Decision for dispute CAC-UDRP-108915

Case number	CAC-UDRP-108915
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Domain names	vivatbetkasino.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	MONTECY HOLDING LTD

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Olena Bocheliuk

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 the owner of the following trade mark registrations:

- European Union Trade Mark No. 018434818, VIVATBET (figurative), registered on 29 August 2022;
- International Registration No. 1811977, VIVATBET (figurative), registered on 27 May 2024; and
- International Registration No. 1806055, VIVATBET CASINO (figurative), registered on 27 May 2024.

FACTUAL BACKGROUND

The Complainant is a company located in Nicosia, Cyprus. The Complainant operates in the online betting, gambling, gaming, and related technology sectors under the VIVATBET brand. The Complainant operates the domain name <vivatbet.eu>, through which it offers its online betting and gaming services.

The disputed domain name was registered on 11 May 2026. The disputed domain name resolves to Finnish-language online betting and gambling website (the "Respondent's website"). The Respondent's website is entitled "Vivatbet Casino Suomi" ("Vivatbet Casino Finland" in Finnish) and uses a dark green/teal colour scheme with light green accents. The Respondent's website states that it commenced operations in 2020 and claims to operate under licences issued by the Estonian Tax and Customs Board.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts rights the trade marks VIVATBET and VIVATBET CASINO. The Complainant argues that the disputed domain name wholly incorporates the mark VIVATBET and closely reproduces the VIVATBET CASINO mark, differing only through the substitution of the letter "k" for "c" in the word "casino". The Complainant asserts that "kasino" is an obvious phonetic variant of "casino" and that both marks remain clearly recognizable within the disputed domain name. The Complainant submits that the disputed domain name is confusingly similar to its trade marks.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that it has never licensed, authorized, or otherwise permitted the Respondent to use the VIVATBET marks or register a corresponding domain name. The Complainant further asserts that the disputed domain name resolves to a commercial online betting and gambling website that imitates the appearance, branding, and functionality of the Complainant's official website. According to the Complaint, the Respondent's website displays the VIVATBET trade mark, uses a similar colour scheme and presentation, and creates the impression of affiliation with the Complainant.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant argues that the disputed domain name was registered with knowledge of the Complainant and its trade marks. The incorporation of the VIVATBET mark together with the term "kasino" is said to demonstrate intentional targeting of the Complainant and its gambling services. As to use, the Complainant contends that the Respondent operates an online betting and gambling website that imitates the Complainant's platform and branding in order to attract Internet users by creating confusion as to source, sponsorship, affiliation, or endorsement. The Complainant further argues that such conduct diverts customers, disrupts its business, and is intended for the Respondent's commercial gain, evidencing bad-faith registration and use under the Policy.

The Complainant requests transfer of the disputed domain name.

The Respondent

The Respondent did not reply to the Complainant's contentions.

RIGHTS

Paragraph 4(a)(i) of the Policy requires the Complainant to establish that the disputed domain name is identical or confusingly similar to a trade mark or service mark in which it has rights.

The Panel finds that the Complainant has established rights in the registered trade marks VIVATBET and VIVATBET CASINO, the registration details of which are set out above.

For the purpose of the first element of the Policy, the Panel notes that where a trade mark is registered in figurative form, the textual components of the mark may be relied upon where they are clearly recognizable within the mark. As noted on the relevant trade mark certificate, "The mark consists of two verbal elements, located in the central part of the mark's general composition and presented in capital standard font letters on a dark green background in one line, namely, the first of which is the word "VIVATBET", the first part of which ("VIVAT") is written in light green letters and the second part of which ("BET") is written in white letters, while the second is the word "CASINO", written in white letters." In the present case, the textual elements "VIVATBET" and "VIVATBET CASINO" are readily identifiable and constitute the dominant components of the Complainant's trade marks.

The disputed domain name incorporates the Complainant's VIVATBET trade mark in its entirety. The addition of the term "kasino" does not prevent a finding of confusing similarity. The Complainant's VIVATBET trade mark remains clearly recognizable within the disputed domain name.

The Panel further notes that the disputed domain name closely resembles the Complainant's VIVATBET CASINO trade mark, differing only through the substitution of the letter "k" for the letter "c" in the word "casino". Such a minor variation does not avoid a finding of confusing similarity. The relevant trade mark remains readily recognizable within the disputed domain name.

It is well established that the generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement and is generally disregarded for the purpose of the confusing similarity analysis.

> Accordingly, the Panel finds that the disputed domain name is confusingly similar to trade marks in which the Complainant has rights. The Complainant has therefore satisfied the requirements of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

Although the overall burden of proof in UDRP proceedings is on the complainant, 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", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Complainant states that it has not licensed, authorized, or otherwise permitted the Respondent to use the trade marks VIVATBET or VIVATBET CASINO, or to register any domain name incorporating those marks.

