Decision for dispute CAC-UDRP-108336

Case number	CAC-UDRP-108336
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Domain names	rocketplayall.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	PULSUP LTD

Respondent

Name	Nina Moreno

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 the following "Rocketplay" trademark registrations:

- Australian trademark No. 2499913 “ROCKETPLAY” (word and device), registered on November 18, 2024 for services in class 41: "gambling services; betting services",
- Australian trademark No. 2499915 “ROCKETPLAY” (word and device), registered on November 18, 2024 for some goods in class 09;
- Australian trademark No. 2499916 “ROCKETPLAY” (word and device), registered on November 18, 2024 for some services in class 42; and
- European Union (EU) trademark No. 018992626 “ROCKETPLAY” (word and device), filed on February 29, 2024, registered on November 07, 2025 for services in class 41 "gambling services".

The Complainant also claims common law trademark rights in respect of "ROCKETPLAY" based on extensive and continuous use since at least 2020. The Complainant contends that its common law trademark rights existed prior to October 06, 2023 (the date the disputed domain name was registered). The Complainant provides evidence of common law trademark rights that will be discussed below.

FACTUAL BACKGROUND

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

The Complainant is a provider of gambling and betting services under the "ROCKETPLAY" mark. The Complainant submits that operates the online platform <rocketplay.com> in partnership with a licensed provider "Dama N.V."

The Complainant claims its "ROCKETPLAY" brand is widely recognized in the industry and has received third-party recognition, including the following awards/recognition and nominations:

- Casino Guru Awards 2023 – Voice of the People, Fairest Bonus Policy;

- LCB Awards 2022 – Members' Choice;
- SBC Awards 2021 – Rising Star in Casino (nomination); and
- Trustpilot: "Excellent" (4.5/5 from over 2,200 reviews).

The Complainant relies on the trademark registrations provided above and claims that it acquired common law trademark rights to the term "ROCKETPLAY" due to its extensive and continuous use since 2020 and by the date the disputed domain name was registered, October 06, 2023, it had already had common law trademark rights.

The Complainant contends the disputed domain name is confusingly similar to its "ROCKETPLAY" trademarks as it only incorporates the Complainant's trademark in its entirety, with the addition of the generic term "all" and the gTLD ".com".

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

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Respondent has never been authorized, licensed, or permitted by the Complainant to use the "ROCKETPLAY" trademark. There is no business relationship or affiliation between the parties.

The Complainant states that Respondent's use of the disputed domain name does not constitute a bona fide offering as the Respondent offers competing gambling services via the website at the disputed domain name and uses Complainant's logo that is a part of its registered trademarks.

The Complainant submits that the overall presentation of the Respondent's site falsely suggests that the website is operated, endorsed, or authorized by the Complainant, or that it forms part of an official "ROCKETPLAY" network.

Use by the Respondent of the identical logo demonstrates the absence of rights and legitimate interest and indicates targeting and bad faith.

The Complainant states that the use of a domain name to impersonate, or to misleadingly divert users through imitation, does not constitute a bona fide offering of goods or services.

The Complainant submits that there are no grounds for finding any rights or legitimate interest of the Respondent, as the Respondent is not commonly known by the disputed domain name and is not making a legitimate non-commercial or fair use of the disputed domain name.

The Complainant claims that the Respondent's conduct — impersonation, absence of authorization, and monetization of confusion — cannot be reconciled with any of the circumstances set out in paragraph 4(c) of the Policy.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant submits that the disputed domain name was registered and is being used in bad faith.

While the registration of the disputed domain name predates the date of application and registration of the Complainant's registered trademarks, the Complainant contends that its common law trademark predates the registration date of the disputed domain name.

The Respondent's conduct demonstrates that the disputed domain name was registered specifically to target and exploit the Complainant's "ROCKETPLAY" brand, rather than for any legitimate or independent purpose.

Therefore, the Respondent registered the disputed domain name with actual knowledge of the Complainant and its "ROCKETPLAY" brand.

The Complainant contends that reproduction of the Complainant's exact logo and brand presentation cannot be explained by coincidence, descriptive use, or legitimate comparative advertising. Such conduct demonstrates intentional targeting of the Complainant's brand and eliminates any possible claim of good-faith registration or use.

The Complainant claims that the Respondent has used the disputed domain name to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's "ROCKETPLAY" mark as to the source, sponsorship, affiliation, or endorsement of the website.

Therefore, the Complainant submits that it has satisfied the third UDRP element.

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 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

A. Identical or confusingly similar

The Complainant provided evidence of its ownership of trademark registrations for the figurative marks referred to above with the word element "ROCKETPLAY".

As confirmed by "**WIPO Overview of WIPO Panel Views on Select UDRP Questions**" ("WIPO Overview 3.1") this satisfies the requirement of having trademark/ service mark rights for the purpose of the UDRP (see sec. 1.2.1).

The Complainant also claims that it has common law trademark rights in the term "ROCKETPLAY" and provides the following evidence in support of its common law trademark rights:

-evidence of awards and recognition of its "ROCKETPLAT" gambling and betting services, including "**LCB Awards 2022**" – Members' Choice and "**SBC Awards 2021**" – Rising Star in Casino (nomination), "Trustpilot" and "AskGamblers" reviews and rankings, historic screenshots of the <rocketplay.com> website, including the first screenshot dated 11 November 2020, demonstrating continuous use of the "ROCKETPLAY" mark.

