

ARBITRATION AND MEDIATION CENTER

# ADMINISTRATIVE PANEL DECISION

Orange Entertainment B.V. v. Ivan Filippov, Solomia Bagrij, Aggarwal Parv, Victor Krivonosov, Mukasa Stephen Wasswa, and Pavels Gureckis Case No. D2025-1986

#### 1. The Parties

The Complainant is Orange Entertainment B.V., Netherlands (Kingdom of the), represented by Szymon Murawski, Netherlands (Kingdom of the).

The Respondents are Ivan Filippov, Ukraine; Solomia Bagrij, United States of America ("United States"); Aggarwal Parv, United States; Victor Krivonosov, Russian Federation; Mukasa Stephen Wasswa, United Kingdom; and Pavels Gureckis, Cyprus.

### 2. The Domain Names and Registrars

The disputed domain names <chickenascluck.com> and <lemoncasino.net> are registered with GoDaddy.com, LLC.

The disputed domain names <lemoncasino1.com>, kathrynsconversations.com>, and <victeams.org> are registered with NameCheap, Inc.

The disputed domain names <lemon-kasyno.net>, <lemon-casino-pl.net>, and <lemoncasino-pl.net> are registered with Spaceship, Inc.

The disputed domain name <lemon-casino.live> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The disputed domain name <lemon-casino.pro> is registered with Registrar of Domain Names REG.RU LLC

The abovementioned registrars of the disputed domain names are jointly referred to below as the "Registrars".

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 16, 2025. On May 19 and 21, 2025, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On May 19, 21, and 22, 2025, the Registrars

transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown / REDACTED, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants, or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on June 6, 2025.

On May 26, 2025, the Center informed the parties in Russian and English, that the language of the registration agreement for the disputed domain name <lemon-casino.pro> is Russian. On June 6, 2025, the Complainant requested English to be the language of the proceeding. The Respondent, registrant of this disputed domain name, did not submit any comments on the Complainant's language request.

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 Respondents in Russian and English of the Complaint, and the proceedings commenced on June 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2025. None of the Respondents submitted any response. Accordingly, the Center notified the Respondents' default on July 2, 2025.

The Center appointed Assen Alexiev as the sole panelist in this matter on July 8, 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 registered in Curacao and operates the online Lemon Casino, available at the website "www.lemon.casino" under the logo **LEMON**.

The earliest Wayback Machine-archived copy of the Complainant's website is dated May 16, 2021 and features the same logo. The Wayback Machine archives of April 5, 2022 and February 20, 2023 show that the Complainant's website continued to display the same logo and contained the following notice:

"The website lemon.casino is a brand name owned and operated by Orange Entertainment BV, a company registered and established under the laws of Curacao, which has an agreement with C.I.L. Curaçao Interactive Licensing N.V. for its gaming license no. #5536/JAZ. Orange Entertainment BV registration number is 158249 and its registered address is at Emancipatie Boulevard Dominico F. "Don" Martina 31, Curacao. The payment processing is managed by Proton Bulls Ltd, a company fully owned by Orange Entertainment BV, with a registered address at 85 Great Portland Street, First Floor, London, England, W1W 7LT, registered under the no. 13624986."

The Complainant is the owner of the following trademark registrations for LEMON CASINO (the "LEMON CASINO trademark"):

- the European Union trademark LEMON.CASINO (word) with registration No. 019062420, registered on November 16, 2024 for services in International Class 41.

The details about the dates of registration of the disputed domain names, their registrars, registrants, and the websites to which they resolve are the following:

Disputed domain name	Date of registration	Registrar	Current use
<chickenascluck.com></chickenascluck.com>	May 12, 2019	GoDaddy.com, LLC	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Polish that displays the logo
<lemoncasino.net></lemoncasino.net>	August 31, 2024	GoDaddy.com, LLC	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Hungarian that displays the logo
<lemoncasino1.com></lemoncasino1.com>	April 12, 2023	NameCheap, Inc.	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Polish that displays the logo
<kathrynsconversations.com></kathrynsconversations.com>	October 18, 2024	NameCheap, Inc.	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Polish that displays the logo
<victeams.org></victeams.org>	October 24, 2024	NameCheap, Inc.	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Polish that displays the logo

<lemon-casino-pl.net></lemon-casino-pl.net>	December 12, 2024	Spaceship, Inc.	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Polish that displays the logo
<lemon-kasyno.net></lemon-kasyno.net>	December 12, 2024	Spaceship, Inc.	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Polish that displays the logo
<lemoncasino-pl.net></lemoncasino-pl.net>	December 12, 2024	Spaceship, Inc.	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in Polish that displays the logo
<lemon-casino.live></lemon-casino.live>	September 16, 2024	PDR Ltd. d/b/a PublicDomainRegi stry.com	At the time of filing of the Complaint as well as at time of this Decision, resolves to a "Lemon Casino" gambling website in German that displays the logo
<lemon-casino.pro></lemon-casino.pro>	September 16, 2024	Registrar of Domain Names REG.RU LLC	At the time of filing of the Complaint, resolved to a "Lemon Casino" gambling website in English that displayed the logo  LEMON  Currently resolves to a log-in webpage.

