Decision for dispute CAC-UDRP-108050

Case number	CAC-UDRP-108050
Time of filing	2025-10-14 10:02:50
Domain names	brazwin777.com

Case administrator

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

Complainant

Organization	Foundcom Limited

Complainant representative

Organization	B&B Services SIA

Respondent

Name	Bruce Wayne

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 the trade mark “BRAZINO777”, which is protected by:

- EUTM No. EUTM 018 763 876, filed on 16 September 2022 and registered on 19 January 2023 for goods and services of classes 9 and 41 of the Nice Classification, covering a comprehensive range of software for the gaming, betting and gambling, as well as casino, gaming and gambling services, including online and interactive entertainment;
- IR No. WO 1 699 932, registered on 13 October 2022 for goods and services of classes 9 and 41 of the Nice Classification, covering a comprehensive range of software for the gaming, betting and gambling, as well as casino, gaming and gambling services, including online and interactive entertainment. This trademark registration is valid in Brazil, Chile, Colombia and Mexico.

FACTUAL BACKGROUND

The Complainant has been operating the “Brazino777” website under the domain name <brazino777.com> since 2019, offering online gaming, gambling, and betting services globally. The Complainant first applied for the trademark on September 16, 2022, and it was registered in the EU for the first time on January 19, 2023. On the other hand, the disputed domain name was registered much later, on 19 September 2025. Consequently, it must be concluded that the disputed domain name was established well after the

Complainant began using the trademark and securing exclusive rights to it.

The Complainant's trade mark is an invented term with a high level of inherent distinctiveness, consisting of a combination of an invented word (‘brazino’) and a sequence of numbers (‘777’). This inherent distinctiveness is further reinforced by the extensive use of the trademark for the relevant goods and services through the Complainant’s website since 2019, which has contributed to its notoriety and goodwill among Internet users, particularly those interested in online gaming and gambling. As a result, the relevant trademark is strongly associated with the Complainant and its products and services.

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

EARLIER RIGHTS

The Complainant has registered trade marks for "Brazino777" which pre-date the registration of the disputed domain name <brazwin777.com>.

COMPARISON WITH THE DISPUTED DOMAIN NAME

In accordance with Paragraph 4(a)(i), the Panel holds that the disputed domain name is confusingly similar to the Complainant’s

trademarks.

The finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

1. disregarding the top-level suffix in the domain names (i.e. ".COM") in the comparison; and
2. finding that a simple misspelling of a trademark would not be considered sufficient to distinguish a domain name from a trademark. The distinctive part of the disputed domain name consists of the letter and number sequence b-r-a-z-w-i-n---7-7-7. The earlier rights consist of the letter and number sequence b-r-a-z---i-n-o-7-7-7. The signs identically contain the ten letters and numbers b-r-a-z-i-n-7-7-7 in identical order. The only difference is one letter in each sign: The letter "o" in the earlier rights and the "w" in the disputed domain name. This is not sufficient distance to the earlier right and does not prevent a finding of confusing similarity. The domain name is confusingly similar to the rights of the Complainant.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name "Brazino777", and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have not had any previous relationship. The Complainant has never granted the Respondent any rights to use the "Brazino777" trademark in any form, including in the disputed domain name. There is no evidence before the Panel indicating that the Respondent is commonly known by the disputed domain name.

There is no available evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, or that would demonstrate a legitimate interest in the disputed domain name, so that there is nothing that could be interpreted as rights or legitimate interests of the Respondent. Since the Respondent has not responded, the Respondent has also failed to put forward any arguments at all which could change this finding. On the contrary, the disputed domain name resolved to a website which offered the same services offered by the Complainant under the earlier right.

The creation and use of such a site, i.e. use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorised account access/hacking, impersonating/passing off, or other types of fraud), has been consistently held by prior panels to never confer rights or legitimate interests on a respondent.

In the absence of legitimate or fair use of the disputed domain name in connection with a bona fide offering of goods and services, the above demonstrates the Respondent's absence of rights or legitimate interests in respect of the disputed domain name.

The Panel therefore concludes that the Respondent did not refute the Complainant's prima facie case and has not established any rights or legitimate interest in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered by the Respondent and is being used by the Respondent in bad faith.

The trademarks pre-date the registration of the disputed domain name and the Complainant offers services under the earlier name on a worldwide basis. The Panel holds that the only plausible explanation for the registration and use of the disputed domain name is the Respondent's service impersonating the Complainant's services by adopting confusingly similar names and assets with a view to diverting traffic from the Complainant's websites in order to promote identical services under an almost identical name.

The Panel finds that the Respondent disrupts the Complainant's business by diverting potential customers to a website which offers similar and competing goods and services. Using a confusingly similar domain name in a manner disruptive of a Complainant's business by trading upon the goodwill of a Complainant for commercial gain evidences bad faith, as does using a trade mark to divert traffic to the Respondent's own website. In view of the distinctive nature of the "Brazino777" trademark, the scope of the Complainant's business, and the substantial evidence of the Respondent copying/impersonating the Complainant, there is no other plausible explanation than the Respondent's actual knowledge of the "Brazino777" brand at the time of registration of the disputed domain name for the purposes of using that name in bad faith.

The Panel therefore finds that the disputed domain name was registered and is being used with prior knowledge of the Complainant and its "Brazino777" brand as evidenced by the substantial similarity of the name and services with a view to taking advantage of the attractive power of those brands to consumers of online video games.

Based on the above, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirements under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **brazwin777.com**: Transferred

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2025-11-19

Publish the Decision