

ADMINISTRATIVE PANEL DECISION

Tonks Ltd v. Kevin Garret
Case No. D2025-1338

1. The Parties

The Complainant is Tonks Ltd, Cyprus, represented by SafeNames Ltd, United Kingdom.

The Respondent is Kevin Garret, Georgia.

2. The Domain Name and Registrar

The disputed domain name <linebet1.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 April 2, 2025. On April 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 4, 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 April 8, 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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 1, 2025.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on May 8, 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 is a provider of online gambling services operating under the LINEBET trademark. Its offerings primarily include online slots, live casino games, and sports betting events. Established in 2019, the Complainant's online platform serves as the cornerstone of its business operations. The Complainant operates its principal platform through the domain name <linebet.com>, which it uses to provide global access to its gambling services.

The Complainant is the owner of numerous LINEBET trademark registrations, including:

- the European Union Trademark Registration for LINEBET (figurative) No. 018952983, registered on March 2, 2024, for services in International Classes 35, 41, and 42;
- the European Union Trademark Registration for LINEBET (figurative) No. 018952940, registered on March 2, 2024, for services in International Classes 35, 41 and 42;
- the European Union Trademark Registration for LINEBET (figurative) No. 018952911, registered on March 2, 2024, for services in International Classes 35, 41, and 42; and
- the European Union Trademark Registration for LINEBET (figurative) No. 018953504, registered on March 5, 2024, for services in International Classes 35, 41, and 42.

The Complainant's online platform is available in approximately 62 languages and allows its users to deposit using over 100 payment methods including Bitcoin, Sticpay, and WebMoney. The LINEBET platform under the domain name <linebet.com> has seen continuously expanded from the outset, with the platform receiving over 13,132 user registrations in 2021 (increasing to 88,689 in 2022) across numerous countries worldwide including, for example, Morocco, Cameroon, and the United Republic of Tanzania. Furthermore, the Complainant's platform received an increase of organic traffic from approximately 20,000 visits in 2021 to between 50,000-75,000 visits in 2022.

The disputed domain name was created on July 14, 2022, and resolves to a landing website that impersonates the Complainant, including the use of the Complainant's LINEBET mark and logo, purporting to be the official website of Linebet in Bangladesh by providing gambling services. The website features links to "JOIN" and "DOWNLOAD". When accessing these links outside Bangladesh, they redirect to casino or betting offerings that directly compete with the Complainant's services. However, when accessing these links from Bangladesh, they redirect to the Complainant's website.

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.

Identical or Confusingly Similar

The Complainant contends that it owns rights in the LINEBET trademark.

The Complainant further alleges that the disputed domain name is confusingly similar to the Complainant's LINEBET trademark. The Complainant further contends that the disputed domain name differs from the Complainant's LINEBET trademark by the addition of the single numeric – "1" that does not preclude confusion between the disputed domain name and the Complainant's trademark.

No Rights or Legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

The Complainant asserts that there is no evidence the Respondent has used the disputed domain name in connection with any bona fide offering of goods or services. On the contrary, the use of a domain name that is confusingly similar to the Complainant's trademark to operate a website that impersonates the Complainant and redirects users to competing services does not constitute legitimate use. Rather, the Respondent's conduct unlawfully infringes upon the Complainant's rights by misappropriating the goodwill associated with the LINEBET trademark to divert consumers to competing offerings.

Registered and Used in Bad Faith

The Complainant asserts that the disputed domain name was registered and is being used in bad faith, with full knowledge of the Complainant's trademark rights and with the deliberate intent to cause confusion, deceive the public, and exploit the goodwill associated with the LINEBET trademark.

The Complainant contends that the Complainant's continuous use of the distinctive LINEBET trademark since 2019 supports the notion that the Respondent was likely aware of the Complainant's LINEBET trademark at the time of registering the disputed domain name and has used the disputed domain name for its own commercial gain.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall 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 directs that the Complainant must prove each of the following:

- 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.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel “shall draw such inferences therefrom 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 is a holder of series of the European Union Trademark Registrations for the LINEBET trademark.

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 name. The disputed domain name reproduces the Complainant’s LINEBET trademark in its entirety with the addition of only one numeric “1”, that does not preclude the confusing similarity between the disputed domain name and the Complainant’s LINEBET trademark. 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 term here, “1”, 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 disregards the generic Top-Level Domain (“gTLD”) “.com” featured in the disputed domain name under the first element as it is a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.

