

ADMINISTRATIVE PANEL DECISION

Elec Games Ltd. v. Timur Gabdulin

Case No. D2025-1058

1. The Parties

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

The Respondent is Timur Gabdulin, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <boostcasino-ee.com> is registered with Registrar of Domain Names REG.RU LLC (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on March 14, 2025. On March 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 17, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy / Personal data, cannot be publicly disclosed according to applicable laws) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 17, 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 18, 2025.

On March 17, 2025, the Center informed the parties in Russian and English, that the language of the registration agreement for the disputed domain name is Russian. On March 18, 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, but on March 19 and 21, 2025 sent two email communications to the Center in Russian.

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 in Russian and English of the Complaint, and the proceedings commenced on March 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2025. The Respondent did not submit any response. Accordingly, the Center commenced to Panel Appointment on April 15, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on April 21, 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, Elec Games Ltd, is a company active in the development and distribution of electronic gaming products and services, including online-based games, betting, and casino operations. It offers a wide range of online casino and gaming content accessible via desktop, tablet, and mobile platforms.

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

- European Union Trademark Registration No. 017754681, registered on May 18, 2018, in international classes 9, 38, and 41;
- United Kingdom Trademark Registration No. UK00917754681, registered on May 18, 2018, in international classes 9, 38, and 41;
- Norwegian Trademark Registration No. 201801536, registered on September 30, 2022, in international class 41.

The Complainant also owns the domain name <boostcasino.com>, registered on March 16, 2015, which is used to operate one of its online casino and gaming platforms.

The aforementioned trademarks and domain name were registered prior to the disputed domain name, which was registered on June 20, 2024. The disputed domain name currently resolves to a website promoting a youth football school in Estonia and purportedly offering professional coaching and personalized training programs to help children develop their football skills. However, the Complainant has submitted evidence indicating that the disputed domain name at the time of the filing of the Complaint resolved to a website impersonating the Complainant - claiming to be the Complainant's official website in Estonia, displaying its trademarks, and offering the Complainant's services.

The Respondent, according to the disclosed Whois information for the disputed domain name, is located in the Russian Federation.

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.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's trademark, BOOST CASINO, as it incorporates the entire trademark. The addition of the abbreviation "ee" (representing the geographic term "Estonia") and a hyphen does not alter the overall impression that the disputed domain name is associated with the Complainant's trademark, nor does it prevent the confusing similarity.

The Complainant asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name for the following reasons: (1) the Complainant has never authorized, licensed, or otherwise permitted the Respondent to register or use the disputed domain name; (2) the Respondent holds no trademarks that correspond to the Complainant's trademark; and (3) the Respondent has used the disputed domain name to operate a website that impersonated the Complainant, displayed its trademarks, and offered the Complainant's services, with the intent for commercial gain by misleadingly diverting consumers to its website.

The Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith for several reasons: (1) the Complainant's trademarks predate the registration of the disputed domain name; (2) the disputed domain name has been used in connection with a website where the Respondent impersonated the Complainant and offered the Complainant's services, with the clear intent to exploit the Complainant's trademarks and goodwill; (3) the Respondent intentionally attempted to attract, for commercial gain, Internet users to their website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and advertised services; (4) the Respondent failed to respond to the Complainant's cease-and-desist letter, making no attempt to assert any legitimate rights or interests in the disputed domain name;

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

B. Respondent

The Respondent did not provide a formal or substantive reply to the Complainant's contentions. However, the Respondent submitted two informal email communications in Russian. In the first, the Respondent stated that it did not see or understand the complaint *"Здравствуйте. В чём заключается полученная жалоба? Я не вижу никакой полученной жалобы."*

Following the Center's reply, the Respondent sent a second communication, indicating that it had reviewed the points raised, did not understand the basis of the complaint or why its website was implicated, had nothing further to add, and would leave the matter to the discretion of the Panel *"Здравствуйте. Мы ознакомились с указанными пунктами жалоб. Мы вообще не понимаем о чём речь и почему наш сайт попал под такие жалобы. Нам нечего добавить, оставляем решение на усмотрение Административной Комиссии, когда она будет назначена."*

6. Discussion and Findings

I. Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name 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.

The Complaint was filed in English. The Complainant requests that the proceedings be conducted in English for the following reasons: firstly, English is commonly used in international disputes; secondly, the disputed domain name contains English words, such as "boost" and "casino", suggesting that the Respondent likely understands English; thirdly, requiring translation of the Complaint into another language would entail significant additional costs for the Complainant and cause delays in the proceedings; furthermore, conducting the proceedings in English would promote efficiency and timely resolution, given that English is widely used in international business and communication, and would be considered neutral for both parties.

The Respondent did not make any submissions with respect to the language of the proceeding.

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, as well as considerations of time and costs. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

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.

II. 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 failure to file any substantive submissions in present case 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 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 substantive 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 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 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.

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

Currently, the website to which the disputed domain name resolves appears to promote a youth football academy in Estonia, purportedly offering professional coaching and personalized training programs for children. However, based on the evidence submitted in these proceedings, the Panel notes that the content of the website was recently modified. Prior to the change, the disputed domain name redirected to a website falsely presenting itself as an official site of the Complainant, prominently displaying the Complainant's trademarks and corporate history. The website notably promoted an online casino platform under the name BOOST CASINO, which claimed to offer a wide selection of games, attractive bonuses including free spins and deposit matches, and fast registration and payment methods targeted at Estonian users.

The Panel therefore finds that the disputed domain name was not used for a bona fide offering of goods or services. Moreover, UDRP panels have consistently held that use of a disputed domain name for illegal activities - such as impersonation or passing off - can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), sections 2.2 and 2.13.

The Panel also notes that the composition of the disputed domain name carries a risk of implied affiliation or suggests sponsorship and/or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.5.2.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that Respondent lacks any 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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name 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 BOOST CASINO trademarks predate the Respondent's registration of the disputed domain name. Moreover, the Respondent's adoption of a disputed domain name incorporating the Complainant's trademark - combined with the use of the Complainant's trademarks and the offering of the Complainant's services on the previously associated website - clearly demonstrates that the Respondent was aware of the Complainant's business and trademark rights at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Additionally, the disputed domain name previously resolved to a website misleading the public into believing that it was affiliated with or originating from the Complainant. UDRP panels have consistently held that such use- impersonation, passing off, and any type of fraud- constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In the Panel's view, the Respondent has intentionally attempted to attract Internet users to its website, 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 substantive response from the Respondent. The Respondent sent an informal response to the Center and clearly acknowledged being the owner of the disputed domain name but did not present any arguments that could justify the good faith of its registration and use of the disputed domain name.

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 name <boostcasino-ee.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: May 2, 2025