

ADMINISTRATIVE PANEL DECISION

TONKS Ltd. v. Andrii Izhakevych
Case No. D2025-0800

1. The Parties

The Complainant is TONKS Ltd., Cyprus, represented by SafeNames Ltd., United Kingdom.

The Respondent is Andrii Izhakevych, Ukraine.

2. The Domain Names and Registrar

The disputed domain names <eg-linebet.com>, <egypt-linebet.com>, <linebet-arab.com>, <linebet-ar.net>, <linebetar.net>, <linebeteg.net>, <linebet-egypt.net>, <linebetegypt.net>, <linebet-egypt-site.com>, and <linebets-eg.com> are registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 26, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 27, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 28, 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 March 3, 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 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent sent an email communication to the Center on March 19, 2025. Accordingly, the Center notified Commencement of Panel Appointment Process on March 28, 2025.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on April 2, 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. Further Procedural Considerations

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since the Respondent's mailing 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 proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes on March 19, 2024, the Respondent sent an email communication to the Center specifically confirming he had received the notification of the Complaint ("On March 05, 2025, the Respondent received a Notification of Complaint and Commencement of Administrative Proceeding from the Center via email, informing the Respondent that an administrative proceeding had been commenced by the Complainant [...]"). In the same email communication, the Respondent requested "a suspension of the proceedings to allow the parties to explore a settlement", he did not allege and did not provide any evidence of any rights or legitimate interests in respect of the disputed domain names, and he did not rebut the Complainant's allegations of bad faith.

It is further to be noted that, for the reasons set out later in this Decision, the Panel has no serious doubt that the Respondent registered and has used the disputed domain names in bad faith with the intention of unfairly targeting the Complainant's online gambling platform and its LINEBET trademark.

Therefore, the Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.


5. Factual Background

The Complainant is a wholly owned subsidiary of Aspro N.V (established in Curaçao, Netherlands (Kingdom of the) ("Curaçao"), and operates internationally since 2019 as a provider of online casino and gambling services under the LINEBET brand.

The Complainant's online casino and gambling platform operates through its main website "www.linebet.com", as well as its mobile application for download to iOS and Android. This platform provides online betting and gambling services mainly related to slots, live casinos, and over 1,000 sports betting events. The platform is available in over 60 languages and accepts more than 12 different currencies, it has been recognized as a trusted gambling services provider by various specialized publications, and it has been awarded the "Excellence in Sports Betting Innovation 2024" award at SiGMAI's Europe B2C Awards in 2024.

The Complainant further operates an affiliate program through its website "www.linebet.partners" with over 20,000 affiliate users that generate revenue for referring customers as well as earning extra bonuses, and that are able to meet with the Complainant at various International events.

The Complainant holds several trademark registrations for its LINEBET brand, including:

Registration No.	Trademark	Jurisdiction	Registration Date	Classes
018952983		European Union	March 2, 2024	35, 41, and 42
018952940		European Union	March 2, 2024	35, 41, and 42
018952911		European Union	March 2, 2024	35, 41, and 42
018953504		European Union	March 2, 2024	35, 41, and 42

Collectively hereinafter referred as the “LINEBET mark”.

The Complainant further owns various domain names that are used in connection to its business, including <linebet.com> (registered on May 25, 2004), and <linebet.partners> (registered on June 10, 2019).

The disputed domain names were registered on October 17, 2024, and excluding two of them, <linebetar.net> and <linebet-egypt-site.com>, which are apparently inactive resolving to an Internet browser error message, the other eight disputed domain names resolve to similar websites in Arabic language that offer online casino and gambling services. These websites prominently display the LINEBET mark, underlined with an ascendant triangular line (identical or very similar to the graphic representation of the marks registered by the Complainant). These websites further contain various expressions that allude to an apparent official character or official relationship with the LINEBET mark, such as “Types of games at the official LineBet Casino”, “LineBet Mobile Experience [...] LineBet ensures a fast and secure mobile experience anytime, anywhere. Download the app now”, “LineBet withdrawal methods”, “LineBet Customer Support”. Under the sections “Security and License at LineBet”, “Security and Operating License” or similar section in each of the websites, it is indicated that the sites operate under license issued by the Government of Curaçao, and provide the same contact details including a support email address that uses the Complainant’s domain name <linebet.com>. These websites further include a sign up or login click button, and encourage Internet users to “Create an Account”, “Get the reward”, or “Login”, which redirects users to a third party online gambling website (“www.melbet.com”). None of these websites informs about their respective owners or that of the disputed domain names, and none of these websites informs about their lack of connection with the Complainant and its online gambling business.

