

## **ADMINISTRATIVE PANEL DECISION**

Sanctum IP Holdings Ltd. v. cooper deny, Melo Agatha  
Case No. D2025-2464

### **1. The Parties**

The Complainant is Sanctum IP Holdings Ltd., Antigua and Barbuda, represented by SafeNames Ltd., United Kingdom.

The Respondents are cooper deny, Armenia and Melo Agatha, Brazil (referred to below as “the Respondent”).

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

The disputed domain names <argentina-bodog.com> and <bodog-argentina.com> are 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 June 23, 2025. On June 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 24, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 June 25, 2025, with the registrant and contact information of nominally multiple underlying registrants disclosed by the Registrar, requesting the Complainant to either file separate complaint(s) 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 27, 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 July 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 24, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on August 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 was founded by Calvin Ayre in 1994 and operates as a provider of online gambling services, specializing in sports betting and online casino offerings. The Complainant maintains an international presence, operating in jurisdictions and regions such as Canada and Latin America. The Complainant primarily operates from its official websites <bodog.eu> and <bodog.com>, which it uses to host the Bodog platform regionally and provide access to its online gambling offerings. The Complainant's Bodog platform has a strong online presence, as is reflected by third-party Internet traffic statistics. For example, "www.bodog.eu" received approximately 3,6 million visits between April and June 2024, and "www.bodog.com" received 372.000 visits during the same period. The Complainant is frequently featured in articles collating leading online betting providers. Specifically, the Complainant's Bodog platform was ranked number four by Reader's Digest in the Best Gambling Sites in Canada for 2024. Furthermore, the Complainant is recognized as a trusted provider of online gambling services, having operated as an official sports betting partner of English Premier League Football Clubs.

The Complainant's affiliate BODOG HOLDINGS LTD., is the owner of several trademarks for BODOG ("BODOG trademark"), including:

- United Kingdom Trademark Registration BODOG No. UK00904491387, registered on October 27, 2006;
- European Union Trademark Registration BODOG No. 004491387, registered on October 27, 2006; and
- Canadian Trademark Registration BODOG No. TMA799015, registered on June 1, 2011.

The Complainant is also owner of several domain names including the BODOG trademark, such as the domain name <bodog.com>, registered on February 21, 2000.

The disputed domain name <argentina-bodog.com> was registered on September 12, 2024, and <bodog-argentina.com> was registered on September 10, 2024. At the time of the Decision, and when the amended Complaint was filed, the disputed domain names resolved (at the time of the decision with redirection to the domain name <bodogargentina.com>) to active websites advertising and offering online gambling services by using the BODOG trademark and a colour scheme identical to the Complainant's websites.

#### **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.

On the first element of the Policy, the Complainant claims that the disputed domain names are confusingly similar to the BODOG trademark. The Complainant holds multiple trademarks for the term "bodog" in

various jurisdictions. The Complainant also highlights the goodwill and recognition that has been attained under the BODOG trademark since its creation, so that the BODOG trademark has become a distinctive identifier associated with the Complainant's services. The disputed domain names encompass the entirety of the BODOG trademark with the addition of the country name "argentina", either after or followed by a dash.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. To the best of the Complainant's knowledge, the Respondent does not have any trademark rights to the term "bodog". There is also no evidence that the Respondent retains unregistered trademark rights to the term "bodog" or any other term used in the disputed domain names. Neither has the Respondent received any license from the Complainant to use the disputed domain names featuring the BODOG trademark. The Complainant submits that the Respondent has not used, nor prepared to use, the disputed domain names in connection with a bona fide offering of goods or services. The Respondent is using the disputed domain names to host websites that impersonate the Complainant by using the BODOG trademark and purport to provide access to the Complainant's services. Through the "sign up", "create an account", "Record" and "Take advantage of the bonus now" links, Internet users are redirected to <1win.com>, which offers casino and betting services that compete with the Complainant's BODOG services. The Respondent's use of the BODOG trademark and an identical colour scheme on the websites to purportedly offer BODOG services create the impression that the disputed domain names are sponsored or endorsed by the Complainant, when this is not the case. This impersonation cannot constitute a bona fide offering as affirmed by previous cases. The Respondent's redirection of users towards competing offerings does not constitute a bona fide offering of goods and services. Internet users access the disputed domain names with the belief that they are accessing the Complainant's services but are instead being directed to competing offerings. The Respondent is impersonating and misrepresenting the Complainant's BODOG offerings in order to generate increased traffic to its websites and confuse users by offering services competing with the Complainant's, which does not represent a bona fide offering of goods or services. To the best of the Complainant's knowledge, the Respondent is not commonly known by the distinctive term "bodog", nor is offering any genuine goods or services by the term "bodog". Therefore, there is no plausible reason for the registration and use of the disputed domain names, other than the motive of taking advantage of the goodwill and reputation attached to the BODOG trademark. The mere ownership of the domain name itself does not confer a right or legitimate interest on the Respondent. The Complainant submits that the Respondent is not making a legitimate noncommercial nor fair use of the disputed domain names, and instead is motivated by commercial gain through misleadingly diverting consumers to competing offerings. The Respondent captures traffic by creating an impression that the disputed domain names are endorsed by the Complainant, thus misleading Internet users as to the source of the disputed domain names. The Respondent does not prominently disclaim any affiliation with the Complainant, but instead capitalises on the likelihood of confusion with the Complainant's brand and mark to redirect users towards third-party services, including those in direct competition with the Complainant. The Respondent's use of confusingly similar domain names that include the location where the Complainant operates, along with the Complainant's trademark, to create impersonation websites is intended to cause user confusion to generate more traffic for the Respondent, and in turn achieve commercial gain from the Complainant's mark. Therefore, the Respondent's use of the disputed domain names does not constitute a legitimate noncommercial or fair use for the purposes of this element of the Policy. The Complainant has presented a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names for the purposes of Paragraph 4(a)(ii) of the Policy. The burden of production now shifts to the Respondent to show that he has rights or legitimate interests in the disputed domain names.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain names in bad faith. The Complainant's trademark registrations predate the creation date of the disputed domain names by 18 years. The "bodog" term has no ordinary or dictionary meaning, used solely in connection with the Complainant's services. Furthermore, the Complainant has accrued substantial goodwill in the "Bodog" name, maintaining a strong reputation as an established provider of online sports and gambling services. The distinctive nature of the "Bodog" name further strengthens this reputation and goodwill. Searching "Bodog" and "Bodog Argentina" on popular search engines such as Google, clearly lists

