

ADMINISTRATIVE PANEL DECISION

SportPesa Holdings Ltd. v. Olena Obriezkova
Case No. D2025-2973

1. The Parties

The Complainant is SportPesa Holdings Ltd., United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Olena Obriezkova, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <sportpesacasino.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 30, 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 21, 2025.

The Center appointed Peter Kružliak as the sole panelist in this matter on August 27, 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 provider of online sport betting and gaming services and started the provision of these services under the SPORTPESA brand in 2014, originally in Kenya. Today, the Complainant provides these services to more than 12 million customers worldwide.

The Complainant has registered numerous SPORTPESA trademarks globally and is the owner of inter alia the following registrations:

- International trademark registration SPORTPESA (word), number 1339902, registered on January 19, 2017;
- United States of America (“United States”) trademark registration SPORTPESA (word), number 5837543, application filed on June 18, 2018 and registered on August 20, 2019; and
- United Kingdom trademark registration SPORTPESA (word), number UK00003176509, application filed on July 25, 2016 and registered on October 28, 2016.

(collectively the “SPORTPESA trademark”)

The Complainant also registered numerous domain names containing the SPORTPESA trademark, including <sportpesa.com>, which is its key domain name, as well as <sportpesa.am>, <sportpesa.ba>, <sportpesa.cn>, <sportpesa.co.dk>, <sportpesa.app>, <sportpesa.biz>, <sportpesa.co.bw>, <sportpesa.co.gl>.

The Respondent is located in Ukraine. The disputed domain name was created on June 17, 2025, and based on the available record it originally resolved to website using the Complainant’s trademark and the Complainant’s logo and indicating provision of online casino and betting services in Kenya. As of the day of the Decision, the disputed domain name does not resolve to an active website.

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 SPORTPESA trademark, since it includes the entirety of the SPORTPESA trademark with the addition of the word “casino” following the trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name since:

- the Respondent does not have any trademark rights to the term SPORTPESA or any other term used in the disputed domain name, there is also no evidence that the Respondent retains unregistered trademark rights to the term “sportpesa” and the Respondent has not received any license from the Complainant to use domain names featuring the SPORTPESA trademark;
- the Respondent has not used, nor prepared to use the disputed domain name in connection with a bona fide offering of goods or services, since the disputed domain name previously resolved to a webpage that impersonated the Complainant and its offerings by using the SPORTPESA logo and purported to offer

betting services of the Complainant in Kenya, and panels have held that the use of a domain name for illegal activity (e.g., phishing, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent;

- the disputed domain name's landing website encouraged Internet users to "Register" and "Login", where they were redirected to the Complainant's website and Respondent's use of the disputed domain name therefore cannot be considered fair as it falsely suggests affiliation with the trademark owner with previous panels affirming that redirecting a domain name is not a bona fide offering;
- the present non-use of the disputed domain name, due to action taken by the hosting provider as a result of the Respondent's previous activity, cannot be considered bona fide bona fide offering of goods or services;
- the Respondent is not commonly known by any terms used in the disputed domain name, nor is offering any genuine goods or services under the same terms; and
- the Respondent's use of confusingly similar domain name and the Complainant's trademark to create impersonation website is intended to cause user confusion to generate more traffic for the Respondent, and in turn achieve commercial gain from the Complainant's mark, thus Respondent's use of the disputed domain name does not constitute a legitimate noncommercial or fair use for the purposes of the second element of the Policy.

And finally, the Complainant submits that the disputed domain name has been registered and is being used in bad faith arguing that:

