

ADMINISTRATIVE PANEL DECISION

Aplus Limited v. Duc Tam Tran, TCM Technology LLC
Case No. D2025-3366

1. The Parties

The Complainant is Aplus Limited, Marshall Islands, represented by JusTec Brand Protection, United States of America ("United States").

The Respondent is Duc Tam Tran, TCM Technology LLC, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <8xbetvina.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 21, 2025. On August 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 22, 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 (Withheld for Privacy Ehf, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2025. The Respondent sent email communications to the Center on August 25, 26, 27 and September 1, 2025. The Response was filed with the Center on August 29, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on September 10, 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.

On October 2, 2025, the Panel issued a Procedural Order, inviting the Complainant to clarify the use of its unregistered trade mark 8XBET before the registration of the disputed domain name and inviting the Respondent to comment on any submission from the Complainant. On October 6, 2025, the Complainant submitted additional arguments and evidence. The Respondent did not send any communications in relation to the Complainant's submission.

4. Factual Background

The Complainant operates in the gambling sector.

The Complainant is the registered owner of the following 8XBET trade mark:

- USPTO trade mark registration number 7734929, applied for on May 16, 2023, registered on March 25, 2025 (assignment to the Complainant was recorded on July 10, 2025; first use claimed January 1, 2022).

The Complainant operates its main website under the domain name <8xbet.com> (which the Panel could not access as it triggered a security warning message).

The disputed domain name was registered on January 16, 2023.

The disputed domain name is currently inactive and it used to point to a website purporting to offer gambling services under the Complainant's 8XBET mark and logo.

The Respondent has a pending Vietnamese trade mark application No. VN -4-2025-42176 for the term "8XBET VINA" which it filed on August 19, 2025, two days before the Complaint was filed.

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 Respondent registered the disputed domain name to target the Complainant as the Complainant had already started using the unregistered trade mark 8XBET in commerce and the Complainant claims that its website is the largest gambling website in Asia.

The Complainant asserts that it has never licensed or otherwise authorized the Respondent to use the Complainant's trade mark in any manner whatsoever. The Complainant contends that the Respondent is not known by the disputed domain name and has no rights relating to the disputed domain name. In addition, the Complainant asserts that the Respondent is intentionally infringing its 8XBET trade mark and that this cannot be considered a bona fide offering of goods or services or a legitimate, noncommercial or fair use.

Turning to bad faith, the Complainant contends that the Respondent registered the disputed domain name to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

B. Respondent

The Respondent submitted its response in a chain of pre- and post-commencement communications. In an initial communication to the Center on August 25, 2025, the Respondent was claiming that the Complainant is operating illegally in Vietnam. A second communication was sent to the Center by the Respondent on August 26, 2025. In its second communication, the Respondent essentially put forward the following assertions:

- The Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.
- The Respondent has a legitimate interest in the disputed domain name and has filed a trade mark application for 8XBET VINA in Vietnam.
- There is no bad faith use of the disputed domain name and it has never been used to divert users from the Complainant's website.
- The Complainant does not have a valid gambling license to operate in Vietnam and thus operates illegally in that jurisdiction.

In its communications of August 27 and 29, 2025, the Respondent re-iterated the above and emphasized that the disputed domain name was registered prior to the Complainant's acquiring registered trade mark rights in 8XBET.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the 8XBET trade 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, "vina", which the Respondent has asserted in its communication of August 27, 2025, stands for "Viet Nam", 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 persuasive evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

As for the Respondent’s filing for a trade mark application in the term “8XBET VINA” two days before the Complainant filed its Complaint, the Panel finds that it is purely opportunistic and in any event it is merely a trade mark application and not evidence of an accrued right.

The Panel finds that the Respondent is targeting the Complainant’s 8XBET trade mark and business in an effort to mislead unsuspecting Internet users into thinking that the Respondent’s website and the disputed domain name are affiliated with or endorsed by the Complainant.

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.

The Panel preliminarily notes that the Complainant’s trade mark 8XBET was applied for months after the registration of the disputed domain name and was registered more than two years after the disputed domain name.

Therefore, a question arises as to whether bad faith can be found in this case since the disputed domain name was registered before the Complainant acquired registered trade mark rights.

Generally, where a respondent registers a domain name before the complainant’s trade mark rights accrue, panels will not normally find bad faith on the part of the respondent unless there is persuasive and substantiated evidence to the contrary. [WIPO Overview 3.0](#), section 3.8.1.

As an exception to the general proposition described above in [WIPO Overview 3.0](#), section 3.8.1, in certain limited circumstances where the facts of the case establish that the respondent’s intent in registering the domain name was to unfairly capitalize on the complainant’s nascent (typically as yet unregistered) trade mark rights, panels have been prepared to find that the respondent has acted in bad faith. [WIPO Overview 3.0](#), section 3.8.2.

Here the Panel notes that the Complainant claims that (i) it operates the largest gambling site in Asia and that (ii) it has used the unregistered trade mark 8XBET in commerce since January 1, 2022. Whilst there is no explicit evidence of the first assertion, the Panel notes from the additional evidence produced by the Complainant in response to the Procedural Order that there is sufficient evidence to substantiate that the Complainant has used the unregistered trade mark 8XBET in commerce, a year before the registration of the disputed domain name (this includes screen captures of the main website of the Complainant from January 2022, announcement of partnership deals with major football teams, and previous decisions under the Policy relating to the 8XBET trade mark).

The Panel finds that the Respondent acted in opportunistic bad faith when registering the disputed domain name, as it is connected with the Complainant and its services, such that its selection by the Respondent, which has no connection with the Complainant, suggests the disputed domain name has been registered with a deliberate intent to create an impression of an association with the Complainant (see for instance *New European College GmbH v. Moniker Privacy Services / Mr. Li Chang, NECM*, WIPO Case No. [D2017-0538](#)).

The Panel thus finds that the disputed domain name was registered in bad faith.

As for the use of the disputed domain name in bad faith, given the circumstances described in the Complaint and the evidence provided by the Complainant including the fact that the look and feel of the website previously available at the disputed domain name was very similar to the Complainant's logos and website (as seen on screen captures provided by the Complainant), the Panel considers that the disputed domain name has been used in bad faith.

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 <8xbetvina.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: October 16, 2025