

## **ADMINISTRATIVE PANEL DECISION**

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v.  
Federico bogado  
Case No. D2025-0421

### **1. The Parties**

The Complainant is Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco, Monaco, represented by De Gaulle Fleurance & Associés, France.

The Respondent is Federico bogado, Argentina.

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

The disputed domain name <casinomontecarlo.vip> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 3, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 4, 2025, 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 February 5, 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 February 10, 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 February 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2025. The Respondent sent an email communication to the Center on February 13, 2025. The Center informed the Parties of the commencement of panel appointment process on March 5, 2025.

The Center appointed Luis Miguel Beneyto Garcia-Reyes as the sole panelist in this matter on March 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 is the owner of one of the most famous casinos in the world, as it is the Casino de Monte-Carlo.

The Complainant is the owner among others, of the following trademark registrations:

Monaco registration No. 96.17407 CASINO DE MONTE-CARLO, registered on October 30, 2006; and

Monaco registration No. 14.30170 MONTE CARLO registered on February 12, 2014.

The website identified by the disputed domain name does not currently reflect any activity, but it was used as a gambling platform.

#### **5. Parties' Contentions**

##### **A. Complainant**

Notably, the Complainant contends that

The Complainant was founded in 1863 by a Sovereign Decree passed by Prince Charles III, and is a company organized under the laws of Monaco with its registered office in the Principality of Monaco. Its main shareholders are the Principality of Monaco and its ruling family, namely, the House of Grimaldi and employs almost 3,000 people being the largest employer in the Principality of Monaco.

The Complainant was granted a monopoly for the provision of casino gaming services in the Principality of Monaco, so it has been the only entity with the state permission to operate casinos in the Principality of Monaco since 1863.

The Casino of Monte-Carlo which is actually the most famous casino in the world as demonstrated by the frequent references to it in popular culture, and its presence in many well-known films, books, television programs, magazine and newspaper articles, such that have become the Casino in iconic.

The Casino of Monte-Carlo and its resort in Monaco has become famous worldwide as one of the most luxurious gambling facilities in the world.

The Complainant owns trademark registrations in Monaco for the word Marks CASINO DE MONTE-CARLO and MONTE CARLO.

The disputed domain name <casinomontecarlo.vip> is identical or at least highly similar to Complainant's trademarks MONTE CARLO and CASINO DE MONTE-CARLO so it can be considered as confusingly similar to the Complainant's prior rights

The Complainant has never authorized Respondent to register and use the disputed domain name, and the Respondent cannot claim a legitimate interest or bona fide use of the disputed domain name.

The strong reputation and world renown of the Complainant's trademarks render it impossible for the Respondent to have been unaware that the registration and use of the disputed domain name would violate

the Complainant's rights. The Respondent selected the ".vip" extension because it evokes the luxurious gambling environment of the Complainant's Casino.

The Respondent is clearly professional in the gambling industry and even though the disputed domain name is currently inactive, it was previously used in connection with a gambling platform, so he should have been aware of the strong notoriety of then Complainant's trademarks, so the disputed domain name was registered in bad faith.

The Respondent previously used the disputed domain name as a gambling platform which led the Internet users to conclude that there was an affiliation between the website and the Complainant. The disputed domain name is currently being held passively, so it has been used in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. However, on February 13, 2025, the Respondent sent an email communication in Spanish, indicating the possibility of transferring the disputed domain name to the Complainant.

## **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 Panel finds the marks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar 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 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. 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 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 Panel finds that the Complainant has submitted sufficient evidence to conclude that there is indeed bad faith on the part of the Respondent.

It must be noted that:

- The Complainant's trademarks CASINO DE MONTE-CARLO and MONTE CARLO are reputed in its sector. The Respondent's registration of the disputed domain name quasi-identically reproduces the Complainant's trademarks. The Panel's conclusion is that the Respondent must have been aware that it was appropriating a name that was confusingly similar to the Complainant's reputed mark.
- Secondly, although currently the website identified by the disputed domain name is inactive, the Complainant has accredited that the disputed domain name was used to offer gambling services. The Panel finds the Respondent has registered the disputed domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark.

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 that the disputed domain name <casinomontecarlo.vip> be transferred to the Complainant.

*/Luis Miguel Beneyto Garcia-Reyes/*

**Luis Miguel Beneyto Garcia-Reyes**

Sole Panelist

Date: March 31, 2025