

## **ADMINISTRATIVE PANEL DECISION**

Entain Operations Limited v. Joy Gutierrez  
Case No. D2025-1805

### **1. The Parties**

The Complainant is Entain Operations Limited, United Kingdom, represented by Wiggin LLP, United Kingdom.

The Respondent is Joy Gutierrez, United States of America ("United States").

### **2. The Domain Name and Registrar**

The Domain Name <bwinchile.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 6, 2025. On May 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 7, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Persons Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2025.

The Center appointed Ana María Pacón as the sole panelist in this matter on June 5, 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 company based in the United Kingdom and forms part of the Entain Group, one of the world's largest sports betting, gaming, and interactive entertainment groups. It operates well-known brands such as BWIN, LADBROKES, CORAL, and PARTYPOKER. The Complainant is listed on the London Stock Exchange and is a member of the FTSE 100 Index.

The Complainant owns several trademark registrations containing the expression BWIN throughout the world, including:

- International Registration No. 886220 for BWIN, registered on February 3, 2006, covering goods and services in classes 9, 16, 35, 36, 38, 41 and 42.
- United States Trademark Registration No. 3216051 for BWIN, registered on February 6, 2007, covering goods and services in classes 9, 16, 35, 36, 38, 41 and 42.
- International Registration No. 896530 for BWIN and logo, registered on March 16, 2006, covering goods and services in classes 9, 16, 35, 36, 38, 41 and 42.
- United States Trademark Registration No. 3240140 for BWIN and logo, registered on May 8, 2007, covering goods and services in classes 9, 16, 35, 36, 38, 41 and 42.
- Chile Trademark Registration No. 827165 for BWIN, registered on November 9, 2008, covering goods in class 9.
- Chile Trademark Registration No. 827175 for BWIN and logo, registered on November 9, 2008, covering services in classes 38 and 41.
- Chile Trademark Registration No. 827164 for BWIN and logo, registered on November 9, 2008, covering goods in class 9.
- United Kingdom Trademark Registration No. 907577331 for BWIN and logo, registered on September 2, 2009, covering goods and services in classes 9, 16, 35, 36, 38, 41 and 42.
- United Kingdom Trademark Registration No. 907577281 for BWIN, registered on December 10, 2009, covering goods and services in classes 9, 16, 35, 36, 38, 41 and 42.
- European Union Trademark Registration No. 7577331 for BWIN and logo, registered on September 2, 2009, covering goods and services in classes 9, 16, 35, 36, 38, 41 and 42.
- European Union Trademark Registration No. 18196441 for BWIN, registered on August 19, 2020, covering goods and services in classes 9, 16, 28, 35, 38, 41 and 42.
- United Kingdom Trademark Registration No. 18196441 for BWIN and logo, registered on March 17, 2023, covering goods and services in classes 9, 28, 35, 36, 38, 41 and 42.

The Complainant is also the registrant of the domain name <bwin.com> registered since April 3, 2003.

The Domain Name was registered on October 5, 2024. At the time of filing of the Complaint, the Domain Name resolved to a website displaying the Complainant's logo. The Complainant claims that all the clickable content on the website redirected to <1xbet.com>. Currently, all the clickable content on the page hosted at the Domain Name redirects to <bwinchile.org>.

#### **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 Domain Name.

Notably, the Complainant contends that the Domain Name is confusingly similar to its BWIN trademark, as it reproduces it in its entirety with the mere addition of the term “Chile”, which refers to one of the jurisdictions where the Complainant offers its services.

The Complainant submits that it has no connection or affiliation with the Respondent and has not authorized any use of its BWIN trademark. It maintains that the Respondent has no rights or legitimate interests in the Domain Name, which was registered without its consent and is being used to redirect users to a third-party website unrelated to the Complainant.

Furthermore, the Complainant asserts that the Respondent registered and is using the Domain Name with the intent to mislead Internet users by creating a false impression of affiliation with the Complainant’s BWIN platform. It argues that the Respondent’s use of its branding and content constitutes an infringement of the Complainant’s intellectual property rights and is intended to derive commercial benefit by exploiting user confusion.

The Complainant requests the transfer of the Domain Name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 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 Panel finds the mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms - here the geographic term Chile - 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 Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Regarding the addition of the gTLD, here “.com”, as is generally accepted, the addition of a gTLD such as “.com” is merely a technical registration requirement and as such is typically disregarded under the first element confusing similarity test. [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 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 Domain Name such as those enumerated in the Policy or otherwise.

In particular, the Panel notes the following:

- The Complainant has not authorized the Respondent to use its well-established BWIN trademark.
- Prior to notice of this dispute, the Respondent has not used, nor made demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- The Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

Panels have consistently held that the use of a domain name for illegal activity, such as impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

In the present case, the Domain Name resolved to a betting and gaming website displaying the Complainant’s logo with links redirecting to a competitor’s website. The use of the Domain Name in a manner that impersonates the Complainant - by exploiting its trademark to deceive users - clearly supports a finding that the Respondent lacks any rights or legitimate interests in the Domain Name. [WIPO Overview 3.0](#), section 2.13.1. See also *Insured Aircraft Title Service, LLC v. Brain Jason, Felix Coker, Marcia Van, Mickey Stateler, Denise Baustert*, WIPO Case No. [D2023-1567](#).

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 Complainant has demonstrated that its trademark BWIN, which is registered and widely recognized, enjoys global public awareness.

Several UDRP panels have concluded that registering a domain name with knowledge of another company's rights and with the intention to divert traffic can indicate bad faith registration (see *Digital Spy Limited v. Moniker Privacy Services and Express Corporation*, WIPO Case No. [D2007-0160](#); *PepsiCo, Inc. v. "null", aka Alexander Zhavoronkov*, WIPO Case No. [D2002-0562](#); and *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#)). The Panel finds it implausible that the Domain Name was registered in good faith, particularly since the Complainant has registered its trademarks years before the registration of the Domain Name and owns and uses the domain name <bwin.com>, differing only by the addition of the geographic term "Chile".

Furthermore, it is well accepted that impersonation is clear evidence of bad faith registration and use (see *Ares Management LLC v. Omelchenko Aleksei*, WIPO Case No. [D2023-0836](#); *FLRish IP, LLC v. prince zvomuya*, WIPO Case No. [D2019-0868](#)).

With respect to bad faith use, the Domain Name resolves to a website that presents itself as being directly associated with the Complainant's BWIN platform. The Respondent has incorporated the Complainant's well-known trademark into the Domain Name and has reproduced elements of the Complainant's branding and website content in a manner clearly intended to create a false impression of affiliation or endorsement. Furthermore, the website redirects users to an unrelated third-party platform, indicating a deliberate attempt to attract users for commercial gain by creating a likelihood of confusion with the Complainant's mark. In the Panel's view, such use constitutes compelling evidence of bad faith under paragraph 4(b)(iv) of 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 <bwinchile.com> be transferred to the Complainant.

/Ana María Pacón/

**Ana María Pacón**

Sole Panelist

Date: June 19, 2025