

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Andrii Filonenko

Case No. D2025-0924

1. The Parties

The Complainant is Novomatic AG, Austria, represented by Salomonowitz Attorneys-at-Law, Austria.

The Respondent is Andrii Filonenko, Ukraine.

2. The Domain Names and Registrars

The disputed domain names <admiral-bonus.com>, <admiral-jackpot.com>, <admiral777.com>, <admiral777place.com>, <admiral777spin.com> are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2025. On March 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 6, 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 (NameSilo, LLC / Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 12, 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 March 12, 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 March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 15, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on April 25, 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

Founded in 1980, the Complainant is a leading company in the gaming technology sector. It offers a comprehensive portfolio of gaming products and operates approximately 2,100 gaming establishments worldwide through its subsidiaries. With a presence in around 50 countries, the Complainant exports its gaming equipment to over 120 countries. In 2024, it employed more than 26,200 people and generated revenues exceeding EUR 3.5 billion.

The Complainant has evidenced to be the registered owner of numerous ADMIRAL trademarks worldwide including, but not limited, to the following:

- European Union trademark registration No. 004134433, registered on August 14, 2006, for the word mark ADMIRAL, in classes 9, 16, 28, 36, 37, 41, 42, and 43; and
- International trademark registration No. 598347, registered on December 17, 1992, for the word mark ADMIRAL, in classes 9, 28, 36, 37, 41, and 42;

The aforementioned trademarks were registered prior to the disputed domain names, all of which were registered on the same date, April 27, 2023, with the same Registrar. As of the date of this Decision, the disputed domain names resolve to webpages with identical content, namely a gaming platform called "Armada Gaming Club." The websites offer both free-to-play and real-money gaming options, highlighting attractive bonuses, secure payment methods, and the potential for significant winnings.

According to the disclosed Whois information for the disputed domain names, the Respondent is located in Ukraine.

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 names.

The Complainant asserts that the disputed domain names are confusingly similar to its trademark, as they fully incorporate the Complainant's mark as the dominant element, with only the addition of the descriptive terms such as "jackpot", "777", "bonus" etc. Since these terms are descriptive of the services offered under the disputed domain names, their mere addition does not prevent a finding of confusing similarity.

The Complainant further asserts that the Respondent lacks rights or legitimate interests in the disputed domain names for following reasons: First, the Respondent is not commonly known by the disputed domain names and has not acquired any trademark rights associated with them. Second, the Respondent is not affiliated with, licensed by, or otherwise authorized to use the ADMIRAL trademarks in connection with the disputed domain names. Third, the Respondent has neither used nor demonstrated any preparations to use the disputed domain names in connection with a bona fide offering of goods or services. On the contrary, according to the Complainant, the Respondent has used the disputed domain names to operate websites offering slot games and facilitating illegal gambling activities.

Finally, the Complainant asserts that the Respondent registered and used the disputed domain names in bad faith for the following reasons. First, the Respondent had knowledge of the Complainant's trademark at the

time of registering and using the disputed domain names, given that the Complainant's ADMIRAL marks significantly predate the registration of disputed domain names and are well-known. Second, by offering unauthorized versions of the Complainant's slot games and facilitating illegal gambling, the Respondent clearly intended to mislead users, divert web traffic from the Complainant's official sites, and disrupt its business by directing users to competing and unauthorized platforms. This behavior suggests that the Respondent registered the disputed domain names to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademarks, thereby constituting further evidence of bad faith under the Policy.

The Complainant requests that the disputed domain names be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1. Multiple Domain Names

The Complaint was filed in relation to five domain names.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

The disputed domain names were registered by the same Respondent and the Panel finds that this requirement is fulfilled.

6.2. Additional Procedural Considerations

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

The Panel observes that, according to the Whois records, the Respondent is located in Ukraine, a country currently affected by an ongoing international conflict that may impact communication and notification. Accordingly, the Panel has considered, in its discretion under paragraph 10 of the Rules, whether to proceed with the case. The Panel is satisfied that it should.

The record shows that the Center notified the Complaint to the Respondent using the email address provided by the concerned Registrar and those listed on the websites associated with the disputed domain names, with no delivery failure notices received.

The Panel further observes that the disputed domain names, registered by the Respondent in 2023, currently resolve to active websites displaying operational content. This demonstrates that the Respondent maintains functional control over the disputed domain names and is capable of managing their online presence. Accordingly, the fact that the Complaint was evidently transmitted by email supports the inference that the Respondent had both the means and the opportunity to receive the notification and, had it chosen to do so, to participate in the administrative proceeding by submitting a Response.

