

## **ADMINISTRATIVE PANEL DECISION**

Bailamia Investments Ltd v. Lorentz Dieter  
Case No. D2024-4936

### **1. The Parties**

The Complainant is Bailamia Investments Ltd, Cyprus, internally represented.

The Respondent is Lorentz Dieter, Germany.

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

The disputed domain name <jugabet-chile.com> is registered with 101domain GRS Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 28, 2024. On December 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 3, 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 December 3, 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 December 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 December 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2025.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on January 13, 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 a Cyprus-based company specialized in online gambling.

The Complainant is the owner of several trademark registrations, including the following:

Trademark	Registration No.	Jurisdiction	Date of Registration	Class
	1760275	International Trademark designating Brazil, Chile, Colombia, Mexico.	August 9, 2023.	Class 41.
JUGA BET 	93692	Cyprus.	November 14, 2023.	Class 41.
JUGA BET 	563230	Uruguay.	September 10, 2024.	Class 41.

The Complainant operates its online casino business through the domain name <jugabet.cl>.

At the date of filing the Complaint and writing of this Decision, the disputed domain name <jugabet-chile.com> resolves to a web page containing information relating to the same services offered on the Complainant's official website, as well as references to the Complainant and its JUGA BET trademark.

#### 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 the following:

##### I. Identical or Confusingly Similar

That the disputed domain name is conformed by the Complainant's JUGA BET trademarks nominative element and the term "chile" which is a geographical indication of the country Chile, in which the Complainant has registered its JUGA BET trademark. That, therefore, the disputed domain name should be considered as identical or confusingly similar to the Complainant's JUGA BET trademark.

That previous panels have found that the addition of geographical terms does not prevent the finding of confusing similarity between a complainant's trademark and a disputed domain name (and cites *Decathlon v. UniversalArtandStructure*, WIPO Case No. [DIR2021-0030](#) and *Conforama France v. Benjamin Kouassi*, WIPO Case No. [D2021-1166](#)).

##### II. Rights or Legitimate Interests

That, according to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), Section 2.1, when a complainant sets forth a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent, and that in case that the respondent fails to provide relevant evidence, the complainant is deemed to have satisfied the second

element.

That the website to which the disputed domain name resolves does not offer any genuine services other than the deliberate and illegal solicitation of customers.

That the Respondent is not affiliated with the Complainant in any way, and that the Complainant did not authorize the Respondent to use the Complainant's JUGA BET trademarks, or to resell the Complainant's services. That the Complainant has found no evidence that could suggest that the Respondent is known by the disputed domain name.

That the Respondent chose the disputed domain name in an effort to capitalize on the Complainant's famous trademark, which conduct cannot be considered a bona fide offering of goods or services (and cites *Philip Morris USA Inc. v. Prophet Partners Inc.*, WIPO Case No. [D2007-1614](#)).

That the Complainant has prior rights over its JUGA BET trademarks, which registrations precede the date of registration of the disputed domain name (and cites *Bayerische Motoren Werke AG ["BMW"] v. Registration Private, Domains By Proxy, LLC / Armands Piebalgs*, WIPO Case No. [D2017-0156](#)).

That the Respondent is operating in the same field as the Complainant (online sports betting) while providing its own services under the Complainant's JUGA BET trademark, using said trademark and logo as well as a similar web look and feel, without the Complainant's authorization or consent, and that the Respondent is not making any noncommercial or fair use of the disputed domain name (and cites *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#); *Generate4 Schools, LLC v. Privacyguardian.org / MiCamp Merchant Services*, WIPO Case No. [D2014-1009](#); *Roberto Federico Wille Buschmann and Industrial Escowill, S.A. de C.V. v. STX –Dominios, STX*, WIPO Case No. [D2017-2581](#) and *OfficeMax, Inc. and OMX, Inc. v. Yong Li*, WIPO Case No. [D2003-0060](#)).

### III. Registered and Used in Bad Faith

That according to [WIPO Overview 3.0](#), Section 3.1.4, previous panels have found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark of an unaffiliated entity creates a presumption of bad faith.

That by using the disputed domain name, the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

That the disputed domain name resolves to a website which features the Complainant's JUGA BET trademark, and which copies the logos, commercial names, design, and layout of the Complainant's official website. That the Respondent is luring and stealing the Complainant's clients by creating this confusing similarity.

That, when Internet users interact with the website to which the disputed domain name resolves by clicking on the "sign in" or "registration" buttons (as well as the "Aprovecha" button), said website redirects to a "1xbet" website, which happens to be one of the Complainant's competitors in the online sports betting and gambling sector.

That the disputed domain name is used in bad faith and solely for deceitfully leading potential and current customers of the Complainant into registering with a competitor, and thus soliciting business. Additionally, that this situation creates confusion among customers, diluting the value of the Complainant's JUGA BET trademarks.

That, according to [WIPO Overview 3.0](#), Section 3.2.1, panels take into account the following factors when assessing a respondent's bad faith in registering a domain name: (i) the nature of the domain name, (ii) the choice of the Top-Level Domain (TLD), (iii) the content of the website to which the disputed domain name resolves, (iv) any pattern of targeting trademarks such as common area of commerce, intended customers or

geographical location, and (v) a clear absence of rights or legitimate interests coupled with no credible explanation of the respondent's choice of the domain name.

