

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. James Goltstein
Case No. D2025-2570

1. The Parties

The Complainant is Novomatic AG, Austria, represented by Salomonowitz Attorneys-at-Law, Austria.

The Respondent is James Goltstein, Thailand.

2. The Domain Name and Registrar

The disputed domain name <novomatic.guru> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 1, 2025. On July 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 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 July 5, 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 July 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 29, 2025.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on August 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 part of a leading group in the electronic gaming technology industry. According to the Complainant's website at "www.novomatic.com", in 2024, the group's revenue was around EUR 3.5 billion, it has locations in more than 40 countries and exports advanced gaming equipment to about 130 countries.

The Complainant and its group operate under the NOVOMATIC brand and hold various trademark registrations for this mark, including European Union Trade Mark Registration No. 5711461, NOVOMATIC, registered on February 8, 2008, in classes 16, 35, and 38; International Trademark Registration No. 598346, NOVOMATIC, registered on December 17, 1992, in classes 9, 28, 36, 37, 41, and 42; and United States of America Trademark Registration No. 1839246, NOVOMATIC, registered on June 14, 1994, in classes 41, 9, 28, 39, 37, and 42; collectively hereinafter referred as the "NOVOMATIC mark".

Prior decisions under the Policy have recognized the reputation of the NOVOMATIC mark within the online gaming industry. See, e.g., *Novomatic AG v. Evgeniy Zhak*, WIPO Case No. [D2023-0769](#); and *Novomatic AG v. WhoisGuard, Inc / Ivan Ivanov*, WIPO Case No. [D2020-2042](#).

The Complainant further owns various domain names corresponding to its brand, including <novomatic.com> (registered on October 22, 1996), which resolves to its corporate website.

The disputed domain name was registered on June 10, 2025, and it points to an online gaming platform in Russian that offers access to numerous online games, including card games. This website features the term "Games" in its header. No mention of "novomatic" is made within the website's content, and it does not disclose any relationship or lack of relationship with the Complainant or its trademark. The website identifies YANDEX LLC as the owner or responsible entity in the User Agreement, Privacy Policy, Terms of Use, and Recommendation Rules. The copyright note of the site indicates, "© 2018—2025 Yandex, OGRN 1027700229193, Russia, Moscow, st. Lev Tolstoy, 16, 119021."

5. Parties' Contentions

A. Complainant

The Complainant contends it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends the disputed domain name is identical or confusingly similar to the NOVOMATIC mark, as it contains this trademark in its entirety.

The Complainant further contends the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no relationship with and no permission from the Complainant for the use of the NOVOMATIC mark. The Respondent has not been commonly known by and has not acquired any trademark rights over the disputed domain name or the term "novomatic". The Respondent uses the disputed domain name to offer illegal gambling services, pretending to be a licensed casino.

The Complainant finally asserts that the disputed domain name was registered and is being used in bad faith. The NOVOMATIC mark predates the registration of the disputed domain name by many years, and this trademark, along with some of the Complainant's games, are so well known that the Respondent must have been aware of them and targeted them intentionally. The European Brand Institute ranks the NOVOMATIC mark as the second most valuable brand in Austria. The Respondent uses the disputed domain name to mislead Internet users and increase traffic to its website by creating a likelihood of confusion

with the Complainant and its brand. Additionally, the Respondent is preventing the Complainant from reflecting its trademark in a corresponding domain name.

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy, and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute by examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed materials, and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

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, namely the NOVOMATIC mark. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name with no additional element apart from the generic Top-Level-Domain ("gTLD") ".guru", which is a standard technical requirement and, as such, irrelevant in the confusing similarity test under the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 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 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 notes neither the Respondent's name nor the name of the company indicated as owner or responsible party within the content of the website linked to the disputed domain name (YANDEX LLC) shares any similarity with the term "novomatic".

The Panel further notes that the disputed domain name is identical to the Complainant's trademark and carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

The Panel has further confirmed that the disputed domain name resolves to a third party's website that operates in the same or a similar field as the Complainant and its reputed trademark. The Panel finds that such use (without permission) of the disputed domain name, which is identical to the NOVOMATIC mark, to promote and redirect users to a competing website in the same industry in which this mark is reputed, cannot establish any rights or legitimate interests under the Policy. [WIPO Overview 3.0](#), section 2.5.3.

Panels have consistently held that a respondent's use of a complainant's mark to redirect users to a competing site does not support a claim to rights or legitimate interests. See, e.g., *Kohler Co. v. Registration Private / Domains By Proxy, LLC, DomainsByProxy.com / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2021-1376](#); *Bayerische Motoren Werke AG v. Domain Administrator, Fundacion Privacy Services LTD*, WIPO Case No. [D2021-0659](#); or *Iqoption Europe Limited v. Edmunds Gaidis*, WIPO Case No. [DCO2020-0016](#).

The Panel additionally notes that, based on the Complainant's allegations, the website linked to the disputed domain name offers various card games that could hide online casino services for which the site owner might not have a license. Panels have concluded that using a domain name for illegitimate or illegal activities, such as alleged illegal gambling services or other fraudulent practices, can never establish rights or legitimate interests for a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, 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 outlines a non-exhaustive list of circumstances that may indicate a domain name was registered and used in bad faith; however, other factors can also be relevant when assessing whether a respondent's registration and use of a domain name was in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the NOVOMATIC mark is reputed in the online gaming products and services industry, and the Respondent, or a related company that owns or manages the website linked to the disputed domain name, operates within the same industry. This fact, along with the distinctive nature of the term "novomatic" (which is not found in the dictionary), and the fact that the disputed domain name is identical to the trademark, leads the Panel to conclude, on a balance of probabilities, that the Respondent targeted the Complainant and its trademark when registering the disputed domain name.

The Panel further observes that nothing in the record or the use of the disputed domain name indicates any connection with the term "novomatic". The Respondent has not demonstrated any rights or legitimate interests and has not come forward to rebut the Complainant's allegations of bad faith.

Furthermore, after reviewing the record, the Panel concludes that the circumstances of this case suggest opportunistic bad faith by the Respondent. The Respondent, either directly or indirectly (through the company managing the site linked to the disputed domain name), has used the disputed domain to draw traffic to a competing website for commercial gain, by creating confusion or an affiliation with the Complainant and its trademark. When a domain name is clearly connected to a specific product or service

and the registrant is shown to have “no connection” to that product or service, “opportunistic bad faith” is established. See *LACER, S.A. v. Constanti Gomez Marzo*, WIPO Case No. [D2001-0177](#); or *Landesbank Baden-Württemberg (LBBW) v. David Amr*, WIPO Case No. [D2021-2322](#).

The Panel also concludes that the Respondent cannot deny responsibility for the content on the website associated with the disputed domain name. Neither the fact that the website linked to the disputed domain name is managed or operated by a third party (such as YANDEX LLC), nor the possibility that the Respondent may or may not have gained directly or indirectly from this website, would alone prevent a finding of bad faith.

Furthermore, the Respondent’s registration of the disputed domain name has prevented the Complainant from registering its trademark on a matching domain name; and using the disputed domain name for potentially illegal activities, such as enabling illegal casino services, amounts to bad faith under the Policy. [WIPO Overview 3.0](#), section 3.4.

Therefore, 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 <novomatic.guru> be transferred to the Complainant.

/Reyes Campello Estebaranz/

Reyes Campello Estebaranz

Sole Panelist

Date: August 11, 2025