

ADMINISTRATIVE PANEL DECISION

Rootz Ltd v. Johannes Martinus Berends
Case No. D2025-0721

1. The Parties

The Complainant is Rootz Ltd, Malta, represented by Wilmark Oy, Finland.

The Respondent is Johannes Martinus Berends, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <wildzerfahrungen.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 21, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 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 (Redacted For Privacy / Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 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 24, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 24, 2025.

The Center appointed Andrea Jaeger-Lenz 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 is an online gaming company established in Malta and licensed and regulated by the Malta Gaming Authority. It operates several online casinos offering various online games of chance. One of the Complainant's online casinos is operated under the Complainant's WILDZ brand. WILDZ has provided 200 million free spins to customers in 1.5 years, the biggest payout in the WILDZ casino having been EUR 4 million.

The Complainant owns several trademark registrations for WILDZ, including the following:

- European Union ("EU") trademark no. 017589813 WILDZ (word), registered on April 25, 2018, for goods and services in Classes 9, 16, 25, 28, 35, 36, 38, 41 and 42;
- International ("IR") trademark no. 1443415 WILDZ (word), registered on June 13, 2028, for services in Class 41, designating the countries Switzerland, China, Colombia, India, Japan, Republic of Korea, Mexico, Norway, New Zealand, Philippines, Russian Federation, Singapore, Thailand, United States of America, Viet Nam; and
- EU trademark no. 018219521 WILDZ (yellow logo, W styled with lightning bolts), registered on August 15, 2020, for services in Class 41.

The disputed domain name was registered on October 24, 2024. At the time of filing the present Complaint it resolved to a website stating "Wildz Online Casino – Premium-Gaming für Deutschland" with the word WILDZ in yellow lettering, the W of the term WILDZ styled with lightning bolts (Annex 5 of the Complaint).

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.

Notably, the Complainant contends that it owns trademark rights in the designation WILDZ, which the disputed domain name incorporates in its entirety. The second term, of which the disputed domain name is composed, is descriptive, as "erfahrungen" is a German term that translates into "experiences" in English. Thus, the disputed domain name in its entirety is confusingly similar to the Complainant's WILDZ trademark. The generic Top-Level Domain ("gTLD") .com as a standard domain registration requirement does not prevent the confusing similarity.

As to lack of rights or legitimate interests on the Respondent's side, the Complainant states that it has not granted permission or authorization to the Respondent to use the Complainant's trademark. The Respondent does, according to the Complainant, not own any registered or unregistered trademark rights in WILDZ nor is commonly known by the disputed domain name. The Complainant's trademark rights predate the creation of the disputed domain name, which was registered on October 24, 2024, so the Respondent was presumably aware of the Complainant's WILDZ online casino upon registration of the disputed domain name, which, so the Complainant argues, the Respondent did in order to use the goodwill of the Complainant's mark to attract Internet users to its website.

As to registration and use of the disputed domain name in bad faith, the Complainant puts forth that the Respondent has registered the disputed domain name including the WILDZ trademark with an intent to capitalize on the reputation and goodwill of the WILDZ trademark. According to the Complainant, the disputed domain name, as per Annex 5 to the Complaint, resolved to a website displaying the yellow figurative trademark of the Complainant along with the words "Wildz Online Casino – Premium Gaming für Deutschland". In addition, it claims that at the time of filing the present Complaint the Respondent's website under the disputed domain name linked to a competing online casino, called BetiBeti, from which it can be inferred that the disputed domain name was selected and used to confuse potential customers and mislead

Internet users, creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation and/or endorsement of the Respondent's website.

B. Respondent

The Respondent did not reply to the 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 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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here: "erfahrungen", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed 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 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.

Panels have held that the use of a domain name for an Illegitimate activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 notes that the Respondent has registered the disputed domain name combining the terms “wildz” and “erfahrungen” and used the disputed domain name in order to redirect to a website purporting to be an online casino offering premium gaming for Germany and using the yellow logo with a W in the shape of lightning bolts registered as a trademark on behalf of the Complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy. Whether or not the facts presented by the Complainant allow the conclusion of the Complainant’s WILDZ trademark being reputed, is not material here, given that the term is certainly distinctive to online gaming activities and that, as made evident by Annex 5 of the Complaint, the Respondent himself clearly knew of the Complainant’s trademark and business which he targeted by the registration and use of the disputed domain name.

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 <wildzerfahrungen.com> be transferred to the Complainant.

/Andrea Jaeger-Lenz/

Andrea Jaeger-Lenz

Sole Panelist

Date: April 9, 2025