

ADMINISTRATIVE PANEL DECISION

Smarkets Limited (UK) v. zp wong
Case No. D2025-1527

1. The Parties

The Complainant is Smarkets Limited (UK), United Kingdom, self-represented.

The Respondent is zp wong, Malaysia, represented by Trowers & Hamlins, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <sbk.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2025. On April 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 15, 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 (Domains by Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 16, 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 amendment to the Complaint on April 25, 2025.

The Center verified that the Complaint together with the amendment to 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2025. On May 14, 2025, the Respondent requested an automatic extension to respond. The due date for Response was then May 24, 2025. The Response was filed with the Center on May 22, 2025.

The Center appointed John Swinson, Aaron Newell, and Jane Lambert as panelists in this matter on July 16, 2025. The Panel finds that it was properly constituted. Each member of 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 company registered in England and Wales. The Complainant has an address in London, United Kingdom.

The Complaint does not provide details about the Complainant or its business.

The Complainant used the domain name <smarkets.com> for its email communications with the Center. The website at “www.smarkets.com” is said to be operated by a company called Smarkets (Malta) Limited, a company registered under the laws of Malta. The Complaint does not refer to Smarkets (Malta) Limited. The website at “www.smarkets.com” is an online racing and sports betting website.

The Complainant owns several trademark registrations for SBK in stylized form, including in the United Kingdom, Ireland, and Malta. These registrations include United Kingdom Trademark Registration No. UK00003307160 that was filed on April 27, 2018 and that entered on the register on July 27, 2018. This registration covers goods in class 9 (“Computer application software in the field of betting services and betting exchange services”) and services in class 41 (“Gambling; betting services; betting exchange services”). The registered mark comprises the letters SBK, with a small triangle protruding from the bottom of the letter K.

The disputed domain name was registered on February 14, 1995.

The Respondent is an individual with an address in Malaysia. According to the Response, the Respondent works for a group of investors (“Respondent Investors”). The disputed domain name was purchased by one of these investors on behalf of the Respondent Investors on June 20, 2017, for USD 199,900. The Respondent says that the intent is that the disputed domain name was purchased to operate a sports gaming platform.

The Respondent Investors created a logo for this business in April 2018 and had dealings in April 2018 with an English football club supposedly for a marketing and sponsorship deal.

The disputed domain name resolves to a “coming soon” landing webpage that was created by the Respondent Investors’ IT company in Malta and is said to have been first uploaded on April 18, 2018.

In April 2018, the Respondent Investors obtained initial trademark advice from trademark attorneys regarding use of SBK as a trademark for their planned business. At this time, the Respondent Investors assert that they were not aware of the Complainant’s SBK trademark and the Complainant was not discussed in email communications between the Respondent Investors and their trademark attorney at that time. The Respondent Investors instructed their trademark attorney on April 25, 2018 to conduct trademark searches.

The Chief Executive Officer of the Complainant contacted the Respondent Investors on May 2, 2018.

On May 17, 2018, the Respondent Investors’ legal advisor reported his trademark clearance search results to the Respondent Investors, and noted that the Complainant had filed for trademark protection for SBK on April 27, 2018.

Shortly after receiving the trademark clearance search results, a representative of the Respondent Investors and the Chief Executive Officer of the Complainant spoke by telephone. According to the Respondent, they both discussed their similar plans to use the SBK brand for a sports betting service in the future. They discussed possible arrangements if one were to agree not to use the SBK brand. The Chief Executive

Officer of the Complainant offered to buy the disputed domain name, but the Respondent Investors replied that the disputed domain name was not for sale.

The Respondent Investors incorporated a company (SBK BRAND LIMITED) that filed trademark applications for SBK (European Union TM Application No 017902242 for SBK filed on May 18, 2018) and for SBKBET. The Complainant opposed these applications, and the Respondent Investors withdrew these applications. SBK BRAND LIMITED was placed in liquidation in 2023, and the Chief of Staff of the Complainant contacted the liquidator regarding the assets available for purchase. The Respondent Investors assert that they confirmed that the disputed domain name was not owned by the company that was in liquidation and that the disputed domain name was not for sale.

The Respondent Investors have not proceeded with its plans for its sports betting service using the disputed domain name, and state that they now have other plans for the disputed domain name.

The disputed domain name has not been listed for sale.

Based on searches conducted by the Panel, the Panel is aware that Smarkets (Malta) Limited currently operates a sports betting website at "www.betsbk.com". According to media reports provided by the Respondent, the SBK service was launched in August 2019. One of the reports from August 2019 states: "Online betting exchange, Smarkets has this morning announced the official launch of its new sportsbook product SBK seeking to disrupt all traditional wagering engagements. A sportsbook mobile app SBK seeks to deliver punters the 'fairest and funnest' app for betting on sport and politics, fusing Smarkets exchange prices with a social-optimised interface."

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.

In summary, the Complainant makes the following submissions.

The disputed domain name is identical to the Complainant's registered trademarks for SBK.

The Respondent has failed to create any website associated with the disputed domain name. This inactivity suggests a lack of intent to use the disputed domain name for a bona fide offering of goods or services. The absence of a website further highlights the Respondent's failure to establish any legitimate use or interest in the disputed domain name.

The Complainant contends that its SBK trademark is well-known and famous, having been used for several years. This recognition establishes the strong association of the mark with the Complainant's goods or services and further diminishes any legitimate claim by the Respondent to the disputed domain name.

The Complainant asserts that the Respondent is not commonly known by the name "SBK," further supporting the conclusion that the Respondent lacks rights or legitimate interests in the disputed domain name.

The disputed domain name is not in use other than being "parked" and offered for sale.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent makes the following submissions.