The website at the disputed domain name <lemoncasino1.com> includes the following notice:

# "LICENCJA I BEZPIECZEŃSTWO

Licencja wydana przez C.I.L. Curaçao Interactive Licensing N.V., potwierdza, że działalność Lemon Casino jest zgodna z przepisami obowiązującymi na Curaçao. Numer licencji to #5536/JAZ, a firma stojąca za marką to Orange Entertainment BV, zarejestrowana w Curaçao pod numerem rejestracyjnym 158249, z adresem przy Boulevard Emancipatie Dominico F. "Don" Martin 31, Curaçao. Ponadto Proton Bulls Ltd,

spółka zależna Orange Entertainment BV, zarejestrowana w Wielkiej Brytanii pod adresem 85 Great Portland Street, First Floor, London, W1W 7LT, o numerze rejestracyjnym 13624986, jest odpowiedzialna za zarządzanie procesami płatności."

In English:

#### "LICENSE AND SECURITY

The license, issued by CIL Curaçao Interactive Licensing NV, confirms that Lemon Casino's operations comply with Curaçao regulations. The license number is #5536/JAZ, and the company behind the brand is Orange Entertainment BV, registered in Curaçao under registration number 158249, with an address at Boulevard Emancipatie Dominico F. "Don" Martin 31, Curaçao. Furthermore, Proton Bulls Ltd, a subsidiary of Orange Entertainment BV, registered in the United Kingdom at 85 Great Portland Street, First Floor, London, W1W 7LT, with registration number 13624986, is responsible for managing payment processes."

The website at the disputed domain name <lemon-casino.live> includes the following notice:

"All lemon-casino.live products are operated by OE B.V. based on the gaming license held by OE B.V. registered address Emancipatie Boulevard Dominico F. "Don" Martina, Curacao, a company licensed and regulated by the laws of Curacao under the C.I.L. Curacao Interactive Licensing N.V. license number #5536/JAZ."

The website at the disputed domain name <lemon-casino.pro> included the following notice at time of filing of the Complaint:

"If this does not solve all your doubts, contact us via online chat, phone or email by sending a message to the following address: support@lemon.casino [...]

The website lemon.casino is a brand name owned and operated by Orange Entertainment BV, a company registered and established under the laws of Curacao, which has an agreement with C.I.L. Curação Interact gaming license no.#5536/JAZ.[...]"

#### 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 names.

The Complainant submits that most of the disputed domain names are confusingly similar to its LEMON CASINO trademark, because they incorporate the Complainant's LEMON CASINO trademark in its entirety, either exactly or with minor additions (such as hyphens, numbers, or generic terms), which do not prevent a finding of confusing similarity. The Complainant further submits that the disputed domain names <chickenascluck.com>, <victeams.org>, and <kathrynsconversations.com>, which do not contain the LEMON CASINO trademark textually, are also confusingly similar to this trademark, because they resolve to websites that prominently display the Complainant's distinctive LEMON CASINO logo and their color palette, promotional layout, and overall visual identity mimics the Complainant's official platform at the domain name <lemon.casino> in a way that targets the Complainant's trademark and misleads Internet users.

According to the Complainant, the Respondents have no rights or legitimate interests in respect of the disputed domain names, because the Complainant has not authorized them to use the LEMON CASINO trademark, they are not commonly known by the disputed domain names, and they are not making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain. Instead, the Respondents are using the disputed domain names to imitate the Complainant's LEMON CASINO brand, to mislead Internet users by replicating the Complainant's visual identity and promotional materials, and to redirect users to unauthorized third-party gambling platforms for commercial gain.

According to the Complainant, these actions demonstrate an intent to exploit the Complainant's reputation and goodwill.

The Complainant contends that the disputed domain names were registered and are being used in bad faith. It notes that most of the disputed domain names were registered after the Complainant had first registered its LEMON CASINO trademark. According to the Complainant, the Respondents' deliberate selection of the disputed domain names, incorporating the Complainant's distinctive trademark, shows that they intend to trade on the goodwill and reputation of the Complainant. The Complainant notes that, even in respect of the disputed domain names which were registered before the Complainant's trademark, the Respondents' subsequent conduct demonstrates bad faith use.

