Decision for dispute CAC-UDRP-107701

Case number	CAC-UDRP-107701
Time of filing	2025-06-25 14:02:23
Domain names	melbetfr.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Batnesto Ltd.

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Zulfat Zakirov

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 relies on a number of "Melbet" trademark registrations, including the following:

- Peruvian trademark registration No. S00149219 “Melbet” (figurative), filing date is June 8, 2023, registration date is August 10, 2023;
- Burundian trademark registration No. 10242/BI “Melbet” (figurative), filing date is November 9, 2022, registration date is November 15, 2022; and
- European Union (EU) trademark registration No. 019060714 "Melbet" (word), filing date is July 29, 2024 and the registration date is November 9, 2024.

The Complainant also claims common law trademark rights to the word and figurative mark "Melbet".

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE

COMPLAINANT HAS RIGHTS

The Complainant alleges that it is a company registered in Cyprus and the holder of the <melbet.com> domain name. The website at the domain name <melbet.com> is operated by a third party – “Pelican Entertainment” B.V. with the Complainant’s permission.

The Complainant claims that the “Melbet” online gaming and casino platform has been in operation since 2012 and the Complainant provides screenshots of prior use of the “Melbet” platform (“Platform”).

The Complainant states that the Platform has over 400,000 daily users worldwide and it also refers to its numerous sponsorship deals, including partnership with Spanish football "La Liga" and partnership with various sports teams and athletes across the globe including Uganda, India and Turkey.

The Complainant provides information about the Platform from various sources (such as description and users’ reviews) and states that the “Melbet” betting application is available in various online stores.

The Complainant provides evidence of design registration in the EU for the website layout and copyright registrations for the website layout in the UK issued by an entity named “Copyright House”.

The disputed domain name is registered on January 25, 2025 and is used for a website that offers competing services and copies design and layout of the Complainant's own website. The website suggests that it is an official website of "Melbet" in Ivory Coast.

The Complainant claims that the disputed domain name is confusingly similar to its "Melbet" trademarks since it fully incorporates the "Melbet" element and the addition of a geographical term "fr" (short for "France") does not affect confusing similarity analysis and perception of the disputed domain name as being connected to the Complainant and its trademarks.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant claims that the disputed domain name was registered on January 25, 2025, after the Complainant obtained protection for its "Melbet" trademarks and started its business.

The Complainant has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated with the Complainant in any form. There is no evidence that the Respondent is known by the dispute domain name or owns any corresponding registered trademarks.

The Complainant also asserts 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 is making a legitimate non-commercial or fair use of the disputed domain name.

The Complainant highlights that the composition of the disputed domain name is misleading and the website at the disputed domain name copies the Complainant's branding, design and trade dress of the Complainant's own website and offers the same services as the Complainant.

The Complainant claims that such use constitutes illegal impersonation and cannot create any rights or legitimate interest of the Respondent.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND BEING USED IN BAD FAITH

The Complainant’s submissions on the bad faith element can be summarized as follows:

- The Respondent registered the disputed domain name after the registration of the Complainant’s trademarks and many years after the "Melbet" brand was introduced;

- The Complainant alleges that its “Melbet” marks have a strong digital presence. The Complainant alleges that by conducting a simple online search on popular search engines for the term "Melbet", the Respondent would have inevitably learned about the Complainant, its mark and its business;

- The disputed domain name has a strong association with the Complainant and its main domain name. This reflects Respondent's intent to target the Complainant and take advantage of Complainant' marks;

- The disputed domain name incorporates the Complainant's mark and the website of the Respondent mimics the Complainant's website. This imitation is clearly intended to mislead Internet users into believing that the Respondent's website is affiliated with the Complainant and

- The Complainant claims that the Respondent’s behavior falls within par. 4 b.(iv) of the Policy and the Respondent’s use of the disputed domain name as described above creates a likelihood of confusion.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the Factual Background section above

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.

Language of the administrative proceeding:

The language of the registration agreement is Russian.

The Complainant requests to conduct this proceeding in English based on the following grounds:

- The disputed domain name itself contains the English word “bet” and the geographic designation “fr,” commonly understood to relate to France rather than Russia;

- The website at the disputed domain name is in French (not in Russian) and contains some English words;

- The Respondent targets an international audience and should be capable of understanding both French and English; and

- Requiring the Complainant to translate all submissions into Russian would result in significant and unnecessary expense and delay, contrary to the aim of the Policy.

Under par. 11 (a) of the UDRP Rules unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Panel needs to consider the interests of both parties to the proceeding and provide them with a fair opportunity to present their case and at the same time to ensure that the administrative proceeding takes place with due expedition.

The Panel carefully considered the need to conduct this proceeding with due expedition and the issue of fairness to both parties and decided to accept the Complainant’s request and conduct this proceeding in English.

The website at the disputed domain name is in French. Therefore, the Respondent did not choose to have his website in Russian and based on the evidence available there is no Russian language information on the website at the disputed domain name.

The Respondent is from Russia, whereas Complainant's counsel is from the Czech Republic. English is not the first language for either the Respondent or the Complainant's representative. Therefore, choosing English as a language of this proceeding appears to be fair to both parties of this dispute.