When it comes to establishing common law trademark rights, it is generally accepted that UDRP complainants should present strong evidence of constant use of the mark and some recognition from customers of relevant goods/services. Mere allegations of common law trademark rights are not enough and specific evidence has to be provided, see sec. 1.1 of "UDRP Perspectives on Recent Jurisprudence", updated on June 02, 2025, ("UDRP Perspectives").

WIPO Overview 3.1 states that relevant evidence of common law trademark rights may include inter alia (i) the duration and nature of the use of the mark and ii) the degree of actual public recognition, and some brands may rapidly acquire recognition due to a broad and significant Internet presence and user base, see sec. 1.3.

This Panel agrees with the above statements and finds that the Complainant provided sufficient evidence to establish common law trademark rights and that such common trademark rights existed by October 06, 2023 (the date of the disputed domain name registration).

The Complainant's main services are online gambling and betting and given the nature of the Internet, by October 2023, the "ROCKETPLAY" mark has already been associated with the Complainant's services and received relevant recognition in the gambling and betting industry.

The Complainant also provided evidence of its constant use of the "ROCKETPLAY" mark since at least November 2020 through its website at <rocketplay.com>.

Therefore, the Panel finds that the Complainant established its common law trademark rights.

As to the confusing similarity between the disputed domain name and the Complainant's trademarks (both registered and unregistered), the Panel finds the disputed domain name to be confusingly similar.

The Panel agrees with the consensus view on confusing similarity expressed in WIPO Overview 3.1, namely: " in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark" and "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. 1.7 and sec. 1.8.

Here, the disputed domain name incorporates the entirety of the trademark and the mark is clearly recognizable within the disputed domain name.

The addition of a generic term "all" does not affect the confusing similarity analysis. The fact that some of the Complainant's marks are figurative is not relevant either, as "ROCKETPLAY" is a dominant element in all figurative trademarks of the Complainant.

The .com TLD is a mere registration requirement.

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

B. Rights or Legitimate Interests

The general rule in UDRP jurisprudence 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 a 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.

The Respondent did not respond.

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".

The Complainant has made a prima facie case of the Respondent's lack of rights or legitimate interests.

The disputed domain name resolves to a casino website that prominently displays the Complainant's "ROCKETPLAY" logo, includes Complainant's corporate colors (yellow and black) and claims to be "ROCKETPLAY" casino.

The Panel agrees with the Complainant's arguments and with the position of WIPO Overview 3.1 that: " the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or (unlicensed) pharmaceuticals, phishing/identity theft, distributing malware, unauthorized account access/hacking, **copycat sites, passing off, or other types of fraud**) can never confer rights or legitimate interests on a respondent".

The Panel notes that mere allegations of illegal activity and passing off is not enough as well as allegations of trademark infringement, in the absence of evidence of cybersquatting (targeting with intent to take unfair commercial advantage of the complainant's mark), see also sec. 0.19 of UDRP Perspectives.

However, there is direct evidence provided by the Complainant that the Respondent created a copycat site and prominently displays the Complainant's logo.

It is clear from the evidence provided by the Complainant that the Respondent targeted the Complainant and its trademarks with the intent to take unfair commercial advantage and the Respondent's use is not bona fide.

Such use of the Respondent does not create rights or legitimate interest.

Therefore, the Panel finds that the Complainant has established 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 in deciding about the bad faith element.

It is well established that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark and bad faith allegations should be supported by arguments and evidence (see sec. 3.1 of WIPO Overview 3.1).

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 unfair commercial advantage of the complainant’s mark is key in establishing bad faith under the Policy.

As noted in "UDRP Perspectives" in sec. 3.3: “targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence...”

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

The Panel notes that the registered trademarks of the Complainant post-date the registration date of the disputed domain, October 06, 2023.

However, the Complainant provided sufficient evidence of the existence of common law trademark rights in the term "ROCKETPLAY" by October 06, 2023 and, therefore, the Complainant's unregistered trademark pre-dates the registration date of the disputed domain name by the Respondent.

Direct evidence indicates that the Respondent targeted the Complainant and such targeting was with the intent to profit commercially from the Complainant’s trademarks.

The Panel finds that the disputed domain name was registered and is being used in bad faith based on the following:

1. The nature of the disputed domain name – confusingly similar to the Complainant’s "ROCKETPLAY" trademark with the addition of a generic term "all" and the timing of the registration of the disputed domain name – October 06, 2023, nearly three years after the Complainant started its "ROCKETPLAY" gambling and betting business and after the Complainant already established unregistered trademark rights due to its constant use at <rocketplay.com> and public recognition (including awards and nominations for relevant services). The nature of the disputed domain name creates a high risk of implied affiliation and indicates that the Respondent was aware of the Complainant and its trademark when he registered the disputed domain name along with evidence of copying Complainant's logo, brand and corporate colors.
2. The nature of use of the disputed domain name and the content of the Respondent's website. There is direct evidence that the Respondent copied the Complainant's logo that is a part of the Complainant's brand and its registered trademarks and the Respondent's website content indicates targeting and intent to take unfair commercial advantage. Use of the disputed domain name for impersonation and passing off is a factor demonstrating bad faith and
3. Based on the above, the Panel finds that the Respondent’s behavior falls within par. 4 b (iv) of UDRP and the Respondent by using the disputed domain name 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 and that the Respondent targeted the Complainant with attempt to take unfair advantage of the Complainant’s mark.

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. **rocketplayall.com**: Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2026-02-21

Publish the Decision