

ADMINISTRATIVE PANEL DECISION

Ninja Global OÜ v. Wolfgang Forster
Case No. D2025-1353

1. The Parties

The Complainant is Ninja Global OÜ, Estonia, represented by Abion AB, Sweden.

The Respondent is Wolfgang Forster, Germany.

2. The Domain Name and Registrar

The disputed domain name <ninjacasino-fi.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 April 3, 2025. On April 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 4, 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 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 7, 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 April 30, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on May 6, 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 gaming and casino company based in Estonia, which owns and operates online gambling platforms, one of which is Ninja Casino. Ninja Casino offers players a wide range of gambling options and has over 850 game titles sourced from different game studios and also offers a sportsbook, where sports fans can bet on popular sports and esports.

The Complainant is the owner of registered trademarks for the NINJACASINO trademark, including the following:

- European Union Trademark Registration No. 015743685 for NINJACASINO, registered on November 28, 2016;
- European Union Trademark Registration No. 017754516 for NINJACASINO (word/device), registered on May 14, 2018.

Furthermore, the Complainant and its affiliates own a number of domain name registrations containing NINJACASINO trademark, such as <ninjacasino.com>, registered on December 16, 2010 (used for the Complainant's principal website) and <ninjacasino.fi> registered on March 1, 2016.

The disputed domain name was registered on February 17, 2025 and it resolves to a website in Finnish language that prominently displays the Complainant's NINJACASINO trademark and which appears to be a copy of the Complainant's official website at the domain name <ninjacasino.com>. Furthermore, based on the evidence provided by the Complainant, links on this website lead to competing third-party websites dedicated to online gambling.

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 NINJACASINO trademark. Further, the Complainant holds that the addition of the word "fi", which is a country code for Finland, does not prevent a finding of confusing similarity. Similarly, the generic Top-Level-Domain ("gTLD") ".com" should not be taken into account when assessing confusing similarity.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that the Respondent is not commonly known by the disputed domain name, nor that there are any rights that the Respondent might have in respect to the NINJACASINO trademark. The structure of the disputed domain name carries a risk of creating an association with the Complainant and its NINJACASINO trademark, especially having in mind that the Complainant's parent company is present in Finland, that the Complainant's main website offers version in Finnish language and that the Complainant and its affiliates hold the registration of the domain name <ninjacasino.fi> (which redirects to the Complainant's main website). Furthermore, the use of the disputed domain name for a website that impersonates the Complainant's official website and uses the Complainant's trademarks (both verbal and graphical) cannot be observed as a fair or bona fide use of the disputed domain name. The Complainant has also indicated that certain links from the website to which the disputed domain name resolves, lead to the websites of the Complainant's competitors.

With reference to the circumstances evidencing bad faith, the Complainant states that its NINJACASINO trademark predates the registration of the disputed domain name and that the Respondent was never authorized to register the disputed domain name containing the Complainant's trademark. Furthermore, the use of the disputed domain name for a website that impersonates Complainant's official website and which

contains links to competing third-party websites clearly indicates that the Respondent knew of the Complainant's trademarks, products, and business at the time of the registration of the disputed domain name and that it registered the disputed domain name having the Complainant in mind. Such use of the disputed domain name is also a clear indicator of bad faith on the Respondent's side. Finally, the Complainant underlines that the Respondent's email address is associated with a number of other domain names that target third-party trademarks from the Complainant's industry. This indicates that the Respondent is engaged in a pattern of abusive domain name registrations.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "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 stipulates that the complainant must prove each of the following:

- (i) that the disputed domain name registered by the respondent 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.

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 Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, geographical term "fi" i.e. ISO 3166-1 alpha-2 two-letter country for Finland) 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 Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that ".com", as a gTLD, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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 there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s NINJACASINO trademark. There appears to be no element from which the Panel could infer the Respondent’s rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

On the contrary, the Respondent has used the disputed domain name for a website that impersonates the Complainant and that uses the Complainant’s NINJACASINO trademark without authorization. Based on the undisputed evidence provided by the Complainant, links on this website used to redirect Internet users to competing websites related to online gambling. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Additionally, based on the evidence provided by the Complainant, the Respondent appears to be a serial cybersquatter, as his email address is linked to registration of several other domain names that contain third-party trademarks and which are related to field of online gambling. Under such circumstances, it is difficult to imagine any legitimate interest on the Respondent’s side that would justify his actions.

The Panel also finds that the structure of the disputed domain name, which contains the Complainant’s NINJACASINO trademark in combination with geographical term “fi”, (which stands for ISO 3166-1 alpha-2 two-letter country code for Finland) carries a risk of implied affiliation, especially in the light of the facts that the Complainant is active in territory of Finland, that its main website has version in Finnish language and that it is an owner of the domain name <ninjacasino.fi> that possess a similar structure (and which redirects to the Complainant’s main website). [WIPO Overview 3.0](#), section 2.5.1

Having in mind the above, 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.

In the present case, the Panel notes that the Respondent must have been well-aware of the Complainant and its NINJACASINO trademark at the time of the registration of the disputed domain name. Namely, the

first registration and use of NINJACASINO trademark predates the registration of the disputed domain name by a decade, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain name. The Respondent also appears to be associated with registration of a number of domain names that target third-party trademarks related to online gambling industry and it is, therefore, highly unlikely that the Respondent decided to register a domain name containing the Complainant's trademark without having the Complainant in mind when doing so. Finally, the content of the website to which the disputed domain name resolves leaves no room for doubt on the Respondent's knowledge of the Complainant and its NINJACASINO trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As indicated above, the disputed domain name resolves to a website in Finnish language that prominently displays the Complainant's NINJACASINO trademark and which appears to be a copy of the Complainant's official website at the domain name <ninjasino.com>. Furthermore, based on the evidence provided by the Complainant, links on this website lead to competing websites dedicated to online gambling. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and 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 name constitutes bad faith under the Policy.

Therefore, the Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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 <ninjasino-fi.com> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: May 20, 2025