

## **ADMINISTRATIVE PANEL DECISION**

Ninja Global OÜ v. Casino Domains, CasinoDomains2004  
Case No. D2025-1842

### **1. The Parties**

The Complainant is Ninja Global OÜ, Estonia, represented by Abion AB, Sweden.

The Respondent is Casino Domains, CasinoDomains2004, Netherlands (Kingdom of the).

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

The disputed domain name <betnijacasino.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 May 8, 2025. On May 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 8, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 12, 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 May 13, 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 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 6, 2025.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on June 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 gaming and casino company based in Estonia, which owns and operates online gambling platforms, one of which is Ninja Casino. The Complainant has been using the Ninja Casino platform in connection with online gaming services since 2016. Among other services, the Complainant offers a sports betting platform.

The Complainant owns, among other registrations, a European Union trademark registration for NINJACASINO no. 015743685, registered on November 28, 2016, in classes 9 and 41.

The Complainant operates its official website under the domain name <ninjacasino.com>. This domain name was registered on December 16, 2016, and is currently held by a company belonging to the same group as the Complainant.

The disputed domain name was registered on January 31, 2025.

The disputed domain name resolves to a parking page of the Registrar, with the indication "Parked free, courtesy of GoDaddy.com". The page includes a "Get this domain" banner.

The Respondent's address as indicated in the Whois details for the disputed domain name consists only of a reference to "Cyprus" with a country code corresponding to Curaçao and the telephone code corresponding to Malta. The Complainant claims that the telephone number is identical to the telephone number featured on the business profile of an individual active in the gaming business in Sweden and Malta.

#### **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.

Notably, the Complainant contends that its trademark is clearly recognizable in the disputed domain name, and that the disputed domain name is confusingly similar to its trademark.

The Complainant further contends that the Respondent does not have rights or legitimate interests in respect of the disputed domain name. Indeed, the Complainant has never granted the Respondent any rights to use its trademark in any form, including in the disputed domain name. The Respondent is not known by the disputed domain name and the disputed domain name has not been used in connection with a bona fide offering of goods or services. The Complainant asserts moreover that the structure of the disputed domain name, incorporating the Complainant's trademark preceded by the term "bet" (referring to the Complainant's betting services) reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Complainant. As such, the disputed domain name carries a high risk of implied affiliation in the Complainant's opinion.

Finally, the Complainant contends that the disputed domain name has been registered and used in bad faith. Firstly, the structure of the disputed domain name (combining the Complainant's trademark to a term "bet" referring to the Complainant's services) shows that the Respondent registered it having the Complainant and its trademark in mind and that it intended to create an association and a likelihood of confusion with the

Complainant's trademark in the mind of Internet users. The Complainant points out moreover that the telephone number indicated in the Whois record for the disputed domain name is identical to the number of an individual active in the gaming business, who was therefore most probably aware of the Complainant and of its trademark. Secondly, the Complainant asserts that the passive holding of the disputed domain name does not prevent a finding of bad faith in certain circumstances. The Complainant considers relevant for a finding of bad faith that the Respondent was, in all likelihood, aware of the Complainant and of its trademark, and that it tried to conceal its true identity by hiding behind a privacy shield and providing false contact details to the Registrar.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent 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 domain name; and
- (iii) the domain name registered by the respondent has been registered and is being used in bad faith.

### **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 entirety 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.

Although the addition of other terms (here "bet") 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 mark 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.

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.

In the present case, the Panel observes that the disputed domain name resolves to a parking page with the mere indication that its parked, and "Get this domain" banner suggesting that it is up for sale. The Respondent does not seem to have operated any bona fide or legitimate business under the disputed domain name (or to have made corresponding preparations), and it is not making any noncommercial or fair use of the disputed domain name.

The Panel observes furthermore that the disputed domain name carries a risk of implied affiliation with the Complainant, as it combines the Complainant's trademark with the term "bet" that directly refers to the Complainant's betting services, thus suggesting sponsorship, affiliation, or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

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.

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.

In the present case, the Panel finds it unlikely that the Respondent chose the disputed domain name independently without reference to the Complainant's trademark. The combination in the disputed domain name of the Complainant's trademark with the term "bet" directly referring to the Complainant's betting services supports a finding that the Respondent was aware of the Complainant's existence and of its mark when it registered the disputed domain name.

Turning to the condition of use in bad faith, the Panel observes that the disputed domain name has not been used in connection to an active website but resolves to a parking page featuring "Get this domain" banner.

Such offer to "get the domain" suggests in the Panel's view that the Respondent registered the disputed domain name with the intent to sell it to the Complainant or a competitor of the Complainant for consideration higher than its out-of-pocket expenses, as contemplated in paragraph 4(b)(i) of the Policy. That said, absent any indication regarding the price of the disputed domain name, this point may remain open.

Moreover, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the prior use of the Complainant's trademark and the composition of the disputed domain name and finds that in the

circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Indeed, as mentioned above, the Panel accepts that the Respondent chose the disputed domain name with the Complainant's trademark in mind. The Panel further observes that the Respondent failed to submit a response or provide any evidence of actual or contemplated good-faith use. Finally, the Respondent provided false contact details to the Registrar, thus hiding its true identity. This corroborates the implausibility of a good faith holding of the disputed domain name by the Respondent.

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 <betnijacasinocom> be transferred to the Complainant.

*/Anne-Virginie La Spada/*

**Anne-Virginie La Spada**

Sole Panelist

Date: June 26, 2025