

## **ADMINISTRATIVE PANEL DECISION**

Sun International (IP) Limited v. Ivan Bochkarev, Seo  
Case No. D2024-4004

### **1. The Parties**

The Complainant is Sun International (IP) Limited, South Africa, represented by Adams & Adams Attorneys, South Africa.

The Respondent is Ivan Bochkarev, Seo, Russian Federation.

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

The disputed domain name <sunbet-login.com> is registered with Internet Domain Service BS Corp (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 30, 2024. On September 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 2, 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 amended Complaint on October 3, 2024.

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 October 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 28, 2024.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on October 31, 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 is a public company incorporated in South Africa and a wholly owned subsidiary of Sun International Limited and part of the Sun International Group.

The Complainant is the owner of numerous SUNBET trademark registrations, including:

- the South African Trademark Registration for SUNBET No. 2012/24239 registered on September 7, 2012;
- the Brazilian Trademark Registration for SUNBET No. 914410504 registered on September 3, 2019; and
- the Namibian Trademark Registration for SUNBET No. NA/T/2012/1375 registered on September 28, 2012.

The Complainant is also the owner of the domain names incorporating its SUNBET trademark, including <sunbet.co.za>, registered on September 8, 1999.

The Complainant first launched its SUNBET online sports betting facility in November 2013 in South Africa. The Complainant's primary portal for conducting its online sports betting business is located at "www.sunbet.co.za". The website offers close to 100,000 markets, up to 5,000 events of 40 sports per week, trading in close to 4,000 live events weekly.

The disputed domain name was registered on July 18, 2024, and resolved to a website that featured images and descriptions of the Complainant's products and incorporated the Complainant's SUNBET mark and logo, as evidenced in the Complaint.

#### **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 states that the disputed domain name is confusingly similar to the trademark SUNBET – in fact, the disputed domain name includes the trademark in its entirety.

The Respondent has no rights nor legitimate interests in the disputed domain name, whereas the Respondent has not acquired any trademark rights with respect to the disputed domain name. As stated by the documents presented, the registration and use of the trademark SUNBET predates the registration of the disputed domain name in more than a decade.

Moreover, the Respondent is not commonly known by the disputed domain name. The Respondent has also not secured a license nor any other authorization from the Complainant to use the trademark. Lastly, the disputed domain name resolves to a page that uses the Complainant's SUNBET logo in the exact format that the Complainant uses for its SUNBET mark on its own website and social media platforms. The page for which the disputed domain name directs creates a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement.

In sum, the Complainant alleges that it is clear that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions

## **6. Discussion and Findings**

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- i. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in respect to 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**

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 disputed domain name is confusingly similar to the SUNBET trademark, as the latter is entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademark SUNBET in jurisdictions throughout the world, by presenting international registrations for it, as well as comprehensive evidence of the use of the trademark. The addition of the term "login" in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's SUNBET trademark.

The trademark is clearly recognizable in the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#).

Lastly, the Panel notes that, in accordance with section 1.11.1 of the [WIPO Overview 3.0](#), the generic Top-Level Domain ("gTLD"), in this case ".com", is typically disregarded under the first element.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

### **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.

Given the clear evidence that the trademark SUNBET is registered in the name of the Complainant and is widely known as identifying the Complainant's activities, that the Complainant has not licensed this to the Respondent, and evidence that the Respondent is using the disputed domain name in connection with a web page that reproduces the trademark and other visual elements from the Complainant's official web page, the Panel finds that the Complainant has established prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

In the absence of a Response, the Respondent has not rebutted such prima facie case.

The Panel, thus, finds for the Complainant under the second element of the Policy.

### **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 finds that the Respondent has probably registered the disputed domain name with the purpose of taking unfair advantage of the Complainant's mark.

The addition of the term "login" in the disputed domain name points towards the Respondent's likely intent to give the impression that the disputed domain name is associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that, it is more likely than not, that the disputed domain name has been registered to take unfair advantage due to its value as a trademark owned by the Complainant.

The fact that the disputed domain name resolves to a website hosting a betting and casino platform under the Complainant's SUNBET trademark suggests at least the association with the Complainant. There is thus little doubt that the Respondent's main goal is to profit from the confusion created with Internet users.

Hence, the Panel finds that the Respondent registered and used the disputed domain name deliberately in order to take advantage of the Complainant's reputation and to give credibility to their operations.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain name 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 <sunbet-login.com> be transferred to the Complainant.

*/Alvaro Loureiro Oliveira/*

**Alvaro Loureiro Oliveira**

Sole Panelist

Date: November 12, 2024