

ADMINISTRATIVE PANEL DECISION

Bally's Management Group, LLC v. Marc Brody
Case No. D2025-3150

1. The Parties

The Complainant is Bally's Management Group, LLC, United States of America ("United States"), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is Marc Brody, United States.

2. The Domain Names and Registrar

The disputed domain names <ballybetpoker.com>, <ballyjoust.com>, <ballysliveatthebike.com>, and <chicagoballys.com> (the "Disputed Domain Names") are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 7, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On August 8, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 11, 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 August 11, 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 August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 3, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on September 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's predecessor in interest, Bally's Manufacturing Corporation, established the "Bally" brand in 1932 in association with various gaming, slot, pinball machines and services in Chicago, United States, and consistently used the brand since, growing it at an international level and expanded it to casino operations in 1979. The brand is claimed to have become one of the most recognizable names in the gaming industry.

The Complainant's parent company is publicly traded and is a global gaming, entertainment company with a portfolio of casinos and resorts and a growing omni-channel presence. It provides its customers with physical and interactive entertainment and gaming experiences, including traditional casino offerings, iGaming, online bingo, sportsbook and free-to-play games. The Complainant is a Delaware corporation and its group owns and operates 19 casinos in 11 states across the United States, among other entertainment venues, under the "Bally" brand. The Complainant also owns Bally Bet Sportsbook & Casino, a first-in-class sports betting and iCasino platform live in several states of the United States via a website. With 11,500 employees, the Complainant's group's casino operations include approximately 17,700 slot machines, 630 table games, and 3,950 hotel rooms. In 2024, the Complainant's group had company-wide revenue of USD 2.45 billion.

The Complainant owns numerous registered trademarks, including those registered through the United States Patent and Trademark Office ("USPTO"), as follows: BALLY, United States Registration No. 505,218, registered on December 28, 1948, with a first use in commerce of November 10, 1941, in International Class 28; BALLY'S, United States Registration No. 1,515,843, registered on December 6, 1988, in International Class 41; BALLY (design mark), and United States Registration No. 2,377,709, registered on August 15, 2000, in International Class 28. In total, the Complainant owns at least 141 trademark registrations in at least 37 jurisdictions worldwide for trademarks that consist of or contain the word "Bally" or "Bally's".

The aforementioned trademarks will hereinafter collectively be referred to as the "BALLY Mark".

The Complainant owns the domain name <ballys.com>, which it registered on August 21, 1995, and which resolves to its primary official website "www.ballys.com".

The Disputed Domain Names were registered as follows: <ballybetpoker.com>, registered on April 7, 2021, <ballyjoust.com>, registered on February 16, 2021, <ballysliveatthebike.com>, registered on April 12, 2022, and <chicagoballys.com>, registered on May 6, 2022. The Disputed Domain Names were registered 89 years after the inception of the Bally's brand by the Complainant's predecessor in interest in 1932, and more than 73 years after the Complainant's oldest registration for the BALLY Mark. The Disputed Domain Names all resolve to parked pages indicating that they may be available for sale.

The Respondent is an individual who was previously employed by a company called Bet.Works, which was acquired by the Complainant on June 1, 2021. The Respondent was allegedly employed by Bet.Works from January 2019 to June 2021, and by the Complainant from June to October 2021.

On April 3, 2023, the Respondent sent an email to the Complainant in which he offered to sell several Bally domain names, which included those that are the subject of these proceedings. The Complainant stated that it was not interested in purchasing the domain names and that the Respondent should let them lapse. The Respondent renewed the Disputed Domain Names until 2031. On April 14, 2025, the Complainant sent a demand letter to the Respondent, and among other things, requested return of the Disputed Domain Names.

The Respondent proceeded to have a text exchange with the Complainant, but nothing was ultimately resolved as a result. Screenshots of the above-referenced texts and emails were submitted as Annexes to the Complaint by the Complainant.

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 Names. Notably, the Complainant contends that

- the Disputed Domain Names are confusingly similar to the BALLY Mark;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names;
- the Disputed Domain Names were registered and are being used in bad faith; and
- the Complainant seeks the transfer of the Disputed Domain Names from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Names transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Names are 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 Names; and
- (iii) the Disputed Domain Names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain names are identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Names are confusingly similar to the BALLY Mark as explained below.

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 Names. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

It is uncontroverted that the Complainant has established rights in the BALLY Mark based on its decades of use as well as its registered trademarks for the BALLY Mark. Thus, the Complainant has shown rights in the BALLY Mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Names consist of the BALLY Mark in its entirety, with the addition of certain terms such as “bet poker”, “joust”, “live at the bike”, “chicago”, and the letter “s”, in the various Disputed Domain Names, followed by the generic Top-Level Domain (“gTLD”) “.com”. It is well established that domain names that wholly incorporate a trademark may be deemed confusingly similar to that trademark for purposes of the Policy despite the addition of other terms. Thus, the addition of the aforementioned terms to the Complainant’s BALLY Mark in the Disputed Domain Names does not prevent a finding of confusing similarity. See e.g., *Cantor Fitzgerald Securities v. Wanda J. Bradley*, WIPO Case No. [D2020-3051](#).