That the Respondent used the Complainant's trademark, design and business reputation to conceal its identity (and cites [WIPO Overview 3.0](#), Section 3.6, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), *Hoffmann-La Roche Inc. v. Wei-Chun Hsia, supra*; *Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin*, WIPO Case No. [D2003-0888](#); *Hoffmann-La Roche AG v. Whois Privacy Protection Foundation / Beglov Alexey*, WIPO Case No. [D2022-1408](#)).

That the Respondent's redirection of Internet users to a competitor of the Complainant is an apparent indicator of bad faith. That the Complainant's JUGA BET trademark is widely known since it has been rated positively in sectoral ratings, and that it is very unlikely that the Respondent registered the disputed domain name without knowledge of said trademark.

## **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 Complainants must prove in order to successfully request remedies:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) that the Respondent has no rights or legitimate interests in connection to the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also [WIPO Overview 3.0](#), section 4.3).

### **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 3.0](#) Section 1.7.

The Complainant has shown its rights in respect of its JUGA BET trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.2.1 and 1.4.

The disputed domain name is confusingly similar to the Complainant's JUGA BET trademark because the disputed domain name reproduces said trademark entirely.

The addition of the geographical term "chile" (the jurisdiction in which the Complainant operates), and the hyphen between the mark JUGA BET and said geographical term, does not preclude a finding of confusing similarity. The presence of the generic TLD ".com" is irrelevant for purposes of assessing confusing similarity (see sections 1.8 and 1.11.1 of the [WIPO Overview 3.0](#); see also *Rolls-Royce plc v. John Holt*, WIPO Case No. [D2017-1842](#); *Mastercard Prepaid Management Services Limited v. Cash SDSD.*, WIPO Case No. [D2020-1938](#); and *ZB, N.A., a national banking association, dba Zions First National Bank v. Sharon White*, WIPO Case No. [D2017-1769](#)).

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 to 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 to 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, by failing to specifically address the Complainant’s contentions, 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 Complainant has demonstrated that the website to which the disputed domain name resolves provides information relating to the same business sector as that of the Complainant (online gambling through a website) using the Complainant’s JUCA BET trademark, and that said website mimicks the Complainant’s official website. The Respondent has not contested the Complainant’s assertion that the website constitutes an attempt to impersonate or pass off as the Complainant, by attempting to mislead Internet users as to the source or sponsorship of the information and/or services offered in the website to which the disputed domain name resolves, for profit (see sections 2.5.1, 2.5.2 and 2.5.3 of the [WIPO Overview 3.0](#); see also *The Royal Edinburgh Military Tattoo Limited v. Identity Protection Service, Identity Protect Limited / Martin Clegg, WM Holdings*, WIPO Case No. [D2016-2290](#); *Segway Inc. v. Domains By Proxy, LLC / Arthur Andreasyan, NIM*, WIPO Case No. [D2016-0725](#); *Self-Portrait IP Limited v. Franklin Kelly*, WIPO Case No. [D2019-0283](#); and *Richemont International SA v. brandon gill*, WIPO Case No. [D2013-0037](#)).

The consensus view among previous panels appointed under the Policy is that the use of a domain name for illegitimate activities, such as impersonation or passing off, cannot confer rights or legitimate interests in a domain name (see Sections 2.13.1 and 2.5.1 of the [WIPO Overview 3.0](#); see also *Philipp Plein v. Privacy Protection Service INC d/b/a PrivacyProtect.org / Norma Brandon, cheapphilippplein*, WIPO Case No. [D2015-1050](#), and *BB IPCO LLC v. Xueli You*, WIPO Case No. [D2022-1187](#)).

Therefore, 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.

The Complainant has ascertained its rights over its JUCA BET trademark. The dates of registration of said trademark precede the date of registration of the disputed domain name.

The facts comprised in the case docket show that the Respondent has intentionally used the disputed domain name to attract, for commercial gain, the Complainant’s consumers to the website to which the disputed domain name resolves, by creating the impression among Internet users that said website is related

to, associated with, or endorsed by the Complainant. The Panel notes that the Respondent has intended to impersonate the Complainant through its use of the disputed domain name and the website to which it resolves. Particularly, but without limitation, the Respondent has purported to provide the same services of the Complainant, by using the Complainant's JUGA BET trademark, logos and the layout of the Complainant's official website, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see section 3.1.4 of the [WIPO Overview 3.0](#); see also *trivago GmbH v. Whois Agent, Whois Privacy Protection Service, Inc.* / *Alberto Lopez Fernandez, Alberto Lopez*, WIPO Case No. [D2014-0365](#); and *Jupiter Investment Management Group Limited v. N/A, Robert Johnson*, WIPO Case No. [D2010-0260](#)). The fact that the Respondent has caused the disputed domain name to redirect to the website of a competitor of the Complainant displaying the Complainant's logo reinforces the risk of confusion.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has successfully 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 <jugabet-chile.com> be transferred to the Complainant.

/Kiyoshi Tsuru/

**Kiyoshi Tsuru**

Sole Panelist

Date: January 28, 2025