Decision for dispute CAC-UDRP-108704

Case number	CAC-UDRP-108704
Time of filing	2026-06-05 10:00:01
Domain names	circuscasino.co.nl, circus-casino.co.nl

Case administrator

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

Complainant

Organization	Circus Belgium SA

Complainant representative

Organization	COGITUS SRL

Respondents

Organization	Ffion Walters ltd
Name	Kateryna Kuliak

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

The Complainant is the registrant, among others, of the EU trademark registration No. 006071914, “CIRCUS CASINO" (figurative), registered on October 23, 2008, for goods and services in classes 9, 37 and 41.

The disputed domain name <circuscasino.co.nl> was registered on September 5, 2025. The disputed domain name <circus-casino.co.nl> was registered on June 1, 2026.

FACTUAL BACKGROUND

The Complainant is a Belgian-based company operating in the field of gambling.

The Complainant argues that the disputed domain names are confusingly similar to the Complainant’s prior trademark rights.

The Complainant points out that the domain name <circuscasino.co.nl> incorporates the trademark "CIRCUS CASINO" in its entirety,

without any additional element, while the domain name <circus-casino.co.nl> is visually, phonetically and conceptually identical in substance to the domain name <circuscasino.co.nl>, the only difference being the insertion of a hyphen between the two verbal elements “CIRCUS” and “CASINO”.
The Complainant underlines that it operates well-known gambling websites in the Netherlands and owns the domain names <circus.nl>, <casinocircus.nl> and <circuscasino.nl>.

The Complainant considers that the Respondent has no rights or legitimate interests in the disputed domain names.

The Complainant submits that:

- the Respondent is not affiliated with the Complainant and has not been authorised, licensed or otherwise permitted by the Complainant to register or use domain names incorporating the Complainant’s "CIRCUS" and "CIRCUS CASINO" trademarks;

- there is no evidence that the Respondent is commonly known by the names “CIRCUS”, “CIRCUS CASINO”, “CIRCUSCASINO” or “CIRCUS-CASINO”, nor that it owns any trademark, trade name, licence or other right corresponding to the disputed domain names;
- the Respondent has produced no evidence of any Dutch gambling licence enabling it to target Dutch consumers.
As regards the domain name <circuscasino.co.nl>, the Complainant points out that the related website:
- prominently displays the Complainant’s registered "CIRCUS" logo in the header and uses an identical favicon;

- is headed “CIRCUS CASINO” and repeatedly refers to “CIRCUS CASINO”, “CASINO CIRCUS”, “CIRCUS CASINO NL” and “CIRCUS CASINO NETHERLANDS”;

- is using the identity, regulatory credentials and commercial presentation of the authorised CIRCUS-branded Dutch platform;
- is used as a gateway to a third-party gambling platform.
As regards the domain name <circus-casino.co.nl>, the Complainant points out that the related website:
- is presented as a Dutch version of the “CIRCUS CASINO” website and prominently displays the Complainant’s CIRCUS logo in the header;

- contains numerous casino-specific references, including welcome bonuses, live casino, slot machines, payment methods, deposits, withdrawals, responsible gaming, live chat and customer support;

- uses the Complainant’s logo, commercial presentation, corporate history and regulatory references;
- is used as a gateway to a third-party gambling platform.
The Complainant argues that the disputed domain names were registered and are being used in bad faith.
The Complainant considers that the Respondent could not have been unaware of the Complainant, its "CIRCUS" and "CIRCUS CASINO" trademarks, and its authorised online gambling activities at the time when the disputed domain names were registered.

The Complainant underlines that its "CIRCUS" trademark registration dates back to 1997, and its "CIRCUS" and "CIRCUS CASINO" activities long predate both disputed domain names. The Complainant adds that its Dutch licence dates back to 2022, before the registration of the disputed domain names. The Complainant submits that the use of the Complainant’s logo, corporate references, licence information and gambling-related content, demonstrates that the disputed domain names were registered with actual knowledge of the Complainant and for the purpose of deliberately targeting the Complainant, its trademarks and its official CIRCUS-branded online gaming ecosystem.

