

ADMINISTRATIVE PANEL DECISION

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v.
emperador delaweb, reydel aweb
Case No. D2025-0525

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 Respondents are emperador delaweb, Argentina and reydel aweb, Argentina.

2. The Domain Names and Registrar

The disputed domain names <club-monaco.pro> and <club-monaco.vip> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names that differed from the unnamed Respondent (Redacted for privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on February 12, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. 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 Respondents 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 Respondents did not submit any response. Accordingly, the Center notified the Respondent's default on March 11, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on March 17, 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 has held a State monopoly for the provision of casino gambling services in the Principality of Monaco since 1863. It operates the famous Casino de Monte-Carlo there, among other venues. It employs more than 4000 people and is the largest employer in the principality. It holds various trademark registrations, including the following:

- Monaco trademark registration number 96.17407 for CASINO DE MONTE-CARLO, registered on October 30, 1996, specifying goods and services in multiple classes;
- Monaco trademark registration number 02.23234 for CASINO DE MONACO, registered on September 30, 2002, specifying goods and services in multiple classes; and
- Monaco trademark registration number 24.00212 for MONTE-CARLO CLUB, registered on June 1, 2024, specifying services in multiple classes.

The Respondents are identified in the Registrar's Whois database by aliases that mean "emperor (or king) of the web" in Spanish.

The disputed domain names were both registered on August 16, 2024. The disputed domain name <club-monaco.pro> resolves to a gambling website. The "About Us" section identifies the operator as "United CLUBMONACO.VIP Limited" of the United Kingdom. The disputed domain name <club-monaco.vip> redirects to <clubtiger.vip>, which resolves to a similar gambling website. The "About Us" section identifies the operator as "United CLUBTIGER.VIP Limited" of the United Kingdom. However, according to the results of a search for company registration information presented by the Complainant, no such companies are registered in the United Kingdom.

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 the disputed domain names are confusingly similar to its CASINO DE MONACO mark.

The Respondents have no rights or legitimate interests with respect to the disputed domain names. The Respondents have not received any license or authorization from the authorities of the Principality of Monaco to operate a casino or other leisure services in Monaco. The Complainant has not authorized the Respondents to use its trademarks, or to register and use the disputed domain names. The Complainant does not have any type of business relationship with the Respondents.

The disputed domain names were registered and are being used in bad faith. The Complainant's trademarks are well-known, especially in the field of casinos and gambling. The disputed domain names are used to access a gambling platform, which is exactly the Complainant's core business. Given the content of the websites, the Respondents clearly try to create in the mind of the Internet user an association with the Complainant and to unfairly benefit from the Complainant's prestige and reputation.

B. Respondents

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

6. Discussion and Findings

6.1 Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the names of the disputed domain name registrants in the Registrar's Whois database, though different, are both aliases. They share the same contact telephone number and their respective street addresses, and email addresses contain many elements in common. The disputed domain names were registered on the same date and some of the content on the associated websites is identical. These circumstances give the Panel reason to find that the disputed domain name registrants are the same person or entity or under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Complainant bears the burden of proof of each element.

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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the CASINO DE MONACO trademark, among others, for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain names both begin with the letter "c" and end with the geographical term "monaco". However, the initial element of the disputed domain names is "club-" rather than CASINO DE as in the mark. Bearing in mind the function of the first element of the Policy, the Panel does not consider this difference sufficient to prevent a finding of confusing similarity. The Panel finds confirmation for this view in the fact that both "club" and "casino" refer to types of social venues.

The only additional element in each disputed domain name is a generic Top-Level Domain ("gTLD") extension (either ".pro" or ".vip") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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 disputed 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain names resolve or redirect to websites that provide gambling services. This is the type of service that the Complainant provides. However, the Complainant submits that it does not have any type of business relationship with the Respondent. These circumstances indicate that the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services for the purposes of the Policy. Nor is it making a legitimate noncommercial or fair use of the disputed domain names.

Further, the Respondent is identified in the Registrar's Whois database by the aliases "emperador delaweb" and "reydel aweb", which do not resemble the disputed domain names. The websites to which the disputed domain names resolve or redirect identify the operating companies by names that incorporate the disputed domain names but evidence provided by the Complainant shows that these companies are not in fact registered. Accordingly, nothing on the record indicates that the Respondents have been commonly known by the disputed domain names.

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 names. 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 names such as those enumerated in the Policy or otherwise.

Based on the record, 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 fourth of these is as follows:

"(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] web site or location."

In the present case, the disputed domain names were registered in 2024, years after the registration of the Complainant's CASINO DE MONACO mark. The disputed domain names incorporate the term "monaco" and are used for the type of services that the Complainant provides, i.e., gambling. The evidence on record shows that the Complainant is well-known in the field of gambling. In these circumstances, the Panel finds it more likely than not that the Respondent was aware of the Complainant when it registered the disputed domain names.

As regards use, the disputed domain names resolve or redirect to websites that offer the same type of services that the Complainant provides, but they are not in fact associated with the Complainant. In view of the circumstances, the Panel finds that by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites or of services on those websites within the terms of paragraph 4(b)(iv) of the Policy.

The Respondent's contact information is also false in the Registrar's Whois database and on the websites to which the disputed domain names resolve or redirect, which is a further indication of bad faith.

Therefore, 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 names <club-monaco.pro> and <club-monaco.vip> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: March 31, 2025