

ADMINISTRATIVE PANEL DECISION

978 Tech N. V. v. Nguyen Truong Tho
Case No. D2025-0501

1. The Parties

The Complainant is 978 Tech N. V., Netherlands (Kingdom of the), represented by JusTec Brand Protection, United States of America ("United States").

The Respondent is Nguyen Truong Tho, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <8xbet.club> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 7, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 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 (Domains By Proxy, LLC) 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 amendment to the Complaint on February 14, 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 February 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 14, 2025.

The Center appointed Jane Seager as the sole panelist in this matter on March 21, 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 corporation existing under the laws of Curaçao, the Netherlands (Kingdom of the). The Complainant is engaged in the provision of online betting and gambling services. Having commenced operations in early-2022, the Complainant has grown to be a prominent betting site, particularly in Asia. Since 2022, the Complainant has operated as the official Asian betting partner for Manchester City FC and has established betting partnerships with other Premier League football clubs, including Chelsea FC, Leicester City FC, Ipswich FC, and AFC Bournemouth.

The Complainant is the owner of the following trademarks:

- United States Trademark Registration No. 7485266, 8XBET, filed on May 16, 2023, and registered on August 27, 2024 (first use in commerce on January 1, 2022); and
- United States Trademark Registration No. 7734929, , filed on May 15, 2023, and registered on March 25, 2025 (first use in commerce on January 1, 2022).

The disputed domain name was registered on May 6, 2023. The disputed domain name resolves to a website (the "Respondent's website") that displays the Complainant's figurative trademark in the top-left corner and purports to offer online betting and gambling services. The Complainant's figurative trademark is displayed throughout the Respondent's website, which also features photos of football players from clubs with which the Complainant has formed betting partnerships.

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.

The Complainant asserts both registered and common law trademark rights in 8XBET. The Complainant submits that the disputed domain name is identical or confusingly similar to the Complainant's trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that there is no relationship between the Parties and that the Respondent is making unauthorized use of the Complainant's trademark to divert consumers to the Respondent's website in a way that is misleading and intended to create a false impression of association between the Complainant and the Respondent.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant notes that the Respondent registered the disputed domain name after the Complainant had already adopted and made use of its 8XBET trademark. The Complainant asserts that the Respondent's registration of the disputed domain name using a privacy service amounts to further evidence of bad faith. The Complainant submits that by using the disputed domain name, the Respondent has misleadingly diverted consumers to its website by infringing on the Complainant's 8XBET trademark, for commercial gain, in bad faith.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to prevail, the Complainant must demonstrate that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (i) The disputed domain name is 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 name; and
- (iii) The disputed domain name was registered and is 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 Panel finds that the Complainant has established rights in the 8XBET trademark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The filing/priority date, date of registration, and date of claimed first use, are not considered relevant to the first element test. These factors may however bear on a panel's further substantive determination under the second and third elements. [WIPO Overview 3.0](#), section 1.1.2.

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 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.

As noted above, the disputed domain name resolves to a website that purports to offer betting and gambling services under the Complainant's 8XBET trademark. There is no contact information on the Respondent's website, nor is there any form of disclaimer to note the Respondent's non-affiliation with the Complainant. The Panel finds that by using the disputed domain name in such a manner, the Respondent is making unauthorized use of the Complainant's trademark to create a misleading impression of association with the Complainant, for commercial gain. The Panel finds that the Respondent is not using the disputed domain

name in connection with a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy. There is no evidence to support a finding that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name as contemplated by paragraph 4(c)(iii) of the Policy.

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 Respondent's registration of the disputed domain name predates the Complainant's registration of its trademark by over one year. In certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith. [WIPO Overview 3.0](#), section 3.8.2. In this instance, the Panel notes that by mid-2022, the Complainant had partnered with Manchester FC as a regional sponsor in Asia. As a result, the Complainant received substantial attention in relevant sports media, which is likely to have contributed to the Complainant's goodwill and brand recognition. The Panel further notes that the Complainant's trademark certificate cites January 1, 2022, as the first use in commerce of the Complainant's 8XBET mark. It is clear from the nature of the disputed domain name as well as the contents of the Respondent's website that the Respondent had knowledge of the Complainant and its then-unregistered trademark rights when registering the disputed domain name and did so without authorization and with a view to creating a misleading impression of association with the Complainant. The Panel finds that the Respondent registered the disputed domain name in bad faith.

The Panel further finds that by using the disputed domain name in the manner described above, 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 as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered therein, in bad faith pursuant to paragraph 4(b)(iv) of 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 <8xbet.club> be transferred to the Complainant.

/Jane Seager/

Jane Seager

Sole Panelist

Date: April 4, 2025