

ADMINISTRATIVE PANEL DECISION

La Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Aidan Alt, Shoprite Inc
Case No. D2025-0480

1. The Parties

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

The Respondent is Aidan Alt, Shoprite Inc, South Africa.

2. The Domain Name and Registrar

The disputed domain name <the-granmontecarlo-casino.top> is registered with URL Solutions, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 6, 2025. On February 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 7, 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 (Withheld for Privacy Purposes (anonymous)) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 11, 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 17, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 17, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on March 27, 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 was founded in 1863 in Monaco and since then provides casino gambling services in the Principality of Monaco in a monopoly regime. In this capacity, the Complainant operates the well-known Monte-Carlo Casino. Besides this luxury venue, the Complainant also operates a number of luxury hotels, spas, sport clubs and beach clubs. The Complainant employs almost 3,000 people and is the largest employer in the Principality of Monaco.

The Complainant is the owner of the following mark:

- CASINO DE MONTE-CARLO (word), Monaco registration No. 96.17407, registered on October 30, 1996, duly renewed, covering goods and services in classes 3, 7, 9, 12, 14, 16, 18, 28, 34, 35, 38, 39, 41, 42, 43 and 45;

The disputed domain name has been registered on April 10, 2024 and resolves to a website purporting to offer gambling services. The Respondent is a company allegedly located in South Africa.

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 is confusingly similar to the Complainant's CASINO DE MONTE-CARLO mark since it includes both the terms "casino" and "Montecarlo". The additional word "gran", meaning "grand" in English, cannot prevent a finding of confusing similarity with the Complainant's mark. This is so, even if the order of the words "Montecarlo" and "casino" is inverted in the disputed domain name.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant never authorized the Respondent to make use of its mark in the disputed domain name. To the best of the Complainant's knowledge, the Respondent does not own trademark rights for the disputed domain name or for marks containing the words THE MONTE CARLO GRAN CASINO.

The Respondent cannot claim to have a legitimate interest in or to have made bona fide use of the disputed domain name not only because the disputed domain name is confusingly similar to the Complainant's mark, but also because the Respondent is using the disputed domain name in a way that does not confer rights or legitimate interests on it.

Lastly, the Complainant maintains that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant's marks are renown in the gambling field and the Respondent cannot have registered the disputed domain name by mere coincidence.

The disputed domain name resolves to a website used to access a gambling platform. The website contains various references to the "Granmontecarlo Casino" and seeks to attract "casino enthusiasts worldwide", by offering "exceptional services and luxury gaming". In order to benefit from the online gambling services, the Internet user needs to create an account. The website claims to offer a "revolutionary payment solution" and indicates various methods of payment, such as credit and debit cards, bank transfers and e-wallets.

According to the Complainant, the registration of the disputed domain name under the generic Top-Level Domain (“gTLD”) “.top” is due to the close association between this gTLD and the Complainant’s high quality services. Thus, the website is highly misleading and consumers are likely to believe that they are accessing a trusted online casino affiliated with the Complainant.

As further evidence of bad faith, the Complainant maintains that the Respondent provided false contact information when registering the disputed domain name

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. In particular, the Complainant is the owner of the registered mark CASINO DE MONTE-CARLO, which predates the date of registration of the disputed domain name.

The disputed domain name contains the terms “Montecarlo casino”, which are part of the Complainant’s mark albeit in a reverse order and with a hyphen separating the terms “Monte” and “Carlo”. The disputed domain name also contains the word “the” and a hyphen between the terms “montecarlo” and “casino”.

The Panel finds that the most dominant features of the Complainant’s mark are recognizable within the disputed domain name notwithstanding the differences cited above. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “the” and “gran” (in English “grand”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, 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 Complainant has no relationship with the Respondent and did not authorize the Respondent to make use of its mark or of a sign confusingly similar to its mark in any manner, including as part of the disputed domain name. Nothing in the case file supports a finding that the Respondent has been commonly known by the disputed domain name. Results of an online search for a trademark consisting of the words "the gran monte carlo casino" did not disclose any trademark registration or application including these words.

The disputed domain name consists of words, which suggest sponsorship or endorsement by the Complainant. The addition of the word "gran" cannot diminish the impression of close association of the disputed domain name with the Complainant. Instead, the addition of this word adds to the confusion, as the adjective "gran" refers to the concepts of magnificence and imposed appearance and the Casino de Monte-Carlo operated by the Complainant is indeed "magnificent" due to its impressive luxury location recognized worldwide. Accordingly, the composition of the disputed domain name cannot constitute fair use.

Moreover, the Respondent uses the disputed domain name to access a website offering gambling services on an alleged online platform the access of which is only possible by previously opening an account. The website contains numerous references to the "Granmontecarlo Casino", which operates the website along with "any holding companies, subsidiaries and related entities". The website also refers to the "exceptional and luxury" gaming services offered through the online platform and to "an extraordinary gaming environment that sets new standards in quality, variety and fairness". Finally, the website does not contain a disclaimer illustrating the lack of association with the Complainant. The disputed domain name and associated website are highly misleading for the Internet users and seek to take unfair advantage from the goodwill and reputation associated to the Complainant and its CASINO DE MONTE-CARLO. Most probably, the Respondent is deriving an income from the gambling services offered through the online platform. Accordingly, the Respondent is attracting Internet users to its website by taking unfair advantage from the goodwill and reputation of the CASINO DE MONTE-CARLO mark for the Respondent's own benefit.

Panels have held that the use of a domain name for and illegitimate activity such as the one described above can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

For all the aforementioned reasons, 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 has registered a disputed domain name confusingly similar to the Complainant's mark. The Panel further notes that this mark enjoys reputation, as also recognized in other previous UDRP decisions (see, amongst others, *Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Mysar Mykhailo*, and *Mykhailo Mysar*, WIPO Case No. [D2024-2206](#); *Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Saman Farazmand*, WIPO Case No. [D2020-0717](#)). Moreover, the disputed domain name is used to allegedly provide gambling services, namely services in competition with the services provided by the Complainant under its CASINO DE MONTE-CARLO mark. It is therefore clear that the Respondent was well aware of the Complainant and of its well-known trademark when it registered the disputed domain name. The registration of a disputed domain name confusingly similar to the Complainant's mark, being aware of such mark and with no rights or legitimate interests, amounts to registration in bad faith.

As far as use in bad faith is concerned, as previously said, the disputed domain name resolves to an online gambling platform. To access this platform, one needs to register, presumably by inserting his/her personal information. The platform offers different methods of payment, which all require the insertion of sensitive data. The website is highly misleading as it constantly refers to “Granmontecarlo Casino”, a name confusingly similar to the Complainant’s Casino de Monte-Carlo, and corresponding trademark. The descriptions on the Respondent’s website corroborate the idea of very high quality and luxury services, likewise the services offered by the Complainant under its mark. Finally, the Respondent’s website does not contain a disclaimer clarifying the lack of connection with the Complainant. Most likely, the Respondent is gaining an income from the gambling platform operated through its website and disputed domain name.

Panels have held that the use of a domain name for illegitimate activity such as phishing, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the instant case, the Panel believes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark, and has used the disputed domain name to disrupt the business of a competitor.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <the-granmontecarlo-casino.top> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: April 10, 2025