

ADMINISTRATIVE PANEL DECISION

Navasard Limited v. Privacy Protection / lin qingyang
Case No. D2022-1516

1. The Parties

The Complainant is Navasard Limited, Cyprus, internally represented.

The Respondent is Privacy Protection, United States of America / lin qingyang, United States of America.

2. The Domain Name and Registrar

The disputed domain name, <1xbet.network>, is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 27, 2022. On April 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 28, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 10, 2022, 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 May 10, 2022.

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 May 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 31, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 1, 2022.

The Center appointed David Stone as the sole panelist in this matter on June 16, 2022. 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 Navasard Limited, a limited liability company incorporated under the laws of Cyprus on March 9, 2015, and a well-known online sports betting brand in Eastern Europe.

The Complainant owns the following registered trade marks (the “Marks”), among others:

-  **1XBET**: European Union Trade Mark 1XBET (device), registration number 013914254, filed on April 7, 2015, and registered on July 27, 2015, in international classes 35, 41, and 42;
- **1XBET**: European Union Trade Mark 1XBET, registration number 014227681, filed on June 8, 2015, and registered on September 21, 2015, in international classes 35, 41, and 42.

The disputed domain name was registered on January 30, 2022, and resolves to an inactive website.

On February 23, 2022, the Complainant contacted the Registrar requesting the transfer of the disputed domain name to the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's Marks. Disregarding the Top-Level Domain (“TLD”), the disputed domain name is identical to the Complainant's 1XBET mark.

Additionally, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The word “1xbet” is being used in the disputed domain name without the Complainant's authorisation or consent. The Complainant's view is that the Respondent is potentially using the disputed domain name for the purpose of potentially re-selling it at a profit by taking advantage of the confusing similarity of the disputed domain name with the popular sports betting trademark held by the Complainant. The Complainant submits that the Respondent does not intend to make any legitimate use of the disputed domain name, that there is no offering of goods or services, and that the Respondent is not making any commercial or fair use of the disputed domain name. The Complainant concludes that the Respondent specifically used the word “1xbet” to mislead potential clients of the Complainant and to prevent the Complainant from using the disputed domain name.

Finally, the Complainant contends, by reference to the circumstances set out in paragraph 4(b) of the UDRP, that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the apparent lack of active use of a domain name or without any active attempt to sell or to contact the trade mark holder by the Respondent, does not prevent a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to succeed:

- (i) the disputed domain name is identical or confusingly similar to a trade mark 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

On the evidence provided by the Complainant, the Panel is satisfied that the Complainant has rights in the Marks. In assessing the identity or confusing similarity between the Marks and the disputed domain name, it is permissible to ignore the TLD “.network”. As the Complainant contends, the disputed domain name is identical to the 1XBET word mark.

The Panel concludes that the condition in paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out the criteria that determine whether a domain name registrant has rights or legitimate interests in a domain name:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* 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 misleadingly to divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant makes out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the burden shifts to the Respondent to prove that such rights and interests do exist. The Respondent has provided no evidence to prove this.

On the facts and contentions before the Panel, the Respondent has not demonstrated that it is commonly known by the disputed domain name, nor that it has been authorized to use the Complainant's Marks. The Respondent has not demonstrated use, or preparations for use, of the disputed domain name in connection with a *bona fide* offering of goods or services.

Further, the Respondent has submitted no evidence to prove its legitimate noncommercial or fair use.

In this combination of circumstances, where the disputed domain name is identical to one of the Marks and therefore creates an impression of association with the Complainant, where the Marks have been used without authorisation, and where there is no apparent use of the disputed domain name, the Panel finds that there is no plausible legitimate reason for the Respondent to choose the disputed domain name (see, for example, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

The Panel concludes that the condition in paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out the non-exhaustive criteria for bad faith. Generally, for the purposes of the Policy, bad faith constitutes registration and use of a domain name in order to:

- (i) sell, rent or transfer the domain name to the trade mark owner (or a competitor thereof) for a profit; or

- (ii) prevent the trade mark owner from registering its trade mark in a domain name, provided that the respondent is engaged in a pattern of such conduct; or
- (iii) disrupt the business of a competitor; or
- (iv) divert Internet traffic for commercial gain.

On the evidence put forward by the Complainant, both the registration of the disputed domain name and the use to which it has been put indicate bad faith on the part of the Respondent.

In relation to bad-faith registration, the Complainant's registration of the Marks significantly predates the registration of the disputed domain name. In addition to this, the use of an alphanumeric string in the disputed domain name that is identical to the Marks creates a composition that effectively impersonates the Complainant. In the absence of any contradictory evidence from the Respondent, the Panel finds that the Respondent was aware of the Marks at the time of registration.

In terms of bad-faith use, the disputed domain name is currently not being used by the Respondent and does not resolve to an active website. This does not constitute a positive action in bad faith, as would be the case if the disputed domain name contained sponsored links, for example. However, it is an established principle that passive holding of a domain name by the respondent such as in the present case, can still amount to the disputed domain name being used in bad faith (see *Ladbroke Group Plc v. Sonoma International LDC*, WIPO Case No. [D2002-0131](#), and section 3.3 of the [WIPO Overview 3.0](#)). In such circumstances, the Panel must examine all the facts of the case to determine whether the static holding page still amounts to bad-faith use by the Respondent.

The Panel concludes that the Respondent's passive holding of the disputed domain name does constitute bad-faith use. The reasoning is as follows:

- (i) the Marks have a strong reputation and are widely known;
- (ii) the Respondent has provided no evidence of any actual or contemplated good-faith use by it of the domain name; and
- (iii) there is no legitimate use of the disputed domain name by the Respondent.

The Panel concludes that the condition in paragraph 4(a)(iii) of the Policy is satisfied.

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, <1xbet.network>, be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: June 30, 2022