

ADMINISTRATIVE PANEL DECISION

Elec Games Ltd. v. Rhino Entertainment Limited
Case No. D2025-0209

1. The Parties

The Complainant is Elec Games Ltd., Malta, represented by Abion AB, Sweden.

The Respondent is Rhino Entertainment Limited, Malta, represented internally.

2. The Domain Names and Registrar

The disputed domain names <big-boost-casino.com> and <bigboost-casino.com> (the “disputed domain names”) are registered with Amazon Registrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 20, 2025. On January 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 21, 2025, 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 (Private whois) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 22, 2025, 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 January 23, 2025.

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 January 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2025. The Response was filed with the Center on February 13, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on February 18, 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 company registered in Malta providing a range of online games, and betting and casino services. In particular, through its sister company Ninja Global OÜ, it operates an online casino and gaming website using the domain name <boostcasino.com>. The Complainant's website appears to be inaccessible from the United Kingdom but using a Norwegian server the Panel was able to view the website and note that Ninja Global OÜ is stated to be licensed in Estonia.

The Complainant is the proprietor of a number of registered trademarks for BOOST CASINO (the "Complainant's Mark"), including European Union trademark number 017754681 registered on May 18, 2018; the comparable United Kingdom trademark number 00917754681, created following the United Kingdom's exit from the European Union and also treated as registered on May 18, 2018; and Norway trademark number 201801536 registered on September 30, 2022.

The Respondent is a company registered in Malta in 2020. The disputed domain names were both registered on February 14, 2024. The disputed domain name <big-boost-casino.com> does not resolve to an active website, but the disputed domain name <bigboost-casino.com> resolves to a website in the Norwegian language (the "Respondent's Website"). This promotes its Big Boost gaming website at <https://bigboost.com> and the games available and invites users to register with Big Boost. The banner of the web pages features the mark BIG BOOST with a Norwegian flag. The home page states that the Big Boost Norway website was launched in 2023 and that it is operated by White Star BV under a Curaçao license.

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 "there is no evidence of any legitimate use of the disputed domain names for any activity or business related to 'boostcasino'" or that "the Respondent is commonly known by the disputed domain names". The Complainant further submits that the Respondent's website appears to be designed to deceive visitors into believing that it is associated with or endorsed by the Complainant and that "it is obvious" that the Respondent has no rights or legitimate interests in the disputed domain names.

The Complainant states that it has been using the Complainant's Mark and providing its services in the online gaming industry since long before the disputed domain names were registered and that it is therefore not conceivable that the Respondent chose the disputed domain names without knowledge of the Complainant's activities and trademarks. It submits that since the disputed domain names are confusingly similar to the Complainant's registered rights the Respondent is trying to take advantage of the Complainant's Mark to draw traffic to the Respondent's website and to profit commercially from the likelihood of confusion between the Complainant's Mark and the disputed domain names. This all amounts to registration and use in bad faith. The Complainant points out that it issued a cease and desist letter to the Respondent in November 2024 but did not receive any reply.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain names. It states, first, that the representation of the disputed domain names stands apart from the Complainant's Mark, ensuring that there is no likelihood of confusion. The Respondent submits that the Complainant's claim of confusion between the Complainant's Mark and the disputed domain names is unfounded in that the mark is composed of two non-distinctive and descriptive terms that cannot be monopolized or reasonably be expected not to be used by third parties, most especially in the casino industry. The term BOOST is said to be a dictionary term, meaning to improve or increase, and that it is a common word used in the gaming sectors; and CASINO entirely generic and descriptive denoting a venue for gambling activities.

The Respondent claims legitimate interests in the disputed domain names. It states that it is part of a group of companies whose business is the provision of regulated online gaming. BIG BOOST operates as a licensed online casino under the jurisdiction of Curaçao and since the brand was launched in 2023 the Respondent has invested nearly EUR 10 million on marketing game content, transaction fees, operating recharges and capitalized technology costs to further develop and exploit the brand and its offerings. The Respondent is the registered proprietor of European Union trademark number 018893045 BIG BOOST registered on October 11, 2023, and has been using the name BIG BOOST in good faith and legitimately operating under this name for a considerable period of time.

The Respondent submits that the <bigboost-casino.com> disputed domain name is being used legitimately for the casino's operations and that it has been actively in use and offering the Respondent's services in good faith long before the filing of the Complaint. The disputed domain name <big-boost-casino.com> was registered by the Respondent in order to protect its trademark rights. A comparison between the website operated by the Complainant and the Respondent's website demonstrates that the Respondent is not attempting to benefit from the Complainant's goodwill and that the Respondent's website clearly references its various brands, including BIG BOOST, reinforcing the distinct nature of its business and its legitimate use of its trademark.

The Respondent maintains that it registered the disputed domain names in good faith and that it has consistently and independently operated them in furtherance of legitimate business activities, without any intention to disrupt the Complainant's business or create user confusion. It did not respond to the Complainant's cease and desist letter in November 2024 because its lawyer considered it vexatious and baseless, and that no response was warranted. The Respondent does not accept that any of the provisions of paragraph 4b of the Policy have been satisfied.

