Decision for dispute CAC-UDRP-108212

Case number	CAC-UDRP-108212
Time of filing	2025-12-05 14:18:19
Domain names	melbet-kirish.com , melbet-kirish.top

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Batnesto Ltd

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondents

Name	Denys Zahaichuk
Name	Mikhail

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 relies on its registered trademark rights in the mark MELBET in various jurisdictions, covering services primarily in International Class 41 and related classes, including registrations in Uganda, Peru, Burundi, Mauritius, the European Union, the Dominican Republic, and Costa Rica. These registrations predate the registration of the disputed domain names except for the European Union trademark which was filed July 29, 2024, two days after the registration of the disputed domain name <melbet-kirish.com> which was created July 27, 2024 .

In addition, the Complainant claims unregistered trademark rights in the MELBET mark, relying on the duration and extent of use of the mark, consumer recognition, online presence, and promotional activities.

The Panel is satisfied that these registrations establish trademark rights in the mark MELBET for the purposes of the Policy.

Further, the Complainant operates its business using the domain name <melbet.com>, which has been registered since September 18, 2012 and, according to the Complainant, used in connection with online betting and casino services since at least December 9, 2012.

FACTUAL BACKGROUND

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Key aspects of the Complainant's contentions are summarized below.

Complainant's Background

The Complainant, Batnesto Ltd, is a company registered in Cyprus and uses the MELBET name in connection with an online betting and casino platform, which has been operating internationally since 2012. The Complainant has provided extensive evidence of longstanding use of the MELBET mark in connection with its services, including archived website records, third-party references, mobile applications, and promotional activities.

The Complainant has submitted evidence demonstrating that the MELBET platform has a substantial international presence, including multilingual website content, a large user base, and participation in sponsorship and advertising activities involving sports teams, athletes, and industry events.

Registration of the Disputed Domain Names

The disputed domain names <melbet-kirish.com> and <melbet-kirish.top> were registered on July 27, 2024 and January 30, 2025, respectively. The Complainant claims that the website associated with the disputed domain names is currently not accessible via desktop devices but can be reached on mobile devices through Google search results. When an internet user searches for on Google and clicks the corresponding result, the user is automatically redirected to the second disputed domain name and accordingly the domain name <melbet-kirish.com> redirects to <melbet-kirish.top>. The website associated with the disputed domain names is presented in the Uzbek language and displays the MELBET mark.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant requests consolidation of the UDRP complaint, arguing that both <melbet-kirish.com> and <melbet-kirish.top> are under common control. Despite differing registrant details, the Complainant points to their identical naming structure (incorporating the mark and the Uzbek term "kirish") and the fact that the .com domain redirects to the .top domain as evidence of a single Respondent. The Complainant asserts that consolidation is necessary for procedural efficiency and to avoid inconsistent findings.The disputed domain names, <melbet-kirish.com> and <melbet-kirish.top>, wholly incorporate its registered MELBET trademark. The Complainant asserts that the addition of the generic term "kirish" (meaning "entrance" in Uzbek) does not serve to distinguish the domain names from the trademark. The Complainant maintains that such additions are insufficient to avoid a finding of confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant asserts that it has not licensed, authorized, or otherwise permitted the Respondent to use the MELBET trademark, and that the Respondent is neither commonly known by the disputed domain names nor using them for a bona fide offering of goods or services. The disputed domain names resolve to a website that reproduces the MELBET mark and presents itself as an access point to the Complainant's betting services. The Complainant contends that the website imitates the look and feel of the Complainant's official platform and is intended to mislead Internet users into believing that it is operated by, or affiliated with, the Complainant. The Complainant further notes that the site is specifically accessible on mobile devices through Google search results, where users are automatically redirected to the second disputed domain name.

The Complainant claims the Respondent registered and is using the domain names in bad faith to intentionally target the MELBET brand. Given that the marks were registered nearly a decade after the Complainant's brand was established, the Complainant argues the Respondent was aware of the mark and is using the confusingly similar domains and website design to attract Internet users for commercial gain by creating a likelihood of confusion as to source or affiliation.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

RESPONDENT:

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

LANGUAGE OF PROCEEDING

According to Rule 11 in the Rules for Uniform Domain Name Dispute Resolution Policy, (the "Rules") "...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 Registrars confirmed that the language of the registration agreements are both English. As no party requested otherwise, the Panel determines that the proceeding shall be conducted in English.

