

## **ADMINISTRATIVE PANEL DECISION**

Kindred IP Limited v. United Betting, Group B.V.  
Case No. D2024-0904

### **1. The Parties**

The Complainant is Kindred IP Limited, Malta, represented by Gevers Legal NV, Belgium.

The Respondent is United Betting, Group B.V., Ukraine.

### **2. The Domain Name and Registrar**

The disputed domain name <unibahis.com> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 29, 2024. On February 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 29, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 4, 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 amended Complaint on March 5, 2024.

The Center verified that the Complaint together with the amended 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 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 4, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on April 10, 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 is a gambling and casino operator. It offers products such as online casino games, online poker, online bingo, and sports betting to around 25 million customers worldwide under various brands, including UNIBET.

The Complainant is the owner of a number of trademark registrations for the sign UNIBET (the “UNIBET trademark”), including the following:

- the International trademark UNIBET (word) with registration No. 736157, registered on June 15, 2000, for services in International Class 41 in numerous jurisdictions, including Türkiye;
- the International trademark UNIBET (combined) with registration No. 1238282, registered on December 1, 2014, for goods and services in International Classes 9, 28, 38 and 41 in numerous jurisdictions, including Türkiye and Ukraine;
- the European Union trademark UNIBET (word) with registration No. 007545718, registered on November 10, 2009, for goods and services in International Classes 28, 38 and 41; and
- the United States of America trademark UNIBET (combined) with registration No. 5912826, registered on November 19, 2019, for goods and services in International Classes 9, 28, 38 and 41.

The Complainant is also the owner of a number of trademark registrations for the sign “U” (the “U trademark”), including the following:

- the International trademark U (combined) with registration No. 1238281, registered on December 1, 2014, for goods and services in International Classes 9, 28, 38 and 41 in numerous jurisdictions, including Türkiye and Ukraine; and
- the European Union trademark U (combined) with registration No. 018031968, registered on July 11, 2019, for goods and services in International Classes 9, 28, 38 and 41.

The disputed domain name was registered on January 15, 2019. It resolves to a website that offers sports betting and casino games. In 2023, this website had a design and content that copied those of the Complainant’s website at “www.unibet.be”.

#### **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.

The Complainant states that the disputed domain name is confusingly similar to its UNIBET trademark. It submits that the term “unibahis” is highly similar to the UNIBET trademark, because “bahis” is the Turkish word for “bet”. The Complainant notes that the disputed domain name previously resolved to a website that displayed the same products as those offered by the Complainant, copied the design of the Complainant’s website, used a very similar logo, and included links to the Complainant’s website.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it has no trademark rights in UNIBAHIS and is not commonly known by the disputed domain name. The Complainant points out that it has not consented to the registration and use of the disputed domain name, and the Respondent is not using the same in connection with a bona fide offering of goods and services or making a legitimate noncommercial or fair use of it. The disputed domain name resolves to a misleading website that mirrors the Complainant’s website and offers sports betting and casino games, which makes it to appear as being operated or endorsed by the Complainant. The Complainant notes that the Respondent’s website identifies its provider as United Betting Group B.V., with an address in Curaçao, while according to the Whois data the Respondent is located in Ukraine.

The Complainant submits that the only purpose of using a highly similar and conceptually identical domain name and of copying the look and feel of the Complainant's website in relation to goods and services which directly compete with those being offered under the Complainant's trademark is to create the false impression that such website is being operated or endorsed by the Complainant. According to the Complainant, by doing so the Respondent is taking unfair advantage of the reputation and the distinctive character of the Complainant's UNIBET trademark.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. According to it, the Respondent cannot reasonably claim not being aware of the existence of the Complainant, its trademark, and activities at the time of registration of the disputed domain name. The Complainant notes that the disputed domain name was registered in 2019, while the Complainant's UNIBET trademark was first registered in 2000. The Complainant states that since then, it has developed into a multinational gambling company operating in more than 100 countries worldwide, and adds that its UNIBET trademark is registered in Ukraine and Türkiye, two countries with which the Respondent has a link, so the Respondent must have come across this trademark before registering the disputed domain name. According to the Complainant, the Respondent's knowledge about and targeting of the Complainant and its UNIBET trademark is further confirmed by the fact that the website at the disputed domain name was a copy of the Complainant's website and offers competing goods and services, which shows that the Respondent is using the disputed domain name to fraudulently impersonate the Complainant and to attract Internet users to the associated website in order to illegitimately obtain personal information and money from those of them who would be led to mistakenly believe they are interacting with the Complainant.

