

## **ADMINISTRATIVE PANEL DECISION**

Maple Omnichannel Ltd. v. Mark Bregman  
Case No. D2024-3564

### **1. The Parties**

The Complainant is Maple Omnichannel Ltd., Cyprus, represented by Cuatrecasas Abogados, Spain.

The Respondent is Mark Bregman, Israel.

### **2. The Domain Name and Registrar**

The disputed domain name <play-uzu.com> is registered with IONOS SE (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2024. On September 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 5, 2024, 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 (Redacted for Privacy 1&1 Internet Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 2024, 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 September 12, 2024.

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 September 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 11, 2024. The Center sent an email communication to the Respondent regarding the Notification of Complaint on October 17, 2024, due to non-delivery reports associated with the Respondent’s email address. The Respondent sent an email communication to the Center on October 23, 2024, stating “...We need more time to study the materials sent

to you”, consequently, the Center provided an extension to the Respondent to file a response, the due date for the Response was November 3, 2024. The Respondent did not submit any response.

The Center appointed Knud Wallberg as the sole panelist in this matter on November 6, 2024. 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, Maple Omnichannel Ltd, Inc., is a company established in Cyprus and which forms part of the Skill On Net Group who is the engaged in the operation of B2B and B2C online gaming activities.

The Complainant is the owner of registrations for the trademark PlayUZU including the following:

- European Union trademark 018121780 for the word mark PlayUZU, registered on January 8, 2020, for services in classes 35 and 41;
- United Kingdom trademark UK00918121780 for the individual mark PlayUZU, registered on January 8, 2020, for services in classes 35 and 41;
- Mexican trademark 2457255 for the word mark PlayUZU, registered on February 11, 2021, for services in class 41.

The Complainant is also the owner of the several domain names that includes its PlayUZU brand including <playuzu.com> and <playuzu.es>, which connects to websites on which the Complainant offers its online gaming activities.

The disputed domain name <play-uzu.com> was registered on June 27, 2023, and resolves to a website which appears to promote an online casino operated by the Complainant to a Spanish-speaking audience.

#### **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 that the disputed domain name is confusingly similar to the Complainant's PlayUZU, since it is identical to the mark save for the inclusion of an “-” separation the two terms.

The Complainant further submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Finally, the Complainant submits that the disputed domain name was registered and is being used in bad faith. The circumstances in this case thus leaves no doubt about the fact that the Respondent was fully aware of the Complainant's rights in the PlayUZU trademarks when registering the disputed domain name and that the latter clearly is directed thereto. Moreover, using the disputed domain name for promoting and operating illegal gaming activities is an obvious case of registration and use in bad faith.

##### **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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name with the insertion of a "-" between the two elements of the mark Play and UZU. Accordingly, the disputed domain name is confusingly similar to the 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.

Furthermore, the Panel finds that the use of the disputed domain name to impersonate the Complainant can never confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 considers that the record of this case reflects that 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 mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or of a service on the Respondent's website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 <play-uzu.com> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: November 27, 2024