Additionally, the Panel notes that the Respondent has previously been involved in prior UDRP administrative proceedings concerning the Complainant's trademark (*Novomatic AG v. Volodimir Piddubniy, Priv. Person, Oleh Desiatov, Volodymyr Piddubnyi, Maksim Reznik, Andrii Filonenko*, WIPO Case No. [D2024-4406](#)). This not only reinforces the Respondent's apparent familiarity with the UDRP process and its ability to participate in such proceedings had it chosen to do so, but also, for the reasons set out below, supports the finding that

the Respondent has registered and used the disputed domain names in bad faith. Furthermore, the Panel notes that the Complainant designated, as the mutual jurisdiction for this proceeding, the courts at the location of the principal office of the concerned Registrar, which is located in Florida in the United States of America. Accordingly, and in light of the Panel's findings regarding proper notice to the Respondent, the Panel considers that issuing this Decision does not prevent the Respondent from exercising its rights under paragraph 4(k) of the Policy to initiate court proceedings in the appropriate mutual jurisdiction.

The Panel concludes that both Parties have been afforded a fair opportunity to present their respective positions and, in the interest of ensuring the timely resolution of this matter, now proceeds to render its Decision.

6.3. Substantive Issues

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 Panel finds the 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.

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.

Indeed, the Complainant has confirmed that the Respondent is not affiliated with the Complainant or otherwise authorized or licensed to use the ADMIRAL trademarks or to seek registration of any domain name incorporating the trademarks. The Respondent is also not known to be associated with the ADMIRAL trademarks, and there is no evidence that the Respondent has been commonly known by the disputed domain names. [WIPO Overview 3.0](#), section 2.3.

On the contrary, it appears that the Respondent is actively using the name “armada” for the online gambling platforms to which the disputed domain names resolve which display identical or nearly identical content and offer commercial gambling services. These websites also promote secure payment and withdrawal options, which clearly reflect a commercial intent.

The use of the name “armada”, which bears a similarity to the Complainant’s ADMIRAL trademark noting that the latter is embedded in the disputed domain names, further confirms that the Respondent is not commonly known by the disputed domain names. [WIPO Overview 3.0](#), section 2.3.

Moreover, the deliberate incorporation of the Complainant’s trademark into the disputed domain names, while simultaneously promoting a competing gambling platform under an unrelated brand, demonstrates that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

Furthermore, the Panel notes that the composition of the disputed domain names creates a strong risk of implied affiliation with the Complainant, suggesting sponsorship or endorsement. The inclusion of generic or descriptive terms commonly associated with online gaming, such as “bonus,” “jackpot,” “spin,” and “777”, reinforces this impression, as these terms are closely linked to the Complainant’s field of activity and increase the likelihood of confusion among consumers. See [WIPO Overview 3.0](#), section 2.5.1.

Finally, the Panel notes that the Respondent has previously been involved in prior UDRP proceedings concerning the Complainant’s trademark. This demonstrates a pattern of abusive domain name registrations, which constitutes compelling evidence that the Respondent’s conduct is primarily aimed at unfairly profiting from the Complainant’s reputation.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any 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 name such as those enumerated in the Policy or otherwise.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain names and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 or use of a domain name in bad faith.

In the present case, the Panel observes that the Complainant's ADMIRAL trademarks predate the Respondent's registration of the disputed domain names. Moreover, the Respondent's adoption of the disputed domain names incorporating the Complainant's trademark, combined with the use of terms related to the Complainant's activities and the offering of services that directly compete with those of the Complainant on the associated websites, clearly demonstrates that the Respondent was aware of the Complainant's business and trademark rights at the time of registering the disputed domain names. [WIPO Overview 3.0](#), section 3.2.2.

Additionally, the fact that the same Respondent has previously been involved in prior UDRP administrative proceedings concerning the Complainant's trademark reinforces the argument that the Respondent was aware of the Complainant and registered the disputed domain names in bad faith. Furthermore, this also indicates that the Respondent has engaged in a pattern of conduct aimed at preventing the Complainant from reflecting its mark in the disputed domain names. See [WIPO Overview 3.0](#), section 3.1.2.

In the Panel's view, the Respondent has intentionally attempted to attract Internet users to its websites, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks regarding the source, sponsorship, affiliation, or endorsement of its website or the products offered on it. Pursuant to paragraph 4(b)(iv) of the Policy, this constitutes evidence of the registration and use of a domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In this context, the Panel also attaches significance to the fact that the Center did not receive any response from the Respondent.

Based on the available record, 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 names <admiral-bonus.com>, <admiral-jackpot.com>, <admiralslots777.com>, <admiral777place.com>, <admiral777spin.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: May 9, 2025