The Complainant takes the view that the Respondent intentionally attempts to attract, for commercial gain, Internet users to its websites or to third-party gambling services by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation or endorsement of the websites. The Complainant notes that the disputed domain names reproduce the same "CIRCUS CASINO" trademark, target the same Dutch market through the “.co.nl” subdomain, use the Complainant’s "CIRCUS" branding, refer to casino and gambling services, and contain a link to the same third-party gambling registration page.

PARTIES CONTENTIONS

The Complainant, relying on the arguments summarised above, contends that the requirements of the Policy have been met and that the disputed domain names 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 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

CONSOLIDATION OF THE COMPLAINT FOR THE DISPUTED DOMAIN NAMES

It is well established that where the particular circumstances of a given case indicate that common control is being exercised over the disputed domain names, consolidation may be granted, provided that it would be fair and equitable to all parties.

The Complainant considers that the two domain names in dispute are subject to common control.

The Complainant points out that the disputed domain names are almost identical (the only difference is a hyphen between the word "CIRCUS" and the word "CASINO" in one of them).

The Complainant observes that the content and commercial function of the websites associated with the disputed domain names are in substance identical and target the same territory, the same sector and the same public.

The Complainant adds that both websites reproduce one of the Complainant's figurative registered trademarks.

The Complainant clarifies that both disputed domain names are used as gateways to the same third-party gambling platform.

The Complainant notes that the disputed domain names have been registered within a period of a few months.

The Complainant points out that the registration of both disputed domain names has been done by using the same mail service.

The Complainant has provided elements supporting the presumption that no genuine contact details have been provided when the disputed domain names have been registered.

The Complainant asserts that, in the light of the above, the disputed domain names are subject to common control.
The Panel agrees with the Complainant's arguments and, in line with decisions of other panels in similar cases (see, for example, WIPO Case No. D2023-1121), considers that, on the balance of probabilities, the disputed domain names are under the control of a single person or organisation.

Therefore, the Panel decides to grant the requested consolidation.

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

In accordance with paragraph 4(a) of the Policy, in order to obtain the transfer of a domain name, the complainant has to demonstrate that:

(i) The 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 domain name; and

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

IDENTICAL OR CONFUSINGLY SIMILAR

The first requirement that the Complainant must establish is that the disputed domain names are identical with, or confusingly similar to, the Complainant’s trademark.

There are two elements of this test: for each domain name, the Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the disputed domain names must be shown to be identical or confusingly similar to the trademark or service mark.

The Complainant has proven ownership of the registered trademark "CIRCUS CASINO", identified in section "Identification of rights" above.

The Panel observes that the registration of the Complainant's trademark predates the registration of the disputed domain names.

On the question of identity or confusing similarity, what is required is simply a comparison and assessment of the disputed domain names to the Complainant’s trademark.

It should be noted that the Complainant’s trademark "CIRCUS CASINO" is a composite trademark, composed by a figurative element (a device) and a word element (the wording "CIRCUS CASINO"). It is well established that for the purpose of the confusing similarity test it is necessary to look at the overall impression created by the mark and compare the result with the disputed domain names (see, for example, WIPO case No. D2006-0300). As the disputed domain names use the entire word element of the trademark, and taking into account the overall impression created by the trademark, in the circumstances of the present case the Panel considers that they are confusingly similar to the Complainant's trademark (for a similar comparison, see WIPO case No. Case No. D2026-0949).

It should be pointed out that the disputed domain name <circuscasino.co.nl> differs from the Complainant’s trademark "CIRCUS CASINO" discussed above by the absence of the space between the two words and by the top-level domain, while the disputed domain name <circus-casino.co.nl> differs from the above-mentioned trademark by the addition of a hyphen and by the top-level domain.

It should be borne in mind that the absent space is not significant, given that spaces cannot be included in domain names for technical reasons (see, for example, CAC case No. 108714).

Furthermore, it is well accepted that the hyphen is not relevant in the confusing similarity test (see, for example, WIPO case No. D2016-0676).

Moreover, the Panel observes that it is well established that the ".CO.NL" subdomain may generally be disregarded in the confusing similarity test (see, for example, CAC case No. 104495).

