

ADMINISTRATIVE PANEL DECISION

Newcote International Limited v. Host Master, Njalla Okta LLC
Case No. D2025-3323

1. The Parties

The Complainant is Newcote International Limited, United Kingdom, internally represented.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <betsvictor.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 19, 2025. On August 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 19, 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 August 21, 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 August 25, 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 August 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 18, 2025.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on September 25, 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 the parent company of a privately held online group that provides entertainment to its global customer base through the various brands operated by its affiliated companies. The BETVICTOR trademark is the Complainant's flagship brand used for online sports betting, casino and bingo products.

The Complainant and its affiliated entities operate the BETVICTOR trademark under numerous gaming and betting licenses issued by regulatory authorities across various jurisdictions, including the Gambling Commission of the United Kingdom, the Gibraltar Gambling Commission, and, since June 3, 2022, the Alcohol and Gaming Commission of Ontario ("AGCO"), with oversight by iGaming Ontario ("iGO"). The Complainant has made substantial investments in building and promoting the BETVICTOR trademark internationally, including through partnerships with prominent brand ambassadors. To safeguard its intellectual property, the Complainant has registered a significant portfolio of the BETVICTOR trademarks globally, which includes, inter alia, the following trademark registrations:

- European Union Trademark Registration No. 9608332 for BETVICTOR, registered on April 28, 2011, for goods and services in International Classes 9, 41 and 42;
- United Kingdom Trademark Registration No. UK00909608332 for BETVICTOR, registered on April 28, 2011, for goods and services in International Classes 9, 41 and 42;
- Canadian Trademark Registration No. 1285907 for BETVICTOR, registered on January 24, 2025, with the priority as of July 16, 2021, for goods and services in International Classes 9, 41 and 42.

The Complainant also operates various domain names incorporating the BETVICTOR trademark, including <betvictor.com>, <betvictor.ca>, <betvictor.net>, <betvictor.org>.

The disputed domain name was created on December 8, 2024, and previously resolved to a website offering gambling and betting content that directly competes with the Complainant's services. All the clickable content on the website under the disputed domain name redirected to unlicensed websites offering online gaming and betting services. As of the commencement of these administrative proceedings, the website is inactive.

Prior to initiation of these administrative proceedings, the Complainant sent cease-and-desist letters in respect of the disputed domain name, but they remained unanswered.

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.

Identical or Confusingly Similar

The Complainant states that the Respondent registered the disputed domain name, which is identical or confusingly similar to the Complainant's BETVICTOR trademark, incorporating the trademark in its entirety with the mere addition of the pluralizing letter "s". Such a minor variation constitutes an obvious misspelling and is widely recognized as creating a likelihood of confusion with the original mark.

Rights or Legitimate Interests

The Complainant contends that the Respondent lacks any rights or legitimate interests in the disputed domain name.

According to the Complainant's contentions, the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register the disputed domain name.

The Complainant also claims that the Respondent has used the disputed domain name to host gambling and betting content that directly competes with the Complainant's services. This conduct does not constitute a bona fide offering of goods or services, nor fair use. Instead, it reflects a deliberate attempt to mislead consumers for commercial gain by exploiting a domain name confusingly similar to the Complainant's BETVICTOR trademark, thereby creating a false impression of affiliation and demonstrating a lack of rights or legitimate interests in the disputed domain name.

Registration and Use in Bad Faith

The Complainant also contends that the Complainant's trademark registrations predate the registration of the disputed domain name. The Respondent knew or should have known about the Complainant's prior rights when registering and using the disputed domain name.

The Complainant contends that the disputed domain name is being used in an attempt to intentionally attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement.

The Complainant also states that the Respondent has engaged in a pattern of trademark-abusive domain name registrations.

Thus, according to the Complainant's contentions, the disputed domain name has been registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- i. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel “shall draw such inferences therefrom as it considers appropriate”.

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 disputed domain name <betsvictor.com> incorporates the Complainant's BETVICTOR trademark in its entirety, with the sole addition of the letter “s” at the beginning of the string. This minor typographical variation constitutes a common form of typosquatting, whereby the BETVICTOR trademark remains recognizable within the disputed domain name.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the mark is recognizable 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.

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 considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made 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. See paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. See paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not 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. See paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4; and
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

According to the evidence submitted with the Complaint, the disputed domain name resolved to a website impersonating the Complainant and purporting to offer services directly competing with the Complainant's. Panels have held that the use of a domain name for illegitimate activity such as here impersonating the Complainant, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Currently, the disputed domain name is no longer active, therefore, the Panel notes the fact that the disputed domain name currently resolves to an inactive website does not constitute a legitimate noncommercial or fair use, especially in the case of prior use.

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 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 view of the Panel, noting that that the Complainant's BETVICTOR trademark predates the registration of the disputed domain name and considering that the disputed domain name resolved to a website featuring the Complainant's logo to offer services directly competing with the Complainant's, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark which has gained the reputation through its use. In the circumstances of this case, this is evidence of registration in bad faith. The impression given by this website that resolves from the disputed domain name, would cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website in the sense of the Policy, paragraph 4(b)(iv).

Panels have held that the use of a domain name for illegitimate activity such as in the present case impersonating the Complainant 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.

Regarding the current use, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Finally, the lack of response by the Respondent to the cease-and-desist letters sent by the Complainant’s attorneys supports a finding of bad faith. Past UDRP panels have held that failure to respond to a cease-and-desist letter may be considered a factor in finding bad faith registration and use of a domain name. See *Encyclopaedia Britannica, Inc. v. John Zuccarini and The Cupcake Patrol a/k/a Country Walk a/k/a Cupcake Party*, WIPO Case No. [D2000-0330](#) (failure to respond to a demand letter provides “strong support for a determination of ‘bad faith’ registration and use”).

Moreover, the Panel notes that the Respondent had been involved in other UDRP cases as a respondent for abusive domain name registrations (see *Philip Morris Products S.A. v. Host Master, Njalla Okta LLC*, WIPO Case No. [D2024-3452](#), and *EFG Bank European Financial Group SA v. Ms. Prudence Deckow, Host Master, Njalla Okta LLC*, WIPO Case No. [D2024-4405](#)). UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. This may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even when directed at the same brand owner. A pattern of abuse has also been found where the respondent registers, simultaneously or otherwise, multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners ([WIPO Overview 3.0](#), section 3.1.2). In this regard, the Panel considers that the Respondent has engaged in a pattern of trademark-abusive domain name registrations.

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 <betsvictor.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: October 14, 2025