

ADMINISTRATIVE PANEL DECISION

Kanserle Dans Derneği v. Ivaylo Tsvetanov, Saros Digital Solutions Ltd.
Case No. D2025-5398

1. The Parties

The Complainant is Kanserle Dans Derneği, Türkiye, internally represented.

The Respondent is Ivaylo Tsvetanov, Saros Digital Solutions Ltd., United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <kanserledans.org> 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 December 24, 2025. On December 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 26, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 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 amendment to the Complaint on January 2, 2026.

The Center verified that the Complaint together with the amendment to 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 January 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 28, 2026.

The Center appointed Kaya Köklü as the sole panelist in this matter on February 3, 2026. 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 registered non-profit association established under the laws of Türkiye. It was officially founded on May 10, 2013, and has since been active in the field of public health awareness and patient support, with a particular focus on cancer-related diseases. Since 2013, the Complainant has used the name KANSERLE DANS (meaning “dance with cancer”) in connection with its activities and services. The Complainant has meanwhile gained wide public recognition in Türkiye, as evidenced in the Complaint by provided annual activity reports and press coverage.

The Respondent is reportedly located in the United Kingdom.

The disputed domain name was first registered by the Complainant on April 7, 2013, and continuously used in connection with the Complainant’s official website for over a decade. After the disputed domain name expired due to a failure to renew, the Respondent registered the disputed domain name in 2025 itself.

Since the Respondent’s registration in 2025, the disputed domain name has resolved to a website providing online gambling and betting services in the Turkish language under a third-party brand.

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.

It particularly argues that this is a typical drop-catching case, demonstrating the Respondent’s bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

As per paragraph 4(a) of the Policy, the complainant bears the burden of proving that all these requirements are fulfilled, even if a respondent has not substantively replied to the complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. D2007-1228.

Concerning the uncontested information provided by a complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in a complaint as true. Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0").

It is further noted that the Panel has taken note of the WIPO Overview 3.0 and, where appropriate, will decide consistently with the consensus views captured therein.

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 3.0, section 1.7.

The Complainant has shown rights in respect of the KANSERLE DANS trademark for the purposes of the Policy. Even though the Complainant has no registered trademark rights yet, it claimed unregistered trademark rights in the KANSERLE DANS trademark since at least its official founding in May 2013, which is the date at which the Complainant has conclusively established ownership by virtue of use the KANSERLE DANS trademark in public and commerce, evidenced by various documentation (including annual activity reports) submitted with the Complaint. The Respondent has not challenged the Complainant's rights in this trademark.

Consequently, the Panel finds the Complainant has established unregistered trademark rights in KANSERLE DANS for the purposes of the Policy. WIPO Overview 3.0, section 1.3.

The entirety of the KANSERLE DANS mark is reproduced within the disputed domain name with no other additions. Accordingly, the disputed domain name is identical to the KANSERLE DANS mark 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

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.

The Complainant particularly notes that the disputed domain name is identical to the Complainant's trademark and bears no relationship with any bona fide offering of goods or services by the Respondent. Instead, the Respondent is apparently seeking to freeride on the notoriety of the Complainant's trademark in Türkiye for its unrelated gambling and betting services in Turkish language. Furthermore, there is no evidence or even indication that the Respondent has been commonly known by the disputed domain name, nor that it has made any legitimate noncommercial or fair use of the disputed domain name.

The circumstances of the case therefore support the conclusion that the Respondent lacks any rights or legitimate interests in the disputed domain name.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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.

In the present case, the Panel notes that the circumstances of this case demonstrate that the disputed domain name was registered by the Respondent in bad faith. The disputed domain name had originally been registered and used by the Complainant for its official website for more than a decade before it lapsed due to a failure to renew. The Respondent registered the disputed domain name following this lapse, which is the date relevant in assessing bad faith. WIPO Overview 3.0, section 3.9. Given the identity between the disputed domain name and the Complainant's KANSERLE DANS trademark, and the prior long-standing use of the disputed domain name by the Complainant, the Panel finds it implausible that the Respondent was unaware of the Complainant or the KANSERLE DANS trademark at the time of its registration. In view of the Panel, the Respondent's registration rather constitutes an opportunistic attempt to take advantage of the Complainant's established rights and reputation, which additionally supports a finding of bad faith registration.

The disputed domain name is also being used in bad faith. Since its registration by the Respondent, the disputed domain name has resolved to a website offering online gambling and betting services in the Turkish language under an unrelated third-party brand. By using a domain name identical to the Complainant's trademark to attract Turkish speaking Internet users to such a website, the Respondent is intentionally attempting to create a likelihood of confusion with the Complainant's KANSERLE DANS mark as to source, sponsorship, affiliation, or endorsement, for commercial gain. This conduct falls within the scope of paragraph 4(b)(iv) of the Policy and further confirms that the disputed domain name has been registered and is being used in bad faith.

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 <kanserledans.org> be transferred to the Complainant.

Kaya Köklü

Sole Panelist

Date: February 17, 2026