In the light of the above, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

RIGHTS OR LEGITIMATE INTERESTS

The second requirement that the Complainant must prove is that the Respondent has no rights or legitimate interests in each of the disputed domain names.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the respondent has rights or legitimate interests in a domain name:

(i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or

(ii) [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the Respondent] [has] acquired no trademark or service mark rights; or

(iii) [the Respondent] [is] making a legitimate non-commercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

This is a non-exhaustive list of circumstances in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement falls on the Complainant. UDRP panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of “proving a negative”.

Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent and the burden of proof on this requirement shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in a domain name.

The Panel finds that the Complainant has made out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain names.

In particular, the Complainant states that:

- the Respondent is not affiliated with the Complainant and has not been authorised, licensed or otherwise permitted by the Complainant to register or use domain names incorporating the Complainant’s "CIRCUS" and "CIRCUS CASINO" trademarks;

- there is no evidence that the Respondent is commonly known by the names “CIRCUS”, “CIRCUS CASINO”, “CIRCUSCASINO” or “CIRCUS-CASINO”, nor that it owns any trademark, trade name, licence or other right corresponding to the disputed domain names;
- the Respondent has produced no evidence of any Dutch gambling licence enabling it to target Dutch consumers;
- the Respondent's websites contain links to a third-party gambling platform.

In the absence of a Response, there is no indication in the present case that the Respondent is commonly known by the disputed domain names.

Furthermore, the Respondent has failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under paragraph 4(c) of the Policy or other evidence of rights or legitimate interests in the disputed domain names.

The Respondent does not appear to make any legitimate non-commercial or fair use of the disputed domain names, nor any use in connection with a bona fide offering of goods or services. Indeed, the disputed domain names resolve to websites impersonating the Complainant.

The Panel considers that, on the balance of probability, the Respondent knew the Complainant's trademark and registered the disputed domain names with knowledge of the Complainant's rights. Indeed, it is not conceivable that the Respondent did not have the Complainant's trademark in mind, when registering and using the disputed domain names. Under these circumstances, it cannot be concluded that the Respondent is making a "fair" use of the disputed domain names.

Taking into account that the Respondent is not known as the disputed domain names, that the Respondent has not been authorised to register or use the disputed domain names, that the Respondent has provided no evidence of a Dutch gambling licence, that the disputed domain names lead to websites impersonating the Complainant and contain links to a third-party gambling platform, the Panel cannot imagine any possible legitimate justification for this use, and the Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain names.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

REGISTERED AND USED IN BAD FAITH

Under the third requirement of the Policy, the Complainant must establish that the disputed domain names have been both registered and used in bad faith by the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, including:

(i) circumstances indicating that [the Respondent] [has] registered or [has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] 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 [disputed] domain name; or

(ii) [the Respondent] [has] registered the [disputed] 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 [disputed] domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the [disputed] domain name, [the Respondent] [has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site 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] web site or location or of a product or service on [the Respondent's] web site or location.

The Panel, on the basis of the evidence presented, agrees with the Complainant's contentions that the disputed domain names were registered in bad faith and that they have been used in bad faith.

Other panels considered that knowledge of a corresponding mark at the time of the domain name's registration can suggest bad faith (see WIPO Case No. D2017-0100). The Panel shares this view.

The Panel agrees also that, on the balance of probabilities, the Respondent has registered and is using the disputed domain names primarily with the intention of attracting Internet users to its websites for commercial purposes by creating a likelihood of confusion with the Complainant's trade mark as to the origin, sponsorship, affiliation or endorsement of those websites.

The Panel observes that if the Respondent had legitimate purposes in registering and using the disputed domain names it would have filed a Response in this proceeding.

The Panel, having taken into account the Respondent's knowledge of the Complainant's trademarks at the time of the disputed domain names' registration and the use of the disputed domain names in websites impersonating the Complainant, which contain the Complainant's logo, corporate references, licence information, gambling-related content and links to a third-party gambling platform, considers that the disputed domain names were registered and are being used in bad faith.

Accordingly, the Panel finds that the disputed domain names were registered and are being used in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **circuscasino.co.nl**: Transferred
2. **circus-casino.co.nl**: Transferred

PANELLISTS

Name	**Michele Antonini**

DATE OF PANEL DECISION 2026-08-02

Publish the Decision