Decision for dispute CAC-UDRP-109033

Case number	CAC-UDRP-109033
Time of filing	2026-10-01 09:47:31
Domain names	vivatbet1.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	MONTECY HOLDING LTD

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Gutans Juris

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:

European Union trademark for VIVATBET (device) registration No. 018434818 registered on August 29, 2022;

International trademark for VIVATBET (device) registration no. 1811977 registered on May 27, 2024; and

International trademark for VIVATBET CASINO (device) registration No. 1806055 registered on May 27, 2024.

All the above listed trademarks predate the registration of the disputed domain name.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant, MONTECY HOLDING LTD, is a Cyprus-headquartered company operating in the online gaming and betting sector

under the VIVATBET brand. The Complainant operates its official website at <vivatbet.eu>, through which it provides, inter alia, online casino, gaming and sports-betting services

The disputed domain name was registered on August 17, 2026.

The disputed domain name resolves to an active online casino website that prominently displays the VIVATBET name and logo. The website is titled “Vivatbet casino” and offers casino games, promotional bonuses, registration and login functions.

The evidence submitted by the Complainant further shows that previously, when clicking the “Register” button on the website at the disputed domain name, Internet users were redirected to a separate registration page at <sankra-a.com/cs/registration>, which invited them to create a gambling account. Currently, the same “Register“ button redirects to a similar registration page at <spinboss.com>, which likewise invites users to create a gambling account.

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.

Legal grounds:

1) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The disputed domain name <vivatbet1.com> wholly incorporates the Complainant’s registered VIVATBET trademark. The addition of the numeral “1” does not dispel the confusing similarity between the disputed domain name and the trademark.

The inclusion of the generic Top-Level Domain (gTLD) “.com” is a standard technical requirement and may be disregarded when assessing confusing similarity.

2) The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any way.

There is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks.

The Respondent has not been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services, nor is the Respondent making a legitimate non-commercial or fair use of the disputed domain name.

The structure of the disputed domain name—wholly incorporating the VIVATBET trademark—reflects the Respondent’s clear intention to create an association with the Complainant, thereby inducing a likelihood of confusion in the minds of Internet users regarding the Complainant, its VIVATBET trademark, and its business.

The website associated with the disputed domain name—which reproduces the VIVATBET name and logo while employing the same distinctive light-green and white VIVATBET trade dress—is specifically crafted to give users the false impression of an official connection with the Complainant and its VIVATBET trademark.

Previous panels have categorically ruled that the use of a domain name for illegal activities such as impersonation and other types of fraud can never confer rights or legitimate interests on a respondent.

3) The disputed domain name was registered and is being used in bad faith.

The Respondent registered the disputed domain name several years after the Complainant’s VIVATBET trademark was first registered. Furthermore, the structure of the disputed domain name, coupled with its use for a gambling website repeatedly featuring the Complainant’s VIVATBET trademark, clearly establishes that the Respondent had knowledge of the Complainant and its trademark when registering the disputed domain name.

Moreover, the Complainant claims that the Respondent’s implementation of a website that impersonates the Complainant and uses the VIVATBET branding, together with the redirection from the “Contact information” link to a SANKRA casino registration page, constitutes compelling evidence of the Respondent’s intentions at the time of registration. According to the Complainant, this confirms that the disputed domain name was selected because of its confusing similarity to the VIVATBET trademark and as a means to mislead Internet users seeking the Complainant’s website.

The Respondent’s registration and use of the disputed domain name therefore appear to be a deliberate attempt to attract Internet users for commercial gain by capitalizing on the reputation and goodwill of the Complainant’s trademark.

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

A) Confusing similarity

The disputed domain name contains the Complainant’s registered trademark VIVATBET in its entirety with the sole addition of the numeral “1”.

This Panel agrees with the Complainant's and previous Panels' view, that the addition of a generic term associated with a trademark does not create a new or different right to the mark or diminish confusing similarity.

B) Lack of legitimate rights or interests

The disputed domain name is a distinctive, non-descriptive name. It is unlikely that the Respondent registered the disputed domain name without having the Complainant in mind. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. In fact, it appears that the Respondent has used the disputed domain name for an unauthorised website displaying the Complainant’s trademark and offering services in direct competition with those offered by the Complainant. The Panel thus notes that the composition and use of the disputed domain name create a likelihood of confusion as to the Respondent’s relationship with the Complainant (where there is none). The Complainant’s assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does have rights or legitimate interests in the disputed domain name. The Respondent has made no attempt to do so.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C) Registered and Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain name was registered and has been used in bad faith.

Firstly, owing to the distinctiveness of the Complainant's trademark, and the use of the disputed domain name to resolve to a website offering services in direct competition with those offered by the Complainant under the name “VIVABET”, it is reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant’s trademarks when registering the disputed domain name.

Secondly, the Panel accepts the Complainant’s unchallenged assertion that the Respondent registered the disputed domain name with the aim of creating a likelihood of confusion with the Complainant’s trademark. In fact, the disputed domain name appears to

have been used to impersonate the Complainant or, at a minimum, to mislead Internet users by offering services in direct competition with those offered by the Complainant.

Thirdly, previous Panels have categorically ruled that the use of a domain name for illegal activities such as impersonation and other types of fraud constitutes bad faith use of the disputed domain name.

Finally, the Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **vivatbet1.com** : Transferred

PANELLISTS

Name	**Fabrizio Bedarida**

DATE OF PANEL DECISION 2026-11-02

Publish the Decision