The Respondent was notified by the CAC in both Russian and English languages about this proceeding, he did not submit any response (whether formal or informal) and he never accessed the online platform of the CAC.

The Panel knows both Russian and English and had the Respondent submitted any response and/or evidence in Russian, the Panel would have considered such response /evidence.

However, the Respondent chose not to respond. In particular, the Respondent never questioned the language issue in this dispute.

In the circumstances when the Respondent chose to have his website in French, English is not the first language for the Respondent and for the Complainant's representative in this proceeding and the Respondent failed to submit any response, the Panel finds that changing the language of the proceeding to English would not be unfair.

Based on the above the Panel decides to proceed in English.

PRINCIPAL REASONS FOR THE DECISION

A. Identical or confusingly similar

The Complainant provides evidence of various trademark registrations for the “Melbet” mark. These trademarks are owned by the Complainant.

As confirmed by WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0:): “where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case” (see sec. 1.2.1).

Therefore, the Complainant proved that it has trademark rights in respect of the “Melbet” term. While some of these registrations are figurative, the word element “Melbet” is a dominant one in all the marks.

Given that the Complainant established ownership of registered trademarks, the Panel does not need to consider the Complainant's claims of common law trademark rights as this is not material to the outcome of this dispute.

Confusing similarity

The test for confusing similarity under the UDRP is relatively straightforward and typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The disputed domain name fully incorporates the Complaint’s mark plus the “fr” element that can be seen as a geographical element (France).

As highlighted in WIPO Overview 3.0: “where 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” (sec. 1.8). The Panel agrees with this view.

Here the addition of “fr”, whether seen as a geographical term or meaningless, does not prevent a finding of confusing similarity since the “Melbet” mark is clearly a dominant element in the disputed domain name. The “.com” gTLD is to be disregarded under the confusing similarity test as it does nothing to eliminate confusion.

Therefore, the Panel finds that the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see **“Julian Barnes v. Old Barn Studios”, WIPO Case No. D2001-0121** and sec. 2.1 of WIPO Overview 3.0.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the Panel to draw such inferences as it considers appropriate, see paragraph 14(b) of the Rules and **CAC Case No. 101284**: “A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant”.

The evidence available demonstrates that the disputed domain name was and is used for a website that seems to have been offering competing services with the services of the Complainant and the website copied the Complaint's design and logos.

The Respondent's website also claims that it is official website of the Complainant in Ivory Coast.

Colors of the Complainant’s own website are used throughout the website at the disputed domain name.

The Panel accepts the Complainant’s arguments that such use of the disputed domain name indeed indicates impersonation and passing off and such use is not fair (see also sec. 2.5 of WIPO Overview 3.0).

Both the composition of the disputed domain name and the nature of use of the disputed domain name indicate impersonation, in

particular use of Complainant's colors and logos and claims on the Respondent's website indicate a false connection with the Complainant's own website.

The Panel agrees that the use of a domain name for illegal activity (**including impersonation/passing off**) can never confer rights or legitimate interests on a respondent, see sec. 2.13.1 of WIPO Overview 3.0 and e.g. **CAC Case No. 106558**: "Masquerading as the Complainant in this manner cannot amount to a bona fide offering of goods and services".

In the absence of any response and any explanations from the Respondent regarding his choice of the disputed domain name and his use of the disputed domain name, the Panel accepts that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith. These circumstances are non-exhaustive and other factors can also be considered.

It is well established that bad faith under the Policy is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark (see sec. 3.1 of WIPO Overview 3.0). Cybersquatting or abusive registration can be defined as "registration made with bad-faith intent to profit commercially from others' trademarks" (see par. 4.1 c. of the ICANN "Second Staff Report on Implementation Documents for the Uniform Dispute Resolution Policy", 1999).

Targeting with an intent to take an unfair advantage of the complainant's mark is important in establishing bad faith under the Policy.

As noted in "UDRP Perspectives on Recent Jurisprudence", updated on June 02, 2025, ("UDRP Perspectives") in sec. 3.3: "targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name (e.g. mark plus a term describing Complainant's business), timing of registration of a domain name and timing of trademark registration, geographic proximity of the parties".

Here direct evidence indicates that the Respondent targeted the Complainant and such targeting was with an intent to profit commercially from the Complainant's trademarks.

The Panel finds that the disputed domain name was registered and is being used in bad faith based on the following:

1. The nature of the disputed domain name that fully incorporates the word element of the Complainant's mark plus the "fr" element that can be seen as a reference to France.

2. Timing of registration of the disputed domain name: after the Complainant filed and registered some of its trademarks and started its business under the "Melbet" mark.

3. The content of the website clearly demonstrates targeting, including copying of design elements of the Complainant's own website and a false claim that the website at the disputed domain name is the official website of the Complainant. The Respondent's use of the disputed domain name creates an impression of affiliation or endorsement.
4. Based on the above, the Panel finds that Respondent's behavior falls within, at least, par. 4 b (iv) of the Policy and the Respondent by using the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement.

Based on the facts and evidence of this dispute it appears that the Respondent targeted the Complainant with an attempt to take unfair advantage of the Complainant's mark and this in itself indicates bad faith.

The Panel holds that the third requirement of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **melbetfr.com**: Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2025-07-26

Publish the Decision