6. Discussion and Findings

For this Complaint to succeed in relation to the disputed domain names the Complainant must prove that:

- (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.

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, namely BOOST CASINO. [WIPO Overview 3.0](#), section 1.2.1.

Ignoring the generic Top-Level Domain ".com", both the disputed domain names comprise the entirety of the Complainant's Mark together with the word "big" and one or two hyphens. The Respondent submits that the inclusion of the word "big" has the effect of distinguishing phonetically the Complainant's Mark and the disputed domain names because they place an emphasis on "big boost" rather than on "boost casino". The Panel does not, however, accept that this subtle analysis is sufficient to prevent a finding of confusing similarity between the Complainant's Mark and the disputed domain names under the Policy, particularly where the entirety of the Complainant's Mark is recognizable within the disputed domain names.

Accordingly, the disputed domain names are confusingly similar to the Complainant's 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. Accordingly, 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.

The Complainant relies on its assertions that there is no evidence of any legitimate use of the disputed domain names for any business activity related to “boostcasino” and that the Respondent is not commonly known by the disputed domain names.

The Respondent’s answer is that the disputed domain names are amongst a number of domain names operated by the Respondent offering casino games and content and that BIG BOOST operates as a licensed online casino. It is also the proprietor of European Union registered trademark BIG BOOST, registered on October 11, 2023. The Respondent further relies on a comparison between the website at the disputed domain <bigboost-casino.com> and the Complainant’s website demonstrating that there is no attempt by the Respondent to imitate the Complainant or rely on its goodwill.

However, the Respondent’s evidence regarding the disputed domain name <bigboost-casino.com> shows that it in fact operates its online casino business under the BIG BOOST mark through its website at “www.bigboost.com”. The website at the disputed domain name <bigboost-casino.com> only promotes its BIG BOOST business and directs Internet users to the website at “www.bigboost.com”. So far as the Panel can see, the website at <bigboost-casino.com> mainly serves as a marketing gateway to its operating website at “www.bigboost.com” and no casino operations appear to be carried on at “www.bigboost-casino.com”, as claimed by the Respondent. The Respondent gives no explanation as to its motive for registering the disputed domain names in February 2024, some six months after it launched Big Boost. The Panel does not accept that registration of the disputed domain names can be said to protect such rights as the Respondent may have in BIG BOOST. It has not commonly been known by that name.

Although, the Respondent can point to rights in the mark BIG BOOST by virtue of its trademark registration and use of the name over some 16 months, and undoubtedly has some rights and legitimate interests in BIG BOOST, this does not of itself give rise to rights in the name BIG BOOST CASINO under the Policy, if the Respondent acquired the disputed domain names to take unfair advantage of their similarity with the Complainant’s trademark. It follows that the second and third elements of the Policy in this case are closely linked and that the outcome depends on the discussion below.

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.

Although the Complainant has provided little substantive evidence of the notoriety of its BOOST CASINO mark or its online gaming business at “www.boostcasino.com”, the mark was registered in August 2018, the Parties operate in the same business sector, and the Respondent does not deny that it was aware of the Complainant and its website at “www.boostcasino.com” when it registered the disputed domain names. Furthermore, the Respondent, like the Complainant, is targeting the Norwegian market. The disputed domain names comprise the entirety of the Complainant’s Mark together with the word “big”.

The Panel also notes that in 2023 the Respondent unsuccessfully defended a complaint brought in respect of the <bigbaazi.com> domain name where, as in the current case, the Respondent had registered a domain name adding the word “big” to the name of a competitor (see *Moonshine Technology Private Limited v. REGL Admin, Rhino Entertainment LTD*, WIPO Case No. [D2023-2197](#)). The complainant in that case operated gaming platforms from websites including “www.baazigames.com”, “www.pokerbaazi.com”, “www.ballebaazi.com”, “rummybaazi.com”, and www.cardbaazi.com and owned numerous India trademark registrations for its BAAZI family of marks.

In the present case, as noted above, the Respondent registered the disputed domain names some six months after it launched BIG BOOST and uses the <bigboost-casino.com> disputed domain name to promote its website at “www.bigboost.com” and direct users to that website. It appears to the Panel that in this case, on balance, irrespective of the Respondent’s right to operate a gaming business at “www.bigboost.com”, the Respondent may possibly have registered the disputed domain names with a view to taking advantage of the Complainant’s rights in BOOST CASINO and to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s Mark.

However, the Panel finds the arguments too finely balanced to make a finding of bad faith registration and use. The Panel considers that the present dispute would more properly be characterized as a wider trademark dispute rather than a clearcut case of cybersquatting typically addressed by the terms of the Policy. In particular, as noted above, both parties appear to be targeting the Norwegian market in the same industry of online gaming using similar trademarks. The Panel considers that the question as to whether one Party may restrict the other’s activities in those circumstances is likely to be one of trademark law, beyond the scope of this proceeding, and to be determined in a more appropriate forum.

Accordingly, in accordance with paragraph 15 of the Rules, the Panel finds that the dispute is not within the scope of paragraph 4(a) of the Policy.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: March 4, 2025