

## **ADMINISTRATIVE PANEL DECISION**

Global Media Group Services Limited v. Calvin Chrome  
Case No. D2025-0668

### **1. The Parties**

The Complainant is Global Media Group Services Limited, United Kingdom ("UK"), represented by Mishcon de Reya LLP, UK.

The Respondent is Calvin Chrome, UK.

### **2. The Domain Name and Registrar**

The disputed domain name <heart-bingo.com> (the "Disputed 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 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 20, 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 (Respondent name redacted from Whois / 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 21, 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 26, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 20, 2025.

The Center appointed Michael D. Cover 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's Heart Bingo business was launched in 2010 and has since become one of the UK's most recognized bingo brands, strongly associated with the HEART radio network, which boasts 12.9 million weekly listeners. Heart Bingo operates its business online via its main websites found at <heartbingo.co.uk> and through a mobile application available on the App Store and Google Play under the HEART BINGO name. According to the Complaint, the Heart Bingo app is currently ranked first in the "casino" category on the App Store UK charts. The website and app offer over 15 bingo rooms and 3,000 games, providing a comprehensive and engaging gaming experience. Screenshots of the Complainant's website and app listings are shown at Annex 4 to the Complaint.

The Complainant is the registered proprietor of the following trade mark registrations for the HEART BINGO trademark, as set out in Annex 5: UK trade mark number UK00003354629, for HEART BINGO in class 41, filed on November 19, 2018 and registered on April 12, 2019; UK trade mark number UK00918026352, for HEART BINGO in classes 38 and 41, registered on July 6, 2019 ; European Union trade mark number 018026352, for HEART BINGO, in classes 38 and 41, registered on July 6, 2019; and UK trade mark number UK00003827739, in classes 9, 35, 38, 41, and 42, registered on April 7, 2023.

The Complainant has provided a copy of an article by "Best New Bingo Sites", dated August 2, 2024, describing Heart Bingo as "one of the oldest and well-established names on the UK bingo scene," highlighting its longstanding presence and reputation in the industry, and a copy of a review rating Heart Bingo with a 4.8 out of 5 experience rating (see Annex 7). Heart Bingo has also cultivated a significant online presence, with over 40,000 followers on Facebook, 5,500 followers on Instagram, and over 9,000 followers on X, screenshots of the Complainant's social media accounts are enclosed at Annex 8.

According to Similarweb statistics, shown at Annex 9, the Heart Bingo website received over 1 million total visits via both desktop and mobile devices in November 2024 – January 2025. It is ranked as the 106,179th most visited website globally and the 4,200th most visited in the UK. Within the bingo industry, it is the 35th most popular site. The site attracts 364,283 monthly visits, with 40,151 unique visitors, demonstrating its substantial reach and popularity.

The Disputed Domain Name was registered on November 23, 2023 and resolves to a website displaying the Complainant's trade mark and logo, using the same colour scheme as the Complainant's site and offering bingo and other forms of gambling and games.

#### **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.

##### **Identical or Confusingly Similar**

The Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's registered trade mark HEART BINGO, in which it has rights, and that the first element of the Policy has been established.

## Rights or Legitimate Interests

The Complainant submits that, in order to avoid the “impossible task of ‘proving a negative’”, panels have held that “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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.” (section 2.1, [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#))).

The Complainant continues that [WIPO Overview 3.0](#) acknowledges a variety of non-exhaustive “core factors” which UDRP panels look at in assessing fair use, including the following: a) Domain names identical to a trade mark carry a high risk of implied affiliation. b) A respondent’s failure to make clear that the domain name is not operated by the complainant counts against a finding for rights or legitimate interests, as does its use for commercial gain or in competition with (or to tarnish) a complainant. c) Using a domain name to provide PPC links is not a bona fide offering where they mislead Internet users or compete with or capitalise on a mark’s reputation and goodwill. d) Additional terms in a domain name do not per se excuse impersonation or suggestions of sponsorship or endorsement by a complainant, and may even reinforce impersonation or implied affiliation, for example if the additional terms are geographical or describe goods or services offered by the complainant. e) Illegal activity (including counterfeiting, illegal pharmaceuticals, phishing, distributing malware, account hacking, impersonation/passing off, fraud) can never confer rights or legitimate interests.

The Complainant states that it has, in light of these factors, investigated the Respondent’s use of the Disputed Domain Name, which was registered more than 1 year and 3 months ago, and has not discovered any evidence of use of the Disputed Domain Name prior to the date of this Complaint that would constitute rights or legitimate interests in respect of the Disputed Domain Name.

The Complainant therefore submits that the available evidence establishes a convincing, and at the very least a prima facie, case that the Respondent had the Complainant’s HEART BINGO trade mark in mind when it registered the Disputed Domain Name and has no rights or legitimate interests in respect of it. Specifically, says the Complainant, there is no evidence that, before any notice of the dispute, the Respondent used or was making demonstrable preparations to use, the Disputed Domain Name in connection with a bona fide offering of goods or services. There is no evidence, states the Complainant, that the Respondent is commonly known by the Disputed Domain Name and the Respondent’s name is demonstrably not the same as the Disputed Domain Name.

