

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Kieran Holmes

Case No. D2026-1508

1. The Parties

The Complainant is Novomatic AG, Austria, represented by Salomonowitz Attorneys-at-Law, Austria.

The Respondent is Kieran Holmes, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <bookofra-play.store> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2026. On April 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 10, 2026, 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 (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 2026, 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 April 20, 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 April 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2026.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on May 20, 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, founded in 1980, is an Austrian gaming technology group headquartered in Gumpoldskirchen, Austria. It employs more than 20,000 employees and has a turnover of over EUR 3.5 billion. It is one of the largest producers and operators of gaming technologies in the world, with operations spanning more than 90 countries. The Complainant develops, manufactures, and distributes gaming equipment, including slot machines and electronic gaming systems, and operates gaming venues under various brand names. The Complainant invests heavily in development of its games and enjoys a considerable reputation in the gaming industry. The Complainant forms part of the Novomatic group, which operates in numerous jurisdictions worldwide and offers gaming products and services under, inter alia, the trademark BOOK OF RA.

The Complainant is the owner of an international portfolio of trademark registrations for BOOK OF RA, including, inter alia:

- European Union Trademark No. 004451431 for BOOK OF RA, registered on May 24, 2006, in Class 9; and
- United States Trademark Registration No. 86306165 for BOOK OF RA, registered on August 25, 2015, in Classes 9 and 41.

The disputed domain name was registered on March 22, 2026 and the Complainant states that the disputed domain name was used in connection with a website offering gambling-related content and targeting the Complainant's BOOK OF RA trademark. Upon review of the record, the Panel notes that the disputed domain name currently resolves to an inactive or error page.

The Respondent is identified in the case record as "Kieran Holmes", with an address purportedly located in Afghanistan. The Panel notes that the record contains certain inconsistencies in the Respondent's contact details, including the combination of a purported address in Afghanistan with a United Kingdom telephone number.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's BOOK OF RA trademark, as it incorporates the trademark in its entirety together with the additional term "-play", which the Complainant submits is descriptive in the context of gaming and does not prevent a finding of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complainant, the Respondent is neither affiliated with nor authorized by the Complainant to use the BOOK OF RA trademark, and there is no evidence that the Respondent has been commonly known by the disputed domain name. The Complainant also submits that the disputed domain name has been used in connection with a website offering gambling-related content while prominently displaying the Complainant's BOOK OF RA trademark and associated promotional material, which the Complainant contends cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Complainant contends that the disputed domain name was registered and is being used in bad faith, as it was registered long after the Complainant had established trademark rights in BOOK OF RA and after the Complainant's gaming-related websites and products had become well known.

The Complainant submits that the Respondent was necessarily aware of the Complainant and its trademark rights when registering the disputed domain name, particularly as the disputed domain name incorporates the BOOK OF RA trademark in its entirety and was allegedly used in connection with gambling-related content referring to the Complainant's games, including allegedly counterfeit or unauthorized versions thereof. The Complainant further contends that the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered thereon.

B. Respondent

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

6. Discussion and Findings

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of another term here, "-play", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 that 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 3.1](#), 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 has not authorized, licensed, or otherwise permitted the Respondent to use the Complainant's BOOK OF RA trademark or to register the disputed domain name incorporating such trademark. There is also no evidence in the record that the Respondent is affiliated with the Complainant in any way or that the Respondent has been commonly known by the disputed domain name. The Panel also notes that the disputed domain name was previously used in connection with gambling-related content referring to the Complainant's BOOK OF RA games, including allegedly offering infringing slot games and providing gambling services. In the circumstances of this case, the Panel does not consider such use to constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under the Policy.

The Panel further notes that, at the time of this Decision, the disputed domain name resolves to an inactive or error page. In this regard, the Panel finds that holding a domain name passively, without making any use of it, does not confer any rights or legitimate interests in the disputed domain name on the Respondent in the circumstances of this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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, the Panel notes that the Respondent has registered a domain name which incorporates the Complainant's BOOK OF RA trademark in its entirety together with the term “-play”, which is closely related to the Complainant's gaming-related products and services. The Panel further notes that the Complainant's trademark registrations predate the registration of the disputed domain name on March 22, 2026, by several years. In the Panel's view, even a cursory Internet or trademark search at the time of registration of the disputed domain name would have revealed the Complainant's longstanding rights in the BOOK OF RA trademark and its use in connection with gaming-related products and services. In the circumstances of this case, the Panel finds that the Respondent was more likely than not aware of the Complainant and its trademark rights when registering the disputed domain name, which supports a finding of bad faith registration.

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 3.1](#), section 3.2.1.

The Panel notes that the disputed domain name was previously used in connection with gambling-related content referring to the Complainant's BOOK OF RA trademarks, including allegedly unauthorized or counterfeit versions. Such use amounts to an attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's BOOK OF RA trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the products or services offered thereon, which constitutes evidence of bad faith use under paragraph 4(b)(iv) of the Policy.

As to the current redirection of the disputed domain name to an inactive or error website, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and longstanding use of the Complainant's trademark, the composition of the disputed domain name and the implausibility of any good faith use by the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Finally, the Panel has exercised its powers under paragraph 10 of the Rules to undertake limited factual research into matters of public record, see [WIPO Overview 3.1](#), section 4.8. The Panel notes that the Respondent appears to have been the respondent in prior UDRP proceedings brought by the Complainant, including *Novomatic AG v. Kieran Holmes*, WIPO Case No. [D2025-1468](#), and *Novomatic AG v. Kieran Holmes*, WIPO Case No. [D2025-3668](#), in which the respective panels found that the disputed domain names had been registered and used in bad faith. The Panel considers these prior cases to provide further support for a finding that the Respondent has engaged in a pattern of bad faith conduct targeting the Complainant and its trademark rights, within the meaning of paragraph 4(b)(ii) of the Policy.

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 <bookofra-play.store> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: June 3, 2026