- the finding of bad faith registration is supported by the facts that the Complainant's trademark registrations predate the creation date of the disputed domain name by more than eight years and the Complainant has accrued substantial goodwill since its establishment in 2014 and given the use of the disputed domain name and use to redirect to the Complainant's website, it is implausible that the Respondent was unaware of the Complainant's rights in the SPORTPESA mark, furthermore the Respondent clearly intended to target the Complainant's brand and the disputed domain name carries a high risk of implied affiliation with the Complainant's SPORTPESA offerings, as the disputed domain name replicates the entire SPORTPESA trademark and the term "casino" is directly related to the Complainant's services and sector;
- the finding of bad faith use is supported the fact that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's SPORTPESA mark and did not attempt to disclaim the lack of association with the Complainant through the disputed domain name's website, on the contrary, its use of the disputed domain name and the Complainant's SPORTPESA mark was misleading and gave off the false impression that the Respondent's website was an official site of the Complainant, when this was not the case. Furthermore the current non-use of disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding, since all the criteria of the case *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) are met, the Complainant has a strong reputation, the Respondent failed to provide evidence of "any actual or contemplated good faith use" and the current passive holding and previous impersonation are indicative that there is no actual, contemplated or conceivable good faith use that can be made of the disputed domain name; and finally
- the Respondent has engaged in a pattern of abusive conduct by registering other domain names that encompass the mark of a third-party brand, the Respondent has, on separate occasions, registered domain names targeting different established brands in the online betting industry, such targeting has amounted to a pattern of conduct and this pattern is an additional evidence of the Respondent's bad faith conduct.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings 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 notified the Respondent of the Complaint using all available means and nothing in the available record suggests that the electronic notification did not reach the Respondent's email address as listed in the registration records for the disputed domain name, meaning that at least one of these notifications reached the Respondent. Furthermore, the Panel notes that the disputed domain name was registered on June 17, 2025, during the international conflict, suggesting that the Respondent is able to access Internet, maintain control of the disputed domain name, and thus should have received at least electronic notice of this proceeding.

The Panel also points out that, for the reasons which are set out later in this Decision, the Panel has no serious doubt that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's trademark and its services.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

6.2 Substantive Considerations

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 the SPORTPESA trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the SPORTPESA trademark is reproduced within the disputed domain name and although the addition of another term, "casino", 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 generic Top-Level Domain ("gTLD") of the disputed domain name may be disregarded in determining identity and confusing similarity. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the SPORTPESA trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 the 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.

Per the available record – not rebutted by the Respondent – the disputed domain name originally resolved to website using the Complainant’s trademark and also logo similar to the Complainant’s logo and indicating the provision of online casino and betting services in Kenya. The Respondent’s use therefore was not a bona fide offering of goods or services, as the Respondent was using the Complainant’s trademark in the disputed domain name and its website for the Respondent’s own benefit to offer competing or related goods or services without any authorization from the Complainant to do so. As for the present use of the disputed domain name, the unavailability of the website under the disputed domain name on the day of Decision can also not be considered as bona fide offering.

Furthermore, the available record does not show any trademark registrations or earlier relevant rights of the Respondent corresponding to the disputed domain name, nor the fact that the Respondent is commonly known by the disputed domain name or that the Respondent was granted any authorization to use the SPORTPESA trademark by the Complainant.

Finally, the Panel was not able to identify any reason why the use of the disputed domain name by the Respondent should be considered as legitimate noncommercial or fair use. Based on the composition of the disputed domain name, which comprises of the SPORTPESA trademark in its entirety with a descriptive suffix “casino”, and considering the fact that the Complainant uses the SPORTPESA trademark for the services of inter alia an online casino under the domain name <sportpesa.com>, the disputed domain name carries a risk of implied affiliation to the Complainant, which prevents finding of any legitimate noncommercial or fair use on the part of the Respondent. [WIPO Overview 3.0](#), section 2.5.1.

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 first notes that the SPORTPESA trademark is registered in many jurisdictions globally and is of a distinctive nature. Furthermore, based on the original use of the disputed domain name, which originally resolved to website using the Complainant’s trademark and the Complainant’s logo and indicating the provision of online casino and betting services in Kenya, and which landing page encouraged Internet users to “Register” and “Login”, where they were redirected to the Complainant’s website, it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant’s SPORTPESA trademark, which supports a finding of bad faith registration.

Also based on the original use of the disputed domain name described in previous paragraph, in the Panel's view, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. [WIPO Overview 3.0](#), section 3.1.4.

Regarding the present use of the disputed domain name, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes (i) the distinctiveness of the Complainant's SPORTPESA trademark, (iii) the composition of the disputed domain name, which clearly targets the Complainant and the services the Complainant provides under the SPORTPESA trademark, including online casinos, as well as the failure of the Respondent to (iv) file any material response or (v) provide any evidence of actual or contemplated good-faith use and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel therefore finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy and 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 <sportpesacasino.com> be transferred to the Complainant.

/Peter Kružliak /

Peter Kružliak

Sole Panelist

Date: September 10, 2025