

ADMINISTRATIVE PANEL DECISION

Bailamia Investments Ltd v. Pointer Angelina
Case No. D2025-0261

1. The Parties

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

The Respondent is Pointer Angelina, Denmark.

2. The Domain Name and Registrar

The disputed domain name <juegabet-apuestas.com> (the “Domain Name”) is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 24, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Unidentified person) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 28, 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 amended Complaint on January 30, 2025.

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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 21, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on February 28, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant offers its betting products under the JUGABET brand.

The Complainant owns trademark registrations for JUGABET, such as International Trademark No. 1760275 (registered on August 9, 2023), designating Chile with a statement of grant of protection dated August 8, 2024. The Complainant operates a website at the domain name <jugabet.cl>.

The Domain Name was registered by the Respondent on October 4, 2024. The Domain Name has resolved to a webpage that offers gaming services in Spanish, displaying a logo “Juega bet” and identifying itself on the webpage as an online sports betting and casino platform operating in Chile..

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Domain Name is confusing similarity to the Complainant’s trademark. The added letter “e” in the Domain Name (“juega” instead of “juga”) does not change this. The sound is the same in Spanish. The same goes for the addition of “apuestas”. It translates “bets”, which is descriptive to the services offered by the Complainant.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent has not made any demonstrable preparations to use the Domain Name in connection with a bona fide offering of goods or services. The use of the Domain Name – to lead to websites that compete with the Complainant - is not a legitimate noncommercial or fair use and does not support a right or legitimate interest under Policy.

The Complainant argues inter alia that the Respondent has registered and used the Domain Name to attract, for commercial gain, Internet users to the Respondent’s website by creating a likelihood of confusion with the Complainant. It is evident from the use of the Domain Name. Moreover, the registration of the Domain Name creates a presumption of bad faith as it is unauthorized and a mere typo on the Complainant’s famous trademark.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

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 Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has established that it has rights in the trademark JUGABET. In this case, the Domain Name incorporates the Complainant's trademark with the addition of the letter "e" and the term "-apuestas" that means "bets" in English. The additions do not prevent a finding of confusing similarity between the Domain Name and the trademark. [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

There is no evidence on the record showing that the Respondent is affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. On the contrary, the use of the Domain Name is evidence of bad faith, as discussed below.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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.

Even if the Complainant has not documented its fame or that its trademark is well-known, the Panel believes the Respondent most likely knew of the Complainant when the Respondent registered the Domain Name. It follows from the composition and use of the Domain Name. From the perspective of the composition of the Domain Name, the Panel notes that the difference between the trademark and the Domain Name is the lack of the letter "e" on the trademark JUGA when compared to the Domain Name. While the Panel is aware that "juega" is a Spanish term that could be translated as "play" or "gamble", the Panel does not consider it to be coincidental that the combination of terms resembles the Complainant's trademark. In this regard, the website at the Domain Name seems to target the audience in Chile where the Complainant operates its domain name <jugabet.cl> (and the Panel has verified with Web Archive that before the registration of the Domain Name, the Complainant's domain name <jugabet.cl> was active and displaying the Complainant's logo). As mentioned above, the Domain Name has resolved to a website that uses a similar color scheme to the one of the Complainant (with a predominant use of dark blue, green, and white). Based on the case file and the fact that there are no other explanations offered to why the Respondent (purported to be located in Denmark) has registered the Domain Name and used it to target users located in Chile, the Panel concludes

that the Respondent has most likely registered and used the Domain Name in an attempt to unfairly take advantage of the Complainant's brand and trademark.

Based on the available record, 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 the Domain Name <juegabet-apuestas.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: March 14, 2025