

ADMINISTRATIVE PANEL DECISION

Entain Operations Limited v. Pointer Angelina
Case No. D2025-1844

1. The Parties

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

The Respondent is Pointer Angelina, Denmark.

2. The Domain Name and Registrar

The disputed domain name <apuestabwin.com> is registered with Gname.com Pte. Ltd. (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 9, 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 (Persons Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 9, 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 12, 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 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 6, 2025.

The Center appointed Enrique Bardales Mendoza 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 one of the largest and best known sports betting, gaming and interactive entertainment groups in the world. With a presence in over 40 countries, the Complainant holds multiple trademark registrations under the BWIN name:

- United Kingdom Trademark No. 886220 for BWIN (registered on February 3, 2006) and covering goods and services in class 9, 16, 35, 36, 38, 41, 42;
- European Union Trademark No. 007577331 for BWIN (registered on September 2, 2009) and covering goods and services in classes 9, 16, 35, 36, 38, 41, 42;
- Argentina Trademark No. 3120417 for BWIN ARGENTINA (registered on October 29, 2020) and covering goods in class 16;
- Argentina Trademark No. 3120368 for BWIN.COM.AR (registered on October 29, 2020) and covering services in class 38.

The disputed domain name was registered on October 4, 2024, and corresponds to a website that seeks to replicate through the use of trademarks and graphic elements (colors) the Complainant's website, and in turn displays advertising panels of third party betting platforms (Annex 8 and 9).

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 particular, the Complainant contends that the disputed domain name is identical or confusingly similar to the name BWIN present in the trademarks referenced above, and that the addition of the word "apuesta", which translates to English as "bet" does not prevent a finding of confusion.

The Complainant further alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It is verified that the Respondent has no connection or affiliation with the Complainant, and no authorization, license or consent, express or implied, to use the mark in the disputed domain name or otherwise. In addition, the Respondent is not known by the disputed domain name, nor does it own any registered trademarks for the domain name and, therefore, the Respondent cannot claim the right to use the disputed domain name as it does not offer any goods or services of its own.

The Complainant further asserts that the disputed domain name was registered in bad faith, since it was registered long after the Complainant obtained the rights to the trademarks and contains the name BWIN, use of distinctive graphic elements such as the colors black and yellow, and a description referring to the Complainant's origin. In addition, the Complainant uses banners with reference to other gambling and entertainment services in direct competition with the Complainant. This evidences the Respondent's intent to obtain a commercial benefit through confusion resulting from the improper use of the Complainant's trademarks.

Based on the foregoing, the Respondent requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that the following three elements are present in order to obtain the transfer or cancellation of the disputed domain name:

- a. It must be demonstrated that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.
- b. It must be demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain name.
- c. It is necessary to demonstrate that the disputed domain name has been registered and is being used in bad faith.

Since in the present case there was no response from the Respondent to the Complaint filed by the Complainant, the Panel can take as true those assertions of the Complainant that it considers reasonable (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#)).

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 Panel finds the BWIN mark is recognizable 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 disputed domain name is confusingly similar to the Complainant's trademark.

Although the addition of other terms (here, "apuesta", the Spanish translation of the word "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.

In addition, it is well established that the generic Top-Level Domain "gTLD" (in this case ".com") is generally not considered when considering whether a disputed domain name is confusingly similar to the trademark in which the complainant has rights (see section 1.11.1 of the [WIPO Overview 3.0](#)).

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.

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 following circumstances demonstrate bad faith registration and use of the disputed domain name:

- i) The disputed domain name was registered on October 4, 2024, long after the registration of the Complainant’s trademarks: BWIN (2006), BWIN ARGENTINA (2020), BWIN.COM.AR (2020);
- ii) The Respondent has failed to provide any explanation for its choice of the disputed domain name nor evidence of use or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services;
- iii) The Respondent used the Complainant’s BWIN trademarks within the website for the purpose of attempting to mimic the Complainant’s identity. This is reinforced when one considers that the website of the disputed domain contains a description referring to the Complainant’s origin.
- iv) The Respondent’s failure to substantively respond to the Complaint.

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 <apuestabwin.com> be transferred to the Complainant.

/Enrique Bardales Mendoza/
Enrique Bardales Mendoza
Sole Panelist
Date: June 26, 2025