

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Serhii Dovhanych
Case No. D2025-2779

1. The Parties

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

The Respondent is Serhii Dovhanych, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <admiral-casino-at.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 15, 2025. On July 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 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 July 23, 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 14, 2025.

The Center appointed Alexander Duisberg as the sole panelist in this matter on August 21, 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 stock corporation under the Austrian law (Aktiengesellschaft, AG). According to their website at “www.admiral.ag”, the Complainant is an international gambling company based in Austria, founded by Johann Graf in 1980. The Complainant operates about 2,000 casinos and other gaming facilities in about 50 countries, many of them under the ADMIRAL CASINO brand. It also offers online gambling and produces slot machines and other technology for the gaming industry.

The Complainant is the owner of several trademarks for ADMIRAL (referred as the “Mark”), including:

- the European Union trade mark № 004134433 for ADMIRAL, registered on August 14, 2006, in classes 9, 16, 28, 36, 37, 41, 42, 43;
- the European Union trade mark № 015570005 for ADMIRAL, registered on October 27, 2016, in class 41;
- the Chinese trademark № 9615327 ADMIRAL, registered on March 21, 2016, in class 41;
- the United Kingdom trademark № 00915570005 ADMIRAL registered on October 27, 2016, in class 41; and
- the International Trademark Registration № 598347 for ADMIRAL, registered on December 17, 1992, in classes 9, 28, 36, 37, 41, 42.

The disputed domain name <admiral-casino-at.com> was registered on May 5, 2025.

The disputed domain name resolves to a website displaying a German language online casino business called “Admiral Casino Online Austria” and the “Who owns this casino” section of the website explicitly states that it is operated by the Complainant.

Further to directly referencing the Complainant and its business the website at the disputed domain name purportedly promotes the Complainant’s slot games.

The Respondent is a natural person located in Ukraine. The Respondent did not reply to the Complaint.

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 the disputed domain name is confusingly similar to the Mark. The disputed domain name incorporates the entirety of the Mark with the addition of the hyphens and terms “casino” and “at”. The Complainant asserts that the addition of those terms does not dispel the confusing similarity between the Mark and the disputed domain name.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has no relationship with the Respondent, nor has the Complainant given the Respondent permission for the use of the Mark. Moreover, the disputed domain name resolves to a website offering infringing slot games and illegal gambling. The Respondent also previously registered another

domain name <admiral-casino-online-at.com> and was ordered by the panel in *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#) to transfer this domain name to the Complainant.

The Complainant further states that the Respondent registered and uses the disputed domain name in bad faith. The Respondent could not have been unaware of the Mark, given its reputation and its anteriority to the disputed domain name registration. The Complainant asserts that the Respondent intentionally uses the disputed domain name to lead the public to illegal versions of the Complainant's slot games, for commercial gain. The Complainant contends that the Respondent prevents the Complainant from reflecting its Mark in a corresponding domain name.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue

The Panel notes that no communication has been received from the Respondent.

Since the Respondent's postal address is stated to be in Ukraine, which is subject to an international conflict at the date of this decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue. Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Center has discharged its responsibilities in notifying the Respondent of the commencement of the proceedings pursuant to paragraph 2(a) of the Rules including use of the email address as registered with the Registrar for the purposes of notifying the Complainant. There is no evidence that the case notification email to this email address was not successfully delivered.

Further, the Respondent apparently registered the disputed domain name as recently as May 5, 2025 (shortly after the Center notified the Respondent of the complaint on May 1, 2025 in *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#)), and the Respondent appears to be capable of controlling the disputed domain name and the related content. Having apparently received notification of the Complaint by email, he would have been able to formulate and file a response if he had wished to do so.

Lastly, the Complainant has selected as the mutual jurisdiction the courts at the location of the principal offices of the concerned Registrar, such courts not being subject to an international conflict. The Panel finds that proceeding with this decision does not preempt the Respondent from asserting its rights under paragraph 4(k) of the Policy to submit this dispute to the courts at the applicable mutual jurisdiction.

Accordingly, the Panel considers it is able to proceed to determine this Complaint.

6.2 Substantive Issues

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

- (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.

The Panel acknowledges the consensus view that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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. See [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. See [WIPO Overview 3.0](#), section 1.2.1.

The Mark satisfies the first requirement for establishing "rights" in a mark. As the Panel notes in the present case, the Complainant owns trademark rights for ADMIRAL in various jurisdictions.

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. See [WIPO Overview 3.0](#), section 1.7.

Although the addition of the hyphen and other terms here, "-casino", and "-at", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.8.

The disputed domain name adds the term "-casino" after the Mark. The Panel finds this addition to be a clear reference to the activity of the Complainant, which consists in the offer of various types of gambling facilities. Panels have held previously that such an addition does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. See *Quixtar Investments, Inc. v. Smithberger and QUIXTAR-IBO*, WIPO Case No. [D2000-0138](#); *Ansell Healthcare Products Inc. v. Australian Therapeutics Supplies Pty, Ltd.*, WIPO Case No. [D2001-0110](#); *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#); [WIPO Overview 3.0](#), section 1.8.

