

ADMINISTRATIVE PANEL DECISION

Dinotech Limited v. Viktor Meshko

Case No. D2024-4897

1. The Parties

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

The Respondent is Viktor Meshko, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <nifty.casino> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 27, 2024. On November 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 29, 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 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 2, 2025.

The Center appointed John Swinson as the sole panelist in this matter on January 7, 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 online gaming company based in Malta and is regulated by the Malta Gaming Authority. The Complainant creates platforms for casinos and owns several online casino brands.

The Complainant owns European Union Trademark Registration Number 019011221 for NIFTYCASINO. This registration was filed on April 9, 2024, and registered on August 31, 2024.

The Complainant uses the domain name <niftycasino.com> for an online casino. The website at “www.niftycasino.com” is titled “NIFTY CASINO” and states “NiftyCasino.com is operated by Infiniza Limited, a company incorporated in Malta [...] NiftyCasino.com is a trademark of Infiniza Limited.” The address for Infiniza Limited on this website is the same address for the Complainant in the European Union Trademark records.

The disputed domain name was registered on May 25, 2024.

The disputed domain name resolves to a website that is titled “NIFTY CASINO” and that is partially in Swedish and partially in English. This website states (in Swedish, translated here by Google Translate) “Nifty Casino is a new online casino with a focus on the Swedish market. Since the casino does not have a Swedish license, you can play without a game break. Register at the casino and get generous bonuses.” The website uses the same logo as the Complainant’s website located at “www.niftycasino.com”.

However, when attempting to sign up at the website at the disputed domain name, the website diverts users to another website, which appears to be an affiliate marketing website for Seven Casino. The website at the disputed domain name has a privacy policy link that also diverts to the Seven Casino signup page.

The Respondent did not file a Response, so little information is known about the Respondent. The Panel is aware that the Respondent was unsuccessful in three prior cases under the Policy involving the same parties, being *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](#).

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 Respondent is using the disputed domain name to confuse potential customers. The disputed domain name is being used on a website to promote casino services that are competitive with the Complainant’s services. The fact that the website at the disputed domain name has links to a competing online casino constitutes a clear attempt to generate a commercial gain by misleading online users.

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, which registered the disputed domain name only on May 25, 2024, appears to be capable of controlling the disputed domain name and the related content and that, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response in the administrative proceeding in case it wished to do so.

The Respondent has been unsuccessful in three prior decisions under the Policy (as cited in section 4 above) 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.

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 issues

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 website at “www.niftycasino.com” (referred to by the Complainant in the Complaint) states that it is owned by Infiniza Limited. The Complaint provided no explanation of who Infiniza Limited is and did not explain the meaning of the statements on this website regarding trademark ownership (quoted in section 4 above). That being said, the Panel will rely upon the European Union Trademark Office records that show that the Complainant is the owner of the NIFTYCASINO trademark.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel also notes that as part of a holistic review of the facts, it may be appropriate to “span the dot” and consider the generic Top-Level Domain (gTLD) (see, e.g., *Zions Bancorporation v. Mohammed Akik Miah*, WIPO Case No. [D2014-0269](#); *Mr Green Ltd. v. Alfred Zeiselberger, Mediapool Communications Limited*, WIPO Case No. [D2017-1944](#); and *W.K. Kellogg Foundation v. Md Arif Hossain, eMedia Germany e.K.*, WIPO Case No. [D2024-3431](#)). On this basis, the entirety of the mark is reproduced within the disputed domain name with considering the gTLD part of the disputed domain name. Accordingly, on this basis, the disputed domain name is identical 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.

The Panel finds that the Respondent’s use of the disputed domain name on a website that uses the Complainant’s trademark and logo to then redirect users to another website promoting online gambling services in competition with the Complainant, does not amount to bona fide offering of goods or services.

Moreover, considering the composition of the disputed domain name, it is inherently misleading as it suggests an affiliation with the Complainant that, according to the record, does not exist. [WIPO Overview 3.0](#), section 2.5.1.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation or passing off) can never confer rights or legitimate interests on a 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

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.

The Respondent's conduct demonstrates the Respondent's knowledge of the Complainant and its trademark. By registering the disputed domain name and then by using the disputed domain name to impersonate the Complainant, demonstrates that the Respondent specifically knew of and targeted the Complainant. *Block.one v. See PrivacyGuardian.org / Burstein-Applebee, Jerry K. Chasteen*, WIPO Case No. [D2021-1516](#).

The Respondent is not associated with the Complainant. The Respondent provided no explanation as to why it selected the Complainant's NIFTYCASINO trademark for the disputed domain name. The Panel concludes that the Respondent selected and used the disputed domain name because of the reputation of the Complainant to attract Internet users but then divert these users to another competing website.

In the present circumstances, the fact that the disputed domain name resolves to a website which impersonates the Complainant and that copies the Complainant's logo, and that then diverts Internet users to a sign up to a competing online casino website, is conclusive evidence that the registration and use of the disputed domain name was in bad faith. *Merryvale Limited v. reza biabangard*, WIPO Case No. [D2021-2691](#).

Additionally, paragraph 4(b)(ii) of the Policy applies here. The Respondent has registered other domain names that reflect the Complainant's trademarks. This constitutes a pattern of conduct of preventing the Complainant from reflecting its trademarks in corresponding domain names.

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 <nifty.casino> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: January 21, 2025