The Complainant points out that the Respondents copied the Complainant's branding, promotional materials, and overall visual identity, thereby misleading Internet users into believing that the websites at the disputed domain names are operated by or affiliated with the Complainant. The Complainant maintains that the Respondents intentionally create consumer confusion to divert traffic for their own commercial gain, including redirecting users to unauthorized third-party gambling platforms unaffiliated with the Complainant. The Complainant notes that it issued multiple cease-and-desist communications to the Respondents, informing them of the Complainant's rights and demanding that they cease their infringing activities, but the Respondents ignored these notices and continue their infringing conduct, showing their bad faith intentions.

The Complainant maintains that the Respondents' willful disregard of the Complainant's rights, their conscious imitation of the Complainant's LEMON CASINO trademark, and their commercial exploitation of the Complainant's reputation are a flagrant example of bad faith under the Policy.

#### **B.** Respondents

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

### 6. Discussion and Findings

#### 6.1. Procedural issue - Consolidation of multiple Respondents

The Complainant submits the Complaint against multiple disputed domain names registered by nominally different registrants. According to the Complainant, all disputed domain names are under common control and are part of a coordinated scheme to exploit the Complainant's LEMON CASINO trademark.

In support of this allegation, the Complainant points out that the websites at all of the disputed domain names use identical branding, prominently displaying the Complainant's LEMON CASINO logo and replicating the Complainant's layout, visuals, color scheme, and promotional materials, have nearly identical structure, design, and content, strongly suggesting a shared source or operation, that the disputed domain names follow similar naming patterns targeting the Complainant's brand, and that several of the disputed domain names share the same or overlapping hosting providers, registrars, and technical contact patterns. The Complainant adds that the fact that so many nominally different individuals have simultaneously copied the Complainant's branding and structure points to centralized coordination.

Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

As discussed in section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario. Panels have considered a range of factors, typically present

in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of the content or layout of websites corresponding to the disputed domain names, among others.

Here, the websites at all of the disputed domain names are indeed similar, as they all display the Complainant's LEMON CASINO trademark, advertise the gambling services of a "Lemon Casino", and share many elements of their design and features. None of the Respondents objected to the Complainant's consolidation request and to the arguments in it, or brought to the attention of the Panel any reason why the consolidation would not be fair, equitable, or efficient.

Considering the above, the Panel accepts that it is more likely than not that the Respondents are under common control, and decides to consolidate the disputes in relation to all of the disputed domain names.

# 6.2. Procedural issue - Language of the Proceeding

The language of the Registration Agreement for the disputed domain name <lemon-casino.pro> is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding for the disputed domain name <lemon-casino.pro> be English, with the arguments that the Complainant is a Curacao-based entity and does not use the Russian language, that the website at the disputed domain name <lemon-casino.pro> is not presented in Russian, but rather in Polish and English, indicating that the Respondent has working knowledge of English, that its content is not directed at Russian-speaking users, and that requiring the translation of the Complainant and of the evidence into Russian would impose a disproportionate burden on the Complainant and delay the proceedings unnecessarily.

The Respondent did not object to the Complainant's request in respect to the language of the proceeding. The same Respondent has also registered the disputed domain name <lemon-casino.live> entering into a registration agreement in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview 3.0, section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## 6.3. Substantive issues

## 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 <u>WIPO Overview 3.0</u>, section 1.7.

The Complainant has shown rights in respect of the LEMON CASINO trademark for the purposes of the Policy. <u>WIPO Overview 3.0</u>, section 1.2.1.

The entirety of the LEMON CASINO trademark is reproduced within the disputed domain names <lemon-casino.live>, <lemon-casino.net>, <lemon-casino-pl.net>, <lemon-casino-pl.net>, <lemon-casino.pro>
and <lemoncasino1.com>. Accordingly, the disputed domain name

LEMON CASINO trademark for the purposes of the Policy, and the disputed domain names <lemon-casino.live>, <lemon-casino-pl.net>, <lemon-casino.pro> and <lemoncasino1.com> are confusingly similar to the LEMON CASINO trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

The Panel finds the LEMON CASINO trademark is recognizable within the disputed domain name <lemon-kasyno.net>. Accordingly, this disputed domain name is confusingly similar to the LEMON CASINO trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Although the addition of other elements in the disputed domain names <lemon-casino.live>, <lemon-casino-pl.net>, <lemon-casino.pro>, <lemoncasino1.com> and <lemon-kasyno.net> (here, "pl", "1", and hyphens) may bear on assessment of the second and third elements, the Panel finds the addition of such elements does not prevent a finding of confusing similarity between these disputed domain names and the LEMON CASINO trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The Panel therefore finds that the first element of the Policy has been established in respect of the disputed domain names elemon-casino.live>, elemon-casino.pl.net>, elemon-casino.pro>, elemon-casino.net>.

