

ADMINISTRATIVE PANEL DECISION

SportPesa Holdings Ltd v. Frame Darwin
Case No. D2025-0595

1. The Parties

Complainant is SportPesa Holdings Ltd, United Kingdom, represented by SafeNames Ltd., United Kingdom.

Respondent is Frame Darwin, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <sportpesa1.com> (the “Domain Name”) 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 14, 2025. On February 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named 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 Complainant on February 17, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 19, 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 Respondent of the Complaint, and the proceedings commenced on February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 12, 2025.

The Center appointed Clive L. Elliott K.C., 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

Complainant was originally founded in Kenya in 2014 and is a prominent provider of online sport betting and gaming services operating under the SPORTPESA brand. Complainant now has a significant global presence in jurisdictions such as South Africa, Tanzania, Italy, and the Isle of Man, with 12,000,000 customers worldwide and over 500 global employees.

Complainant is the registered owner of a number of trade marks for the term “SPORTPESA” brand (Complainant’s Mark) in various jurisdictions, including, but not limited to:

Trade Mark	Jurisdiction	Registration No.	Registration Date	Class
SPORTPESA	United Kingdom	UK00003176509	October 28, 2016	9, 36, 38, 41, 42, 45
SPORTPESA	International	1339902	January 19, 2017	9, 36, 38, 41, 42, 45
SPORTPESA	United States of America	5837543	August 20, 2019	9, 36, 38, 41, 42, 45

Complainant is the owner of the domain name <sportpesa.com> from which it operates its main online platform for live sport betting as well as its online casino and links to its official Sportpesa apps.

In addition, Complainant is the registered owner of numerous other domain names, including:

- <sportpesa.am>; <sportpesa.app>; <sportpesa.ba>; <sportpesa.biz>; <sportpesa.cn>; <sportpesa.co.bw>; <sportpesa.co.dk>; <sportpesa.co.gl>.

Complainant uses these domain names, amongst others, in order to develop its brand and promote its products and services.

Complainant incorporates Complainant’s Mark into its Logo **SportPesa** further distinguishing its offerings from others, particularly on social media.

According to the publicly available Whois the Domain Name was registered on December 20, 2023 and as at the date of the Complaint resolved to a webpage impersonating Complainant and diverting traffic to Respondent’s website for commercial gain.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Complainant contends that the Domain Name is confusingly similar to Complainant’s Mark as it contains the Mark in its entirety, with the addition of the numeral 1.

Complainant states that it has never authorized Respondent to use Complainant’s Mark in any manner, nor has it given consent for registration of the Domain Name. Complainant further states that it has found no evidence that Respondent is known by the Domain Name, nor has Respondent used the Domain Name in relation to a bona fide offering of goods or services, but rather the Domain Name resolves to a webpage that

impersonates Complainant and its offerings by using Complainant's Mark and purporting to offer betting services similar to that of Complainant. In addition, Complainant asserts that Respondent's Domain Name's landing website encourages Internet users to "join", "Login" or "Get Bonus" where they are redirected to a competitor website.

Complainant asserts that Internet users accessing the Domain Name in the belief they are accessing Complainant's site are being directed to competing offerings. Such use, Complainant contends, does not constitute a bona fide offering of goods or services, but to the contrary Respondent is impersonating and misrepresenting Complainant's Mark in order to generate traffic to its website and confuse them by offering competing services for commercial gain.

Complainant goes on to state that the Domain Name was previously used to display Pay-Per-Click advertisement links which is further evidence that Respondent is not offering bona fide services.

Complainant submits therefore that Respondent has no rights or legitimate interests in the use of the Domain Name, and Respondent is intentionally targeting Complainant's Mark, suggesting Respondent has registered and is using the Domain Name in opportunistic bad faith.

Finally, Complainant points out that a cease and desist letter was sent to Respondent on 15 January 2025 with a view to resolving the matter amicably, but it has received no response from Respondent.

B. Respondent

Respondent did not reply to 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 Complainant's Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Complainant's Mark is reproduced in its entirety and is clearly recognizable within the Domain Name. That is, on the basis that the Domain Name differs only to the extent of adding the numeral "1". Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of a single numeral may bear on the assessment of the second and third elements, the addition of the numeral does not, in and of itself, prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Respondent may demonstrate rights or legitimate interests in a 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

The composition of the Domain Name, incorporating Complainant's distinctive Mark with the numeral “1” (which Internet users would likely associate with a site providing gaming services and which is rated as or considered to be “number 1” i.e. “very good” or “the best”), carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1. Moreover, there is no evidence that Respondent is actually commonly known by the Domain Name. Rather, it appears the Domain Name resolves to a webpage that impersonates Complainant and its offerings by using Complainant's Mark and purporting to offer betting services similar to those of Complainant by redirecting Internet users to a competitor's website. This is likely to mislead or deceive consumers.

Accordingly, 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 further notes that the composition of the Domain Name, incorporating Complainant's distinctive and long-standing Mark with a laudatory term, suggests Respondent knew of and sought to take advantage of Complainant's Mark when registering the Domain Name.

As noted above, Respondent is alleged to have engaged in questionable activities, namely diverting potential customers to one of Complainant's competitor's gaming websites. Respondent has not put forward any credible explanation for the choice of Domain Name, and the Panel considers that there is a significant risk that the use of the Domain Name is likely to be misleading or deceptive, by falsely suggesting a connection with Complainant.

The Panel finds that 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 Domain Name <sportpesa1.com> be transferred to the Complainant.

/Clive L. Elliott K.C./

Clive L. Elliott K.C.

Sole Panelist

Date: April 3, 2025