Decision for dispute CAC-UDRP-108024

Case number	CAC-UDRP-108024
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Domain names	gamblizards.com

Case administrator

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

Complainant

Organization	Lead Total Limited

Respondent

Organization	Website

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 is engaged in an affiliate marketing business and promotes various licensed casino brands worldwide. Our activities involve creating websites that provide users with information about licensed casinos, their offerings, and services.

The Complainant operates a globally recognized platform under the brand name GAMBLIZARD, which serves as an independent source of information regarding online casinos and online casino games. Under this brand, the Complainant manages several websites where users can access valuable information about the gambling products available to them, compare various offerings, and find related resources:

- https://gamblizard.com/
- https://gamblizard.de/
- https://gamblizard.ca/
- https://gamblizardcanada.com/
- http://gamblizardd.com/
- http://gamblizard.co.uk/

These websites provide comprehensive insights into the online gambling landscape, enabling users to make informed decisions based on detailed comparisons of services and products. The Complainant's commitment to delivering accurate and reliable information positions GAMBLIZARD as a trusted authority in the online gambling sector, further enhancing consumer awareness and promoting responsible gambling practices.

Despite the absence of a registered trademark, the Complainant asserts that there are grounds to believe that the name GAMBLIZARD is protected under the doctrine of common law trademark or unregistered trademark. The similar approach was adopted inter alia by the Panels in Tesar Industrial Contractors, Inc. v. Boris Santana (WIPO Case No. D2014-0960) and The Highland Street Connection dba Highland Street Foundation v. Chris McGrath (WIPO Case No. D2006-0516). Thus, the trademark GAMBLIZARD shall be encompassed by the UDRP paragraph 4(a)(i). (WIPO Overview 3.0, Section 1.1.).

Complainant is active in the affiliate marketing sector and operates a portfolio of informational websites relating to licensed online casinos and online gambling services. Under the brand name GAMBLIZARD, the Complainant provides users with independent information about licensed casinos, bonus offers, gambling services, and market comparisons. These services are offered through several domain names owned and operated by the Complainant, including:

- <gamblizard.com>
- <gamblizard.de>
- <gamblizard.ca>
- <gamblizardcanada.com>
- <gamblizardd.com>
- <gamblizard.co.uk>

Since 2020, the name GAMBLIZARD has been used continuously and prominently in commerce as a source identifier for the Complainant's online gambling informational services. The primary domain, gamblizard.com, was created in April 2020, and the earliest archived copy from August 2020 confirms that the site was already offering gambling-related informational services at that time.

The Complainant submits extensive evidence demonstrating that the mark GAMBLIZARD has acquired distinctiveness in the relevant market, including:

1. Continuous commercial use since 2020, verified through WebArchive captures.
2. Mentions and reviews on independent consumer and feedback platforms, including Sitejabber, Reviews.io, and Trustpilot.
3. Numerous articles published by third-party websites between 2020 and 2024 referencing GAMBLIZARD and its services.
4. References by industry partners and gaming brands, including Entain Partners, LivePartners, 10bet Affiliates, Lottomart Affiliates, and Tau Affiliates.
5. Active and longstanding social media presence, including X (established 2020), Snapchat, Instagram, LinkedIn, and Facebook.
6. Evidence of advertising expenditure, including Facebook advertising campaigns.
7. Traffic analytics from Ahrefs confirming substantial and ongoing user engagement
8. Registrar confirmations for all GAMBLIZARD-related domain names owned by the Complainant.

This evidence demonstrates that consumers within the online gambling information sector associate the name GAMBLIZARD exclusively with the Complainant. The Complainant has invested substantial time, financial resources, and effort in developing, promoting, and maintaining the mark, resulting in clear goodwill and recognition in its field.

The Complainant has submitted extensive materials in support of its claim to common-law rights in the name GAMBLIZARD. While parts of the evidence still raise concerns regarding their overall persuasive value, including the prevalence of SEO-driven articles, limited substantiation of consumer recognition, and the absence of financial data typically expected to establish acquired distinctiveness, the Respondent did not file any response to the Complaint. In the absence of any contrary explanation or evidence from the Respondent, the Panel evaluates the record as presented by the Complainant and may draw appropriate inferences from the Respondent's default. Accordingly, the GAMBLIZARD mark satisfies the requirement under paragraph 4(a)(i) of the Policy.

