Decision for dispute CAC-UDRP-107858

Case number	**CAC-UDRP-107858**
Time of filing	**2025-09-10 14:18:55**
Domain names	**linebet-online.com, linebetuzbekistan.com**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**Tonks Limited**

Respondent

Name	**Boris Gavrilov**

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

In this proceeding the Complainant relies on the following trademark registrations:

- EU trademark registration no. 018952983 "LINEBET" (figurative), registration date is March 02, 2024, application date is November 20, 2023;
- EU tradeamrk registration no. 018952940 "LINEBET" (figurative), registration date is March 02, 2024, application date is November 20, 2023;
- EU trademark registration no. 018952911 "LINEBET" (figurative), registration date is March 02, 2024, application date is November 20, 2023; and
- EU trademark registration no. 018953504 "LINEBET" (figurative), registration date is March 02, 2024, application date is November 20, 2023.

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAMES ARE IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant submits that it has been operating an online gambling and betting platform under the "LINEBET" marks since 2019.

Its platform is available in approximately 62 languages, and allows its users to deposit using over 100 payment methods.

The Complainant claims high Internet traffic and a significant number of users and refers to various awards for its services, including "Excellence in Sports Betting Innovation 2024".

The Complainant states that its "LINEBET" brand has a strong social media presence, including "Instagram", "Facebook" and "X" (fka "Twitter").

The Complainant submits that the disputed domain names are confusingly similar to its registered trademarks provided above.

The Complainant claims that the trademark registrations listed above prominently display the term "LINEBET" as a key textual element.

The disputed domain names contain the "LINEBET" mark in its entirety, and are only distinguishable through the addition of the country or geographical indicator, namely "Uzbekistan", and a descriptive identifier "online".

The presence of these elements does not affect confusing similarity.

The .com gTLD ".com" shall be disregarded under the first element as it is a standard registration requirement.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAMES

The Complainant submits that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Complainant alleges that none of the provisions of the UDRP regarding rights or legitimate interests applies to the Respondent and there is no any other evidence of Respondent's rights or legitimate interests.

In particular, the Complainant submits that the disputed domain names have been used to impersonate the Complainant and its offerings in offerings in Uzbek language.

The Complainant emphasizes with a reference to "WIPO Overview 3.0", sec. 2.13.1, that the use of a domain name for illegal activity, including impersonation, can never confer rights or legitimate interests on a respondent.

The Complainant claims that the websites at the disputed domain names copied Complainant's logo along with other visual indicia of the Complainant and contain no disclaimers that would explain the connection (or lack thereof) with the Complainant.

The Complainant submits that, to the best of its knowledge, the Respondent is not known, nor has ever been known, by the term "linebet", or any similar term.

The Complainant states that as supported by the provided evidence, the Respondent is not making a legitimate non-commercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the "LINEBET" mark.

The Respondent has impersonated the Complainant's offerings through his sites, and is thus evidently attempting to misleadingly divert consumers for the purpose of deriving commercial gain.

The Complainant refers to its correspondence with the Respondent prior to commencement of this administrative proceeding in relation to the disputed domain names and provides copies of such correspondence.

The Respondent replied to the cease and desist letter acknowledging the Complainant's trademark rights and agreed to transfer the disputed domain names to the Complainant, however ultimately failed to do so, claiming that there were some technical reasons that prevented him from doing so.

The Complainant adds that even if the Respondent was an affiliate of the Complainant, he failed to comply with the terms and conditions of the Complainant's affiliate program that prohibits creation of websites with the use of the Complainant's trademarks.

THE DISPUTED DOMAIN NAMES WERE REGISTERED AND ARE BEING USED IN BAD FAITH

The Complainant's submissions on the bad faith element can be summarized as follows:

- The Complainant's continuous use of the distinctive "LINEBET" brand since 2019 supports the notion that the Respondent was likely aware of the Complainant's "LINEBET" brand at the time of registering the disputed domain names. The Complainant asserts that it has established unregistered trademark rights prior to its 2024 trademark registrations. The Complainant asserts that its online platform was founded in 2019, and has continued to operate under its "LINEBET" brand since then. Such activity predates the disputed domain names registration;
- The Complainant refers to numerous media publications by third-party sources about the Complainant's services under the "LINEBET" trademarks. The Complainant claims that the Respondent registered the disputed domain names with the Complainant's marks in mind;
- With regard to bad faith use, the Complainant submits that the Respondent registered the disputed domain names in order to prevent the Complainant from reflecting its mark in a corresponding domain name and the Respondent has engaged in a pattern of such conduct by registering two disputed domain names;
- The Complainant alleges that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's "LINEBET" brand and offerings. The Complainant further submits that the disputed domain names have been used to resolve to sites which illegitimately copy the "LINEBET" logo, offering the Complainant's gambling and sports services, under the Complainant's brand. Such conduct, in Complainant's view, is clearly calculated to give Internet users the false impression that such resolving sites are controlled and authorised by the Complainant, when this is not the case. The Respondent likely gains commercial revenue through web traffic and redirections, thus benefiting from consumer confusion;
- The Complainant also refers to its correspondence with the Respondent prior to initiating this proceeding and the fact that the Respondent first agreed to transfer the disputed domain names but then delayed the transfer, claiming an excuse. This, the opinion of the Complainant is an additional factor of bad faith.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the "Factual Background" section above

