

ADMINISTRATIVE PANEL DECISION

Ninja Global Ltd. v. YIWEI REN

Case No. D2024-5257

1. The Parties

The Complainant is Ninja Global Ltd., Malta, represented by Abion AB, Sweden.

The Respondent is YIWEI REN, China.

2. The Domain Name and Registrar

The disputed domain name <ninjacasino.biz> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On December 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 23, 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 December 23, 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 the same day.

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 January 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 29, 2025.

The Center appointed Andrea Cappai as the sole panelist in this matter on January 31, 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, Ninja Global Ltd., is a gaming and casino company based in Malta, operating in a highly competitive international market. The Complainant's related entity holds the following European Union Trademarks (EUTMs):

- European Union Trademark Registration Number: 017754516; mark: NINJACASINO (figurative); Registration Date: May 14, 2018; Classes: 9, 38, and 41.
- European Union Trademark Registration Number: 015743685; mark: NINJACASINO; Registration Date: November 28, 2016; Classes: 9, and 41.

The disputed domain name was registered on December 2, 2024 and is linked to a webpage where the disputed domain name is offered for sale or lease.

Furthermore, the Complainant issued a Cease-and-Desist letter through the Registrar to the Respondent on December 13, 2024, which has not received any reply.

Based on publicly available information and as reflected in a previous decision (*Ninja Global Ltd v. Super Privacy Service LTD c/o Dynadot / 王鹏聪*, WIPO Case No. [D2022-2875](#)), the Complainant appears to operate the domain name <ninjacasino.com>, registered on December 16, 2010, through the same related entity.

No additional information regarding the Respondent is available.

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 disputed domain name, <ninjacasino.biz>, fully incorporates its registered trademark NINJA CASINO. The Complainant submits that the Respondent holds no rights in the relevant trademarks, is not a licensee, and has not received any permission to register or use the trademark in connection with any goods or services. According to the Complainant, an examination of the website associated with the disputed domain name revealed no evidence of any legitimate use.

Furthermore, the Complainant emphasises that its trademarks were registered well before the Respondent acquired the disputed domain name, and that the Complainant had been using the trademarks long prior to the disputed domain name registration. This, it is argued, indicates that the Respondent was aware of the Complainant's rights and business when the disputed domain name was registered.

Additionally, the Complainant contends that a Cease-and-Desist letter was sent to the Respondent on December 13, 2024, which received no reply. Consequently, the continued use and registration of the disputed domain name over the past year is considered to have been in bad faith.

B. Respondent

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

6. Discussion and Findings

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, 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 recognised 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 Respondent is not affiliated with or authorised by the Complainant to use its trademark, nor does the Respondent claim any prior rights or legitimate interest in the disputed domain name, as the Complainant's trademarks predate its registration. The Respondent is not widely known under the disputed domain name or as NINJACASINO, and the disputed domain name – identical to the Complainant's trademark – appears to target consumers. Previous panels have found that domain names identical to a Complainant's trademark carry a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

The disputed domain name currently redirects to a page where it is offered for sale, and there have been no demonstrable preparations to use it. Additionally, following a cease-and-desist letter sent by the Complainant without any reply from the Respondent, it more likely than not that the Respondent lacks any rights or legitimate interests in the disputed domain name.

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name – which is identical to the Complainant's trademark – for reasons that, on the balance of probabilities, appear solely aimed at capitalising on the Complainant's established reputation. The Complainant's trademarks were registered and have been continuously used long before the Respondent acquired the disputed domain name, making it more likely than not that the Respondent was aware of the Complainant's rights at the time of registration. [WIPO Overview 3.0](#), Section 3.1.1.

Furthermore, by registering the disputed domain name, the Respondent effectively represented and warranted that, to his knowledge, such registration would not infringe the rights of any third party – a duty that could have been met through a simple trademark search.

In the present case, the Respondent has provided no credible, evidence-based rationale to justify the registration, nor has he responded to the Complainant's cease-and-desist letter. The absence of any demonstrable rights or legitimate interests, coupled with a failure to perform even a basic trademark search, reinforces the inference of willful blindness. [WIPO Overview 3.0](#), Section 3.2.3.

On the balance of probabilities, in the absence of any licence or permission from the Complainant to use its trademark, no bona fide or legitimate use of the disputed domain name can reasonably be asserted. Moreover, given the confusing similarity between the disputed domain name and a distinctive mark, it is more likely than not that such similarity will divert Internet traffic from the Complainant's site to that of the Respondent. It is also reasonable to conclude that the Respondent registered the disputed domain name with the ulterior motive of precluding the Complainant from using its trademark.

The Panel finds that the disputed domain name was registered and is being used in bad faith, and 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 <ninjacasino.biz> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: February 17, 2025