As to the disputed domain names <chickenascluck.com>, <kathrynsconversations.com> and <victeams.org>, the Panel finds that they are not confusingly similar to the LEMON CASINO trademark as they do not contain any element that is similar to this trademark.

The Complainant submits that they are confusingly similar the LEMON CASINO trademark, because they resolve to "Lemon Casino" websites that prominently display the same trademark and impersonate the Complainant, and refers to section 1.15 of the WIPO Overview 3.0. This section of the Overview states that the content of the website associated with the domain name is usually disregarded by panels when assessing confusing similarity under the first element. In some instances, panels have however taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the domain name.

The text of the cited section 1.15 of the <u>WIPO Overview 3.0</u> shows that the content of the website is only a subsidiary argument to "confirm" the Panel's finding of confusing similarity, and it is used when there is already a different basis to conclude that the domain name itself targets a trademark. The content of the associated website, even in cases such as here, where it obviously targets and impersonates the Complainant, cannot be the only basis for a finding of confusing similarity, if the disputed domain name itself has no similarity to the trademark.

The Panel therefore finds that the first element of the Policy has not been established in respect of the disputed domain names <chickenascluck.com>, <kathrynsconversations.com> and <victeams.org>. Therefore, the Complaint in respect of these disputed domain names must be denied.

# **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. <u>WIPO Overview 3.0</u>, section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondents lack rights or legitimate interests in the disputed domain names. The Respondents have not rebutted the Complainant's prima facie showing and have not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1.

Here, all disputed domain names resolve to websites that offer the gambling services of a "Lemon Casino" in competition with the Complainant, and prominently display the Complainant's figurative LEMON CASINO trademark or a stylized image of a lemon, which makes a similar impression. None of them include a disclaimer for the absence of a relationship with the Complainant, but some of them include express notices that the respective websites are operated by the Complainant under the license issued to it by the Curacao authorities. The Respondents thus clearly attempt to illegitimately impersonate the Complainant for commercial gain.

The Panel therefore finds that 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.

As discussed in section 6.1 above, the circumstances of the case support a conclusion that the Respondents are under common control. Respondents have registered seven disputed domain names that are all confusingly similar to the Complainant's LEMON CASINO trademark and share similar naming patterns, and have associated the disputed domain names to gambling websites that impersonate the Complainant and offer competing services without disclosing the lack of affiliation with the Complainant.

The disputed domain name <lemoncasino1.com> was registered before the Complainant registered its LEMON CASINO trademark. As discussed in section 3.8 of the <a href="WIPO Overview 3.0">WIPO Overview 3.0</a>, where a respondent registers a domain name before the complainant's trademark rights accrue, panels will not normally find bad faith on the part of the respondent. As an exception to this general proposition, in certain limited circumstances where the facts of the case establish that the respondent's intent in registering the domain name was to unfairly capitalize on the complainant's nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith.

The website at the disputed domain name <lemoncasino1.com> prominently displays the Complainant's figurative LEMON CASINO logo (which is identical to its subsequently registered trademark) and includes a notice stating that the gambling services offered on it are provided by the Complainant under the license issued to it by the authorities in Curacao. This content, and notably the logo, substantially copies the content that was available at the Complainant's website at the time when the disputed domain name <lemoncasino1.com> was registered. The associated website offers the same services that are offered by the Complainant and they obviously compete with each other.

All this taken together shows that the disputed domain name <lemoncasino1.com> was registered targeting the Complainant's then yet unregistered trademark for commercial gain. This supports a finding that this disputed domain name was registered in bad faith.

On this basis, the Panel finds that, by registering and using the disputed domain names, the Respondents have intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's LEMON CASINO trademark as to the source and affiliation of the gambling services offered on the Respondents' websites. This supports a finding of bad faith under paragraph 4(b)(iv) of the Policy.

The Panel therefore 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 names <lemon-casino.live>, <lemoncasino.net>, <lemon-casino-pl.net>, <lemon-casino-pl.net>, demon-casino.pro>, <lemoncasino1.com> and <lemon-kasyno.net>, be transferred to the Complainant.

The Complaint is denied in respect of the disputed domain names <chickenascluck.com>, <kathrynsconversations.com> and <victeams.org>.

/Assen Alexiev/
Assen Alexiev
Sole Panelist

Date: July 21, 2025