No administratively compliant Response has been filed

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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).

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 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.

Language of the administrative proceeding:

The language of the registration agreement is Russian.

The Complainant requests to conduct this proceeding in English based on the following grounds:

- The disputed domain names are solely composed of English language letters;
- The Complainant’s "LINEBET" trademark is composed of English language letters;
- The Respondent's replies to the cease and desist letter were in English, making it clearly evident the Respondent is able to understand English and respond in English;
- The Complainant is based in Cyprus and requiring a translation would result in the incurrence of additional expense and unnecessary delay.

Under par. 11 (a) of the UDRP Rules unless otherwise agreed by the Parties, or specified otherwise 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.

The Panel needs to consider the interests of both parties to the proceeding and provide them with a fair opportunity to present their case and at the same time to ensure that the administrative proceeding takes place with due expedition.

The Panel carefully considered the need to conduct this proceeding with due expedition and the issue of fairness to both parties and decided to accept the Complainant’s request and conduct this proceeding in English.

The websites at the disputed domain names are in Uzbek language. Therefore, the Respondent did not choose to have his websites in Russian and based on the evidence available there is no Russian language information on the websites at the disputed domain names.

The Complainant provided evidence of prior communication with the registrant of the disputed domain names in English.

While the registrant's name in the prior communication is different from the name of the named Respondent in this proceeding, the same email address as provided by the Registrar in its verification was used by the registrant of the disputed domain names.

Besides, the Registrar in its verification confirmed that both disputed domain names were registered by the Respondent on January 15, 2025 and the communication between the Complainant and the registrant occured in March and April 2025, after the registration of both domain names. Therefore, it is highly likely that the actual Respondent was behind the communication with the Complainant or was in

control of such communication.

Based on this, it appears that the Respondent is able to understand English and communicate in English.

The Respondent was notified by the CAC in both Russian and English languages about this proceeding, he did not submit any response (whether formal or informal) and he never accessed the online platform of the CAC.

The Panel knows both Russian and English and had the Respondent submitted any response, communication and/or evidence in Russian, the Panel would have considered such response /evidence.

However, the Respondent chose not to respond.

In the circumstances when the Respondent chose to have his websites in Uzbek, there is evidence on the record of prior communication between the Parties in English and the Respondent failed to submit any response, the Panel finds that changing the language of the proceeding to English would not be unfair.

Based on the above the Panel decides to proceed in English.

PRINCIPAL REASONS FOR THE DECISION

A. Identical or confusingly similar

The Complainant provides evidence of ownership of various EU trademark registrations for the “LINEBET” mark.

As confirmed by **WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition** ("WIPO Overview 3.0:): “*where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case*” (see sec. 1.2.1).

Therefore, the Complainant proved that it has trademark rights. While these EU TM registrations are figurative, the word element “Linebet” is a dominant one in all the trademarks.

The Complainant also alleged to have common law trademark rights predating the date of registration of the disputed domain names.

However, the Panel notes that, according to the Registrar Veritification, the disputed domain names were registered by the Respondent **on January 15, 2025** after the Complainant filed and acquired its EU trademark registrations referred to above.

Therefore, any claims of Complainant's common law trademark rights are not material to the outcome of this dispute and the Panel will not consider them.

Confusing similarity

The test for confusing similarity under the UDRP is relatively straightforward and typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The disputed domain names fully incorporate the Complaint’s mark plus the elements that can be seen as geographical ("Uzbekistan") and descriptive ("Online").

As highlighted in 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*” (sec. 1.8). The Panel agrees with this view.

Here the addition of “Uzbekistan” / "Online" and a hyphen, does not prevent a finding of confusing similarity since the “Linebet” mark is clearly a dominant element in the disputed domain names.

