

## **ADMINISTRATIVE PANEL DECISION**

**BIFTIKENA LTD v. Valentina Nikolaeva**

**Case No. D2025-3428**

### **1. The Parties**

The Complainant is BIFTIKENA LTD, Cyprus, represented internally.

The Respondent is Valentina Nikolaeva, Ukraine.

### **2. The Domain Names and Registrar**

The disputed domain names <goldpari-partners.com> and <goldparipartners.com> are registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 26, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 26, 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 (NAMECHEAP INC / Redacted for Privacy, 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 27, 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 September 1, 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 September 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 28, 2025.

The Center appointed Anna Carabelli as the sole panelist in this matter on October 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**

According to the Complaint, the Complainant operates a betting platform under the brand name "GOLDPARI", for which it owns the European Union Trademark Registration No. 018959664, registered on March 21, 2024, in classes 35, 38, 41 and 42.

The disputed domain names were both registered on November 8, 2024. Each of them resolves to active websites that prominently feature the Complainant's GOLDPARI trademark and logo, and claim to offer "an affiliate program" to maximize earning potential in online gaming. According to the Complaint, the Respondent's websites redirect users to an external affiliate 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 names.

Notably, the Complainant contends that:

- The disputed domain names are confusingly similar to the Complainant's GOLDPARI registered trademark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain names since: (i) the Complainant has not authorized or given consent to the Respondent to register and use the disputed domain names, (ii) the Respondent is not commonly known by the disputed domain names, and (iii) the Respondent's use of the disputed domain names is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. In this connection the Complainant contends that the disputed domain names resolve to websites that redirect users to an external affiliate website for commercial purposes.
- The disputed domain names were registered and are being used in bad faith. The Respondent has registered the disputed domain names that include the GOLDPARI trademark with an intent to falsely associate itself with the Complainant's brand and create confusion among users seeking to access the Complainant's official website "www.goldpari.com".

Based on the above the Complainant requests the disputed domain names be transferred to the Complainant.

##### **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 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 concludes that the Respondent has been given a fair opportunity to present its case. The Center has sent notice of the proceedings to the Respondent both electronically and via postal means. The record shows that Notification of Complaint email was sent to the Respondent's email address disclosed by the Registrar, and there is no evidence of unsuccessful delivery.

The Panel also notes that the Respondent registered the disputed domain names on November 8, 2024, i.e., over two years after the commencement of present international conflict, indicating that the Respondent has had Internet access and thus would appear to be capable of controlling the disputed domain names and the related content.

## **6.2. Substantive Issues**

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of a respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

### **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 names. 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 Panel finds the entirety of the Complainant's registered trademark GOLDPARI is reproduced and recognizable within the disputed domain names. The disputed domain names differ from the Complainant's trademark only by the addition of the word "partners" with or without a hyphen. Accordingly, the disputed domain names are 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 “partners”, may bear on assessment of the second and third elements, the Panel finds the addition of such term (with or without a hyphen) does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the generic Top-Level Domain (“gTLD”), such as “.com”, is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 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 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 name such as those enumerated in the Policy or otherwise.

Moreover, as noted in Section 6.2.A above, the disputed domain names incorporate the Complainant’s GOLDPARI mark in its entirety together with the term “partners”, which carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. As per the un rebutted evidence and submissions in the Complaint, the Respondent is using the disputed domain names to operate websites that prominently feature the Complainant’s GOLDPARI trademark and logo in order to redirect users to an external affiliate website for commercial purposes. This does not constitute fair 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.

In the present case, in the Panel’s view it is difficult to believe that the Respondent did not have in mind the Complainant’s GOLDPARI trademark when registering the disputed domain names. The fact that the Respondent is using the disputed domain names following registration, to resolve to websites that display the Complainant’s trademark and logo, establishes both the Respondent’s actual knowledge of the Complainant’s rights and the Respondent’s intention to take unfair advantage of those rights.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its websites or of the services offered on its websites (see section 3.1.4 of the [WIPO Overview 3.0](#)). This is evidence of use in bad faith under paragraph 4(b)(iv) of 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 names <goldpari-partners.com> and <goldparipartners.com> be transferred to the Complainant.

*/Anna Carabelli/*

**Anna Carabelli**

Sole Panelist

Date: October 19, 2025