ADMINISTRATIVE PANEL DECISION

Play North Ltd v. Fortaprime SRL
Case No. D2025-4408

1. The Parties

The Complainant is Play North Ltd, Malta, represented by BarentsKrans N.V., Netherlands (Kingdom of the) ("the Netherlands").

The Respondent is Fortaprime SRL, Costa Rica.

2. The Domain Name and Registrar

The disputed domain name <kaasino.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 27, 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 28, 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 (Name unknown/Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 November 3, 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 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 25, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on December 1, 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.

On December 9, 2025, the Panel issued Procedural Order No.1, directing that a further copy of the Notification of Complaint and Commencement of Administrative Proceedings, along with the Complaint and annexes to the Complaint, be sent to the Respondent c/o an email address that had been used by the Respondent to communicate with the Complainant, and that the date for the Response be extended until December 16, 2025. The Respondent did not submit any response by the extended date.

4. Factual Background

The Complainant is a provider of online gambling services. It is licensed to offer remote gambling services in the Netherlands and has operated a website at "www.kansino.nl" since 2021.

The Complainant is the owner of trademark registrations for or including the mark KANSINO, including for example:

- Benelux trademark registration number 1458804 for the word mark KANSINO, registered on February 3, 2022; and

- European Union trademark registration number 018897737 for a figurative mark KANSINO.NL, registered on November 14, 2023.

The disputed domain name was first registered on September 11, 2017. As further discussed below, the Complainant submits (and the Respondent has not disputed) that the Respondent acquired the disputed domain name on a date in 2024.

The disputed domain name has resolved to a website at "www.kaasino.com", headed "KAASINO" in a stylized form and appearing to offer online gambling services.

5. Parties' Contentions

A. Complainant

The Complainant states that it is one of the five largest online gambling operators in the Netherlands. While it does not provide any financial information relating to its use of the KANSINO trademark, it exhibits evidence of "brand tracker" results, advertising of the brand on Facebook and Instagram, other press and media advertising, and shirt sponsorship of the AZ Alkmaar Eredivisie football team. The Complainant submits that its KANSINO trademark has acquired significant distinctiveness through use.

The Complainant contends that the disputed domain name is confusingly similar to its KANSINO trademark, differing from that trademark only by a minor, one-letter variation.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It asserts that it has established that the Respondent does not have a Netherlands gambling license and is therefore offering its services illegally. It cites prior decisions under the UDRP in support of the proposition that the use of a domain name for the purpose of illegal gambling can never confer rights or legitimate interests: e.g. *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. D2025-2779.

The Complainant contends that the Respondent's services are aimed at consumers within the Netherlands and are therefore targeting the Complainant's business. It provides evidence that the Respondent's website has offered services in the Dutch language, and claims that the Respondent offers a payment option via a service named “iDeal”, which is available only to Dutch Internet users, regardless of the country from which the website may be accessed.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that, while the disputed domain name was originally registered in 2017, it appears to have been acquired by the Respondent in 2024. It provides evidence in support of that contention, i.e. that no active use was made of the disputed domain name at any time prior to 2024, and that the Respondent’s website first appeared in about June 2024.

The Complainant contends that it is impossible for the Respondent to have been unaware of the Complainant and its KANSINO trademark at date it acquired the disputed domain name. It refers, in particular, to its sponsorship of the AZ Alkmaar football team, whereby its KANSINO trademark was prominently displayed on the players’ shirts between 2022 and 2025. It also notes that the Respondent offers precisely the same services as the Complainant, i.e. online gambling services.

The Complainant submits that the Respondent is using the disputed domain name to confuse Internet users into believing it must be owned or operated by the Complainant, and to attract those individuals to its own, illegal, gambling site in place of the Complainant’s. It argues that such activity both takes unfair advantage of the Complainant’s KANSINO trademark, and causes unfair detriment to the Complainant and the reputation of its trademark insofar as those users may suffer a negative experience. The Complainant exhibits evidence of a customer complaint based on the user’s mistaken belief that the Complainant was the operator of the Respondent’s website.

The Complainant contends that it attempted to resolve matters with the Respondent prior to commencing this proceeding. It exhibits the Respondent’s reply (although not its own originating communication), in which the Respondent asserts that the disputed domain name and the KANSINO trademark are visually and phonetically distinct, that both names are versions of the generic term “casino”, that its services are not restricted to the Netherlands and that it operates “a more generalized international gaming platform”, and that it has not received any evidence of actual customer confusion.

The Complainant requests the cancellation of the disputed domain name.

B. Respondent

The Respondent did not file a Response or participate in any manner in this proceeding, despite having been given an additional opportunity to do so by virtue of Procedural Order No.1 referred to above.

