademark or to register the disputed domain name incorporating its mark. Respondent confirmed that the use of the 1XBET trademark on the website under the disputed domain name was done without prior approval.

Based on the undisputed submission and evidence provided by Complainant, the disputed domain name resolves to a website which uses Complainant’s distinctive trademark, copies without authorization the look and feel of Complainant’s website, closely imitating the official 1XBET website in both visual layout and branding and prominently employing the distinctive blue-and-white color scheme that is associated with Complainant’s brand identity. Respondent’s submission that the website is used for information purposes only is insufficient to deny the alleged impersonation. Panels have held that the use of a domain name for illegal or fraudulent activity, here as claimed impersonation/passing off can never confer rights or legitimate interests on a respondent (see WIPO Overview 3.0, section 2.13.1).

Moreover, the composition of the disputed domain name together with the construction of the website under the disputed domain name is misleading and carries the risk of implied affiliation, which does not provide any indication as to how Respondent could possibly be seen as making a bona fide use of the disputed domain name. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert Internet users or to tarnish the trademark of Complainant. The Panel does not consider such use a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name. Respondent is also not commonly known by the disputed domain name nor has it acquired any trademark or service mark rights.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the 1XBET trademark. Noting the overall circumstances of this case, the Panel finds it more likely than not that Respondent knew or should have known Complainant’s 1XBET mark. The registration of the disputed domain name in awareness of the IXBET trademark

and in the absence of rights or legitimate interests amounts under these circumstances to registration in bad faith. The Panel notes that the disputed domain name resolves to a website which incorporates Complainant's trademark in its entirety, which copies without authorization the distinctive 1XBET trademark of Complainant and the look and feel of Complainant's website, which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith pursuant to 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-az-play.com**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2025-06-10

Publish the Decision