Decision for dispute CAC-UDRP-107711

Case number	CAC-UDRP-107711
Time of filing	2025-06-27 14:13:56
Domain names	melbetar.net, melbetbd.org

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Batnesto Ltd.

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondents

Name	Denys Lobusov
Name	Denys Lobusov

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 owns numerous trademark registrations for the trademark MELBET in several jurisdictions, for instance, Ugandan figurative trademark (Reg. No. 2020/067008), filed on January 8, 2020, and registered on July 22, 2020, for the services in Class 41, namely, for “sports betting and casino”.

FACTUAL BACKGROUND

The Complainant, Batnesto Ltd, is a company registered in Cyprus, who is the holder of the domain name <melbet.com>. The website www.melbet.com is operated by Pelican Entertainment B.V. as a License holder of the Curaçao eGaming License. The relationship between the Complainant and Pelican Entertainment B.V. is attested by the domain name lease agreement. Melbet is the name of the online gaming and casino platform operated since 2012 and currently has over 400,000 daily users worldwide. The Melbet sportsbook includes over 1,000 daily events. Melbet is one of the largest places to bet on sports around the world. The disputed domain names were registered as follows: <melbetbd.org> on November 24, 2021, and <melbetar.net> on July 22, 2024. Previous UDRP panels have confirmed that MELBET trademark is well-known.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Complainant provided the consolidation request; however, the Panel is of the view that this request is redundant because the materials of the case clearly demonstrates that both disputed domain names are evidently registered by the same person – Respondent Denys Lobusov. The Panel does not see any ambiguity regarding the Respondent's identity. The question whether the Respondent Denys Lobusov in respect of one disputed domain name (<melbetar.net>) might be "some other" Denys Lobusov in respect of other disputed domain name (<melbetbd.org>) because the e-mail addresses and contact addresses are different seems to be irrelevant because Denys Lobusov lives in the same city (Dnipro, Ukraine), uses the same telephone number and, what is the most important, does not deny himself that he is the sole holder of both disputed domain names (namely, his request of July 28, 2025, to grant him additional days to provide Response to the Complaint shows he has properly familiarised himself with the Complaint). Therefore, the Panel will not decide regarding the consolidation request because there is no material and procedural basis for such decision described in the Rules (specifically, Paragraph 10(e) of the Rules is intended for the situations when the disputed domain names are registered by different respondents or separate complaints were filed initially and one party asks to merge them into a single case or there is at least some reasonable ambiguity about whether the respondents are in fact the same person).

In conclusion, 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

The Panel agrees with the Complainant that the disputed domain names <melbetar.net> and <melbetbd.org> are confusingly similar to the Complainant's trademark MELBET. The addition of the country codes "AR" (for Argentina) and "BD" (for Bangladesh) is not sufficient to escape the finding that the relevant disputed domain names are confusingly similar to the trademark. It does not change the overall impression of the designation as being connected to the Complainant's trademark. As set forth in section 1.7 of WIPO Overview 3.0, "in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." The disputed domain names also consists under the generic <.net> and <.org> TLDs. However, the TLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element of confusing similarity test (see WIPO Overview 3.0, para. 1.11.1).

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with the Complainant in any way. Furthermore, the Complainant has not licensed, authorized or permitted the Respondent to use the Complainant's trademark in any manner, including in the disputed domain names. The name of the Respondent does not resemble

the disputed domain names in any manner. The Respondent's use of the disputed domain names does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use (Policy Para. 4(c)).

Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain names were registered in bad faith.

As the disputed domain names resolves to the websites that prominently and repeatedly display the Complainant's trademark and they closely mimic the Complainant's official website <melbet.com>, including the distinctive white-yellow-on-black colour scheme, one can simply conclude that the Respondent's knowledge about the Complainant's prior rights was inevitable. Therefore, by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his website (par. 4(b)(iv) of the Policy). Therefore, the Respondent knew of should have known about the Complainant's rights, which evidences bad faith in using the disputed domain names.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **melbetar.net**: Transferred
2. **melbetbd.org** : Transferred

PANELLISTS

Name	**Darius Sauliūnas**

DATE OF PANEL DECISION 2025-08-19

Publish the Decision