the Complainant and its services as the top result. Moreover, the Complainant's trademarks are also accessible for Internet users to view on public trademark databases. Given that the entire BODOG trademark was used in the disputed domain names with an additional term specifically where the Complainant operates, reinforces the likelihood that the Respondent was aware of the Complainant's rights in the BODOG trademark and sought to target it at the point of the registrations. The Respondent has intentionally attempted to attract, for commercial gain, online users by creating a likelihood of confusion with the Complainant's BODOG trademark and offerings. The Complainant emphasizes the Respondent's attempts to deceive Internet users by encouraging them to engage with prompts on the disputed domain names in order to redirect users to services directly competing with those of the Complainant. The Respondent is attempting to capitalize on the creation of a likelihood of confusion among Internet users by redirecting traffic towards competing services. By relying on the redirected traffic from Internet users attempting to engage with the Respondent's impersonated Bodog advertisements, it is evident that the Respondent aims to generate commercial benefits through the landing websites. The Respondent does not, to the best of the Complainant's knowledge, make any attempt to prominently disclaim its relationship (or lack thereof) to the Complainant. The Complainant's representatives sent cease and desist letter notices to the holder of the disputed domain name <argentina-bodog.com> on February 21 and 28, 2025, upon identifying the registration of these domains. These notices were sent with the purpose of putting the domain holder on formal notice of the Complainant's trademarks and rights and with the intention to resolve the matter amicably. However, the domain holder provided no response to these notices. The domain holder was given the opportunity to provide evidence of any actual good faith use and chose not to. Therefore, the Complainant submits this is further evidence of bad faith. Moreover, the Complainant submits that the Respondent has engaged in a pattern of abusive conduct by registering another domain name that encompasses the mark of a third-party brand.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules requires that the Panel's decision be made "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true (see section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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.

## **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names are registered with the same registrar, Gname.com Pte. Ltd. Further, both disputed domain names contain the BODOG trademark as well as the geographical term "argentina", just in reverse order, and, at the time of the Decision, redirect to the domain name <bodogargentina.com>, an active website advertising and offering online gambling services by using the BODOG trademark and a colour scheme identical to the Complainant's websites. Simply the fact that the redirection is the same in both cases shows that common control is highly likely.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

#### **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 applicable Top-Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The disputed domain names contain the BODOG trademark in their entirety, with the only addition of a hyphen and the geographical term "argentina". The Panel finds the mark is recognizable within the disputed domain names. The addition of a hyphen does not prevent a finding of identity or confusing similarity (see *The Channel Tunnel Group Ltd. v John Powell*, WIPO Case No. [D2000-0038](#)). The addition of other terms, in this case "argentina" (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

Further, 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.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain names or to use the BODOG trademark. The Panel finds on record that there are no indications that the Respondent is commonly known by the disputed domain names or otherwise has any rights or legitimate interests in the disputed domain names. Further, the disputed domain names are not used for a bona fide offering of goods or services. Rather, the Complainant has provided evidence showing that the disputed domain names resolved to an active website advertising and offering online gambling services, i.e. competing services, by using the BODOG trademark and a colour scheme identical to the Complainant's websites.

The website linked to the disputed domain names do not accurately and prominently disclose the relationship, or rather the lack thereof, between the Respondent and the Complainant, thus creating the false impression that the Respondent might be an official and/or authorized provider for the Complainant's services. This assessment is further supported by the nature of the disputed domain names, which in view of the Panel carries a risk of implied affiliation or association, as stated in section 2.5.1 of the [WIPO Overview 3.0](#).

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 names. 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 names 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.

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.

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, such behavior is manifestly considered evidence of bad faith. [WIPO Overview 3.0](#), section 3.4.

In the present case, the disputed domain names incorporate the BODOG trademark in their entirety and the BODOG trademark was registered decades before the registration of the disputed domain names. Internet users may think the disputed domain names are connected to the Complainant and would resolve to a website related to the Complainant because the geographical term “argentina” in the disputed domain names may be seen as referring to the Complainant’s local area of business. Further, the Complainant has provided evidence showing that the disputed domain names resolved to an active website advertising and offering online gambling services, i.e. competing services, by using the BODOG trademark and a colour scheme identical to the Complainant’s websites. The Panel finds that the Respondent has intentionally tried to impersonate the Complainant or, at least, to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant and its BODOG trademark as to the source, sponsorship, affiliation or endorsement of the Respondent’s website. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names 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 names <argentina-bodog.com> and <bodog-argentina.com> be transferred to the Complainant.

*/Christian Gassauer-Fleissner/*

**Christian Gassauer-Fleissner**

Sole Panelist

Date: August 22, 2025