

ADMINISTRATIVE PANEL DECISION

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v.
Privacy Protect, LLC (PrivacyProtect.org) / Tanwa Chairat
Case No. D2022-2391

1. The Parties

Complainant is Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco, Monaco, represented by SAS De Gaulle Fleurance & Associés, France.

Respondent is Privacy Protect, LLC (PrivacyProtect.org), United States of America ("United States") / Tanwa Chairat, Thailand.

2. The Domain Name and Registrar

The disputed domain name <monaco8888.com> (hereinafter the "Disputed Domain Name") is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 30, 2022. On July 1, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 2, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on July 4, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint July 7, 2022.

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 Respondent of the Complaint, and the proceedings commenced on July 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 9, 2022.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on August 16, 2022. 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

Complainant is a company organized under the laws of Monaco that is most widely known for operating the Casino de Monte-Carlo. Since 1863, it has had a monopoly of the provision of casino gaming services in the Principality of Monaco, a monopoly granted by the state. Complainant now operates four casinos in Monaco (the Casino de Monte-Carlo, the Monte-Carlo Bay Casino, the Casino Café de Paris, and the Sun Casino), as well as a complete resort including 2 palaces and 2 deluxe hotels, 40 conference and banqueting rooms, 34 restaurants and bars, 3 spas, and a cultural and leisure venue.

The Casino de Monte Carlo has been referenced in multiple novels and films, including the book “Rebecca”, by Daphne Du Maurier, and films such as the James Bond films “Goldeneye” and “Never Say Never Again”.

Complainant owns multiple trademark registrations issued from the Principality of Monaco, for the marks that incorporate the MONACO mark in connection with gaming services mark. Of relevance to this proceeding are CASINO DE MONACO (Reg. No. 02.23234, September 30, 2002), MONACOPOKER (Reg. No, 09.27380, May 26, 2009), MONACOBET (Reg. No, 09.27373, May 26, 2009), MONACOSPORTBET (Reg. No, 09.27370, May 26, 2009), MONACOWIN (Reg. No, 09.27372, May 26, 2009), MONACOGAMING (Reg. No. 09.27371, Registered May 26, 2009) (the “MONACO Marks”).

Respondent registered the Disputed Domain Name on March 6, 2022, long after Complainant registered its MONACO Marks. The Disputed Domain Name resolves to what appears to be a Thai language online casino.

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to its MONACO Marks, as the Disputed Domain Name incorporates the term MONACO in connection with gaming services. Complainant further alleges that the addition of “8888” after MONACO increases the likelihood of confusion because the number “8” is commonly placed within domain names to signal that the relevant website offers online casino and gambling services, as the number string “8888” is considered lucky in the gambling and gaming industries. Complainant points to prior decisions from other Panels that have found domains incorporating the term MONACO with the number 8 to be confusingly similar to the MONACO Marks (e.g., *Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Tanwa Chairat*, WIPO Case No. [D2021-3797](#) involving <monaco-88.com>; and *Société Anonyme des Bains de Mer et du Cercle Des Etrangers à Monaco v. Private, Domains By Proxy, Llc / Powermight Technology Limited*, WIPO Case No. [D2017-1364](#) involving <monaco88eu.com>).

Next, Complainant states that Respondent has no rights or legitimate interests in the Disputed Domain Name, as Respondent does not own any trademark registrations for MONACO8888 or variations thereof, and because Complainant has not authorized Respondent to use the Disputed Domain Name. According to Complainant, Respondent has not made a *bona fide* use of the Disputed Domain Name because it registered the Disputed Domain Name in bad faith.

Finally, Complainant alleges that Respondent registered and continues to use the Disputed Domain Name in bad faith. Complainant finds that it would be impossible for Respondent to have been unaware of the MONACO Marks at the time it registered the Disputed Domain Name, and therefore, Respondent

intentionally chose a confusingly similar domain name to attract, for commercial gain, Internet users to the website associated with the Disputed Domain Name. Furthermore, Respondent uses the Disputed Domain Name in connection with online gambling services, which are competitive with the casino services provided by Complainant. Complainant also notes that the webpage associated with the Disputed Domain Name is identical to the website that resolved from <monaco-88.com>, the domain name that was the subject of *Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Tanwa Chairat, supra*. In fact, the header of the Disputed Domain Name reads “MONACO 88”. Therefore, Complainant contends that when “monaco-88” was transferred to Complainant, the prior respondent registered the Disputed Domain Name. The website associated with the Disputed Domain Name also offers an illegal hacking program designed to let users earn more winnings. According to Complainant, the offering of illegal services is evidence of bad faith use and simultaneously damages Complainant’s reputation and the goodwill in the MONACO Marks.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant’s trademark registrations establish that it has rights in the MONACO Marks. The Panel further finds that the Disputed Domain Name is confusingly similar to Complainant’s Mark based on its use of the MONACO mark in connection with online gambling services. Respondent’s incorporation of the numbers “8888” increases the likelihood of confusion – considered under the second and third elements – due to the numeral’s association with luck and gambling. Additionally, in light of Complainant’s monopoly over gambling services in Monaco, Respondent’s incorporation of the MONACO mark in the Disputed Domain Name for use in connection with gambling services further affirms the confusing similarity between the MONACO Marks and the Disputed Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at sections 1.7 and 1.15

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent’s lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its trademark. Respondent also has not answered this Complaint and there is no evidence or reason to suggest Respondent is, in fact, commonly known by the Disputed Domain Name or that Respondent is using the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

Furthermore, Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) “can never confer rights or legitimate interests on a respondent.” ([WIPO Overview 3.0](#), section 2.13.1). Here, Respondent is using the Disputed Domain in part to offer hacking services in order to illegally increase winnings. Respondent does not have a legitimate interest in the Disputed Domain Name.

In light of the above, the Panel finds that Respondent does not have rights or a legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent registered and used the Disputed Domain Name in bad faith, fully aware of Complainant’s rights. The bad faith displayed here is particularly egregious as Respondent registered the

Disputed Domain Name March 6, 2022, barely two months after a prior Panel found that Respondent registered and used in bad faith the domain name <monaco-88.com> (*Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Tanwa Chairat, supra*, dated January 28, 2022). After that transfer order, Respondent copied the content from the transferred domain name and published the identical content again in association with the Disputed Domain Name.

The Panel accordingly finds that Respondent registered and used the Disputed Domain Name in bad faith. See *Novomatic AG v. Whoisguard Protected, Whoisguard Inc. / Molly Rita Roselie, Kofler Limited and Private Whois, Global Domain Privacy Services Inc. / Gorbaz Akbar*, WIPO Case No. [D2017-1960](#).

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 <monaco8888.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: August 30, 2022