

## ADMINISTRATIVE PANEL DECISION

Dinotech Limited v. Viktor Meshko

Case No. D2024-4893

### 1. The Parties

The Complainant is Dinotech Limited, Malta, represented by Wilmark Oy, Finland.

The Respondent is Viktor Meshko, Ukraine.

### 2. The Domain Names and Registrar

The disputed domain names <dicewisecasino.net> and <dicewise.org> are registered with NameCheap, Inc. (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 26, 2024. On November 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 27, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 28, 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 November 30, 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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 27, 2024.

The Center appointed Jonas Gulliksson as the sole panelist in this matter on January 10, 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**

The Complainant is an igaming company based in Malta. The Complainant creates platforms for casinos and owns numerous online casino brands. Among these is the brand Dicewise, which operates under the domain name <dicewise.com>.

The Complainant is the owner of a registered European Union trademark No. 019012619 DICEWISE registered on August 2, 2024, for goods and services in classes 9, 35, and 41.

The disputed domain name was registered on November 13, 2024. At the time of filing the Complaint, the disputed domain names resolves to a website prominently featuring the Complainant's DICEWISE trademark and includes links to an online casino called SEVEN CASINO.

#### **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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's DICEWISE trademark. The disputed domain names reproduce said trademark in its entirety with the fully descriptive term "casino". The existence of the term "casino" increases the likelihood that Internet users will be confused into believing that the disputed domain names are connected to the Complainant. The generic country-level domain suffixes ".org" and ".net" does not prevent a finding of confusing similarity between the disputed domain names and the DICEWISE trademark.

The Respondent has not received permission or authorization to use the Complainant's trademark DICEWISE and does not have any trademark rights to "dicewise" or "dicewisecasino". There is no evidence that the Respondent is commonly known by the disputed domain names or owned a trademark or is making a legitimate non-commercial or fair use of the disputed domain names. The Respondent is opportunistically using the Complainant's DICEWISE trademark in order to attract Internet users to its website and divert them to a competing online casino.

The disputed domain names are used in bad faith: The Respondent is using the disputed domain names, which include the trademark DICEWISE with an intent to capitalize on the goodwill of the Complainant. Considering the complete reproduction of the trademark DICEWISE in connection with the term "casino" in one of the disputed domain names, it is likely to intend to confuse potential consumers.

The fact that the disputed domain names have links to a competing online casino constitutes a clear attempt to generate a commercial gain particularly by misleading online users with the disputed domain names and subsequently redirecting those online users to a third-party website.

The Respondent's use creates a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation and/or endorsement of the Respondent's website.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Procedural Considerations**

Under paragraph 10 of the Rules, the Panel needs to ensure that the Parties are treated with equality, that each Party is given a fair opportunity to present its case, and that the administrative proceeding takes place with due expedition.

The Panel notes that, according to the Whois records, the Respondent is based in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. Therefore, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The Panel is of the view that it should. According to the records, the Center sent notification of the Complaint to the Respondent at its email address as disclosed by the Registrar and no delivery failure notice was received.

The Panel also notes that the Respondent registered the disputed domain name on November 13, 2024, after the start of the international conflict and thus would appear to be capable of controlling the disputed domain name and the related content. Further, having such access to the Internet, the Respondent would have apparently received notification of the Complaint by email and would have been able to provide a Response if it wished to do so.

The Respondent has been unsuccessful in three prior decisions under the Policy and has had such domain names transferred to the Complainant. In such circumstances, it is unlikely that the Respondent would be unaware of the Policy. See, e.g., *DinoTech Limited v. Viktor Meshko*, WIPO Case No. [D2024-2050](#); *DinoTech Limited v. Viktor Meshko*, WIPO Case No. [D2024-3457](#); and *Dinotech Limited v. Viktor Meshko*, WIPO Case No. [D2024-4896](#).

Moreover, for reasons detailed below, the Panel has no doubts (albeit in the absence of a Response) that the Respondent registered and has used the disputed domain name in bad faith.

The Panel concludes that the Parties have been given a fair opportunity to present their case and, in order to ensure that the administrative proceeding takes place with due expedition, will now proceed to a decision.

### **6.2 Substantive Analysis**

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

- (i) that the Domain Name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) that the 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 names. 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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms such as "casino" in one of the disputed domain names may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

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 3.0](#), section 3.2.1.

The disputed domain names consist of the Complainant's trademark in its entirety, one of which is adjoined by a term descriptive of the Complainant's services, misleading Internet users to websites that then redirect Internet users to competing commercial services. Such registration and use falls squarely within the meaning of paragraph 4(b)(iv) of the Policy.

Further, panels have held that the use of a domain name impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under 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 names <dicewisecasino.net> and <dicewise.org> be transferred to the Complainant.

*/Jonas Gulliksson/*

**Jonas Gulliksson**

Sole Panelist

Date: January 21, 2025