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, based on the available record, there is no evidence that the Respondent (as an individual, business, or other organization) is commonly known under the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent to make any use of the Complainant's LINEBET trademark, or to apply for registration of the disputed domain name.

The disputed domain name resolves to a landing website that impersonates the Complainant, including the use of the Complainant's LINEBET mark and logo, purporting to be the official website of Linebet in Bangladesh by providing gambling services. The website features links to "JOIN" and "DOWNLOAD". When accessing these links outside Bangladesh, they redirect to casino or betting offerings that directly compete with the Complainant's services. However, when accessing the disputed domain name from Bangladesh, the aforementioned links redirect users to the Complainant's official website, without authorization. The Panel notes that the disputed domain name seems to be configured to work in a different manner depending on the location of the Internet user. However, regardless of those links' redirection to the Complainant's competitors' websites or the Complainant's official website, the message on the landing page of the website at the disputed domain name claiming to be the official website of Linebet in Bangladesh, with the look and feel used are likely to mislead Internet users into believing that the disputed domain name is connected to the Complainant's business. In the Panel's opinion, this does not claim for a use of the disputed domain name in connection with a bona fide offering of goods or services.

Such use of the disputed domain name does not confer rights or legitimate interests on the Respondent. Given the above, the Respondent has failed to invoke any circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the disputed domain name. Thus, there is no evidence in the available record that refutes the Complainant's prima facie case.

The Panel therefore concludes that the Complainant has also established the requirement under paragraph 4(a)(ii) of the Policy.

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.

Furthermore, given that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to the complainant's trademark would also satisfy the complainant's burden. [WIPO Overview 3.0](#), section 3.1.

In addition or alternatively to the specific circumstances outlined in UDRP paragraph 4(b), particular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name (e.g., a typo of a widely-known mark, or a domain name incorporating the complainant's mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant's area of activity or natural zone of expansion), (ii) the chosen TLD (e.g., particularly where corresponding to the complainant's area of business activity or natural zone of expansion), (iii) the content of any website to which the domain name directs, including any changes in such content and the timing thereof, (iv) the timing and circumstances of the registration (particularly following a product launch, or the complainant's failure to renew its domain name registration), (v) any respondent pattern of targeting marks along a range of factors, such as a common area of commerce, intended consumers, or geographic location, (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name, or (viii) other indicia

generally suggesting that the respondent had somehow targeted the complainant.
[WIPO Overview 3.0](#), section 3.2.1.

The Panel notes that in 2019 the Complainant established its online platform as the cornerstone of its business operations. The evidence on record strongly indicates that the Respondent registered the disputed domain name with knowledge of the Complainant's activities under LINEBET, as the disputed domain name was created several years after the Complainant began providing its services in commerce. Moreover, the LINEBET trademark is neither generic, descriptive, nor a common dictionary word that might otherwise justify the Respondent's choice. The composition of the disputed domain name, which differs from the Complainant's domain name only by the addition of the numeral "1," and the use of the LINEBET logo on the website at the disputed domain name shortly after the registration of the disputed domain name as evidenced by the Complainant's submission of the historical Whois screenshot dated September 27, 2022, further supports the conclusion that the Respondent intentionally targeted the Complainant. These factors collectively undermine any claim of good faith, and support the inference that the Respondent deliberately targeted the Complainant's activity. WIPO Overview 3.0, section 3.2. The Panel finds, based on all the available evidence, that the Respondent obtained the disputed domain name with the intention of taking advantage of the reputation of the Complainant's LINEBET services.

The use of the disputed domain name to commercially capitalize on the likelihood of confusion among Internet constitutes bad faith use of the disputed domain name. These activities by the Respondent fit within the scenarios under UDRP paragraph 4(b)(iv) and more generally constitute registration and use in bad faith within the meaning of the Policy, taking into consideration the non-exhaustive factors described above as applied to the facts present in this case. Accordingly, the Panel finds that the Complainant has met its burden of establishing, by a preponderance of the evidence, that the Respondent has registered and used the disputed domain name in bad faith.

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 <linebet1.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: May 22, 2025