Decision for dispute CAC-UDRP-107785

Case number	**CAC-UDRP-107785**
Time of filing	**2025-07-25 13:51:20**
Domain names	**melbet-malbet.com**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Batnesto Ltd.**

Complainant representative

Organization	**Sindelka & Lachmannová advokáti s.r.o.**

Respondent

Name	**aleksey firstov**

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

Among others, the Complainant owns the following registered trademarks:

Ugandan Registered Trademark Number UG/T/2020/067008 for the mark MELBET (with design), registered on July 22, 2020 in Class 41;

European Union Registered Trademark Number 019060714 for the word mark MELBET, registered on November 9, 2024 for various goods and services in Classes 9, 16, 21, 25, 28, and 30.

FACTUAL BACKGROUND

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

The Complainant is a company registered in Cyprus which owns the domain name <melbet.com> and the trademark registrations mentioned in the Identification Of Rights section above, together with several other trademark registrations for the MELBET mark and design. The Complainant contends that its domain name <melbet.com> was registered in 2012 and has been used since then for an online gaming and casino platform. Currently, the domain name <melbet.com> and the Complainant's trademarked MELBET logo are used, with the Complainant's permission, for an online betting website operated by a third party named Pelican

Entertainment B.V. (referred to herein for convenience as “the Complainant’s official website”).

The Complainant contends that its MELBET brand is well-known among the online gambling public, adding that the corresponding website has over 400,000 daily users worldwide and that the Melbet sportsbook includes over 1,000 daily events. The Complainant has sponsored a variety of sporting events worldwide and has partnered with prominent soccer clubs such as Juventus. The Complainant is also a media partner of La Liga, the Spanish professional football league.

The disputed domain name was registered on November 8, 2022. Nothing is known of the Respondent, which has not participated in the administrative proceeding, except for the fact that it has an address in the Russian Federation.

As stated by the Complainant and supported by documentation, the disputed domain name is used in connection with a website offering gambling services that is deliberately designed to suggest affiliation with the Complainant and its MELBET trademarks because the website prominently features the Complainant's MELBET figurative mark, replicating the appearance of the Complainant’s official website. The content of the website further reinforces the false impression that it is an official website operated or authorized by the Complainant, for example by the inclusion of a reference to the Complainant’s genuine website, <melbet.com>, and the name and details of Pelican Entertainment B.V.

PARTIES CONTENTIONS

Complainant:

The Complainant has rights in the MELBET trademarks and further contends that it is the proprietor of unregistered trademark rights to the word and figurative mark MELBET in relation to online betting and casino services based on its evidenced use of the said mark since 2012 and the significant public recognition and awareness of such mark.

The disputed domain name wholly incorporates the Complainant’s trademark and the addition of the term “malbet” does not serve to distinguish the disputed domain name therefrom. On the contrary, it reinforces the likelihood of confusion. The term “malbet” is visually and phonetically similar to “melbet,” differing by only a single letter, substituting the letter “a” for “e”, which constitutes a clear case of typosquatting.

The Complainant has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form. There is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks. 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 making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue.

The content of the website associated with the disputed domain name includes the use of the Complainant’s mark, further increasing the confusion and supporting an inference of bad faith.

The Respondent registered the disputed domain name many years after the MELBET brand was introduced in 2012 and after the MELBET trademark was officially registered in Uganda on July 22, 2020. The disputed domain name incorporates the widely known MELBET trademark and appears designed to create a direct association with the Complainant and its domain name <melbet.com>.

The disputed domain name resolves to a website that prominently and repeatedly displays the Complainant's MELBET mark, and which closely mimics the website at the domain name <melbet.com> that is operated with the Complainant’s permission. This imitation is intended to mislead Internet users into believing that the said website is affiliated with the Complainant. Such use creates a likelihood of confusion and may prompt users to engage with the said website under false assumptions. This demonstrates that the Respondent registered and is using the disputed domain name with the intent to attract, for commercial gain, users by creating confusion regarding the source, sponsorship, or affiliation of the said website.

Respondent:

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.

PRINCIPAL REASONS FOR THE DECISION

The Complainant has demonstrated to the Panel's satisfaction that it has UDRP-relevant rights in the mark MELBET by virtue of the registered trademarks listed in the Identification Of Rights section above. To the extent that some of these marks are figurative in nature, the textual elements are readily severable from the graphical elements (on this topic, see the WIPO Overview 3.0, section 1.10) such that the textual elements may be compared to the disputed domain name.

Here, the disputed domain name contains the MELBET trademark in its entirety. As set forth in section 1.7 of WIPO Overview 3.0: "[I]n 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."

As to the addition of the term "-malbet" in the disputed domain name, the Complainant contends that this is visually and phonetically similar to MELBET, differing by only a single letter and as such constitutes a clear case of typosquatting. The Panel notes that this additional term does indeed seem to represent a mis-spelled variation of the Complainant's mark. As noted in section 1.8 of 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." The panel finds that, despite inclusion of this additional term, the Complainant's MELBET trademark is recognizable within the disputed domain name and accordingly, the Panel finds the first element of the Policy has been established.

With regard to the second element of the Policy, the Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that it has no relationship with the Respondent and has not authorized it to use the Complainant's trademarks.

The disputed domain name amounts to a confusingly similar variant of the Complainant's MELBET mark, and the website associated with the disputed domain name extensively copies the Complainant's branding, trade dress, and structure, including the appearance, promotional offers, and site organization, and in fact expressly suggests, by reference to the Complainant's official domain name at <melbet.com> that it is owned by or affiliated with the Complainant. This amounts to an impersonation of the Complainant by the Respondent which would not give rise to rights or legitimate interests under the Policy.

The Respondent has not replied to the Complainant's allegations and evidence in this case and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain name. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element of the Policy has been established.

The evidence before the Panel shows that the Complainant's MELBET trademark pre-dates the date of registration of the disputed domain name. The disputed domain name therefore appears to have been deliberately selected in order to imitate the Complainant's trademark, albeit with a meaningless typographical variant in addition. This impression is borne out by the content of the website associated with the disputed domain name which is a copy of, and expressly references, the Complainant's own official domain name and associated website operated at <melbet.com>, such that the Respondent is impersonating the Complainant via the disputed domain name and associated website. In these circumstances, it is reasonable to infer that the disputed domain name was registered by the Respondent with knowledge of the Complainant and its rights, and with an intent to target these unfairly by way of such impersonation. This cannot be a good faith activity.

In all of these circumstances, the Panel finds on the balance of probabilities that the disputed domain name is being used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website associated with the disputed domain name.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith, and that the Complainant has established the third element of the Policy.

The Complaint therefore succeeds.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **melbet-malbet.com**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2025-08-29

Publish the Decision