The Complainant submits that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name, which requires that the Respondent have no intent to use the Disputed Domain Name for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue. As summarised in section 2.5 of the [WIPO Overview 3.0](#), continues the Complainant, “Fundamentally, a respondent’s use of a domain name will not be considered ‘fair’ if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant’s mark is often central to this inquiry.”

The Complainant submits that, here, there is a clear correlation between the Disputed Domain Name and the Complainant’s HEAR BINGO trade mark, and there is no evidence that the Disputed Domain Name has any correlation to anyone other than the Complainant. The Complainant’s trade mark is not a common acronym, a dictionary word or a common phrase, submits the Complainant and continues that, instead, it is distinctive of the Complainant and must, therefore, have been acquired by the Respondent precisely because of its reference to the Complainant.

The Complainant notes that the Respondent has been using the Complainant’s HEART BINGO trade mark and the “look and feel” of the Complainant’s website on its own website, which is accessible using the Disputed Domain Name, without the Complainant’s permission and without making clear that there is nonetheless no genuine connection with the Complainant. To the best of the Complainant’s knowledge and

belief, following disclosure of the Respondent's true name, the Respondent has no connection or affiliation with the Complainant and the Complainant has not licensed or otherwise directly or indirectly authorised the Respondent to use the mark or indeed any of its trade marks, submits the Complainant.

The Complainant submits that the evidence is that the Respondent's use of the HEART BINGO trade mark in the Disputed Domain Name is a deliberate attempt to misdirect Internet users away from the Complainant's authorized content and to the Respondent's unauthorised online content, by capitalising on their inevitable mistaken belief that the Disputed Domain Name is legitimately associated with the Complainant. Such use, submits the Complainant, does not amount to rights or legitimate interests in the Disputed Domain Name and no such rights or legitimate interests can reasonably be anticipated in light of the above (as to the importance of which more generally, see section 3.1 of the [WIPO Overview 3.0](#)).

The Complainant concludes that the second element of the Policy has been satisfied.

### **Registered and Used in Bad Faith**

The Complainant submits that a complainant showing that a respondent has taken unfair advantage of, abused, or otherwise engaged in behaviour detrimental to the complainant's trade mark will satisfy its burden under the third limb (see section 3.1, [WIPO Overview 3.0](#)). The Complainant notes that examples of such behaviour include but are not limited to the following: the circumstances indicate that the Respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the Complainant or a competitor of the Complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name.

These "circumstances" can include the following, which apply here, submits the Complainant, and are supported by the evidence in Annex 10: a) The Respondent's likely knowledge of the Complainant's rights and the distinctiveness of the Complainant's HEART BINGO trade mark. This is further evidenced by the disclosure of the Respondent's identity says the Complainant and, as a UK national living in the UK, albeit with an address and postcode that do not actually exist, the Respondent was likely aware of the Complainant's brand – being a hugely successful UK bingo site closely associated with one of the UK's most popular radio stations; b) Website content targeting the Complainant's trademark and/or the Complainant's customers; c) Threats to point or actually pointing the domain name to abusive content; d) Failure of a Respondent to present a credible evidence-backed rationale for registering the Disputed Domain name.

The Complainant submits that, by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of products or services offered there.

The Complainant concludes that the third element of the Policy has been established.

The Complainant requests that the Panel order that the Disputed Domain Name be transferred to the Complainant.

### **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights: that the Respondent has no rights or legitimate interests in the Disputed Domain Name; and that the Disputed Domain Name has been 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 3.0](#), section 1.7.

The Complainant has shown rights in respect of its HEART BINGO registered trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The entirety of the trademark is reproduced within the Disputed Domain Name with the addition of a hyphen. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is also well-established in prior UDRP decisions that the applicable generic Top-Level-Domain ("gTLD"), here ".com", is a standard requirement and is to be ignored in considering confusing similarity.

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.

Previous panels have held that the use of a domain name for impersonation/passing off, as here, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Accordingly, the Respondent has not demonstrated, before notice of the dispute, use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services; that the Respondent has been commonly known by the Disputed Domain Name; or that that the Respondent was making legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain, to misleadingly divert consumers or to tarnish the Complainant's trademark.

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 finds that the Respondent has been using the Disputed Domain Name to disrupt the business of a competitor and intentionally attempted to attract, for commercial gain, Internet users

by creating a likelihood of confusion with the Complainant's HEART BINGO trade mark. 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 <heart-bingo.com> be transferred to the Complainant.

*/Michael D. Cover/*

**Michael D. Cover**

Sole Panelist

Date: April 1, 2025