Decision for dispute CAC-UDRP-107806

Case number	CAC-UDRP-107806
Time of filing	2025-07-30 16:51:43
Domain names	1xbetportugal.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Mokveza Ltd.

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Kseniy Podmogilny

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 owns numerous trademark registrations for the mark 1XBET as a word mark and figurative mark, namely, the EU trademark Reg. No. 014227681 (word) registered on September 21, 2015; the EU trademark Reg. No. 017517327 (figurative), registered on March 7, 2018; and the EU trademark Reg. No. 017517384 (figurative) registered on March 7, 2018.

FACTUAL BACKGROUND

The Complainant, Mokveza Ltd. from Cyprus, is the owner of 1XBET trademarks, i.e. the brand of the well-known online gaming platform which was founded in 2007 and offers sports betting, lottery, bingo, live betting, etc., licensed by the government of Curacao. Now it has become one of the world's leading betting companies. It also operates a website under the domain name <1xbet.com>, which includes the Complainant's 1XBET trademark.

The disputed domain name was registered on May 25, 2020.

The disputed domain name <1xbetportugal.com> falsely suggests affiliation with the Complainant’s 1XBET trademarks.The infringing website mimics 1XBET’s branding, creating consumer confusion and misappropriating trademarks. Such unauthorized

use shows no legitimate interest and violates established UDRP jurisprudence.

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 Complainant filed the Complaint in English rather than in Russian (i.e. the language of the registration agreement). Pursuant to paragraph 11(a) of the Rules, unless otherwise agreed by the parties, or otherwise specified 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. Paragraphs 10(b) and (c) of the Rules require the Panel to ensure that the proceeding takes place with due expedition and that the parties are treated fairly and given a fair opportunity to present their respective cases.

The Complainant filed its Complaint in English and then requested that English be the language of the proceeding.

The Complainant noted the following factors supporting English as the fair language of the proceeding: the website of the Respondent targets the EU users with Portuguese content, EUR bonuses, and international payment methods; the disputed domain name uses Latin script and English terms, supporting English-language proceedings; requiring Russian translations would cause unfair costs and delays; English ensures fairness and efficiency.

The Panel agrees with the factors presented by the Complainant and also admits additional important factors in favour of the Complainant's option of English language for this proceeding: (a) the domain name <.com> is a generic top-level domain in the Domain Name System of the Internet, its name is derived from the English term "commercial", indicating its intended use by commercial entities world-wide; (b) the translation of the Complaint into Russian would also cause additional expense and delay, making it unfair to proceed in Russian; (c) English is the primary language for business and international relations; (d) the Respondent has been given the opportunity to present its case in this proceeding and to respond formally to the issue of the language of the proceeding (the written notice from CAC was sent to the Respondent both in English and Russian languages); (e) the Respondent has not responded to the Complainant's request for a change of the language from Russian to English.

Considering the above circumstances, the Panel finds that the choice of English as the language of the present proceeding is fair to both parties and is not prejudicial to either one of the parties in his or her ability to articulate the arguments for this case.

The Panel has also taken into consideration the fact that insisting the Complaint and all supporting documents to be re-filed in Russian would cause an unnecessary burden of cost to the Complainant and would unnecessarily delay the proceeding which would be contrary to Paragraphs 10(b) and (c) of the Rules.

Having considered all the above matters, the Panel determines under paragraph 11(a) of the Rules that (i) it will accept the Complaint and all supporting materials as filed in English; and (ii) English will be the language of the proceeding and the decision will be rendered in English.

In view of all of the above, 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 name <1xbetportugal.com> is confusingly similar to the Complainant's trademark 1XBET. The evidence presented by the Complainant shows the extensive use of its trademark internationally and it is, therefore, regarded as well-known trademark. The Panel agrees with the Complainant that the addition of the geographical term “PORTUGAL” to the well-known sign does not set aside the confusing similarity between the disputed domain name and the Complainant's trademark (see section 1.8 of WIPO Overview 3.0). On the contrary, the addition of the term “PORTUGAL” refers directly to the Complainant’s business in Portugal.

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

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent evidently meant Complainant's trademark 1XBET, when he/she registered the disputed domain name <1xbetportugal.com> (see WIPO Overview 3.0, para. 3.1.3 and 3.2). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name is linked to the Respondent’s website which is unlawfully displaying logos and other services (digital products) bearing 1XBET trademark. This means that the Respondent is using the disputed domain name to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. Therefore, this is evident use of the domain name in bad faith (para. 4(b)(iv) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **1xbetportugal.com**: Transferred

PANELLISTS

Name	**Darius Sauliūnas**

DATE OF PANEL DECISION 2025-09-15

Publish the Decision