FACTUAL BACKGROUND

The Respondent's gamblizards.com domain name was registered in July 2025 as is confirmed by the WHOIS database.

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). The disputed domain name reproduces the GAMBLIZARD trademark in its entirety, which is highly distinctive because it has no particular meaning and reproduces the Complainant's domain name gamblizard.com merely adding an "s" to form the plural version. It has long been found that the conversion of a mark from the singular to the plural by the addition of an "s" is confusingly similar to the mark so converted.

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).

Under Paragraph 4(c) of the Policy, the Respondent has no legitimate interest in the contested domain name in view of Complainant's prior statutory and common law rights in the name GAMBLIZARD. These rights were established by the continuous use in commerce of the Mark long prior to Respondent's registration of the disputed domain name. Moreover, the Complainant is considered the gamblizard.com domain name holder; thus, is to be associated with the services offered on the original website.

The Complainant did not grant the right or entitlement to use the GAMBLIZARD trademark to the Respondent nor did they give permission or consent to use the Mark. The Complainant is not aware and has not been notified of any rights to the trademark the Respondent is or may be granted with. Also, the Respondent is not (either as an individual, business or other organization) commonly known by the Mark.

As has been mentioned, the Respondent uses the disputed domain name to falsely suggest affiliation with the trademark owner, namely the Complainant, and the correlation between the disputed domain name and Complainant's rights to and in the Mark is present to support the belief (WIPO Overview 3.0, Section 2.5).

The Respondent's website at www.gamblizards.com is offering services that are indistinguishable from those supplied by the Complainant and its website. This can be seen in the side-by-side comparison of services and content. The content on the website associated with the disputed domain appears to be aimed at impersonating the Complainant, as the Respondent's site states, "Launched in 2020 from our team's personal experiences in online gambling." However, the Respondent was not known as GAMBLIZARD prior to 2025, when the website was launched and the domain was registered. Additionally, the Respondent's site lists the contact e-mail of the Complainant, "Reach us via email at support@gamblizard.com or our live chat form," (WIPO Overview 3.0, Section 2.5.1). At the same time, it is not clear to Internet users visiting the Respondent's websites that they are not operated by the Complainant (WIPO Overview 3.0, Section 2.5.2(iii)). All this illustrates the Respondent's deliberate attempt to manipulate customers or casino brands into believing they are dealing with the Complainant.

Moreover, the Respondent registered and is using the domain name as a pretext for commercial gain or other such purpose inhering the Respondent's benefit (WIPO Overview 3.0, Section 2.5.2(i)). In this particular case, the registration of the domain name gamblizards.com has clearly been made for financial gain, as all the referral links available on the site lead to the same casino website at https://lex-casino63.com. By leveraging reputation and recognition, the Respondent profits by directing traffic to a particular casino and promoting it in this manner.

The Respondent is a direct competitor in the same line of business and in the same geographical location (namely, English-speaking countries). WIPO Panel earlier found in Julie & Jason, Inc. d/b/a The Mah Jongg Maven v. Faye Scher d/b/a Where the Winds Blow (WIPO Case No. D2005-0073), competitor status waives Respondent's right to use the trademark in the disputed domain name or make any bona fide use of it.

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).

The Respondent acts in bad faith, as its registration of the disputed domain name constitutes the following scenario: by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creation likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

As may be construed pursuant to the contents of the website, the Respondent does not identify himself, thus implying that the services are rendered by the Complainant. The Complainant believes such Respondent's use of the domain name and the trademark in the headings may not be associated with a bona fide offering of services. Respondent's behavior is not compliant with the doctrine of fair use or a legitimate noncommercial use of the domain name, as such actions may be construed as Respondent's intent for commercial gain to misleadingly divert end-users to take commercial advantage of the potential for confusion.

