

## **ADMINISTRATIVE PANEL DECISION**

Merryvale Limited v. Sin Sineth  
Case No. D2025-4405

### **1. The Parties**

The Complainant is Merryvale Limited, Guernsey, represented by Herzog, Fox & Neeman, Israel.

The Respondent is Sin Sineth, Cambodia.

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

The disputed domain name <betwayplay.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 October 26, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 27, 2025, 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/ Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 28, 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 October 29, 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 November 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 9, 2025.

The Center appointed Masato Dogauchi as the sole panelist in this matter on December 12, 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 member of Super Group (SGHC) Limited (“Super Group”), which is listed on the New York Stock Exchange. Super Group is the holding company of leading global online sports betting and gaming businesses. The name of BETWAY is one of the brands used by the Complainant which entered the online gaming market in 2006. Its website (“www.betway.com”) is attracting over 4,811,800 million users worldwide in 2024, and maintaining a current monthly average of 425,500 registered and active customers.

The Complainant has registered its BETWAY trademark in many countries, such as:

- Indian Registration for BETWAY No. 3202826, registered on March 4, 2016;
- United Kingdom Registration for BETWAY No. UK00003234076 registered on August 18, 2017; and
- Japanese Registration for BETWAY No. 5875378, registered on August 19, 2016.

The disputed domain name was registered on December 17, 2024. It resolves to a website using the Complainant’s BETWAY trademark, copying the look and feel of the Complainant’s official website, and offering online gaming and gambling services similar to those provided by the Complainant. At the bottom of the website, it displays “Betway Official Website”.

#### **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.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any substantive arguments in this case, the following decision is rendered on the basis of the Complainant’s contentions and other evidence submitted by the Complainant.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainant must prove each of the following:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

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

The disputed domain name includes the Complainant's BETWAY trademark as a whole. Such fact supports a finding that the disputed domain name is identical or confusingly similar to the Complainant's BETWAY trademark. It is also well established in prior UDRP decisions that the addition of the term "play" does not prevent a finding of confusing similarity. The applicable Top-Level Domain ".com" contained in the disputed domain name should be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), sections 1.8 and 1.11.1.

Accordingly, 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.

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name and the Respondent did not come forward with relevant evidence rebutting the prima facie case. Further, the disputed domain name resolves to a website using the Complainant's BETWAY trademark, copying the look and feel of the Complainant's website, and offering online gaming and gambling services similar to those provided by the Complainant. Such facts are enough to determine that the Respondent has no rights or legitimate interests in the disputed domain name.

Accordingly, 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, in consideration of the fact that the Complainant has been doing business in the online gaming market since 2006, it is unlikely that the Respondent was unaware of the Complainant's BETWAY trademark at the time of registration of the disputed domain name on December 17, 2024, particularly noting the use of the Complainant's trademark on the website at the disputed domain name. Therefore, the Panel finds that the Respondent registered the disputed domain name in bad faith.

On the other hand, with regard to the requirement that the disputed domain name is being used in bad faith, the facts that the disputed domain name resolves to a website using the Complainant's BETWAY trademark, copying the look and feel of the Complainant's website, and offering online gaming and gambling services similar to those provided by the Complainant with a line at the bottom of the website "Betway Official Website" would have Internet users believe the website is run by the Complainant. This is a typical example of the bad faith registration and use under the Policy, paragraph 4(b)(iv).

Accordingly, 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 <betwayplay.com> be transferred to the Complainant.

/Masato Dogauchi/

**Masato Dogauchi**

Sole Panelist

Date: December 17, 2025