

## **ADMINISTRATIVE PANEL DECISION**

Bailamia Investments Ltd v. Cooper deny  
Case No. D2025-0593

### **1. The Parties**

The Complainant is Bailamia Investments Ltd, Cyprus, internally represented.

The Respondent is Cooper deny, Armenia.

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

The disputed domain name <chile-jugabet.com> is registered with Gname.com Pte. Ltd. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 14, 2025. On February 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 18, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 February 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 19, 2025.

The Center appointed Gonçalo M. C. Da Cunha Ferreira as the sole panelist in this matter on March 24, 2025. 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 an investments company incorporated in Cyprus, operating in the field of online sports betting and owns the following trademarks:

- International Trademark Registration No. 1760275 for the word and device mark JUGABET, registered on August 9, 2023, in Class 41;
- Cyprus Trademark Registration No. 93692 for the word and device mark JUGABET, registered on November 14, 2023, in Class 41;
- Uruguay Trademark Registration No. 563230 for the word and device mark JUGABET, registered on September 10, 2024, in Class 41 (the "JUGABET Marks").

The disputed domain name was registered on September 17, 2024.

At the time of filing the Complaint, the disputed domain name resolved to a website offering competing services with a similar web design as the Complainant's website and displaying the JUGABET Marks. On the date the Panel issued this Decision, the disputed domain name pointed to a "Connection timed out Error code 522" message.

#### **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:

1. the disputed domain name includes the designation "chile-jugabet.com" which is confusingly similar to the Complainant's marks JUGABET.
2. the element "chile" is descriptive to the geographical indication of the country Chile, where the Complainant holds a national trademark.
3. the disputed domain name shall be considered as identical or confusingly similar to the Complainant's trademarks.
4. the website operated under the disputed domain name does not offer any genuine services other than deliberately and illegally soliciting customers.
5. the disputed domain name was not registered by the Complainant nor by any of its affiliated companies or licensees.
6. the Respondent is not in any way affiliated with the Complainant or otherwise authorized or licensed to use the Complainant's trademark JUGABET.
7. the Respondent chose the disputed domain name in an effort to capitalize on the Complainant's famous trademark.
8. the Respondent is operating in the field of online sports betting as the Complainant, but provides its own services under JUGABET trademark, using similar web design with legally using JUGABET trademark companies.
9. the disputed domain name leads to a site which features trademarks JUGABET.
10. the disputed domain name currently leads to a site that features trademarks and copies the design, logos, commercial names, and layout of sections from the websites operated by the Complainant's affiliates involved in online gaming and gambling services.
11. the Respondent is luring and stealing the Complainant's clients by creating confusion through the use of similar colors and logo on the site operated under the disputed domain name, which is identical to those used by the Complainant's brand and trademark.
12. the Respondent carries out betting activities on the website under JUGABET trademark without the necessary licenses and permits, negatively affecting the Complainant's business reputation.

13. the disputed domain name is used in bad faith and for the sole purpose of deceitfully leading the potential and current customers of the sites legally operated by the companies affiliated with the Complainant under the brand JUGABET

14. the word “jugabet” incorporated in the said trademarks is a fictitious word, it is very unlikely that the Respondent has registered the disputed domain name not having knowledge on the Complainant’s trademarks.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 a trademark or service mark for the purposes of the Policy. [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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, such as “chile” may bear on the assessment of the second and third elements, the Panel finds, as in other cases – see *Conforama France v. Benjamin Kouassi* (WIPO Case No. [D2021-1166](#)) - that the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy, as stated in [WIPO Overview 3.0](#), section 1.8.

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.

Panels have held that the use of a domain name for illegitimate activity, such as luring customers to an impersonating website and creating confusion with a recognized trademark, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds 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.

In the present case, the Panel notes that the Respondent has engaged in bad faith registration and use by deliberately choosing a domain name that is confusingly similar to the Complainant's trademark JUGABET thereby creating a likelihood of confusion among consumers. The Respondent has also failed to provide accurate contact information, which indicates an intention to conceal its identity and avoid accountability, aligning with the circumstances outlined in the Policy. Additionally, the Respondent's website misleads users by resolving to a competing/impersonating site displaying the JUGABET Marks, demonstrating an intention to disrupt the Complainant's business and attract customers for commercial gain.

Moreover, the geographical term "chile" added to the Complainant's JUGABET trademark in the disputed domain name, refers to one of the countries where the Complainant operates. Therefore, it further emphasizes the Respondent's intent to create confusion and that the Respondent registered the disputed domain name in bad faith.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, as evidenced by the misleading design and content of its website.

Panels have held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy, as it involves the deliberate attempt to mislead consumers by impersonating the Complainant and disrupt the Complainant's business. The Respondent's actions, including the imitation of the Complainant's branding and the provision of false contact information, indicate an intent to engage in illegitimate activity aimed at profiting from confusion with the Complainant's mark.

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 <chile-jugabet.com> be transferred to the Complainant.

*/Gonçalo M. C. Da Cunha Ferreira/*  
**Gonçalo M. C. Da Cunha Ferreira**

Sole Panelist

Date: April 7, 2025