CONSOLIDATION OF MULTIPLE RESPONDENTS

As stated in section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), when considering consolidation requests panels should look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency underpins such consideration.

The Panel has concluded that consolidation is warranted in this case.

According to the Registrar Verification in the case file, the names and the addresses of the two Respondents are different. However, this difference in registrant details is not dispositive since registrars are not typically required to verify the identity of registrants.

Factors pointing to the disputed domain names being subject to common control include:

- the similarity of the disputed domain names' anatomy to one another (namely, the MELBET mark suffixed with the term "kirish", meaning "entrance" in Uzbek); and
- evidence of the disputed domain name <melbet-kirish.com> automatically redirecting to the second disputed domain name <melbet-kirish.top>, which demonstrates unified technical control by a single operator.
- the fact that one of the Respondents, Denys Zahaichuk, has been involved in at least one previous domain name dispute involving the same trademark, namely CAC-UDRP-107787 which indicates a pattern of targeting the Complainant's mark.

The above circumstances, taken together, lead the Panel to conclude that it is more likely than not that the disputed domain names are under common control, and that consolidation of the cases against the Respondents would be fair and equitable to all parties. Given such common control, hereinafter the two Respondents shall be referred to by the singular term "Respondent".

THREE ELEMENTS THE COMPLAINANT MUST ESTABLISH UNDER THE POLICY

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 a disputed domain name should be transferred or cancelled:

- the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- the Respondent has no rights or legitimate interests in respect of the domain name; and
- the domain name has been registered and is being used in bad faith.

The Panel has examined the evidence available and concludes as follows:

(1) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAMES TO THE COMPLAINANT'S RIGHTS

The Panel finds that the Complainant has established rights in the MELBET trademark through multiple registered trademark

registrations in various jurisdictions. These registrations are sufficient to establish standing for the purposes of paragraph 4(a)(i) of the Policy. The Panel further notes the Complainant's evidence of longstanding use of the MELBET mark in connection with online betting and casino services.

The disputed domain names <melbet-kirish.com> and <melbet-kirish.top> each wholly incorporate the Complainant's MELBET trademark as their dominant element. The additional term "kirish," which means "entrance" in Uzbek, is a descriptive term that does not prevent a finding of confusing similarity. The incorporation of a descriptive or generic term alongside a complainant's trademark does not materially distinguish a domain name from the trademark for the purposes of the Policy. See, for example, CAC-UDRP-108113, PaySend Group Limited v. Ivan Ivanov ("The addition of a descriptive term and a hyphen does not prevent a finding of confusing similarity, as the Complainant's PAYSEND mark remains clearly recognizable and constitutes the dominant element of the disputed domain name. See WIPO Overview 3.0, section 1.8.")

The Panel also notes that the disputed domain names differ only in their generic Top-Level Domains ".com" and ".top," which are standard registration requirements and are generally disregarded when assessing confusing similarity under the Policy.

Accordingly, the Panel finds that the disputed domain names are confusingly similar to the Complainant's MELBET trademark. The Complainant has therefore satisfied the requirements of paragraph 4(a)(i) of the Policy.

(2) THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAMES

The Panel finds that the Complainant has made a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

According to the registrar verification, the disputed domain names were registered on July 27, 2024 (melbet-kirish.com) and January 30, 2025 (melbet-kirish.top). These registrations occurred many years after the Complainant began using the MELBET mark in commerce and after the Complainant had acquired trademark rights in that mark.

The Complainant has credibly asserted that it has not licensed, authorized, or otherwise permitted the Respondent to use the MELBET trademark or to register domain names incorporating that mark. There is no evidence on the record that the Respondent is commonly known by the disputed domain names or has acquired any trademark rights corresponding to them.

The Panel further notes that the disputed domain names resolve, directly or indirectly through redirection, to a website accessible via mobile devices that prominently displays the Complainant's MELBET trademark, adopts a color scheme closely resembling that used on the Complainant's official website, and presents itself as "MELBET UZBEKISTAN." The website does not identify its operator and contains no disclaimer of affiliation with the Complainant.

In the Panel's view, such use is not indicative of a bona fide offering of goods or services, nor does it constitute legitimate noncommercial or fair use. Rather, the overall presentation of the website falsely suggests an affiliation with the Complainant and is designed to mislead Internet users into believing that the website is an Uzbek entity, or otherwise targeting visitors from Uzbekistan, operated or endorsed by the Complainant.

