

ADMINISTRATIVE PANEL DECISION

365 Scores UK Limited v. Alex Muller

Case No. D2025-1634

1. The Parties

The Complainant is 365 Scores UK Limited, United Kingdom ("UK"), represented by Wiggin LLP, UK.

The Respondent is Alex Muller, Germany.

2. The Domain Name and Registrar

The disputed domain name <foxy-casino.com> is registered with Internet Domain Service BS Corp (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 23, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 25, 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 29, 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 May 1, 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 May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 31, 2025.

The Center appointed María Alejandra López García as the sole panelist in this matter on June 11, 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 an English company for remote gambling and betting activities, including online bingo. According to the records, on May 14, 2024, the Complainant changed its company name from Cashcade Limited to 365 Scores UK Limited.

Cashcade Limited was incorporated on August 23, 1999, and in 2005, it launched an online bingo service under the trademark FOXY BINGO.

The Complainant owns, among others, the following trademarks:

- European Union trademark for FOXY BINGO (word mark), Registration No. 005475652, in International Classes ("ICs") 9, 41, and 42; registered on November 15, 2007, and in force until November 16, 2026.
- UK trademark for FOXY BINGO (word mark), Registration No. UK00905475652, in ICs 9, 41, and 42; registered on November 15, 2007, and in force until November 16, 2026.
- Canadian trademark for FOXY BINGO (word mark), Registration No. TMA915185, in ICs 9, 16, 38, 41, and 42; registered on September 25, 2015, and in force until September 25, 2030.
- Ireland trademark for FOXY (word mark), Registration No. 271128, in ICs 9 and 41; registered on November 2, 2023.

The Complainant also owns the domain name <foxybingo.com>, registered on February 3, 2005.

The disputed domain name was registered on June 28, 2024, and resolves to an active website for online gambling, bingo, and casino entertainment services, imitating the Complainant's official 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.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Complainant's Change of Name

As described above, on May 14, 2024, the Complainant changed its company name from Cashcade Limited to 365 Scores UK Limited.

Cashcade Limited was incorporated on August 23, 1999, and in 2005 launched an online bingo under the trademark FOXY BINGO, which also owns the domain name <foxybingo.com>, registered on February 3, 2005.

The Panel notes that in this case that the trademarks mentioned above are registered in the name of the company Cashcade Limited and no evidence concerning request(s) at any of the concerned Intellectual Property Office has been provided, however, 1) given the record of the Company's Change of Name at the UK Companies House, provided as annex 5 to the Complaint; 2) Section 4.B.1 of the precedent *GMTV Limited v. Simon Collins*, WIPO Case No. [D2009-0803](#); and 3) the circumstances of this case, the Panel based on paragraphs (a) and (d) of the Rules, exceptionally, accepts such evidence as an indication of its direct legal effects over the Complainant's ownership of the trademarks (which in this case, ends up being the same owner), without precluding the fulfillment of such immediate update, see, e.g., *Outerwears, Inc. v. Domain Asia Ventures*, WIPO Case No. [D2004-0616](#).

6.2. Substantive Aspects

Under paragraph 4(a) of the Policy, the Complainant must satisfy each of the three following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (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.

No Response or any kind of communication has been submitted by the Respondent. Still, the Complainant must establish the three elements of paragraph 4(a) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3. The Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the "balance of probabilities" or "preponderance of the evidence" standard. [WIPO Overview 3.0](#), section 4.2.

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 entirety of the mark FOXY, and the dominant portion of the FOXY BINGO mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "casino" 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 marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

According to the evidence, the Respondent is not associated or affiliated with the Complainant; the Complainant has not granted any authorization to the Respondent to use the Complainant's trademark FOXY or FOXY BINGO, including as a domain name. The disputed domain name resolves into an active website that impersonates the Complainant, in this case, by dedicating it to the same line of business, meaning, online gambling and betting services; by altering and evoking the Complainant's trademark FOXY BINGO, to attract and mislead the Internet users.

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 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 given the level of direct reference to the Complainant's trademark, including a close variation of its logo, the same line of business activities, the alteration of the trademark FOXY BINGO, into FOXY CASINO, to this Panel it is clear that the Respondent was fully aware of the Complainant's platforms and of course, about the value of its trademark FOXY BINGO, at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

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.

The Panel finds that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <foxy-casino.com> be transferred to the Complainant.

/María Alejandra López García/

María Alejandra López García

Sole Panelist

Date: June 17, 2025