

ADMINISTRATIVE PANEL DECISION

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v.
li hu, shen zhen shi xin yi cheng ke ji you xian gong si, chen long he, xiang
yang shi xiao wang shu shang mao you xian gong si
Case No. D2025-1278

1. The Parties

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

The Respondents are li hu, shen zhen shi xin yi cheng ke ji you xian gong si, China, chen long he, xiang yang shi xiao wang shu shang mao you xian gong si, China.

2. The Domain Names and Registrar

The disputed domain names <monte-carlo.top> and <monte-carlo.vip> are registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 28, 2025. On March 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 1, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 April 8, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint in English on April 11, 2025.

On April 8, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On April 11, 2025, the Complainant requested English to be the language of the proceeding. The Respondents did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on April 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 7, 2025.

The Center appointed Joseph Simone as the sole panelist in this matter on May 13, 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 was founded on April 6, 1863 by a Sovereign Decree passed by Prince Charles III. Its main shareholders are the Principality of Monaco and the House of Grimaldi. The Complainant now employs almost 3,000 people and is the largest employer in Monaco.

Since 1863, the Complainant has operated the Casino de Monte-Carlo, one of the most famous casinos in the world. The Casino de Monte-Carlo has been featured in many well-known films, books, television programs and magazine and newspaper articles, such that it has become iconic. For example, the Casino de Monte-Carlo has been referenced or used as a setting in novels such as “Rebecca”, by Daphne Du Maurier, and films such as the James Bond films “Goldeneye” and “Never Say Never Again”, amongst others. The Complainant’s trade marks or premises have also been featured in several other films including “Cars 2”, “Ocean’s Twelve”, “Iron Man 2”, and “Madagascar 3”.

The Complainant has an extensive global portfolio of trade marks incorporating the name MONTE CARLO and CASINO DE MONTE CARLO, including the following:

- Monaco Trade Mark Registration MONTE CARLO No. 14.30170 in Class 41, registered on February 12, 2014; and
- Monaco Trade Mark Registration CASINO DE MONTE-CARLO No. 96.17407 in Classes 3, 7, 9, 12, 14, 16, 18, 28, 34, 35, 38, 39, 41, 42, 43 and 45, registered on October 30, 1996.

The disputed domain names were registered on June 14, 2024.

The evidence provided by the Complainant indicates that, at the time of filing the Complaint, the disputed domain names resolved to the same page offering an online gambling platform.

At the time of issuance of this Decision, the disputed domain names resolved to an error page.

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 names.

Notably, the Complainant contends that the disputed domain names registered by the Respondents are confusingly similar to the Complainant's MONTE-CARLO trade marks, and that the addition of the Top-Level Domain ("TLD") does not affect the analysis as to whether the disputed domain names are identical or confusingly similar to the Complainant's trade marks.

The Complainant asserts that it has not authorized the Respondents to use the MONTE-CARLO marks, and there is no evidence to suggest that the Respondents have used, or undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services.

The Complainant also claims there is no evidence indicating that the Respondents have any connection to the MONTE-CARLO mark in any way, and that there is no plausible good-faith reason for the Respondent to have registered the disputed domain names.

The Complainant submits that the Respondent acquired the disputed domain names for the purpose of intentionally attempting to attract, for commercial gain, Internet users to the associated websites or other online locations, by offering an online gambling website to unduly benefit from the Complainant's notoriety.

B. Respondent

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are in fact the same entity or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that:

- the disputed domain names were registered on the same day with a same Registrar;
- the disputed domain names resolve to virtually identical websites; and
- neither of the Respondents have come forward to deny common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for the following reasons:

- the Complainant is unable to communicate in Chinese and requiring it to submit documents in this language would lead to delay and cause the Complainant to incur translation expenses; and
- the disputed domain names resolved to websites available in well-written and understandable English.

The Respondent did not make any submissions with respect to the language of the proceeding, did not file any response and has taken no part in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel must act in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 trade mark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

The Panel acknowledges that the Complainant has established rights in the MONTE CARLO trade marks.

Disregarding the TLDs ".vip" and ".top" and the hyphen ("-"), the disputed domain names incorporate the Complainant's trade mark MONTE CARLO in its entirety. Thus, the disputed domain names should be regarded as identical to the Complainant's MONTE CARLO trade mark. [WIPO Overview 3.0](#), sections 1.7.

The Panel therefore finds that the Complainant satisfies the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the MONTE CARLO trade mark and in showing that the disputed domain names are identical to its mark.

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 respondent is required to present relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails produce such evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Having reviewed the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain names. Meanwhile, no evidence has been provided to demonstrate that the Respondent, prior to the notice of the dispute, had used or demonstrated its preparation to use the disputed domain names in connection with a bona fide offering of goods or services.

There is also no evidence adduced to show that the Respondent has been commonly known by the disputed domain names or the Respondent is making a legitimate noncommercial or fair use of the disputed domain names. As such, the Panel concludes that the Respondent has failed to rebut the Complainant's prima facie showing of the Respondent's lack of rights or legitimate interests in the disputed domain names, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

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.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith ([WIPO Overview 3.0](#), section 3.2.1).

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain names.

In the present case, the disputed domain names were registered in 2024, well after the registration of the Complainant's MONTE CARLO trade mark. The disputed domain names incorporate the term "monte carlo" and were used in connection with the type of services that the Complainant provides, i.e., gambling. The evidence on record shows that the Complainant is well-known in the field of gambling. In these circumstances, the Panel finds it more likely than not that the Respondent was aware of the Complainant when it registered the disputed domain names.

As regards use, the disputed domain names resolve to websites that offer the same type of services that the Complainant provides, but they are not in fact associated with the Complainant. In view of the circumstances, the Panel finds that by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites or of services on those websites within the terms of paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the disputed domain names were registered and is being used in bad faith.

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 names <monte-carlo.top> and <monte-carlo.vip> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: May 27, 2025