

ADMINISTRATIVE PANEL DECISION

Stable Aggregator Limited, Hollycorn N.V., Dream Finance OÜ, t/a Coinspaid, Mr. Pavel Kashuba v. Host Master, Njalla Okta LLC, FlokiNET Ltd WhoisProtection FlokiNET Ltd WhoisProtection, FlokiNET Ltd, Renne Meyer
Case No. D2025-0572

1. The Parties

The Complainants are Stable Aggregator Limited, United Kingdom, Hollycorn N.V., United Kingdom, Dream Finance OÜ, t/a Coinspaid, United Kingdom, and Mr. Pavel Kashuba, United Kingdom, represented by Schillings International LLP, United Kingdom.

The Respondents are Host Master, Njalla Okta LLC, Saint Kitts and Nevis, FlokiNET Ltd WhoisProtection FlokiNET Ltd WhoisProtection, FlokiNET Ltd ("FlokiNET"), Seychelles, and Renne Meyer, Germany.

2. The Domain Names and Registrars

The disputed domain names <coinspaidscam.com>, <hollycornnvscam.com>, and <softswissnvscam.com> are registered with Tucows Domains Inc.

The disputed domain name <merkeleonscam.com> is registered with NameCheap, Inc. (the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 13, 2025. On February 14, 2025, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On the same day, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to the Complainants on February 17, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainants to either file separate complaint(s) 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 Complainants filed an amended Complaint on February 21, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. One of the Respondents sent an email communication to the Center on March 6, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 20, 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 Complainants are the following rights holders:

- Stable Aggregator Limited, the IP holding company for the SoftSwiss Group – a gambling software development firm;
- Hollycorn N.V., a company that operates various online casinos and gaming sites;
- Dream Finance OÜ, trading as “Coinspaid”, an Estonia-licensed cryptocurrency payments provider; and
- Mr. Kashuba, the registered trademark owner of the MERKELEON mark used by A.R. Merkeleon GmbH, an Austrian-based cryptocurrency software development company. Mr. Kashuba is also the CFO and a partner of the SoftSwiss Group.

The Complainants state that all of these companies form part of the same overarching group, having all been founded by the CEO of the SoftSwiss Group and advisor to the remaining companies.

The Complainants own the following trademarks:

- European Union Trademark Registration No. 018888439 SOFTSWISS (stylised & device) in classes 9, 28, 35, 36, 38, 41, 42, and 45, having a registration date of September 27, 2023, in the name of Maryia Seksiayeva, who, the Complainants’ evidence confirms, has licensed Complainant Stable Aggregator Limited to use and enforce the trademark worldwide;
- The Complainants’ evidence establishes that the HOLLYCORN mark has a reputation within the online casino industry, and the Panel accepts that it enjoys common law rights in the name of Complainant Hollycorn N.V.;
- International Registration No. 1559520 COINSPAID (stylised & device) in classes 36 and 42, having a registration date of August 18, 2020, in the name of Dream Finance OÜ; and
- International Registration No. 1631145 MERKELEON (stylised & device) in classes 09, 35, 36, and 42, having a registration date of March 24, 2021, in the name of Kashuba Pavel.

The disputed domain names have the following details:

- <softswissnvscam.com>, registered by Respondent Host Master, Njalla Okta LLC, on August 21, 2024, currently does not resolve to an active website;
- <hollycornnvscam.com>, registered by Respondent Host Master, Njalla Okta LLC, on August 21, 2024, currently resolves to a website accusing Complainant Hollycorn N.V. and its employees of fraud and other crimes;
- <merkeleonscam.com>, registered by Respondent Rene Meyer on August 27, 2024, currently does not resolve to an active website; and
- <coinspaidscam.com>, registered by Respondent FlokiNET on August 28, 2024, currently resolves to

a website accusing Complainant Dream Finance OÜ trading as “Coinspaid” and its employees of fraud and other crimes.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain names. Notably, the Complainants contend that the disputed domain names were registered in bad faith, primarily for the purpose of tarnishing the Complainants’ reputation and trademarks, disrupting the Complainants’ business, and harming and intimidating their senior executives, including by attacking their employees.

B. Respondent

Only Respondent FlokiNET responded to the Complaint, informally stating “another attempt to silence free speech under the name of copyright. The domain clearly does not contain any company name and does NOT break any copyright however you still want to have it closed to silence critics.”

6. Discussion and Findings

A. Consolidation: Multiple Complainants

The Panel accepts that the Complainants are all within a group of related entities that have a specific common grievance: the Complainants all have interests in trademarks, either as owners or licensees, which are used for inter-related businesses which were all founded by a common founder, who remains the CEO of the SoftSwiss Group and advisor to the remaining Complainants. These trademarks have been, or are reasonably anticipated to be, subjected to criticism using the disputed domain names, largely in the same manner by the same underlying controlling party (as discussed further below). It would be equitable and procedurally efficient to allow consolidation of Complainants in these circumstances. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.1.