The Complainant also points out that the contact information about the Respondent appearing on the website at the disputed domain name does not correspond with the information disclosed by the Registrar, which according to the Complainant shows that the Respondent has used false contact information when registering the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Procedural issue – Location of the Respondent**

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition. The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The record shows that the Center's written notice could not be delivered by postal mail to the Respondent's mailing address disclosed by the Registrar, in terms of the paragraph 2(a)(i) of the Rules. However, it appears that the Center's Notification of Complaint and the written communication were delivered to the Registrar's privacy protection email address for the disputed domain name and at the privacy service postal address respectively. The Notification of Complaint and the written communication were also sent by the Center to the email addresses indicated on the Respondent's website, containing the disputed domain name "[...].@unibahis.com", and there is no indication that these communications were not successfully delivered to two of them.

The Respondent thus appears to have received notification of the Complaint and would have been able to formulate and file a Response in the administrative proceeding in case it wished to do so. It should also be

noted that the website at the disputed domain name indicates the location of the provider of the website as being in Curaçao, rather than in Ukraine.

The Panel concludes that the Respondent has been given a fair opportunity to present its case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

## **6.2. Substantive issues**

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of the UNIBET trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the UNIBET trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the UNIBET trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As noted by the Complainant, the disputed domain name contains the Turkish word "bahis", translated in English as "bet". This makes the disputed domain name appear as a Turkish language translation of the UNIBET trademark. As discussed in section 1.14 of the [WIPO Overview 3.0](#), a domain name that consists or is comprised of a translation or transliteration of a trademark will normally be found to be identical or confusingly similar to such trademark for purposes of standing under the Policy, where the trademark – or its variant – is incorporated into or otherwise recognizable, through such translation/transliteration, in the domain name. In the present case, the UNIBET trademark is recognizable, through the Turkish translation, in the disputed domain name.

As also summarized in section 1.15 of the [WIPO Overview 3.0](#), the content of the website associated with the domain name is usually disregarded by panels when assessing confusing similarity under the first element. In some instances, panels have however taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the disputed domain name. The evidence in this case shows that for a period of time the website at the disputed domain name did copy the look and feel of the Complainant's website and featured a slightly modified version of the Complainant's U trademark and logo, while offering sports betting and casino games as those offered by the Complainant. As further discussed in the following sections of this decision, this supports a conclusion that the Respondent is well aware of the Complainant and targets its UNIBET trademark with the registration and use of the disputed domain name, which further supports the conclusion for the confusing similarity between the disputed domain name and the UNIBET trademark.

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

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

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 evidence shows that the disputed domain name represents a Turkish language translation of the UNIBET trademark and that it has been used for a sports betting and casino website whose design and content mimicked the design and content of the Complainant's website, and which featured a confusingly similar variation of the Complainant's U trademark. In the absence of any allegation or evidence leading to a different conclusion, the Panel considers that the Respondent has attempted to confuse and attract visitors to its website by exploiting the goodwill of the Complainant's UNIBET and U trademarks in order to offer them services that compete with the services provided by the Complainant. Such activity cannot give rise to rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds that the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The disputed domain name appears as a Turkish translation of the UNIBET trademark of the Complainant, which was first registered 19 years earlier. It resolves to a website that in 2023 copied the look and feel of the Complainant's website. The design of the Respondent's website was later changed, but it still offers sports betting and casino games in competition with the Complainant. In view of this, and in the lack of any arguments or evidence supporting a different conclusion, it appears as more likely than not that the Respondent was aware of the Complainant's UNIBET trademark when registering the disputed domain name, and that by its registration and use, the Respondent has targeted the same trademark in an intentional attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the UNIBET trademark as to the source or affiliation of the services offered there.

The Panel therefore 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 <unibahis.com> be transferred to the Complainant.

*/Assen Alexiev/*

**Assen Alexiev**

Sole Panelist

Date: April 22, 2024