Furthermore, the disputed domain name adds the term "-at", which the Panel finds could be seen as implicitly referring to Austria. The Panel notes that the Complainant is a stockholding company based in Austria. Panels have confirmed on numerous occasions that the addition of such a geographical term does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. See *Allianz SE v. IP Legal, Allianz Bank Limited*, WIPO Case No. [D2017-0287](#); *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#); [WIPO Overview 3.0](#), section 1.8.

Finally, the disputed domain name ends with the generic Top-Level Domain ("gTLD") ".com". Panels have held previously that the TLD in a domain name is technically required. It is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. Therefore, the Panel does not take the gTLD ".com" into account in the comparison between the Mark and the disputed domain name. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#); *Mercado Libre Inc v. P Mercado Pago, Pedro Yukio Sato*, WIPO Case No. [D2022-0624](#); [WIPO Overview 3.0](#), section 1.11.

The Panel therefore finds the disputed domain name to be confusingly similar to the Mark for the purposes of satisfying paragraph 4(a)(i) of the Policy.

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. See *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, WIPO Case No. [D2012-0285](#); *B-Boy TV Ltd v. bboytv.com c/o Whois Privacy Service / Chief Rocka LTD, formerly named BreakStation LTD.*, WIPO Case No. [D2012-2006](#); *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#); [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.

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the Panel, shall demonstrate that the Respondent has rights to, or legitimate interests in, a disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy:

- (i) before any notice to the Respondent of the dispute, the Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

As regards the first circumstance, panels have previously held that the composition of the disputed domain name incorporating the mark, combined with the use of the disputed domain name to resolve to a website directly referencing the complainant and its business, and promoting goods and/or services of the complainant does not amount to a bona fide offering of goods as services. The Panel finds that the Respondent does not meet the requirements of paragraph 4(c)(i) of the Policy. See *Publicare Marketing Communications GmbH v. G.E.D. Faber / GAOS BV*, WIPO Case No. [D2012-1580](#); *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#); [WIPO Overview 3.0](#), section 2.2.

As regards the second circumstance, the Complainant credibly submits that it has never authorized, licensed, or permitted the Respondent to use the disputed name incorporating its well-reputed Mark. The Complainant submits that it has no prior nor current relation with the Respondent. There is no evidence that the Respondent has been commonly known by the disputed domain name. The Panel finds that the requirements of paragraph 4(c)(ii) of the Policy are not met. See *Compagnie Gervais Danone v. Duxpoint and Alejandro Gomez*, WIPO Case No. [D2008-1799](#); [WIPO Overview](#), section 2.3.

As regards the third circumstance, the Respondent uses the disputed domain name for commercial gain by misleading users who look for the Complainant's goods and/or services. The Complainant credibly submits that the Respondent uses the disputed domain name to offer infringing slot games and to provide illegal gambling. The Respondent has not rebutted the Complainant's contention. The Panel finds that the Respondent has not made a legitimate noncommercial use of the disputed domain name. See [WIPO Overview 3.0](#), sections 2.1 and 2.5.3.

Furthermore, panels have held before that where a domain name consists of a trademark plus an additional term (at the second- or top-level) such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#); [WIPO Overview 3.0](#), section 2.5.1.

The Panel therefore finds that the Respondent does not meet the requirements of paragraph 4(c)(iii) of the Policy.

Moreover, panels have held that the use of a domain name for illegal activity here, claimed illegal gambling, impersonation of the Complainant can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent has registered and used the disputed domain name to divert users from the Complainant's goods and/or services by creating a likelihood of confusion with the Complainant to intentionally attract users for commercial gain. The Panel notes that the disputed domain name resolves to a website almost identical to the websites of the Complainant. The website to which the disputed domain name resolves falsely claims to be operated by the Complainant and affirms to be licensed by it. The Respondent could not have been unaware of the Mark. The Respondent has therefore intentionally imitated the Complainant's Internet presence in the view of commercial gain. See [WIPO Overview 3.0](#), section 3.1.4.

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 Complainant's rights in the Mark predate the registration of the disputed domain name. The disputed domain name resolves to a website almost identical to the Complainant's website. Furthermore, the Panel notes that the Respondent has already been involved in another UDRP proceeding filed by the Complainant. See *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#). In the previous decision concerning a similar disputed domain name (<admiral-casino-online-at.com>), the panel ordered the transfer of the disputed domain name to the Complainant. The Panel finds the successive registration of the two disputed domain names (<admiral-casino-online-at.com> and <admiral-casino-at.com>) to be targeting the Complainant. The Respondent registered the disputed domain name in bad faith.

Further, the Panel finds that the Respondent's abusive domain name registration in this case, together with the bad faith registration of <admiral-casino-online-at.com> in *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#), constitutes a pattern of bad faith conduct. See [WIPO Overview 3.0](#), section 3.1.2.

Moreover, panels have held that the use of a domain name for illegal activity, claimed illegal gambling and impersonation of the Complainant, constitutes bad faith. See [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name 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 name <admiral-casino-at.com> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: September 4, 2025