

ADMINISTRATIVE PANEL DECISION

Navasard Limited v. abdullah al mamun

Case No. D2024-0635

1. The Parties

The Complainant is Navasard Limited, Cyprus, represented internally.

The Respondent is abdullah al mamun, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <1xbet.wiki> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 12, 2024. On February 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 2024, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 16, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on February 20, 2024. On March 11, 2024, the Respondent sent an email communication to the Center.

On March 18, 2024, the proceeding was suspended upon the Complainant’s request, and reinstated on March 26, 2024.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2024. The Respondent did not submit any formal substantive response but sent an informal communication on March 11, 2024 in which he claimed that the disputed domain name has not been used and that he was willing to transfer the disputed domain name. The proceeding has been suspended to explore settlement discussions and reinstated. On April 19, 2024, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed George R. F. Souter as the sole panelist in this matter on April 26, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, a company registered in Cyprus, has, since 2015, been offering sports betting services under the trademark 1XBET. 1XBET is currently one of the most recognised online sports betting brands in Eastern Europe.

The Complainant has provided the Panel with details of registrations of its 1XBET trademark in European Union registration number 013914254, registered on July 27, 2015 and European Union registration number 014227681, registered on September 21, 2015.

The disputed domain name was registered on November 26, 2023, and was inactive at the time when the Complaint was filed. As at the date of this Decision, it redirects to a Dan.com platform indicating "You will receive an update when the domain name 1xbet.wiki becomes available for sale again".

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its 1XBET trademark, containing merely the Complainant's 1XBET trademark in its entirety.

The Complainant contends that the Respondent lacks rights or legitimate interests to the disputed domain name, in particular that it has not granted permission the Respondent to use its 1XBET trademark in connection with registration of a domain name, or otherwise.

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

B. Respondent

The Respondent did not substantively reply to the Complainant's contentions. On March 11, 2024, the Respondent claimed that the disputed domain name was not used and that he was willing to transfer the disputed domain name.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel is convinced that the disputed domain name takes unfair advantage of the Complainant's trademark, and can envisage no reason for this other than an intention by the Respondent to unfairly profit therefrom. The Panel considers that this justifies a finding of registration in bad faith, and so finds. The informal communication from the Respondent on record further affirms the Panel's finding.

Panels have consistently found that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. The current offer for sale of the disputed domain name does not prevent a finding of bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <1xbet.wiki> be transferred to the Complainant.

/George R. F. Souter/

George R. F. Souter

Sole Panelist

Date: May 10, 2024