Decision for dispute CAC-UDRP-107702

Case number	CAC-UDRP-107702
Time of filing	2025-06-25 15:13:06
Domain names	apk-melbet.com, apk-melbeten.com, mal-egypt.com, melapk.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Batnesto Ltd.

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Vladislav Bolotov

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of several trademarks, including:

- European Union trademark registration no. 019060714 for the word 'MELBET', filed on 29 July 2024 and registered on 9 November 2024 for goods and services in classes 9, 16, 21, 25, 28 and 30.

- International trademark registration no. 1833913 for the word 'MELBET', registered on 4 December 2024 for goods and services in classes 9, 16, 21, 25, 28 and 30.

These trademarks (hereinafter referred to as the 'Trademarks') predate the registration of the disputed domain names.

The Complainant also claims rights in unregistered trademarks for 'MELBET' in relation to online betting and casino services in class 41.

FACTUAL BACKGROUND

The Complainant is an online gaming and casino operator that has used the name 'Melbet' for its platform since 2012. Melbet has

over 400,000 daily users worldwide. Recognized as one of the largest and most popular sports betting platforms worldwide, it has multiple partnerships, advertising campaigns and sponsorships with many well-known brands, sports clubs and professional leagues. The Complainant's mobile app has been nominated as 'Best Mobile App', 'Best Affiliate Program', and 'Rising Star' among the sport betting and casino categories by SBC Awards.

The Complainant also owns and operates the domain name <melbet.com>.

The disputed domain names were registered as follows:

- <apk-melbeten.com> on 23 December 2024

- <apk-melbet.com> on 6 August 2025

- <mal-egypt.com> on 31 January 2025

- <melapk.com> on 31 January 2025

All of the disputed domain names are used in connection with websites that are deliberately designed to suggest an affiliation with the Complainant and the Trademarks. These websites use logos that are similar to the Complainant's figurative MELBET trademark (with the "MEL" in white and the "BET" in yellow), as well as replicating the colour scheme of the Complainant's official websites.

PARTIES CONTENTIONS

Complainant:

The Complainant argues that the disputed domain names are confusingly similar to the Trademarks. The Complainant adds that each of the disputed domain names either fully incorporates or is highly similar to the Complainant´s registered trademarks. Regarding <apk-melbeten.com> and <apk-melbet.com>, the Complainant states that both domain names reproduce the Trademarks in their entirety, and that the additional terms 'apk' (a generic reference to Android application files) and 'en' (commonly referring to the English language or an international audience), do not make them distinctive nor do they avoid confusing similarity. Regarding <melapk.com>, the Complainant states that this domain name combines 'mel' (the first part of the Trademarks) with 'apk', and that 'mel' remains a recognizable and distinctive component of the MELBET mark, particularly when used in the same gambling and betting context as the Complainant's business. Finally, with regard to <mal-egypt.com>, the Complainant argues that this is an example of a typographical variant, whereby 'mal' is a slight visually and phonetically similar misspelling of 'mel'. Regarding all of the disputed domain names, the Complainant asserts that the test for confusing similarity is not strictly limited to the textual side-by-side comparison, but that the 'website content trading off the complainant's reputation, or a pattern of multiple respondent domain names targeting the complainant's mark within the same proceeding, may support a finding of confusing similarity.' It points to the fact that all of the disputed domain names are linked to websites that prominently feature the Trademarks in the same stylized yellow-and-black design as the Complainant's official site. Regardless of whether the domain itself is a slight variant or abbreviation, they adopt the distinctive colour scheme, website layout, branding, and promotional materials that are characteristic of the official MELBET platform. They also explicitly offer betting, casino, or app download services under the MELBET name, trading directly on the Complainant's reputation and targeting the same consumer base.

The Complainant further argues, that the Respondent has no rights or legitimate interests in respect of the disputed domain names. In this regard, the Complainant contends that they have not licensed or authorized the Respondent to register or use the disputed domain names, that the Respondent is not affiliated with them in any way, and that there is no evidence that the Respondent is known by the disputed domain names or owns any corresponding registered trademarks. Furthermore, the Respondent is not using, or preparing to use, any of the disputed domain names in connection with a bona fide offering of goods and services, nor is the Respondent making any legitimate non-commercial or fair use of the disputed domain names without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue. The Complainant also points out that the content of the websites creates a misleading impression that they are official websites of the Complainant in Bangladesh or Egypt, or are otherwise endorsed by the Complainant, which is not the case.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. With regard to bad faith registration, the Complainant argues that they are a prominent online gaming and betting operator with a strong digital presence, and that the disputed domain names deliberately target them. Regarding bad faith use, the Complainant states that the Respondent's websites closely mimic the Complainant's official website, including the distinctive white, yellow and black colour scheme, and that this imitation is clearly intended to mislead Internet users into believing that the websites are affiliated with the Complainant. The Complainant states that such use creates a likelihood of confusion, prompting users to engage with the websites under false assumptions and demonstrates that the Respondent registered and is using the disputed domain names with the intent to attract users for commercial gain by creating confusion regarding the source, sponsorship, or affiliation of the websites, as set out in paragraph 4(a)(iii) of the Policy.