The evidence provided by the Complainant indicates that the disputed domain name resolves to an online betting and gambling website. The Respondent's website displays the VIVATBET name and logo, uses a similar dark green/teal colour scheme with light green accents, and offers betting and gambling services comparable to those offered by the Complainant. In these circumstances, the Panel finds that the Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. Rather, the composition of the disputed domain name and the content of the Respondent's website support the conclusion that the Respondent is seeking to capitalize on the reputation of the Complainant's marks and to create a misleading impression of association with the Complainant. See Ritzio Purchase Limited, Dareos Inc., Dareos Ltd v. Private Whois, Global Domain Privacy Services Inc, Irina Polyakova, Grygorii Leontiev, GGS Ltd, Valerii Polinskyi, Vilardo Ltd, WIPO Case No. D2018-2015:

> "[…] the Domain Names are linked to webpages that impersonate Complainants' websites. These replica sites copy Complainants' genuine sites. The evidence indicates that this has likely been done so that Respondents can perpetrate a scam and redirect users away from Complainants' sites. Respondents' use of the Domain Names in this manner does not give rise to any right or legitimate interest in them, especially where the Domain Names are confusingly similar to Complainants' VULKAN Marks."

There is also no evidence before the Panel that the Respondent has been commonly known by the disputed domain name or by the terms "VIVATBET" or "VIVATBET CASINO" to give rise to any claim of rights or legitimate interests pursuant to paragraph 4(c)(ii) of the Policy.

Nor is there any evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name under paragraph 4(c)(iii) of the Policy. The Respondent's website is manifestly commercial in nature, purporting to offer online betting and gambling services. The Panel notes that the disputed domain name itself wholly incorporates the Complainant's VIVATBET mark and closely reproduces the VIVATBET CASINO mark, differing only by the substitution of the letter "k" for the letter "c" in the word "casino". As a result, the disputed domain name carries a risk of implied affiliation with the Complainant, which further undermines any claim of fair use.

The Respondent has chosen not to submit a Response and therefore has provided no evidence capable of rebutting the Complainant's prima facie showing.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has therefore satisfied the requirements of paragraph 4(a)(ii) of the Policy.

BAD FAITH

The disputed domain name was registered on 11 May 2026, several years after the Complainant had acquired trade mark rights in VIVATBET and VIVATBET CASINO and commenced use of the VIVATBET brand in connection with its online betting and gambling services. The disputed domain name wholly incorporates the Complainant's VIVATBET mark and closely reproduces the VIVATBET CASINO mark. Given the close similarity between the disputed domain name and the Complainant's marks, the Panel considers it unlikely that the disputed domain name was selected independently of the Complainant and its trade mark rights. Rather, the Respondent's use of the VIVATBET trade mark on the Respondent's website and its operation of a betting and gambling platform under the title "Vivatbet Casino Suomi", which closely corresponds to the Complainant's branding and field of activity, supports the inference that the Respondent was aware of the Complainant and intentionally targeted the Complainant's marks when registering the disputed domain name. The Panel finds that the disputed domain name was registered with a view to taking unfair commercial advantage of the goodwill attached to the Complainant's trade marks and reputation in bad faith.

The Panel also notes that the Respondent has chosen not to participate in these proceedings or explain its conduct. While the absence of a Response is not, in itself, evidence of bad faith, it reinforces the inferences that can be drawn from the record. In particular, the Respondent appears to be located in Ukraine, while it operates a Finnish-language gambling website targeting Finnish consumers and claiming to operate under Estonian licences. In these circumstances, the Respondent's failure to provide any explanation for its activities further supports the conclusion that the disputed domain name was registered and is being used in bad faith.

The Panel further finds that by using the disputed domain name, the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy. See Ritzio Purchase Limited v. Domain Admin, PrivacyProtect.org / Timur Ziganshin / Lianna Tall, Escave Ltd / Private Whois, Global Domain Privacy Services Inc / Moniker Privacy Services, WIPO Case No. D2015-0875:

> "The Respondent (or at least persons on behalf of whom the Respondent has registered the Domain Names) has registered and is using the Domain Names in order to pass themselves off as the Complainant (or in some way authorised by the Complainant) when it is not, in order to thereby draw Internet users to gambling websites for commercial gain. Registration and use of a domain name for such a purpose is a classic example of registration and use in bad faith. So far as use is concerned it is activity that falls within the scope of paragraph 4(b)(iv) of the Policy".

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith. The Complainant has therefore satisfied the requirements 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

The Panel finds that the disputed domain name <vivatbetkasino.com> is confusingly similar to the Complainant's VIVATBET and VIVATBET CASINO trademarks.

The Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain name, which is being used for a commercial gambling website displaying the VIVATBET name and branding in a manner that created a misleading impression of association with the Complainant rather than any bona fide offering of goods or services.

The Panel further finds that the domain name was registered and is being used in bad faith. The disputed domain name was registered long after the Complainant had acquired trademark rights, the Respondent clearly targeted the Complainant's betting and gaming business by reproducing its mark and branding, and the disputed domain name has been used to attract Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's marks as to source, sponsorship, affiliation, or endorsement.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **vivatbetkasino.com** : Transferred

PANELLISTS

Name	**Jane Seager**

DATE OF PANEL DECISION 2026-09-28

Publish the Decision