B. Consolidation: Multiple Respondents and Domain Names

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainants allege that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainants request 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 Complainants’ consolidation 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 Complainants’ 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 3.0](#), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names were all registered within seven days of one another. Three of the disputed domain names have the same Registrar. All four disputed domain names use the same naming pattern, incorporating one of the Complainants’ marks plus the term “scam”. Three of the four disputed domain names use Cloudflare name servers. The Panel accepts that this points to 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, especially seeing as the Respondents (except one) have not responded substantively and have not incurred any response costs in these proceedings.

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.

C. 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 Complainants’ trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

As set out in the Factual Background section above: the Complainants have shown rights in respect of trademarks or service marks for the purposes of the Policy, and the Panel finds the Complainants have established trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.2.1 and 1.3.

The entirety of each of the Complainants’ corresponding marks is reproduced within each disputed domain name. Accordingly, the disputed domain names are confusingly similar to the corresponding mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. A domain name consisting of a trademark and a negative or pejorative term (such as “scam” in this case) is considered confusingly similar to the complainant’s trademark for the purpose of satisfying standing under the first element. [WIPO Overview 3.0](#), section 1.13.

The Panel finds the first element of the Policy has been established.

D. 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.

The two disputed domain names which have been used for active websites have ostensibly been used for criticism of the Complainants. Given the naming pattern of the remaining two disputed domain names, and given the Panel’s findings around common control, it seems likely that the remaining two disputed domain names were intended to be used for the same purpose. Thus, the Respondent could potentially rely on paragraph 4(c)(iii) of the Policy for all of the disputed domain names.

To support such fair use, the Respondent’s criticism must be genuine and noncommercial, not a pretext for commercial activity, cybersquatting or tarnishment, and not misleading as to source or sponsorship. [WIPO Overview 3.0](#), section 2.6.

As far as the Panel can tell, the Respondent’s two websites are noncommercial. There are no advertisements, no promotion of any business activities of any party, there is no evidence that the

Respondent is a competitor of the Complainants, nor is there any other evidence that the Respondent has operated these websites for any commercial purpose.

There are no indicia of tarnishment or cybersquatting on the Respondent's websites. To be clear, unwanted criticism is not tarnishment; the latter refers to unseemly conduct such as linking unrelated pornographic, violent or drug-related images, or information meant to disparage an otherwise wholesome mark. See *Dover Downs Gaming & Entertainment, Inc. v. Domains By Proxy, LLC / Harold Carter Jr, Purlin Pal LLC*, WIPO Case No. [D2019-0633](#).

As for whether the Respondent's websites or the disputed domain names themselves are misleading, there are no indicia that Internet users will be misled as to source of sponsorship of the disputed domain names or their websites, it being clear that they are not operated or endorsed by the Complainants and are, instead, operated by a third party who criticizes the Complainants. The disputed domain names themselves incorporate the term "scam". Where a domain name comprises a complainant's mark plus a derogatory term, as in this case, panels tend to find that the respondent has a legitimate interest in using the trademark as part of the domain name of a criticism site if such use is prima facie noncommercial, genuinely fair, and not misleading or false. [WIPO Overview 3.0](#), section 2.6.3.

The Complainants allege that the Respondent's intention was not to genuinely criticize the Complainants. Rather, the Complainants allege that the Respondent's intention was to maliciously use the disputed domain names to host websites containing demonstrably false information for the sole purpose of damaging and disrupting the Complainants' business. There is, however, nothing on the face of the disputed domain name's websites indicating clearly that the Respondent's criticism is not genuine, thus, establishing whether or not the Complainants are correct in this regard would necessarily involve the Panel considering, in detail, the veracity of the material featured on the disputed domain names' websites. Assessing whether or not the Respondent's criticism of the Complainants has any merit or is defamatory is beyond the scope of a cybersquatting enquiry under the Policy, and this is best left to the courts. See *MUFG Union Bank, N.A. v. William Bookout*, WIPO Case No. [DME2014-0008](#).

The Panel finds that by all appearances, and at least based on the evidence presented, the Respondent has made a noncommercial fair use of two of the disputed domain names, and, as discussed above, it is likely that this was the Respondent's intentions for the remaining two. [WIPO Overview 3.0](#), section 2.5.

The Panel finds the second element of the Policy has not been established.

E. Registered and Used in Bad Faith

Given the Panel's findings in relation to the second element, there is no need to consider the third.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: March 28, 2025