Decision for dispute CAC-UDRP-107787

Case number	CAC-UDRP-107787
Time of filing	2025-07-25 13:54:27
Domain names	melbet-azerbaycan.com

Case administrator

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

Complainant

Organization	Batnesto Ltd.

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Denys Zahaichuk

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 holds numerous trademark registrations for MELBET, including:

- Uganda trademark registration number 2020/067008 registered on 22 July 2020;
- European Union trademark registration number 019060714 registered on 9 November 2024; and
- International trademark registration number 1833913 registered on 4 December 2024.

FACTUAL BACKGROUND

The Complainant is a company registered in Cyprus. It owns trademark registrations for MELBET. The Complainant also owns the domain name <melbet.com>, which resolves to its official website www.melbet.com. Since 2012, the Complainant or its licensees have operated the online gaming and casino platform, MELBET via the www.melbet.com website. MELBET has a strong online presence and over 400,000 daily users worldwide.

The Respondent registered the disputed domain name on 10 February 2022 using a privacy service. The disputed domain name resolves to a website that offers online betting.

The Respondent did not file a Response to the Complaint.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name 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 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

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements:

i. the disputed domain is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
ii. the Respondent has no rights or legitimate interests in the disputed domain name; and
iii. the disputed domain name has been registered and used in bad faith.

A. Confusing similarity

The disputed domain name is made up of the Complainant's trademark, MELBET, a hyphen, the word "azerbaycan" and the top-level domain ". com".

The Complainant's trademark MELBET is clearly recognisable in the disputed domain name. Adding a hyphen to that mark plus a word that sounds similar to the country name, Azerbaijan, does not prevent a finding of confusing similarity. The top-level suffix, ".com" is a standard registration requirement and can be disregarded when assessing whether the disputed domain name is confusingly similar to the Complainant's trademark.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark and that the requirements of paragraph 4(a)(i) of the Policy have been met.

B. NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has provided evidence of its use of the name MELBET since 2012, and of its trademark registration in Uganda in 2022. Both predate the registration of the disputed domain name. The Complainant states it has not licensed or authorised the Respondent to register or use the disputed domain name, and it is not affiliated with the Respondent.

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interest in the disputed domain

name. The burden of proof now shifts to the Respondent to show that he has relevant rights.

The Respondent has not filed a Response nor rebutted any of the Complainant's assertions. There is no evidence that the Respondent is known by the dispute domain name or owns any corresponding registered trademarks. Incorporating the Complainant's trademark into a domain name that is used for a website that falsely suggests an affiliation with the Complainant is neither a bona fide offering of goods and services, nor legitimate non-commercial or fair use of the disputed domain name.

The Panel finds that the Respondent has no right or legitimate interest in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

C. REGISTERED AND BEING USED IN BAD FAITH

Paragraph 4(b) of the Policy identifies circumstances that evidence registration and use of domain name in bad faith. This includes at Paragraph 4(b)(iv) that "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Complainant has been using the name MELBET since 2012. Given the distinctiveness of the Complainant's mark and its reputation, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark.

The website linked to the disputed domain name <melbet-azerbaican.com>, mimics the Complainant's official website and refers to "Melbet Azerbaijan". It includes the caption: "Melbet Azerbaijan – official website of the bookmaker". The website uses the MELBET name extensively and gives users the option to register and make their first deposit by credit card. The overall impression is that the Respondent intended to create an association with the MELBET mark to cause confusion among Internet users and so profit commercially from the Complainant's brand and strong online presence.

Considering all these factors and the evidence submitted with the Complaint, the Panel finds that the Respondent registered and has used the disputed domain name in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Veronica Bailey**

DATE OF PANEL DECISION 2025-09-01

Publish the Decision