Panels have consistently held that the use of a domain name to impersonate a complainant or to create a false impression of affiliation cannot give rise to rights or legitimate interests under the Policy. See, for example, CAC-UDRP-107219 Xiaomi, Inc. v. Vladislav Pavliuk, ("The Panel agrees that the current use of the disputed domain name could mislead internet users leading to false impressions of endorsement, affiliation with the Complainant. The Panel finds particularly relevant the fact that the Respondent uses the Complainant's figurative trademark and a similar visual impression of the Complainant's official website.")

Further, the inclusion of the Uzbek term 'kirish' (meaning entrance) in the disputed domain names further confirms the Respondent's intent to impersonate the Complainant's login portal, rather than to use the domains for any legitimate purpose.

On the basis of the evidence submitted, the Panel finds that the Respondent's use of the disputed domain names amounts to impersonation and misleading commercial conduct.

Accordingly, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

(3) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAMES

The Panel finds that the Complainant has shown that the Respondent registered and used the disputed domain names in bad faith under paragraph 4(a)(iii) of the Policy for the reasons as set out below.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of four circumstances, any one of which may be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

(a) Bad faith registration

The disputed domain names <melbet-kirish.com> and <melbet-kirish.top> were registered in July 2024 and January 2025, respectively, many years after the Complainant began using the MELBET mark in connection with online betting and casino services. The Panel has already found that the Complainant holds registered and unregistered rights in the MELBET trademark, which predate the registration of the disputed domain names.

Both disputed domain names wholly incorporate the distinctive MELBET mark together with the Uzbek term "kirish," meaning "entrance," which reinforces the impression that the domain names relate to access to an official MELBET platform. In light of the composition of the disputed domain names, their linguistic targeting of Uzbek-speaking users and the use of the MELBET mark on the associated website, the Panel finds it implausible that the Respondent registered the disputed domain names without knowledge of the Complainant and its trademark.Further, as noted by the Panel in CAC-UDRP-104614 Fast Retailing Co. Ltd. v. Leu Thi Hong Van, ("Even if Respondent did not have actual knowledge of Complainant's trademarks, Respondent had a duty to ensure that the registration of the disputed domain name would not infringe a third party's rights.")

The Panel further notes that the Respondent, Denys Zahaichuk, has a documented history of targeting the Complainant's trademark in bad faith, having been the unsuccessful respondent in the prior dispute CAC-UDRP-107787 Batnesto Ltd. v. Denys Zahaichuk concerning the domain name <melbet-azerbaycan.com>. This established pattern of conduct supports the conclusion that the Respondent was aware of the Complainant's rights and intentionally targeted the MELBET trademark when registering the disputed domain names.

Accordingly, the Panel finds that the disputed domain names were registered in bad faith.

(b) Bad faith use

The disputed domain names resolve, directly or through redirection, to a website that prominently displays the Complainant's MELBET trademark, replicates the distinctive white-yellow-on-black color scheme used on the Complainant's official platform and presents itself as "MELBET UZBEKISTAN." The website does not identify its operator and contains no disclaimer of affiliation with the Complainant.

The Panel finds that such use is intended to create a false impression of association with the Complainant and to mislead Internet users as to the source, sponsorship, or affiliation of the website. By doing so, the Respondent has intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark, within the meaning of paragraph 4(b)(iv) of the Policy. See, for example, CAC-UDRP-107700, Batnesto Ltd. v. Aliaksey Voronov concerning the same Complainant and similar circumstances involving a website mimicking the Complainant's official site, in which the Panel concluded:

"By using the Disputed Domain Name in connection with a website that offers gambling services – the same type of service offered by Complainant in connection with the MELBET Trademark – Respondent is clearly and intentionally "creating a likelihood of confusion" with the MELBET Trademark, constituting bad faith pursuant to paragraph 4(b)(iv) of the Policy."

As a final point, the Panel may draw a negative inference from the Respondent's silence throughout these proceedings.

In light of the above analysis, the Panel concludes that the Complainant has made out its case that the disputed domain names were registered and are being used in bad faith and thus has satisfied the requirements under paragraph 4(a)(iii) and 4b of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **melbet-kirish.com** : Transferred
2. **melbet-kirish.top**: Transferred

PANELLISTS

Name	**Claire Kowarsky**

DATE OF PANEL DECISION 2026-01-09