The Respondent should have known of the Complainant's trademark at the time of the registration of the domain name. It is inconceivable that the Respondent was not fully aware of the Complainant's historic trading as GAMBLIZARD due to the nature of the business and their highly specific targeting of the GAMBLIZARD brand using SEO (Search Engine Optimisation) techniques. The

Complainant's website gamblizard.com has been the number one result in Google for the search term "GAMBLIZARD" since at least 2023 as can be seen from Ahrefs's rankings report in Annex 39. In The Nasdaq Stock Market, Inc., v. Hamid Reza Mohammad Pouran (WIPO Case No. D2002-0770), it was held: "Respondent knew or should have known of the existence of Complainant, Complainant's trademark being widely publicized globally and constantly featured throughout the Internet, and thus the Panel decides that the disputed domain names were registered in bad faith".

The following circumstances may serve as evidence that the Respondent's intent in registering the disputed domain name was in fact to profit from the Complainant's goodwill by exploiting the trademark as follows:

- Respondent's likely knowledge of the Complainant's rights to the trademark associated with gambling products and services in the light that Complainant and Respondent are operating on the same market and provided the history of the brand development;
- Website content targets the Complainant's trademark through the mention on the websites and in the domain name;
- Absence of any conceivable good faith use, rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the domain name or disclaimer explaining Respondent's good faith and rights to use the trademark;
- The close proximity between the services and content offered by the Complainant and the Respondent that may indicate that the Respondent is taking advantage of the similarity between Complainant's mark and the domain name and is doing so for commercial gain (SoftCom Technology Consulting Inc. v. Olariu Romeo/Orv Fin Group S.L. (WIPO Case No. D2008-0792));
- The nature of the domain name in question (namely, addition of "s" to form the plural version of the trademark);
- General worldwide accessibility of the Complainant's trademark;
- The domain name is also virtually identical with the domain name under which the Complainant does business and sends and receives its e-mails (Fuji Photo Film U.S.A., Inc. v. LaPorte Holdings (WIPO Case No. D2004-0971)).

Summing up, the Respondent is attempting to divert Internet users for commercial gain by attracting them to its website through a likelihood of confusion with Complainant's mark, which is conclusive evidence of bad faith registration and use pursuant to paragraph 4(b)(iv) of the Policy, similar to Mostchoice.com Inc. v. Xianqing Zhu c/o Most choice.com, Inc. (NAF Case No. FA424540); Baudville, Inc. v. Henry Chan (WIPO Case No. D2004-0059); and Fairview Commercial Lending, Inc. v. Aleksandra Pesalj (WIPO Case No. D2007-0123). In Edmunds.com, Inc. v. Digi Real Estate Foundation (WIPO Case No. D2006-1043), the Panel have found that "the content of a website […] is relevant in the finding of bad faith use […] because where a potential visitor, after typing in a confusingly similar domain name, reaches the Respondent's website offering similar contents, there is an implied act of unfair competition (deception of the consumer) and such an act is an evidence of bad faith."

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 submitted extensive materials in support of its claim to common-law rights in the name GAMBLIZARD. While parts of the evidence still raise concerns regarding their overall persuasive value, including the prevalence of SEO-driven articles, limited substantiation of consumer recognition, and the absence of financial data typically expected to establish acquired distinctiveness, the Respondent did not file any response to the Complaint. In the absence of any contrary explanation or evidence from the Respondent, the Panel evaluates the record as presented by the Complainant and may draw appropriate inferences from the Respondent's default. Without the Complainant's authorization, permission or consent, and with full knowledge of the Complainant's rights to and in the common law trademark accrued due to Complainant's long-standing presence on the market, the Respondent registered the domain name <gamblizards.com>. In this particular case, the registration of the domain name <gamblizards.com> has clearly been made for financial gain, as all the referral links available on the site lead to the same casino website at https://lex-casino63.com. By leveraging reputation and recognition, the Respondent profits by directing traffic to a particular casino and promoting it in this manner.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **gamblizards.com**: Transferred

PANELLISTS

Name	**Thomas Hoeren**

DATE OF PANEL DECISION	2025-11-13

Publish the Decision