The combination of the letters “SBK” cannot have become associated with the Complainant or its registered mark SBK to the exclusion of any other persons or organizations because other businesses also trade under and by reference to the name SBK.

The Complainant’s trademark registrations for SBK post-date the Respondent acquiring the disputed domain name. The Complainant launched its SBK business in 2019, which was also after the Respondent acquiring the disputed domain name. The Respondent first became aware of the Complainant when the Complainant reached out to the Respondent via the Respondent’s website at the disputed domain name.

The Respondent purchased the disputed domain name not because of the Complainant but because 3-letter domain names are inherently more valuable than longer domain names.

The letters SBK denote, in the sports betting sector, the common term “Sportsbook”.

The disputed domain name was acquired in good faith for the purposes of a planned business.

The Complainant offered to purchase the disputed domain name in May 2018 and the Respondent refused the offer and told the Complainant that the disputed domain name was not for sale. The Complainant has reached out to the Respondent on several other occasions since 2018, and thus over the past seven years, expressing interest in acquiring the disputed domain name. The Respondent has consistently stated that the disputed domain name is not for sale.

The disputed domain name has not been listed for sale by the Respondent or any of the Respondent Investors.

The Complainant has filed the Complaint on the basis of inferences which it has drawn from its unsuccessful attempts to secure a purchase of the disputed domain name but which are not in fact correct.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The onus of proving these elements is on the Complainant.

An asserting party needs to establish that it is, more likely than not, that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

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 Respondent accepts that the textual element of the Complainant's registered mark is identical to the disputed domain name.

The entirety of the textual elements 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.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

In view of the Panel's finding in respect of the third element of the Policy, the Panel does not need to decide whether the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trade mark (usually) owned by the complainant.

The evidence in the case file as presented does not indicate that the Respondent's aim in acquiring the disputed domain name was to profit from or exploit the Complainant's trademark.

The Respondent states that the Respondent was not aware of the Complainant when the Respondent acquired the disputed domain name.

The disputed domain name was acquired by the Respondent on June 20, 2017, which is prior to the Complainant filing for trademark protection on April 27, 2018. The Complainant does not assert rights prior to June 20, 2017 through use of SBK or otherwise. In fact, the materials in the case file show that the Complainant did not launch its SBK service until 2019.

Accordingly, on the evidence before the Panel, the Respondent could not have been aware of the Complainant's SBK trademark when the Respondent acquired the disputed domain name. The Panel therefore finds that there was no bad faith registration of the disputed domain name. See, for example, *Jazeera Space Channel TV Station v. AJ Publishing aka Aljazeera Publishing*, WIPO Case No. [D2005-0309](#) and *Alpha Ladder Finance Pte. Ltd. v. Joanna, Metacomp, Inc.*, WIPO Case No. [D2025-1451](#).

The Panel finds that the Respondent did not register or acquire the disputed domain name in bad faith targeting of the Complainant or its trademark rights because, based on the materials in the case file, the Complainant had no trademark rights at the time that the Respondent acquired the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1.

There is also no evidence before the Panel that shows that, after acquisition of the disputed domain name, the Respondent targeted the Complainant.

In short, the Respondent did not target the Complainant when the Respondent acquired the disputed domain name, and there is nothing on the record that suggests the Respondent did so subsequently.

The Panel finds the third element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

In the present case, the Panel has considered the following factors in respect of Reverse Domain Name Hijacking.

First, the Complaint provided no details of the prior and several communications between the Complainant, including its Chief Executive Officer, and the Respondent regarding the disputed domain name. It appears to the Panel that the Complainant has been actively monitoring the Respondent and its actions since 2018.

Second, the evidence shows that the Complainant was aware that the Respondent acquired and used the disputed domain name before the Complainant filed its trademark applications for SBK. Knowing this, the Complainant should have known that its case had zero chance of success.

Third, the Complainant filed the Complaint with no evidence of bad faith use by the Respondent. The Complaint, in respect of the third element, simply states:

“It is clear that the respondent obtained the domain sbk.com with the sole purpose of selling for a profit. The domain name is listed on a domain marketplace, GoDaddy, where broker services are offered to help facilitate a purchase. This is evidenced in ANNEX I.”

The Complainant has no evidence to show that the sole purpose of the Respondent was to sell the disputed domain name for a profit. In fact, the evidence is to the contrary. The Respondent had refused the Complainant's unsolicited advances to purchase the disputed domain name. Moreover, the evidence relied upon by the Complainant to demonstrate that the Respondent wished to sell the disputed domain name is a printout of a GoDaddy webpage where GoDaddy is soliciting business from the Complainant to offer to approach the Respondent to try to broker a sale; it is not a listing placed by the Respondent to sell the disputed domain name. Moreover, even if the disputed domain name was listed for sale, this fact, of itself, is usually not sufficient to demonstrate bad faith. See, for example, *Sage Global Services Limited v. Narendra Ghimire, Deep Vision Architects*, WIPO Case No. [DAI2023-0010](#).

The Panel could list several submissions and assertions made by the Complainant which are not borne out by any reasonable interpretation of the evidence that the Complainant had to hand when the Complainant filed the Complaint.

This dispute involved a domain name comprises only three letters. In the circumstances, one would expect that the Complainant would have provided substantial evidence of both the fame of its trademark and the bad faith conduct of the Respondent. The Complainant did not do so.

It is wrong and an abuse of process that the Respondent be forced to spend time and effort preparing its Response to this Complaint.

In these circumstances, the Panel considers that a finding of reverse domain name hijacking is entirely appropriate and declares that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding.

7. Decision

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

/John Swinson/

John Swinson

Presiding Panelist

/Aaron Newell/

Aaron Newell

Panelist

/Jane Lambert /

Jane Lambert

Panelist

Date: July 29, 2025