

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Denis Prohorov

Case No. D2025-2780

1. The Parties

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

The Respondent is Denis Prohorov, Paraguay.

2. The Domain Name and Registrar

The disputed domain name <bookofradeluxe.app> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (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 (Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 18, 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 18, 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 12, 2025.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on August 20, 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 gaming and gambling company based in Austria that operates slot casino games.

The Complainant is the owner of several trademarks ("the BOOK OF RA Trademarks") including the following:

- the European Union wordmark BOOK OF RA No. 004451431, registered on May 24, 2006, for products and services in class 9;
- the United States of America wordmark BOOK OF RA No. 86306165, registered on August 25, 2015, for products and services in classes 9 and 41.

The Complainant offered a casino game under its BOOK OF RA Trademarks.

The disputed domain name was registered on March 28, 2025, and is used to offer a slot game under the name of BOOK OF RA: DELUXE.

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 identical (in the distinctive part) or at least confusingly similar to the BOOK OF RA Trademarks, since the disputed domain name contains the trademark in its entirety. The Complainant adds that the addition of the term "deluxe" does not exclude the confusion since this term is mere descriptive for the services offered under the disputed domain name.

The Complainant asserts that the Respondent has neither rights nor legitimate interests in the disputed domain name. The Complainant explains that the Respondent has no relationship with or permission from the Complainant for the use of the BOOK OF RA Trademarks. The Complainant states that the Respondent uses the disputed domain name to offer infringing slot games and to provide illegal gambling, also by pretending to be part of the official Google Play Store.

Finally, the Complainant asserts that the disputed domain name was registered and is used in bad faith by the Respondent. First, the Complainant states that the Respondent registered the disputed domain name long after the Complainant had registered the BOOK OF RA Trademarks and installed its website. The Complainant considers that the Respondent registered the disputed domain name with full knowledge of the Complainant and its trademarks because the Respondent used the disputed domain name to lead the public to illegal versions of slot games owned by the Complainant. The Complainant contends that the Respondent uses the disputed domain name to attract, for commercial gain, Internet users to the Respondent's website and to offer counterfeited versions of the Complainant's goods and services.

B. Respondent

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

6. Discussion and Findings

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

Although the addition of other terms here, "deluxe", 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.

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.

Indeed, it appears that the Respondent has no connection or affiliation with the Complainant and has not received any permission to use the BOOK OF RA Trademarks in the disputed domain name. Moreover, the Panel finds that the composition of the disputed domain name is inherently misleading considering the addition of the term "deluxe" to the Complainant's trademark, and the Respondent's choice of the gTLD ".app", which refer to the Complainant's activities, thus creating a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Panels have held that the use of a domain name for illegal activity here, claimed sale of counterfeit goods and illegal gambling can never confer rights or legitimate interests on a respondent. [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 the disputed domain name after the registration of the BOOK OF RA Trademarks. The Panel finds it more likely than not that the Respondent had the BOOK OF RA Trademarks in mind when registering the disputed domain name, considering the addition of the term “deluxe” to the Complainant’s trademark and the gTLD “.app”, in the disputed domain name, which refer to the Complainant’s activities. The Panel also notes that the disputed domain name resolves to a slot game under the same name as that of the Complainant, including similar illustrations of the game.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name carries a risk of implied affiliation, in a likely attempt of taking unfair advantage of the reputation of the Complainant’s trademarks and to attract, for commercial gain, Internet users to the Respondent’s website, which constitutes bad faith under the Policy.

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 illegal activity here, claimed sale of counterfeit goods and illegal gambling constitutes bad faith. [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 <bookofradeluxe.app> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: August 28, 2025