

ADMINISTRATIVE PANEL DECISION

Rootz LTD v. Frolov Roman
Case No. D2025-1011

1. The Parties

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

The Respondent is Frolov Roman, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <www.wildz.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 12, 2025. On March 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 2025, the Registrar transmitted by email to the Center its verification disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 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 13, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on April 15, 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 in this administrative proceeding is Rootz LTD, a gaming company, licensed and regulated by the Malta Gaming Authority. The Complainant operates several online casinos offering online games of chance; one of the Complainant's casinos is Wildz ("www.wildz.com"), an international online casino.

The Complainant is, inter alia, the owner of the following:

European Union trademark registration number 017589813 for the WILDZ (word) trademark, registered on April 25, 2018;

European Union trademark registration number 018071717 for the WILDZ (device) trademark, registered on October 8, 2019.

International trademark registration number 1514361 for the WILDZ (device) trademark, registered on November 24, 2019.

The aforementioned trademarks cover inter alia various gaming, gambling, and entertainment-related services falling in class 41.

The disputed domain name was registered on January 27, 2025. Currently the disputed domain name appears to be inactive, resolving to a page where a "connection timed out" message is displayed. However, from the submissions of the Complainant, i.e., a Google listing, it appears that previously the disputed domain name resolved to a website presented as a "fully licensed online casino operated by Rootz Limited".

Having regard to the above background and in accordance with the position noted in paragraph 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, ("[WIPO Overview 3.0](#)") the Panel has performed limited factual research to assist it in determining the previous use of the disputed domain name.

The Panel has verified on the Internet Archive ("www.archive.org") that, at least on February 8 and 16, 2025, the disputed domain name resolved to a website hosting an online casino presented as a licensed online casino purporting to be operated by the Complainant.

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 addition in the disputed domain name of two additional letters "w" does not avoid confusing similarity between the disputed domain name and the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and particularly that the Respondent's use of the Complainant's trademark on its website, reflected as well in the way Google lists the disputed domain name on Internet searches, clearly shows that Respondent was aware of the Complainant's business and offering online; and that the Respondent registered the disputed domain name in order to confuse potential customers and attract them, for its own commercial gain, to its website.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Considerations – Respondent's location

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.

It also appears that the Complaint sent to the Respondent's email address as disclosed by the Registrar was undeliverable (as the email account is apparently inactive). However, although it cannot be guaranteed that it was actually delivered to the Respondent, there is no evidence that the case notification email sent to the privacy service's email address was not successfully delivered.

Furthermore, the Panel notes that, as specified by the Rules at paragraph 2(a) "Communications", the Center sent the Written Notice of the Complaint to the Respondent's address in Ukraine, as per the information disclosed by the Registrar. Postal notification is reported to have been registered for collection on April 2, 2025. However, the Panel notes that the postal service was unable to deliver the Written Notice sent by registered post to the Respondent's address in Ukraine ("misrouting").

Having considered all the circumstances of the case, the Panel is of the view that the proceeding should continue. The Panel has reached this conclusion in part because the Panel recognizes that the Center employed all reasonably available means calculated to achieve actual notice to the Respondent, including the privacy service's email address obtainable by a public Whois search, the Respondent's email address as confirmed by the Registrar, the postmaster address as required by the Rules, and the Written Notice.

The Panel also notes that the Respondent registered the disputed domain name on January 27, 2025, i.e., almost three years after the start of the commencement of the present international conflict, indicating that the Respondent provided the said address to the Registrar at the point of registration notwithstanding the ongoing international conflict, and thus would appear to be capable of controlling the disputed domain name and the related content. Further, having such access to the Internet, the Respondent should have received at least electronic notice of this proceeding, in this sense *Elec Games Ltd. v. Regery Ukraine* WIPO Case No. [D2024-4870](#) where the panel found that: "the disputed domain name was created in August 2024, during the international conflict, suggesting that the Respondent is able to access the Internet, maintain control of the disputed domain name (reinforced by the changing content displayed thereon, mentioned below), and should have received at least electronic notice of this proceeding."

In addition, it should be noted that the Respondent is required to provide accurate and reliable contact details to the Registrar and to keep these updated so that notification, such as attempted here, can be made.

The Panel further notes that the Respondent, when registering the disputed domain name, used a privacy shield service for its registration, a fact that, under the circumstances of the case, constitutes a factor from which it can be presumed that the Respondent has intentionally tried to hide its identity and contact details.

Finally, the Panel notes that, for the reasons, which are set out later in this Decision, the Panel has formed the view that the Respondent registered and has used the disputed domain name in bad faith.

The Panel therefore concludes that, on the balance of probabilities, the Respondent intentionally rendered himself uncontactable.

6.2 Substantive Issues

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

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

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 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 incorporated entirely and recognizable 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, two additional letters "w", 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 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 illegal activity, here claimed as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In addition, and irrespective of whether the products and services offered at the website were genuine or not, the Panel notes the composition of the disputed domain name, and the way the website pretended to be an "official" website, namely a legitimate online casino operated by the Complainant, the disputed domain name and the corresponding website carried a risk of implied affiliation with the Complainant and its website. [WIPO Overview 3.0](#), section 2.5.1.

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 intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark.

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.

The disputed domain name was registered several years after the Complainant registered its WILDZ trademark. The fact that the disputed domain name reproduces the Complainant's trademark, together with its use, and that it was advertised as an online casino presented as operated by the Complainant, are indications that the Respondent was aware of the Complainant's trademark and activity when registering the disputed domain name.

Panels have held that the use of a domain name for illegal activity as in the case, here allegedly for 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 names constitutes bad faith under the Policy.

Finally, Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name and its previous use, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of 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 <www.wildz.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: April 29, 2025