

ADMINISTRATIVE PANEL DECISION

OPTIBET, SIA v. Virtu, Casino

Case No. D2025-1560

1. The Parties

Complainant is OPTIBET, SIA, Latvia, represented by Abion AB, Sweden.

Respondent is Virtu, Casino, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <optibet-latvia.bet> (the “Domain Name”) 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 April 17, 2025. On April 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 18, 2025, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the 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 Respondent of the Complaint, and the proceedings commenced on April 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 23, 2025.

The Center appointed Clive L. Elliott K.C. as the sole panelist in this matter on May 29, 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. Procedural Considerations

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since Respondent's mailing address is stated to be in Ukraine (whether this is indeed accurate is not clear), 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 proceeding should continue.

Under the circumstances of this case, the Panel is of the view that it should allow the proceeding to continue.

First, as discussed above, the Center formally notified Respondent of the Complaint. This was done in accordance with paragraphs 2 and 4 of the Rules. Further, in the absence of any response from Respondent, the Center notified Respondent as to its default on May 23, 2025.

Secondly, the Panel is not satisfied that Respondent's purported mailing address in Ukraine is genuine. The Panel notes, in particular, that the address includes a purported street name, "Street 2, Kiev", which does not appear to be a genuine street name in that city.

Complainant alleges in its Complaint that Respondent has provided false Whois details insofar as the address "Street2, Kiev" does not correspond to an actual address. Complainant also points out that it is unlikely that Respondent's organization name is "Casino", as stated in the Whois details. Complainant relies on the decision in *Action Instruments, Inc. v. Technology Associates*, WIPO Case No. [D2003-0024](#), *Aulbach Lizenz AG v. Victorio Naturano*, WIPO Case No. [D2010-1394](#), where the panel held that: "Providing false contact information violates paragraph 2 of the Policy, which requires a registrant to represent that the statements it 'made in [its] Registration Agreement are complete and accurate.'" "Maintaining that false contact information in the Whois after registration constitutes bad faith use of the domain name because it prevents a putative complainant from identifying the registrant and investigating the legitimacy of the registration".

While the provision of what, on the face of it, seems to be false name or address details has more relevance to the bad faith ground, it does still have a bearing on the exercise of the Panel's discretion. Furthermore, the Center sent the Notification of Complaint by email to the Respondent at its email address as registered with the Registrar and there is no evidence that the case notification email to the email address was not successfully delivered.



For the reasons which are set out below in this Decision, the Panel has reached the view that Respondent registered and has used the Domain Name in bad faith and with the intention of unfairly targeting Complainant's goodwill in its trade mark. Accordingly, for the reasons set out above, and mindful of the same conclusion reached in *Netbet Entreprises Ltd v Privacy Service provided by Withheld for privacy ehf / Vladimir Vladimir, Crowd inc*, WIPO Case No. [D2022-1420](#), the Panel finds that the Parties have been given a fair opportunity to present their case, and so that this proceeding is determined with all due expedition, the Panel will proceed to a decision.

5. Factual Background

Complainant is a gaming and casino company founded in 1999. It is based in Latvia. Complainant is a fully licensed gaming operator, running its business in Lithuania, Latvia, Estonia and Malta. It offers players a wide range of gambling options, with game titles sourced from different game studios, as well as offering sports fans a platform to bet on popular sports and esports.

Complainant is operated under a Malta Gaming Authority (MGA) licence by Bestbet Limited, both belonging to the Entain Group of Companies.

Complainant is the owner of multiple trade mark registrations in different jurisdictions for the mark OPTIBET (Complainant's Mark), including but not limited to:

Mark	Jurisdiction	Registration No.	Registration Date	Classes
OPTIBET	International	1038387	March 15, 2010	41
OPTIBET	International	1401578	November 15, 2017	41
	European Union	017445982	February 26, 2018	41, 43
	European Union	018889868	October 11, 2023	9, 38, 41
OPTIBET	Latvia	M 73 509	December 2018	9, 28, 35, 36, and 38

BestBet Limited is the owner of the domain name <optibet.com> which was registered on January 16, 2001. Complainant is the owner of the domain name <optibet.lv>. Complainant uses these two domain names to resolve to its official websites through which it offers players a wide range of gambling options.

According to the publicly available WhoIs, the Domain Name was registered on February 15, 2025, and as of the date of filing of the Complaint, the Domain Name resolved to an inactive page.

6. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is confusingly similar to Complainant's Mark as it contains Complainant's mark in its entirety followed by the geographical term "Latvia" separated by a hyphen. Complainant stresses that this is relevant as Complainant is based in Latvia.

Complainant states that, as well as never granting Respondent any rights to use Complainant's Mark, it has not found any evidence that Respondent is known by the Domain Name. Complainant submits that by using Complainant's Mark together with the term "Latvia" in the Domain Name, Respondent has intended to create an association, and a subsequent likelihood of confusion in Internet users' minds. Complainant contends that the Domain Name is not being used in connection with a bona fide offering of goods or services and is being passively held.

Complainant advises that upon being made aware of the Domain Name registration, it sent a cease-and-desist letter to the Registrar on March 10, 2025, to forward to Respondent, but received no response.

Registrations for Complainant's Mark predate registration of the Domain Name and Complainant points out that had Respondent carried out an Internet search for the terms "optibet-latvia" and "optibet latvia", all results directly relate to Complainant and its official websites. Accordingly, Complainant submits that Respondent has registered the Domain Name in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

7. Discussion and Findings

A. Identical or Confusingly Similar

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 Complainant's Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Complainant's Mark is incorporated in its entirety within the Domain Name. The Domain Name differs only to the extent of adding a hyphen and the word "Latvia". Complainant submits that the Domain Name is confusingly similar to Complainant's Mark. The Panel accepts the merit of this argument and finds that the 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

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not questioned or rebutted Complainant's prima facie showing and has not provided an argument or relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy or otherwise.

In the present case, it is alleged that the Domain Name does not resolve to an active website. Complainant submits that this indicates that there is no bona fide offering of goods or services. In other words, the Domain Name is being passively held by Respondent. Such activity on its own is not indicative of any rights or legitimate interests. Instead, it carries a risk that the Domain Name may be used to impersonate Complainant. In this regard, the composition of the Domain Name, incorporating Complainant's Mark with the geographic term "Latvia" is linked to Complainant's place of business, namely Latvia. This gives rise to a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Additionally, there is no evidence that Respondent is commonly known by the Domain Name.

Accordingly, 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.

The Panel notes that the composition of the Domain Name, incorporating Complainant's Mark with a term related to its location, namely the country of Latvia, suggests Respondent knew of and sought to take advantage of Complainant's Mark when registering the Domain Name.

As noted above, Respondent has not put forward any credible explanation for the choice of the Domain Name. Absent such explanation, the Panel considers that there is a significant risk that communications originating from or associated with the Domain Name would be misleading or deceptive, falsely suggesting a connection with Complainant.

The fact that Respondent has not as yet used the Domain Name is of no material assistance to Respondent. Numerous panels have found that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding; especially when the Domain Name is inherently confusing or deceptive, for the reasons discussed above.

Further, as discussed under "Procedural Considerations", Respondent appears to have provided incomplete contact information when registering the Domain Name, including erroneous street and city information. Such conduct reinforces the finding of bad faith in this particular case.

The Panel finds that Complainant has established the third element of the Policy.

8. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <optibet-latvia.bet> be transferred to Complainant.

/Clive Elliott K.C./

Clive Elliott K.C.

Sole Panelist

Date: June 16, 2025