On January 17 and 24, 2025, the Complainant sent cease-and-desist communications to the Respondent through the Registrar. The Respondent did not reply or react to these communications.

6. 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 names.

Notably, the Complainant contends the disputed domain names are confusingly similar to the LINEBET mark. They incorporate this trademark followed or preceded by terms or abbreviations that refer to “Egypt” or “Arabia”, such as “eg”, “ar”, which are jurisdictions where the Complainant’s platform operates, the term “site”, or add a letter “s” to the LINEBET mark.

The Complainant further contends the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent has no trademark rights and is not commonly known by the term “linebet”, and he is not authorized to use the LINEBET mark. The Respondent has not used, nor prepared to use, the disputed domain names in connection with any bona fide offering of goods or services. Eight of the disputed domain names are used to impersonate the Complainant’s offerings through websites that mimic the Complainant’s official website, and the other two disputed domain names (<linebetar.net> and <linebet-egypt-site.com>), are apparently inactive and passively held, which does not confer rights or legitimate interests. The Respondent’s websites generate traffic through confusion and redirect users to a competing online gambling platform.

The Complainant finally contends the disputed domain names were registered and are being used in bad faith. The Complainant’s trademark registrations predated the registration of the disputed domain names, the Complainant’s platform operates under the LINEBET mark since 2019, and it has a strong presence over the Internet and in the media, particularly in Egypt and the North-African region, where the Complainant’s platform operates significantly. The Respondent is engaged in a pattern of abusive conduct in an attempt to prevent the Complainant from reflecting its brand in the domain name space. The Respondent has additionally attempted to attract, for commercial gain, Internet users to its websites or that of a third competitor by impersonating the Complainant and mimicking its official website. Considering the circumstances of this case, the non-use of two of the disputed domain names amounts to bad faith under the passive holding doctrine established in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). The lack of response to the Complainant’s cease-and-desist communications is a further evidence of bad faith.

B. Respondent

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

As previously mentioned, on March 19, 2024, the Respondent sent an email communication to the Center confirming he had received the notification of the Complaint, and requesting “a suspension of the proceedings to allow the parties to explore a settlement.” The Respondent further indicated he was “willing to engage in constructive discussions with the Complainant and is open to cooperation under its Partner Program, which may provide a mutually beneficial resolution [...]”

7. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed materials and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

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 names. 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, namely the LINEBET mark. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the LINEBET mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are 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, the terms “arab” or “egypt”, their abbreviations “eg” and “ar”, the term “site”, and/or the use of a plural form for the LINEBET mark (with the addition of a letter “s” after the mark), separated or not by hyphens, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, 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 names. 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 names such as those enumerated in the Policy or otherwise.

Nothing in the record indicates the Respondent may have any rights or legitimate interests in respect of the disputed domain names.

The Respondent has no authorization to use the Complainant’s trademark, and the Panel has corroborated through a search over the Global Brand Database that the Respondent owns no trademark rights over the terms “linebet” or “line bet”, or any other term. The Respondent’s name does not reveal any result in the Global Brand Database.¹

While the Panel is aware that the terms “line” and “bet” are included in the dictionary, the Panel does not consider coincidental that this combination of terms included in the disputed domain names resembles the Complainant’s trademark. In this regard, the Panel notes the disputed domain names include terms related to a geographical area where the Complainant operates significantly (“Egypt”, “eg”, “Arab” or “ar”). The Panel further notes the websites linked to the disputed domain names prominently display the Complainant’s trademark, with identical or very similar graphic representation as the one registered by the Complainant. These websites further contain various expressions that allude to a false official character or an official relationship with the Complainant’s or its trademark. The Panel further notes the Respondent’s websites mimic the design, color combination and general look and feel of the Complainant’s official website at “www.linebet.com”, and use a contact email address configured over the Complainant’s domain name <linebet.com> as well as allude to an alleged authorization in the same jurisdiction where the Complainant’s parent company is established (Curaçao).