Respondent:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the following disputed domain names are 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):

- <apk-melbeten.com>

- <apk-melbet.com>

However, the Panel disagrees with the finding of confusing similarity by the Complainant regarding the following domain names:

- <mal-egypt.com>

- <melapk.com>

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 names that are found to be confusingly similar to the Complainant´s trademark (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names, which are found to be confusingly similar to the Complainant´s trademark, have been registered and are 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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain names are identical or confusingly similar to the Complainant's trademark; and

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

(iii) the disputed domain names have been registered and are being used in bad faith.

1.

The Panel accepts that the disputed domain names <apk-melbeten.com> and <apk-melbet.com> are confusingly similar to Trademarks. These domain names incorporate the Trademarks in their entirety. The Panel agrees with the Complainant findings that the addition of ‘apk’ and ‘en’ does not prevent a finding of confusing similarity, as the Trademarks are recognizable in the disputed domain names, although, in the Panel’s view, ‘apk’ is not likely to be familiar to the average Internet user.

However, the Panel does not find a case of confusing similarity with regard to the domain names <mal-egypt.com> and <melapk.com>.

Firstly, the Complainant argues that the content of the websites and the other circumstances of this case may support a finding of confusing similarity. The Panel strongly disagrees. It is well-established that the test for confusing similarity involves a reasoned but relatively straightforward side-by-side comparison between the textual components of a complainant’s trademark and the domain name to assess whether the mark is recognizable within the domain name, which may also include aural or phonetic aspects. The Complainant cited section 1.7 of the WIPO Jurisprudential Overview 3.0 in support of its case, arguing that confusing similarity is not strictly limited to a textual side-by-side comparison. However, section 1.7 of the WIPO Jurisprudential Overview 3.0 literally states that additional circumstances are ‘not a replacement as such for the typical side-by-side comparison’, meaning that a website deliberately targeting a complainant’s trademarks is not per se sufficient where a domain name is not at least confusingly similar to a trademark at a certain degree. The UDRP is not designed as a takedown mechanism for infringing websites, but rather to deal with

infringing domain names.

Secondly, since the test under Paragraph 4(a) of the Policy involves a side-by-side comparison between the textual components of the complainant's trademark and the disputed domain name, any elements of a complainant's trademark, which might be regarded as being generic with regard to the complainant's goods and/or services cannot simply be omitted when making the side-by-side comparison. Given that Internet users primarily perceive domain names in search engines or in other media visually and without reference to the goods and/or services possibly offered under them, there is also no analytical approach in this context with regard to possible descriptive components.

That said, the Panel does not find sufficient confusing similarity between the disputed domain name <mal-egypt.com> and the Trademarks. 'MELBET' is not included in the disputed domain name and, in the Panel's view, not recognisable at all in this domain name. This is because one would first have to omit the term 'bet', which makes up half of the Complainant's short mark, and then assume that 'mal' refers to the Trademarks. The Panel believes that this type of analysis goes beyond the scope of a permissible side-by-side comparison.

The Panel comes to the same conclusion with regard to the domain name <melapk.com>. Although the term 'mel' is included in this domain name, and this term may be the only distinctive component of the Trademarks when it comes to the Complainant's services, the Panel finds that, based on a side-by-side comparison of the textual components of the Trademarks and the disputed domain name, the Trademarks are not recognisable within the disputed domain name. It is also notable in this context that, as previously mentioned, 'apk' may not be a generic term for internet users as a whole, but rather for a very specific clientele. Therefore, the average internet user will not instantly differentiate between the terms 'mel' and 'apk' and think of the Complainant's business and trademarks when seeing the domain name. Instead, they may consider other similar terms when reading 'melapk'. Depending on their heritage, consumers may read the word 'mela' (the word for apple in various Latin-based languages), 'me' (used by a speaker to refer to themselves as the object of a verb or preposition), 'la' (hinting at the common abbreviation for the city of Los Angeles), or 'pk' (the ISO country code for Pakistan).

Consequently, the Complainant failed to demonstrate that the disputed domain names <mal-egypt.com> and <melapk.com> are identical or confusingly similar to the Trademarks under paragraph 4(a) of the Policy.

2.

The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain names. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and, therefore, failed to prove any rights or legitimate interests in the disputed domain name. Based on the evidence on file, the Panel cannot find any rights or legitimate interests of the Respondent either. In particular, the disputed domain names are all used in connection with websites that deliberately target the Complainant's business.

3.

The Panel is also satisfied that the Respondent registered the disputed domain names with full knowledge of the Complainant and its rights in the Trademarks, given that the Respondent's websites deliberately target the Complainant's business.

Regarding bad faith use, by utilizing the disputed domain names for websites offering competing betting services, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Partially Accepted/Partially Rejected

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

1. **apk-melbet.com**: Transferred
2. **apk-melbeten.com**: Transferred
3. **mal-egypt.com**: Remaining with the Respondent
4. **melapk.com**: Remaining with the Respondent

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2025-07-31

Publish the Decision