

## **ADMINISTRATIVE PANEL DECISION**

Tonks Ltd. v. Olena Kalvynkovska  
Case No. D2025-0852

### **1. The Parties**

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

The Respondent is Olena Kalvynkovska, Ukraine.

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

The disputed domain names <linebet-ar.com> and <linebet-ar.icu> (the “Domain Names”) are registered with Hosting Ukraine LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 28, 2025. On March 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On March 4, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Privacy Protection, Hosting Ukraine LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 4, 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 amended Complaints in English on March 5, 2025.

On March 4, 2025, the Center informed the Parties in Russian and English, that the language of the Registration Agreements for the Domain Names is Russian. On March 5, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended Complaints 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 in Russian and English of the Complaint, and the proceedings commenced on March 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 28, 2025.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on April 1, 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. Procedural Issues**

##### **4.1. Circumstances Impacting Case Notification**

Paragraph 10(b) of the Rules requires the Panel to ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case. Paragraph 10(c) requires that the administrative proceeding takes place with due expedition.

The Respondent's mailing address is in Ukraine, which is subject to an international conflict at the date of this decision. These circumstances may impact case notification, and it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue. The Panel is of the view that the proceeding should continue, having considered all the circumstances of the case.

First, the Panel notes that the Center duly complied with its obligations and that the Notification of Complaint was done in accordance with the Rules.

Second, the Panel notes that the Notification of Complaint's emails were delivered to the Respondent's email address, as provided by the Registrar.

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.

##### **4.2. Language of the Proceeding**

The language of the Registration Agreements for the Domain Names is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

First, the Complainant alleges that neither it nor its representatives are familiar with the Russian language. Second, the Complainant notes that the Domain Names consist solely of Latin characters, rather than Cyrillic script. Third, the Complainant contends that the Domain Names resolve to websites containing prompts that redirect visitors to third-party websites, all of which are entirely in the English language. Fourth, the Complainant asserts that its representatives are based in the United Kingdom, and requiring a translation would incur additional expense and cause unnecessary delay.

The Respondent did not comment on the Complainant's request for the language of the proceeding be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel accepts that substantial additional expense and delay would likely be incurred if the Complaint had to be translated into Russian. Moreover, the Panel notes that the Respondent did not comment or let alone object to the Complainant's arguments concerning the language of the proceeding.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **5. Factual Background**

The Complainant is a provider of online gambling services operating under the LINEBET trademark. Its offerings primarily include online slots, live casino games, and sports betting events. Established in 2019, the Complainant's online platform serves as the cornerstone of its business operations. The Complainant operates its principal platform through the domain name <linebet.com>, which it uses to provide global access to its gambling services.

The Complainant is the owner of numerous LINEBET trademark registrations, including:

- the European Union Trademark Registration for LINEBET (figurative) No. 018952983, registered on March 2, 2024;
- the European Union Trademark Registration for LINEBET (figurative) No. 018952940, registered on March 2, 2024; and
- the European Union Trademark Registration for LINEBET (figurative) No. 018952911, registered on March 2, 2024.

The Domain Names were registered on July 5, 2024.

On January 17, 2025, the Complainant sent a cease-and-desist letter to the Respondent by email. No response was received.

At the time the Complaint was submitted, the Domain Names resolved to websites that impersonated the Complainant and its services by using the LINEBET trademark and purporting to offer betting services similar to those of the Complainant. These websites also featured buttons such as "Linebet Get Bonus", "Linebet Download", or "Bet on Football", which redirected visitors to the websites of the Complainant's competitors.

As of the date of this Decision, the Domain Names resolve to websites in the Arabic language that similarly impersonate the Complainant and its offerings through the use of the LINEBET trademark and promotion of comparable betting services. These websites likewise include buttons such as "Linebet Get Bonus", "Linebet Download", or "Bet on Football," which redirect users to the Complainant's competitor platforms.

## **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 Domain Names.

First, the Complainant contends that the Domain Names are confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Names.

Third, the Complainant submits that the Domain Names were registered and are being used in bad faith.

## **B. Respondent**

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

## **7. Discussion and Findings**

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". See section 4.2 of the [WIPO Overview 3.0](#).

### **A. Identical or Confusingly Similar**

Under the first element, the Complainant must establish that the Domain Names are identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid LINEBET trademark registrations. The Domain Names incorporate this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark. See *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS)*, WIPO Case No. [D2003-0696](#).

The addition of the term "-ar" in the Domain Names does not prevent a finding of confusing similarity between the Domain Names and the LINEBET trademark. Panels have consistently held that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#).

The generic Top-Level Domains ("gTLDs") ".icu" and ".com" in the Domain Names are viewed as a standard registration requirement and as such are typically disregarded under the first element test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Names are confusingly similar to the Complainant's LINEBET trademark for purposes of the Policy. In sum, the Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Names.

A right or legitimate interest in the Domain Names may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made preparations to use the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Names, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the Complainant's LINEBET trademark registrations predate the Respondent's registration of the Domain Names. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the LINEBET trademark or to register the Domain Names incorporating this trademark. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Names.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Names in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Names. On the contrary, at the time the Complaint was submitted, and continuing through the date of this Decision, the Domain Names have resolved to websites that impersonate the Complainant and its services by using the LINEBET trademark and presenting themselves as providers of betting services similar to those offered by the Complainant. These websites have also featured buttons labeled "Linebet Get Bonus", "Linebet Download", or "Bet on Football," which redirect users to the websites of competing service providers. Such use of the Domain Names does not confer rights or legitimate interests in the Domain Names on the Respondent.

Given the above, there are no circumstances in the evidence on record which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Names. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

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

Under the third element, the Complainant must prove that the Domain Names have been registered and are being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or

(iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the LINEBET trademark predate the registration of the Domain Names. This Panel finds that the Respondent was, or should have been, aware of the Complainant's trademark at the time of registration. This conclusion is supported by the content of the associated websites, which impersonate the Complainant and have buttons redirecting visitors to websites of the Complainant's competitors. Moreover, it has been proven to the Panel's satisfaction that the Complainant's LINEBET trademark is known and unique to the Complainant. Thus, the Respondent could not reasonably ignore the reputation of goods or services under this trademark. In sum, the Respondent, more likely than not, registered the Domain Names with the expectation of taking advantage of the reputation of the Complainant's LINEBET trademark.

Furthermore, the Domain Names are being used in bad faith. At the time the Complaint was filed, and continuing through the date of this Decision, the Domain Names resolve to websites that impersonate the Complainant and its services by misusing the LINEBET trademark, presenting themselves as providers of betting services similar to those offered by the Complainant, and redirecting users to websites operated by competing service providers. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to these websites by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the websites.

Moreover, the Respondent's failure to respond to the cease-and-desist letter sent by the Complainant and to the current proceeding further supports a finding of bad faith.

For the reasons discussed above, the Panel finds the third element of the Policy has been established.

## **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 Domain Names <linebet-ar.com> and <linebet-ar.icu> be transferred to the Complainant.

*/Piotr Nowaczyk/*

**Piotr Nowaczyk**

Sole Panelist

Date: April 15, 2025