The “.com” gTLD is to be disregarded under the confusing similarity test as it does nothing to eliminate confusion.

Therefore, the Panel finds that the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see ***“Julian Barnes v. Old Barn Studios”, WIPO Case No. D2001-0121*** and sec. 2.1 of WIPO Overview 3.0.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the Panel to draw such inferences as it considers appropriate, see paragraph 14(b) of the Rules and ***CAC Case No. 101284***: "*A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant*".

According to the Registrar Verification both disputed domain names were registered on January 15, 2025.

The evidence provided by the Complainant demonstrates that the disputed domain names are used to host websites that offer competing services with the services of the Complainant, copying Complainant's own website design and logo.

The Panel accepts the Complainant's arguments that such use of the disputed domain names indeed indicates impersonation and such use is not fair (see also sec. 2.5 of WIPO Overview 3.0).

Both the composition of the disputed domain names and the nature of use of the disputed domain names indicate impersonation, in particular use of Complainant's design elements and logo and indicate a false connection with the Complainant's own website.

The Panel agrees that the use of a domain name for illegal activity (***including impersonation/passing off***) can never confer rights or legitimate interests on a respondent, see sec. 2.13.1 of WIPO Overview 3.0 and e.g. **CAC Case No. 106558**: "*Masquerading as the Complainant in this manner cannot amount to a bona fide offering of goods and services*".

In the absence of any response and any explanations from the Respondent regarding his choice of the disputed domain names and his use of the disputed domain names, the Panel accepts that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith. These circumstances are non-exhaustive and other factors can also be considered.

It is well established that bad faith under the Policy is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark (see sec. 3.1 of WIPO Overview 3.0).

Cybersquatting or abusive registration can be defined as "*registration made with bad-faith intent to profit commercially from others' trademarks"* (see par. 4.1 c. of the ICANN "Second Staff Report on Implementation Documents for the Uniform Dispute Resolution Policy", 1999).

Targeting with the intent to take an unfair advantage of the complainant's mark is important in establishing bad faith under the Policy.

As noted in "UDRP Perspectives on Recent Jurisprudence", updated on June 02, 2025, ("**UDRP Perspectives**") in sec. 3.3: "*targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name (e.g. mark plus a term describing Complainant's business), timing of registration of a domain name and timing of trademark registration, geographic proximity of the parties*".

Here direct evidence indicates that the Respondent targeted the Complainant and such targeting was with an intent to profit commercially from the Complainant's trademarks.

The Panel finds that the disputed domain names were registered and are being used in bad faith based on the following:

1. The nature of the disputed domain names that fully incorporate the word element of the Complainant's mark plus the geographical and descriptive elements.
2. Timing of registration of the disputed domain names: after the Complainant filed and registered its trademarks and started its business under the "LINEBET" brand.
3. The content of the websites clearly demonstrates targeting, including copying of design elements of the Complainant's own website and use of the Complainant's logo. The Respondent's use of the disputed domain names creates an impression of affiliation or endorsement. The Respondent by using the disputed domain names has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement under par. 4 b (iv) of the Policy. The Panel notes that in a previous dispute involving the same Complainant and the same trademark another Panel in similar circumstances stated: "*The evidence shows that the disputed domain name has been used to resolve to a website imitating the Complainant's business. The website reproduced the LINEBET name and logo...This falls squarely within paragraph 4(b)(iv) of the Policy, as it demonstrates an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the site",* see ***CAC Case No.107932***;
4. The Panel accepts that the Respondent's actions can also be considered as "a pattern of conduct of preventing a trademark holder from reflecting its mark in a domain name" since the Respondent registered both disputed domain names. The Panel agrees with the view expressed in "WIPO Overview 3.0", sec. 3.1.2: "*UDRP panels have held that establishing a*

pattern of bad faith conduct requires more than one, ***but as few as two instances*** *of abusive domain name registration*".

5. Evidence of prior communication between the Parties and initial willingness of the Respondent to transfer the disputed domain names to the Complainant but ultimately failure to do so, is another indication of the Respondent's bad faith, in the circumstances of this dispute.
6. Based on the above, the Panel finds that Respondent’s behavior falls within, at least, par. 4 b (ii) and 4 b (iv) of the Policy.

Besides, based on the facts and evidence of this dispute, it appears that the Respondent targeted the Complainant with an attempt to take unfair advantage of the Complainant’s mark and this in itself indicates bad faith.

The Panel holds that the third requirement of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **linebet-online.com**: Transferred
2. **linebetuzbekistan.com**: Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2025-10-13

Publish the Decision