As stated in [WIPO Overview 3.0](#), section 1.8, “where the relevant trademark is recognizable within the disputed domain names, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”. Each of the Disputed Domain Names is confusingly similar to the Complainant’s BALLY Mark since the relevant comparison to be made is with the second-level portions of the Disputed Domain Names only.

Finally, the addition of a gTLD such as “.com” in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether disputed domain names are identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant’s BALLY Mark.

Based on the available record, the Panel finds that 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 a 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 that 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 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 Complainant’s prima facie case includes the fact that the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its BALLY Mark, that there is no evidence that the Respondent is commonly known by the Disputed Domain Names or by any similar names, and that there is no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Names in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c). Moreover, based on the circumstances of the case and the use made of the Disputed Domain Names to resolve to inactive landing pages indicating that the Disputed Domain Names may be available for sale, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Names.

Based on the available record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that, based on the record, the Complainant has demonstrated the Respondent's bad faith registration and use of the Disputed Domain Names pursuant to paragraph 4(b) of the Policy.

First, the renown in its industry of the BALLY Mark, which was used and registered by the Complainant long before the Respondent's registration of the Disputed Domain Names, renders it wholly implausible that the Respondent created the Disputed Domain Names independently. The Disputed Domain Names were registered decades after the Complainant first began using and registered the BALLY Mark. Therefore, the Panel finds it likely that the Respondent had the Complainant's BALLY Mark in mind when registering the Disputed Domain Names. Therefore, based on the use of the BALLY Mark worldwide, and, notably, on the Respondent's employment within the same industry and his former employment with the Complainant itself, it strains credulity to believe that the Respondent had not known of the Complainant or its trademark when registering the Disputed Domain Names. Accordingly, "[t]he only explanation of what has happened is that the Respondent's motive in registering and using the [domain names] seems to be... simply to disrupt the Complainant's relationship with its customers or potential customers or attempt to attract Internet users for potential gain. These both constitute evidence of registration and use in bad faith: paragraph 4(b)(iii) & (iv) of the Policy". *Pancil, LLC v. Jucco Holdings*, WIPO Case No. [D2006-0676](#).

Further, the Respondent in this case was employed by Bet.Works, a company acquired by the Complainant on June 1, 2021, and was seemingly employed by the Complainant from June to October 2021, as explained in detail above.¹ Therefore, the Respondent was undeniably aware of the Complainant and the BALLY Mark – and even sought to sell the Disputed Domain Names to the Complainant prior to the commencement of these proceedings, demonstrating the Respondent's actual knowledge of the Complainant and the BALLY Mark.

Second, the Panel is satisfied that the Respondent registered and used the Disputed Domain Names having the Complainant's BALLY Mark in mind. Here the Respondent registered several domain names incorporating the Complainant's mark and the terms associated with the Complainant's business, all with the knowledge of the BALLY Mark. While aggregating and holding for resale domain names consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se illegitimate under the Policy, in the circumstances of this case, the Panel finds that the Respondent's attempt to sell the Disputed Domain Names to the Complainant throws some light on the Respondent's probable motives for the registration of the Disputed Domain Names, which supports a finding of bad faith under the Policy.

Finally, inactive or passive holding of the Disputed Domain Names by the Respondent may amount to bad faith. See *Advance Magazine Publishers Inc. and Les Publications Condé Nast S.A. v. ChinaVogue.com*, WIPO Case No. [D2005-0615](#); *Société pour l'Oeuvre et la Mémoire d'Antoine de Saint Exupéry – Succession Saint Exupéry – D'Agay v. Perlegos Properties*, WIPO Case No. [D2005-1085](#). It has long been held in UDRP decisions that the passive holding of disputed domain names that incorporate a well-known or distinctive trademark without a legitimate purpose does not prevent a finding of bad faith under paragraph 4(a)(iii) of the Policy. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#).

Specifically, UDRP panels have frequently found that the lack of active use of disputed domain names (i.e., passive holding) does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3. From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of

¹ Although, as described above, the Respondent was briefly employed by the Complainant, it was not, on the materials before the Panel, during the time that he registered any of the Disputed Domain Names and the Respondent has not claimed otherwise..

the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) the respondent's concealment of its identity or use of false contact details (noted to be in breach of its registration agreement); and (iv) the implausibility of any good faith use to which the disputed domain names may be put.

Based on the above, the Panel has taken into consideration the above factors in arriving at a finding of bad faith registration and use: (i) the Complainant's trademark is well known; and (ii) the Respondent has not submitted a response in the proceedings. The Panel therefore finds that the Respondent registered and used the Disputed Domain Names in bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <ballybetpoker.com>, <ballyjoust.com>, <ballysliveatthebike.com>, and <chicagoballys.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: September 18, 2025