

ADMINISTRATIVE PANEL DECISION

Sanctum IP Holdings Ltd v. Ihor Zhylin
Case No. D2025-1259

1. The Parties

The Complainant is Sanctum IP Holdings Ltd, Antigua and Barbuda, represented by SafeNames Ltd., United Kingdom.

The Respondent is Ihor Zhylin, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <bodog-bonus.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 27, 2025. On March 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 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 31, 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 April 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 25, 2025.

The Center appointed Federica Togo as the sole panelist in this matter on May 5, 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 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 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.

In particular, the Center successfully sent the Notification of the Complaint to the email address disclosed for the Respondent by the Registrar in its Registrar Verification Response under the disputed domain name. There is no indication that the email notification has not been 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 14, 2025.

Finally, the Panel notes that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the disputed domain name in bad faith.

The Panel therefore concludes that the Respondent has been given a fair opportunity to present its case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

5. Factual Background

It results from the Complainant's undisputed allegations it was founded in 1994 and operates as a provider of online gambling services, specialising in sports betting and online casino offerings. It maintains an international presence, operating in jurisdictions such as Canada, and Latin America.

The Complainant primarily operates from its official websites at "www.bodog.eu" and "www.bodog.com", which it uses to host the BODOG platform regionally and provide access to its online gambling offerings. As part of its offerings, the Complainant offers various "bonuses" to its customers.

The Complainant is the registered owner of several trademarks for BODOG, e.g. European Union trademark registration No. 004491387 BODOG (word), registered on October 27, 2006 for services in classes 35, 36 and 41.

The disputed domain name <bodog-bonus.com> was registered on November 2, 2024. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolved to a website displaying without authorization the Complainant's registered trademark, logo, images and contents

from its official website. On February 21, the Complainant sent to the ISP of the disputed domain name a request to remove the infringing content from the website, which replied: *“Hello. Your request was sent to the client. He is given 24 hours to solve the problem. If he gives no reaction, we will block the site”*. Following a takedown notice to the ISP of the disputed domain name, this content was removed.

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 name.

The Complainant asserts that it has accrued significant goodwill and reputation in the BODOG mark.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s trademark since it reproduces the BODOG mark in its entirety, in addition to a hyphen and the term “bonus”. The addition of the term “bonus” arguably reinforces the disputed domain name’s connection with the Complainant, given the various “bonuses” it offers as part of its gambling offerings.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent has not received any license from the Complainant to use a domain name featuring the BODOG trademark. In addition, the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. It currently redirects towards a website advertising construction goods, which displays content that is entirely unrelated to the Complainant or any of the terms contained within the disputed domain name. The disputed domain name previously resolved to a website that impersonated the Complainant, reproducing the official BODOG logo alongside other content sourced directly from the Complainant’s main website.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith.

According to the Complainant, the trademark registrations predate the creation date of the disputed domain name by 19 years. In addition, the BODOG term has no ordinary or dictionary meaning, used solely in connection with the Complainant’s services. Moreover, shortly after registration, the disputed domain name resolved to a website that reproduced the Complainant’s official logo and website content. It is implausible to suggest that the Respondent was not aware of, or did not intend to target, the Complainant at the point of registering the disputed domain name. Prior to the Complainant’s takedown notice, the disputed domain name was previously used to direct Internet users to a website impersonating the Complainant’s brand, brandishing the BODOG logo, as well as other content from the Complainant’s official website. This website was designed to create the impression that it is operated or otherwise affiliated with the Complainant, when this is not the case.

B. Respondent

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

7. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 entirety of the BODOG 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.

Although the addition of other terms here, "bonus", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

The Panel notes that the disputed domain name is clearly constituted by the entirety of the Complainant's trademark plus an additional term "bonus" which is within the Complainant's field of commerce or indicating services related to the BODOG brand. The Panel finds it most likely that the Respondent registered the disputed domain name with the intention to suggest an affiliation with the Complainant. This is also

confirmed by the content of the website to which the disputed domain name resolved displaying without authorization the Complainant's registered trademark, logo, images and contents from its official website. [WIPO Overview 3.0](#), section 2.5.1.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case, impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain name resolved to a website displaying without authorization the Complainant's registered trademark, logo, images and contents from its official website.

By the time the disputed domain name was registered, the Panel considers it to be unlikely that the Respondent did not have knowledge of the Complainant and its marks, which are entirely included in the disputed domain name, and which have been existing by many years at the time the disputed domain name was registered. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name included the Complainant's trademark when it registered the disputed domain name.

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. In this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the Panel's findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain name (wholly incorporating the Complainant's trademark plus an additional term which is within the Complainant's field of commerce or indicating services related to the brand);
- (ii) the content of the website to which the disputed domain name directed (i.e. displaying without authorization the Complainant's registered trademark, logo, images and contents from its official website);
- (iii) a clear absence of rights or legitimate interests coupled with no response for the Respondent's choice of the disputed domain name;
- (iv) the Respondent concealing its identity through a privacy service; and
- (v) the Respondent did not react to the Complainant's takedown notice sent to the ISP of the disputed domain name.

The Panel finds that 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 name <bodog-bonus.com> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: May 19, 2025