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

The Panel finds all these circumstances reinforce and enhance the risk of confusion with the Complainant's platform and its trademark, and, according to the Complainant's allegations, indicate an intention to deceive Internet users and impersonate the Complainant and its online gambling platform mimicking its official website. The Respondent's websites generate confusion and constitute an attempt to impersonate or pass off as the Complainant, for a commercial gain, to generate traffic and divert this traffic to competing websites in the same field of online gambling and casino services, which cannot be considered a bona fide offering of goods or services under the Policy. The consensus view among previous panels appointed under the Policy is that the use of a domain name for illegitimate activities, such as impersonation or passing off, can never confer rights or legitimate interests in a domain name on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Therefore, 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 Complainant's business and the LINEBEL mark have a strong presence over the Internet, and the Complainant has provided evidence of the recognition of its online gambling platform within its sector in specialized publications and awards.

The Panel further notes the composition of the disputed domain names all incorporating the LINEBET mark, and the use of eight of the disputed domain names in connection to websites that prominently display this trademark with identical or very similar graphic representation as the one registered by the Complainant. The imitation of the Complainant's official website design, color combination, and general look and feel in the Respondent's websites, as well as the use in these websites of expressions that impersonate the Complainant or generate confusion or association with the Complainant, its business and its trademark. The Respondent's websites provide a support email over the Complainant's official website domain name, and indicate the Curaçao authorities authorized his gambling websites, the same location where the Complainant's parent company is established.

Panels have held that the use of a domain name for illegitimate or illegal activities here, claimed impersonation/passing off, or other types of fraud constitutes bad faith. Impersonation and/or fraud is considered a per se illegitimate activity, and such behavior is, in accordance with section 3.1.4 of the [WIPO Overview 3.0](#), manifestly considered evidence of bad faith. See *FLRish IP, LLC v. prince zvomuya*, WIPO Case No. [D2019-0868](#); *Kibali Goldmines SA v. Evans Wesonga*, WIPO Case No. [D2023-0905](#); or *Rootz LTD v. Mcleish Tracy Ann*, WIPO Case No. [D2024-5082](#). The composition of the disputed domain names, incorporating the Complainant's identical trademark, further strengthens this conclusion, and all the circumstances indicate a targeting to the Complainant and its trademark in the registration and use of the disputed domain names.

The Respondent's lack of response to the Complainant's cease-and-desist communication and his reaction to the notification of the Complaint, further corroborate the above conclusion. Instead of providing any evidence of rights or legitimate interests in the disputed domain names and rebutting the Complainant's allegations of bad faith, or instead of offering the direct transfer of the disputed domain names to the Complainant, the Respondent suggested a "constructive negotiation", to look for a "mutual beneficial resolution" and possibly to participate in the Complainant's Partner Program. This does not indicate, in the Panel's view, bona fide intentions in the Respondent.

Under these circumstances, the non-use of two of the disputed domain names does not alter this conclusion and does not prevent a finding of bad faith under the doctrine of passive holding established in *Telstra Corporation Limited v. Nuclear Marshmallows*, *supra*. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the composition of the disputed domain names and the fact the non-used disputed domain names were registered together with other eight disputed domain names that have been

used in bad faith to impersonate the Complainant and its business, in an attempt to deceive Internet users and redirect them to a competing gambling third party's platform, and finds in the circumstances of this case the passive holding of two of the disputed domain names does not prevent a finding of bad faith under the Policy.

Giving the number of the disputed domain names (ten) registered at the same date and similarly used by the Respondent to target the Complainant and its LINEBET mark, the Panel further finds the Respondent has engaged in a pattern of bad faith registration of domain names that incorporate this trademark. [WIPO Overview 3.0](#), section 3.1.2.

Therefore, having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy, and the Complainant has established the third element of the Policy.

8. 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 names <eg-linebet.com>, <egypt-linebet.com>, <linebet-arab.com>, <linebet-ar.net>, <linebetar.net>, <linebeteg.net>, <linebet-egypt.net>, <linebetegypt.net>, <linebet-egypt-site.com>, and <linebets-eg.com> be transferred to the Complainant.

/Reyes Campello Estebarez/

Reyes Campello Estebarez

Sole Panelist

Date: April 14, 2025