

ADMINISTRATIVE PANEL DECISION

Rootz LTD v. Johannes Martinus Berends

Case No. D2024-4952

1. The Parties

The Complainant is Rootz LTD, Malta, represented by Wilmark Oy, Finland.

The Respondent is Johannes Martinus Berends, Netherlands (Kingdom of the), self-represented.

2. The Domain Name and Registrar

The disputed domain names <onlinecasinowildz.com>, <wildzcasinoapp.com>, <wildzcasinologin.com>, <wildzlogin.com>, and <wildzregistrationcode.com> are registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 30, 2024. On December 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 3, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 4, 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 December 4, 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. On December 7, 2024, the Respondent sent an email to the Center. On December 27, 2024, the Center sent an email to the parties regarding possible settlement. The record contains no indication that the parties entered into any settlement. Accordingly, on January 7, 2025, the Center sent an email indicating it was proceeding to Panel appointment.

The Center appointed Evan D. Brown 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 provides a variety of goods and services relating to gambling, gaming, and entertainment. It owns the trademark WILDZ, for which it enjoys the benefits of multiple registrations, including European Union Trade Mark Reg. No. 017589813, registered on April 25, 2018.

The disputed domain names were registered on October 24, 2024. The Complainant contends that the disputed domain names redirected Internet users to various competing online casinos. At the time of the Decision, the disputed domain names display identical websites that include links to competing online casinos.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain names are identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and that the disputed domain names were registered and are being used in bad faith.

B. Respondent

Apart from the one email message to the Center noted above, stating that "[w]e are willing to give up domains without a full-blown trial. There's no need for that", the Respondent did not respond to the Complainant's contentions.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are 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 names, and (iii) the disputed domain names have been registered and are being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain names are identical or confusingly similar to that mark. This element under the Policy functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has demonstrated its rights in the WILDZ trademark by providing evidence of its trademark registrations, such as European Union Trade Mark Reg. No. 017589813, registered on April 25, 2018.

The disputed domain names incorporate the WILDZ mark in its entirety. This is sufficient for finding confusing similarity under the Policy. The disputed domain names contain additional terms such as "login", "casinoapp", "onlinecasino", "casinologin", and "registrationcode". These additions do not prevent a finding of confusing similarity between the disputed domain names and the Complainant's WILDZ trademark.

Accordingly, the Panel finds that the Complainant has established this first element under the Policy.

B. Rights or Legitimate Interests

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain names. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant).

The Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain names by asserting that (1) the Respondent has not received permission or authorization to use the Complainant's trademark, (2) there is no evidence to suggest that the Respondent is commonly known by the disputed domain names or that it owns any trademark corresponding to them, and (3) the Respondent is not using the disputed domain names for a bona fide offering of goods or services, nor for any legitimate noncommercial fair use. Instead, the identical websites associated with the disputed domain names include links to online casinos that directly compete with the Complainant's business. Such use does not constitute a bona fide offering of goods or services under the Policy.

The Respondent has not provided any evidence to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

C. Bad Faith

The Policy requires the Complainant to establish that the disputed domain names were both registered and are being used in bad faith.

The Respondent has used the disputed domain names to display identical websites that include links to competing online casinos. This use demonstrates a clear intent to mislead Internet users for commercial gain by exploiting the Complainant's trademark to redirect users to competing businesses. Such conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy. The Respondent's actions show that the disputed domain names were registered and are being used to create confusion with the Complainant's trademark for commercial gain.

The Panel finds that the Complainant has established this third element under 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 <wildzlogin.com>, <wildzcasinoapp.com>, <onlinecasinowildz.com>, <wildzcasinologin.com>, and <wildzregistrationcode.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: January 24, 2025