

ADMINISTRATIVE PANEL DECISION

TONKS LTD. v. Valentina Nikolaeva

Case No. D2025-1387

1. The Parties

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

The Respondent is Valentina Nikolaeva, Ukraine.

2. The Domain Names and Registrar

The disputed domain names <linebet-affiliate.com> and <linebet-partner.com> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 4, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 7 and 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (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 9, 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 10, 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 7, 2025.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on May 12, 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 further operates an affiliate program through its website "www.linebet.partners" with over 20,000 affiliate users that generate revenue for referring customers as well as earning extra bonuses, and that can meet with the Complainant at various international events.

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;
- the European Union Trademark Registration for LINEBET (figurative) No. 018952940, registered on March 2, 2024; and
- the European Union Trademark Registration for LINEBET (figurative) No. 018952911, registered on March 2, 2024.

The disputed domain names were registered on November 8, 2024.

On February 20, 2025, the Complainant sent a cease-and-desist letter to the Respondent by email. No responses were received.

At the time the Complaint was submitted, the disputed domain names resolved to websites that impersonate the Complainant, reproducing the official LINEBET logo and signposting access to the Complainant's affiliate program (see Annex 14 of the Complaint). The websites include "login" and "registration" prompts that both redirect to the Complainant's official website at "www.linebet.partners" (see Annex 15 and Annex 16 of the Complaint).

As of the date of this Decision, the disputed domain names resolve websites which present themselves as official affiliate programs, offering high commissions, advanced marketing tools, and support services by using the Complainant's trademark.

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 names.

Notably, the Complainant contends that:

- the disputed domain names are confusingly similar to its trademarks;
- the Respondent has no rights or legitimate interests in respect of the disputed domain names;
- the Respondent has registered and are using the disputed domain names in bad faith.

B. Respondent

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

6. Discussion and Findings

The Panel notes that no communication has been received from the Respondent. Since the Respondent's postal 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 proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. [D2024-0962](#)).

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for the purposes of notifying the Complaint. There is no evidence that the case notification email to this email address was not successfully delivered.

Further, the Respondent apparently registered the disputed domain names as recently as November 2024 and thus would appear to be capable of controlling the disputed domain names and the related content and, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response if it wished to do so.

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain names are identical or confusingly similar to a trademark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations provided in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views stated therein.

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 Panel finds the LINEBET mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, in this case, “affiliate” and “partner” separated by hyphens may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Finally, the generic Top-Level Domain (“gTLD”) “.com” is disregarded for the purposes of confusing similarity as it is a technical requirement. [WIPO Overview 3.0](#), section 1.11.1.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel notes that, although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances under paragraph 4(c) of the Policy are present in this case.

On the contrary, the evidence on record demonstrates that the Complainant’s LINEBET trademark rights predate the Respondent’s registration of the disputed domain names. There is no indication that the Complainant has licensed or otherwise authorized the Respondent to use the LINEBET trademark or to register domain names incorporating it. Nor is there any evidence to suggest that the Respondent has been commonly known by the disputed domain names.

Furthermore, the Panel finds no evidence that the Respondent has used the disputed domain names in connection with a bona fide offering of goods or services or has made legitimate noncommercial or fair use of them. On the contrary, as demonstrated in the case record, the disputed domain names <linebet-affiliate.com> and <linebet-partner.com> resolve to websites that imitate the Complainant’s official affiliate portal by prominently displaying the LINEBET trademark and presenting themselves as official affiliate or partner platforms. These websites feature similar branding, promotional content, and user interface elements as those found on the Complainant’s legitimate site at “linebet.partners”, thereby creating a false impression of affiliation or endorsement. Such use of the disputed domain names does not confer

rights or legitimate interests in the disputed domain names on the Respondent.

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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant's trademark as the Complainant's LINEBET trademark and its online gambling and betting services have a well-established presence on the internet. Additionally, the disputed domain names were registered after the registration of the Complainant's trademark. This conclusion is supported by the content of the associated websites, which impersonate the Complainant.

The disputed domain names reproduce the Complainant's mark in its entirety in addition to terms directly associated with the Complainant's affiliate offerings. Additionally, the disputed domain names resolved to a website that reproduced the Complainant's official logo and redirected to an official LINEBET website. This deceptive use indicates an intent to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the Complainant's trademark and falls within the meaning of bad faith as set forth in paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4.

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.

Moreover, the Respondent's failure to respond to the cease-and-desist letter sent by the Complainant and to the current proceeding further supports the finding of bad faith.

Finally, the Panel notes that the Complainant has submitted evidence showing that the Respondent previously registered a domain name (Annex 22 of the Complaint) related to the online betting sector. This supports the inference that the Respondent is familiar with the industry and deliberately targets established gambling platforms to deceive Internet users. The Respondent's engagement in a pattern of conduct involving the unauthorized use of third-party trademarks and creation of misleading websites strengthens the conclusion that the Respondent registered and is using the disputed domain names in bad faith. This constitutes a pattern of conduct under [WIPO Overview 3.0](#), section 3.1.2.

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 names <linebet-affiliate.com> and <linebet-partner.com> be transferred to the Complainant.

/Gökhan Gökçe/

Gökhan Gökçe

Sole Panelist

Date: May 28, 2025