

## **ADMINISTRATIVE PANEL DECISION**

**Elec Games C1 Limited v. Regery Ukraine, Regery Ukraine LLC**  
**Case No. D2025-0728**

### **1. The Parties**

The Complainant is Elec Games C1 Limited, Malta, represented by Abion AB, Sweden.

The Respondent is Regery Ukraine, Regery Ukraine LLC, Ukraine.

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

The disputed domain name <netticasinos.org> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 21, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which partly differed from the named Respondent (Redacted for Privacy, Regery Ukraine LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 28, 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 March 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2025.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on April 3, 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 owns and operates online gambling platforms, one of which is Netti Casino. The Complainant owns registrations for the trademarks NETTICASINO and NETTI CASINO worldwide such as the following:

1. European Union Trademark Registration No. 010997054, registered on December 26, 2013;
2. European Union Trademark Registration No. 010997666 (figurative), registered on March 26, 2013;
3. United Kingdom Trademark Registration No. 00910997054, registered on December 26, 2013.

The Complainant is the owner of the domain name <netticasino.com> since 2004.

The disputed domain name was registered on February 4, 2025, and resolves to a website in the English and Finnish languages for online casino displaying the Complainant's trademark NETTI CASINO and a logo similar to the Complainant's figurative trademark (in a different colour scheme).

#### **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 the disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain name incorporates the Complainant's trademark followed by the letter "s". The Complainant's trademark is clearly recognizable. The generic Top-Level-Domain ".org" is a standard registration requirement which may be disregarded.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant did not grant the Respondent any rights in its trademark. There is no evidence that the Respondent is known by the disputed domain name. An online search would have shown that the trademark is owned and used by the Complainant. The structure of the disputed domain name reflects the Respondent's intention to create association and likelihood of confusion with the Complainant and its trademark. The disputed domain name resolves to a website which features the Complainant's trademark and a sign similar to the Complainant's figurative trademark. The said website also makes other references to the Complainant's trademarks and products. This conduct intends to deceive Internet users and does not confer rights or legitimate interests in the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant's trademark registration predates the registration of the disputed domain name. An online search returns results directly related to the Complainant and its official website. The Respondent must have had knowledge of the Complainant, its trademark and business. The structure of the disputed domain name reflects the Respondent's intention to create association and likelihood of confusion with the Complainant and its trademark. The disputed domain name resolves to a website which features the Complainant's trademark and a sign similar to the Complainant's figurative trademark. The said website also makes other references to the Complainant's trademarks and products.

The disputed domain name includes the Complainant's trademark adding to it the letter "s". All of the above indicate an intent to deceive Internet users and create an impression of affiliation with the Complainant. A privacy shield is used, which is further evidence of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Matters**

The Panel notes that no communication has been received from the Respondent.

Since the Respondent's postal address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henrystlist.com*, WIPO Case No. [D2024-0962](#)). Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for the purposes of notifying the Complaint. There is no evidence that the case notification email to this email address was not successfully delivered.

Further, the Respondent apparently registered the disputed domain name as recently as February 2025 and thus would appear to be capable of controlling the disputed domain name and the related content and, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response if it wished to do so. The Panel also notes that the website hosted at the disputed domain name is in the English and Finnish languages, which may support an inference that the Respondent is actually not located in Ukraine.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of a Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark.

Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

### **6.2 Substantive Matters**

#### **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.

The addition of the letter "s" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

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 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 must have been aware of the Complainant’s trademark when registering the disputed domain name as the disputed domain name was registered nearly a decade after the registration of the Complainant’s trademark and it is used in connection with a website offering the same services as those of the Complainant, displaying the Complainant’s trademark as well as a logo similar to the Complainant’s figurative trademark. Moreover, the disputed domain name itself is nearly identical to the Complainant’s domain name <netticasino.com> at which its official website is hosted.

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. 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 <netticasinos.org> be transferred to the Complainant.

*/Nayiri Boghossian/*

**Nayiri Boghossian**

Sole Panelist

Date: April 8, 2025