

ADMINISTRATIVE PANEL DECISION

Mobility SAS v. Juan Videla
Case No. D2025-0774

1. The Parties

The Complainant is Mobility SAS, France, represented by AMAR GOUSSU STAUB Selas, France.

The Respondent is Juan Videla, Argentina.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 2025, 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 February 28, 2025.

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 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent submitted two email communications on February 27 and 28, 2025. On March 26, 2025, the Center notified the Commencement of Panel Appointment Process.

The Center appointed Assen Alexiev as the sole panelist in this matter on March 28, 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 a French company, established in 2018. According to the Complaint, in 2021 it commenced offering NOVA GAMING-branded products related to office automation and gaming. The Complainant operates its official website at the domain name <novagaming.tech>, registered on July 30, 2024.

The Complainant is the owner of the following trademark registrations for “NOVA GAMING” (the “NOVA GAMING trademark”):

- the French trademark NOVA GAMING (word) with registration No. 4728283, registered on July 2, 2021 for goods in International Class 9; and
- the French trademark NOVA GAMING (combined) with registration No. 4726481, registered on October 15, 2021 for goods in International Class 9.

The disputed domain name was registered on April 21, 2004. It is currently inactive. At the time of the filing of the Complaint it displayed an error 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.

The Complainant submits that the disputed domain name is confusingly similar to the NOVA GAMING trademark, because it contains the trademark in its entirety. The Complainant states that it has continuously exploited the NOVA GAMING trademark since at least 2021, the date of its registration.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it has not acquired any trademark rights in the European Union or elsewhere and notably in Argentina, and there is no relationship between the Parties that would entitle the Respondent to use the Complainant's NOVA GAMING trademark.

The Complainant submits that the Respondent is not actively using the disputed domain name. It notes that in 2004 the disputed domain name resolved to a blank page, then to erotic and casinos advertisements in 2005 and 2006, again to a blank page between 2007 and 2012, to a webpage with commercial links in 2012 and 2013, that it returned Server Error 404 between 2013 and 2021, was listed for sale between 2021 and 2024, and that now in 2025 it again returns Server Error 404, while still being offered for sale on the Sedo platform with a minimum resale price of USD 20,000. According to the Complainant, this is a profit-seeking strategy to the detriment of the legitimate owner of the NOVA GAMING trademark, which also prevents the Complainant which has a legitimate interest in exploiting the disputed domain name in preference to the <novagaming.tech> domain name that was registered in spite of it.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It states that it is not in a position to offer the minimum price required by the Respondent for the purchase of the disputed domain name, and that due to the technical set up of the Sedo website, the Respondent cannot offer to purchase the disputed domain name at a value closer to the cost of the registration and maintenance of the disputed domain name on an annual basis together with the cost of these proceedings. The Complainant concludes that the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the owner of the related trademark or service mark (like the trademark registered by the Complainant) or to a competitor of that Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name.

B. Respondent

The Respondent did not submit a formal response, but submits in two email communications that the Complaint has no merit. He points out that the disputed domain name was registered in 2004, which is 17 years before the Complainant registered its trademark in 2021.

The Respondent maintains that the disputed domain name was not registered with the intention of harming or extorting the Complainant, and adds that he had no prior knowledge of the Complainant's company, that he has never contacted the Complainant to offer the disputed domain name for sale, and that he has never used the disputed domain name to promote products similar to those of the Complainant.

According to the Respondent, the Complaint is an attempt at Reverse Domain Name Hijacking and that the Complainant attempts to illegitimately acquire the disputed domain name through an abuse of the dispute resolution process.

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 the NOVA GAMING trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The fact that the disputed domain name was registered before the Complainant acquired trademark rights does not by itself preclude the Complainant's standing to file the present UDRP case or a finding of identity or confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.1.3.

The entirety of the NOVA GAMING trademark is reproduced within the disputed domain name with the omission of the interval between the words "nova" and "gaming", which interval is not technically allowed in domain names. Accordingly, the disputed domain name is confusingly similar to the NOVA GAMING trademark 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

Since the Complainant has failed to establish the third element of the Policy under Section C below, the Panel determines that there is no need to address the present Section.

C. Registered and Used in Bad Faith

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds that the Respondent did not register the disputed domain name in bad faith targeting of the Complainant or its trademark rights because the Complainant had no trademark rights at the time the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1.

The disputed domain name was registered in 2004, and the evidence submitted by the Complainant shows that the Complainant itself was established in 2018. In its own admission, it started using the NOVA GAMING trademark only in 2021. It is not possible that the Respondent, based in Argentina, may have

known in 2004 that the Complainant would be established 14 years later in France, and that it would adopt the NOVA GAMING trademark three more years later. In such circumstances, the Respondent cannot have registered the disputed domain name in bad faith targeting the Complainant's trademark.

Since the Policy contains a cumulative requirement for registration and use of a domain name in bad faith, this necessarily means that its third element has not been established, and the Panel so finds.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. [WIPO Overview 3.0](#), section 4.16.

The Complainant is represented by counsel. It alleges that the disputed domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring its registration to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name. The Complainant however makes this allegation without addressing at all the fact that the disputed domain name was registered many years before the Complainant and its trademark started to exist. It must have been evident to the Complainant and to its counsel that in such circumstances it is unlikely for the Respondent to have targeted the Complainant with the registration of the disputed domain name, and that the Complaint cannot succeed. The Complainant however filed the Complaint.

Considering the above, the Panel finds that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: April 11, 2025