

ADMINISTRATIVE PANEL DECISION

Rootz LTD v. Raiymbek Dosmailov

Case No. D2025-1289

1. The Parties

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

The Respondent is Raiymbek Dosmailov, Kazakhstan.

2. The Domain Name and Registrar

The disputed domain name <caxinonz.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 30, 2025. On March 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 1, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and his contact details.

The Center verified that 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 April 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 28, 2025.

The Center appointed Mihaela Maravela 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. Factual Background

According to information in the Complaint, the Complainant is an igaming company based in Malta. It offers a number of online casinos which are licensed and regulated by the Malta Gaming Authority. The Complainant uses the trademark CAXINO for an online casino operating at “www.caxino.com”, which includes top online gaming titles.

The Panel has independently ascertained that the Complainant is the holder of the following registered trademarks for CAXINO: the United Kingdom trademark No. UK00918211738 CAXINO (figurative) registered as of July 7, 2020 for the class of services 41, and the United Kingdom trademark No. UK00918017682 CAXINO (word) registered as of October 7, 2020 for the class of services 41.

The disputed domain name was registered on February 4, 2025, and it resolves to a website purporting to offer reviews of the Complainant's CAXINO online casino, prominently displaying the Complainant's CAXINO trademark and logo and containing links which redirect to a competing online casino.

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 disputed domain name is confusingly similar to its trademark CAXINO, as the dominant element of the disputed domain name is “caxino”, and the existence of the term “nz” increases the likelihood that Internet users will be confused into believing that the disputed domain name is connected to the Complainant's New Zealand casino operation (“nz” being the country code for New Zealand), given that CAXINO is used by the Complainant as the brand of a well-known New Zealand online casino featuring various games of chance.

As regards the second element, the Complainant argues that the Respondent has not received permission or authorization to use the Complainant's trademark CAXINO, and that the Respondent does not have any trademark rights (registered or unregistered) to “caxino” or “caxinonz”. There is no evidence that the Respondent is commonly known by the disputed domain name or that he is making a legitimate noncommercial or fair use of the disputed domain name. Rather, the Respondent is opportunistically using the Complainant's CAXINO trademark in order to attract Internet users to its website.

With respect to the third element, the Complainant submits that the Respondent's website at the disputed domain name opens a fake review website for the Complainant's CAXINO casino and that the links and adverts on the site lead to a competing online casino called Lucky Dreams found at “www.luckydreams.com/fi”. The Complainant concludes that said use by the Respondent constitutes a clear attempt to generate commercial gain particularly by misleading online users with the disputed domain name and subsequently redirecting those online users to a third-party website, which is in direct competition with the Complainant.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant

as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is 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 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 the trademark CAXINO 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.

Although the addition of other terms, here “nz”, 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.

It is the settled view of panels applying the Policy that the generic Top-Level Domain (“gTLD”) (here “.com”) may be disregarded under the first element test.

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 website to which the disputed domain name currently resolves is described as showing a review of the Complainant’s online casino: “Caxino Casino Review for NZ Players (2025)”, describing pros & cons of

CAXINO Casino (prominently displaying the Complainant's CAXINO trademark and logo). It includes links to a third-party competing website. Under these circumstances, the Panel notes that to support fair use under UDRP paragraph 4(c)(iii), the respondent's criticism must be genuine and noncommercial (see [WIPO Overview 3.0](#), section 2.6.1) and likewise a respondent's fan site must be active, genuinely noncommercial, and clearly distinct from any official complainant site. See [WIPO Overview 3.0](#), section 2.7.1. This is not apparent in the present case. The Panel rather finds that it is primarily a pretext for commercial activity/cybersquatting, since the links contained on the website at the disputed domain name redirect to a competing online casino in direct competition with the Complainant's services.

Moreover, the Panel notes that the disputed domain name contains the Complainant's registered trademark CAXINO and a country code ("nz"). The nature of this disputed domain name tends to suggest to Internet users the mistaken belief that they may find a New Zealand-based operator of the Complainant's services.

Also, and based on the available record, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

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.

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 includes the entirety of the Complainant's CAXINO mark together with the term "nz", likely to refer to the country code for New Zealand. As ascertained by the Panel under its general powers articulated, inter alia, in paragraph 10 of the Rules, the website at the disputed domain name provides links to a competing online casino and displays the figurative trademark of the Complainant. In these circumstances, the Panel is therefore satisfied that the Respondent had the Complainant and its rights in the trademark CAXINO in mind when he registered the disputed domain name.

The use of a domain name to provide links to the online casino of a competitor of the Complainant amounts to bad faith use.

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 <caxinonz.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: May 16, 2025