

ADMINISTRATIVE PANEL DECISION

PULSUP LTD v. Ioan Cadis

Case No. DAU2025-0029

1. The Parties

The Complainant is PULSUP LTD, Cyprus, internally represented.

The Respondent is Ioan Cadis, Australia.

2. The Domain Name and Registrar

The disputed domain name <rocketplay.com.au> is registered with GoDaddy.com, LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 22, 2025. On July 23, 2025, the Center transmitted by email to GoDaddy.com, LLC a request for registrar verification in connection with the disputed domain name. On July 24, 2025, GoDaddy.com, LLC transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceeding commenced on July 30, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was August 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 20, 2025.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on August 24, 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

A. Complainant

The Complainant is a company incorporated in Cyprus and a provider since 2020 of online gambling and casino services to customers worldwide under the stylised figurative trade mark ROCKET PLAY (the “Trade Mark”), via its website at <rocketplay.com> (the “Complainant’s Website”).

The Complainant is the owner of three registrations in Australia for the Trade Mark, each filed on November 18, 2024 and entered on the Register June 26, 2025 – registration No. 2499913; registration No. 2499915; and registration No. 2499916.

B. Respondent

The nominal Respondent is apparently an individual located in Australia.

C. The Disputed Domain Name

The disputed domain name was first registered on September 7, 2021. The disputed domain name has been registered with GoDaddy.com, LLC by the current registrant since March 27, 2025.

D. Use of the Disputed Domain Name

The disputed domain name was until March 2025 not used in respect of an active website.

Since March 2025, the disputed domain name has been used in respect of a website (the “Respondent’s Website”) which impersonates and closely imitates the Complainant’s Website, by:

- (i) apparently offering online gambling and casino services;
- (ii) featuring a mark which mimics and contains the identical same wording as the Trade Mark;
- (iii) copying the colour scheme, layout, buttons and banner designs from the Complainant’s Website; and
- (iv) containing contact and support emails using the Complainant’s domain name <rocketplay.com>.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical to the Trade Mark, the Respondent has no rights or legitimate interests in respect of the disputed domain name, and the disputed domain name has been registered or subsequently used in bad faith.

Notably, the Complainant contends that the Respondent has registered and used the disputed domain name in order to unlawfully pass off the Respondent’s Website as a website of the Complainant; and that the Respondent’s bad faith is further demonstrated by its unsuccessful attempt to obtain registration of “RocketPlay” as a trade mark, by filing Australian trade mark application No. 2551984 on May 29, 2025, and in order to attempt to legitimise its unlawful conduct.¹

¹ The Panel notes that this application has a current status of “Published: Under examination” with the historical records indicating the last examination correspondence sent on June 16, 2025 being “Adverse Report (Examination) correspondence sent”.

B. Respondent

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

6. Discussion and Findings

The Complainant must prove each of the three elements in paragraph 4(a) of the Policy in order to prevail.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has rights in the Trade Mark.

Disregarding the country code Top-Level Domain, the disputed domain name is identical to the Trade Mark.

The Panel therefore finds that the disputed domain name is identical to the Trade Mark.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to the respondent of the dispute, the respondent's bona fide use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with an offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name even if the respondent has acquired no trade mark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the Trade Mark. The Panel finds on the record that there is therefore a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

Panels have held that the use of a domain name for illegal activity (here, as applicable to this case: impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.

The Respondent has failed to show that he has acquired any trade mark rights in respect of the disputed domain name or that the disputed domain name has been used in connection with a bona fide offering of goods or services. As referenced above, while it appears the Respondent filed an application for registration of a trade mark, it has not been registered. Moreover, noting the impersonating use on the Respondent's website, and lack of Response, the Panel finds it more likely than not that the Respondent has targeted the Complainant and its Trade Mark such that the present use could not be considered bona fide under the Policy. There has also been no evidence adduced to show that the Respondent has been commonly known by the disputed domain name; and there has been no evidence adduced to show that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

In light of the above uncontested matters, the Panel finds that the Respondent has failed to produce any evidence to establish genuine rights or legitimate interests in the disputed domain name.

C. Registered or Used in Bad Faith

Panels have held that the use of a domain name for illegal activity (here, as applicable to this case: impersonation/passing off, or other types of fraud) constitutes bad faith.

In light in particular of the manner of use of the disputed domain name via the Respondent's Website, the Panel concludes that the disputed domain name has been registered and 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 name <rocketplay.com.au> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Dated: September 7, 2025