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

(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 under the Policy 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 established that it is the owner of registered trademark rights in the mark KANSINO. The disputed domain name is identical to that trademark but for the substitution of the letter "a" for the first letter "n" in the trademark. The Panel therefore finds, on both a visual and aural comparison, that the disputed domain name is confusingly similar to the Complainant's trademark.

The Panel therefore finds that the first element under the Policy has been established.

B. Rights or Legitimate Interests

The Respondent appears to offer an online gambling website. The Complainant submits that such website is targeted specifically at the Netherlands, but is illegal in the Netherlands since the Respondent does not have the requisite gambling license. The Respondent has not disputed either that its website specifically targets Netherlands consumers, or that it has no Netherlands gambling license. Nor does the Respondent offer any other submissions to the effect that its website represents a bona fide commercial venture operated without intent to benefit from the Complainant's established trademark rights[1].

As observed in section 2.13.1 of WIPO Overview 3.0, Panels have consistently held that the use of a domain name for illegal activity cannot confer rights or legitimate interests.

The Panel finds in the circumstances that the second element under the Policy is established.

C. Registered and Used in Bad Faith

Despite the Respondent having failed to file a Reply, it remains incumbent on the Complainant to demonstrate, on the balance of probabilities, that the disputed domain name was both registered, and has been used, in bad faith.

An immediate issue in this regard concerns the date of the Respondent's acquisition of the disputed domain name. The Complainant commenced using the KANSINO mark in 2021, and if the Respondent acquired the disputed domain name before that date, then it cannot have registered the disputed domain name with the Complainant's (then non-existent) trademark in mind. Although the disputed domain name was first registered in 2017, the Complainant submits that the Respondent acquired in 2024. It provides evidence in support of that contention, and the Respondent has provided no rebuttal. In the circumstances, the Panel finds that the Respondent is most likely to have acquired the disputed domain name in 2024.

The next issue is whether the Respondent had the Complainant's trademark in mind when it registered the disputed domain name in 2024, and did so for the purpose of taking unfair advantage of the Complainant's trademark rights. This requires more than a demonstration that the disputed domain name may infringe the Complainant's trademark, since the third element under the Policy cannot be established without actual bad faith intent.

[1] While the Complainant exhibits the Respondent's reply to pre-action correspondence, the Panel is not prepared to admit that reply (which among other matters, includes no supporting evidence or certification of accuracy as required by paragraph 5(c)(viii) of the Rules) in lieu of the Respondent's formal Response, and notes that in any case that reply would not be sufficient to lead to a finding of rights or legitimate interests for the Respondent under the Policy. The Respondent failed to file a Response either within the time originally specified under the Rules or within the extended time provided by the Panel under Procedural Order No.1, and despite a further copy of the Notification of Complaint and Commencement of Administrative Proceedings, along with the Complaint and annexes to the Complaint, having been provided to the c/o email address from which the Respondent had previously replied to the Complainant. The Panel finds that the Respondent is entitled to no further indulgence in these circumstances and, moreover, that its failure to provide a Response reflects negatively upon it in connection with both the second and third elements under the Policy.

The Panel is satisfied on the evidence that the Respondent was likely to have been aware of the Complainant's KANSINO mark when it registered the disputed domain name. The Complainant's trademark had been prominently promoted, not least by way of the shirt sponsorship of an Eredivisie football team, which would have received wide publicity. Moreover, the Respondent was entering the same online gambling marketplace in which the Complainant already had an established presence.

However, mere awareness of the Complainant's trademark is not necessarily sufficient to establish the Complainant's case: the Complainant must also show that the Respondent deliberately targeted that trademark, as opposed to proceeding independently of the Complainant's rights and without any intention of taking advantage of its established goodwill. Nor does the Panel find, in this particular case, that targeting is necessarily implied by the close similarity between the two names in question. In particular, the term "kaasino" could be argued to be a playful interpretation of the word "casino", and not therefore used specifically to call the Complainant's trademark to mind.

Based on the submissions and evidence available to it, however, the Panel finds – albeit by a narrow margin - that the Respondent is likely to have registered and used the disputed domain name with the Complainant's trademark in mind, and in order to benefit from the Complainant's goodwill attached to that trademark by causing confusion to Internet users. The key factor in the Panel's conclusion is the Complainant's case with supporting evidence that the Respondent registered and has used the disputed domain name specifically to target consumers in the Netherlands, including a Dutch language website and a payment method available only to Netherlands users. While these submissions could of course have been challenged by the Respondent, the Panel observes once again that the Respondent has chosen not to participate in the proceeding, despite having been given every opportunity to do so.

The Panel therefore finds, in particular, that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The fact that the Respondent appears to be operating in the Netherlands without a gambling license, and its failure to file a Reply, also add to the overall impression of bad faith.

The third element under the Policy is therefore established.

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 <kaasino.com> be cancelled.

/Steven A. Maier/
Steven A. Maier
Sole Panelist
Date: December 19, 2025