ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Juan Monte, Juan Perez
Case No. D2025-3639

1. The Parties

The Complainant is Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco, Monaco, represented by De Gaulle Fleurance & Associés, France.

The Respondents are Juan Monte, Brazil and Juan Perez, United States of America (collectively the "Respondent").

2. The Domain Names and Registrar

The disputed domain names <casinomonaco.click> and <casinomonaco.fun> are registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 9, 2025. On September 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 11, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 11, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on September 12, 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 September 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 9, 2025.

The Center appointed Mladen Vukmir as the sole panelist in this matter on October 16, 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 company founded in 1863. It is organized under the laws of Monaco having the registered office in the Principality of Monaco. The Complainant's main shareholders are the Principality of Monaco, and the ruling family. It has the monopoly for provision of casino gaming services in the Principality of Monaco.

The Complainant is the owner of numerous trademarks, including CASINO DE MONACO trademark registered in Principality of Monaco on September 30, 2002, under the registration number 02.23234 for goods and services in Classes 3, 9, 12, 14, 16, 18, 28, 34, 35, 38, 39, 41 and 43 of International Classification ("IC"), and CASINO DE MONTE-CARLO trademark registered in Principality of Monaco on October 30, 1996, under the registration number 96.17407 for goods and services in Classes 3, 7, 9, 12, 14, 16, 18, 28, 34, 35, 38, 39, 41, 42, 43, and 45 of IC ("CASINO DE MONACO trademarks").

The disputed domain name <casinomonaco.fun> was registered on March 7, 2025. It resolves to an online gambling website.

The disputed domain name <casinomonaco.click> was registered on March 8, 2025, and is currently inactive.

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:

i) It employs more than 4000 people and is the largest employer in the Principality of Monaco.
The Complainant has been operating the Casino de Monte-Carlo since 1863, and its resort extends to a number of hotels, spas, sports clubs and entertainment venues. In these venues, the Complainant offers various products and services including casino and gambling, nightclub services, sports activities and cultural activities. The Complainant's CASINO DE MONACO trademarks are well-known especially in the field of gambling.

ii) The disputed domain names are confusingly similar to the Complainant's CASINO DE MONACO trademark as they reproduce words "Casino" and "Monaco" which are recognizable within the disputed domain names and correspond to the main elements of the Complainant's CASINO DE MONACO trademark. The disputed domain names are also similar to the Complainant's CASINO DE MONTE-CARLO trademark, as both "Monaco" and "Monte Carlo" are used interchangeably by the public, and are synonyms.

iii) The Respondent has no rights or legitimate interests in respect of the disputed domain names.
The Complainant has never authorized any person including the Respondent to use its trademarks, nor to register the disputed domain names containing such trademarks. The trademark search based on the Respondent' names did not reveal any results for trademark containing word MONACO.

iv) The disputed domain names were registered and are being used in bad faith. The strong notoriety and world renown of the Complainant's trademarks make it impossible for the Respondent to be unaware that the registration and use of the disputed domain names would violate the Complainant's rights. The CASINO DE MONACO trademarks are well-known especially in the field of gambling, and the Complainant is systematically combatting cyber-squatting since nearly 20 years. The disputed domain name <casinomonaco.fun> is used to access a gambling platform, which is exactly the Complainant's core business, and the activities for which its trademarks are well known. The disputed domain name <casinomonaco.click> is currently inactive. It may be expected that this disputed domain name could be active at any time. The Respondent tried to create in mind of the Internet user an association with the Complainant and to unfairly benefit from the Complainant's prestige and reputation.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue

A. Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name Registrants.
The Complainant alleges that the disputed domain names are under common control by two Respondents who are connected. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name Registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names Registrants did not comment on the Complainant's request.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names were registered with the same Registrar, they were registered on dates very close together, the Respondents' email addresses are almost identical ([…]@proton.me, […]@proton.me), both Respondents use Proton for their email services, the Respondents have the same first name, the disputed domain names are identical, except for the generic Top-Level Domain ("gTLD") part, ".click" and ".fun" respectively. Even though the Respondents' places of residence differ, the Panel is of opinion that the Respondents are connected.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name Registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Issues

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 3.0, section 1.7.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the Complainant's CASINO DE MONACO trademark is recognizable within the disputed domain names. The omission of the word "de" (which means "of" in French) in the disputed domain names does not prevent finding the confusing similarity between the disputed domain names and CASINO DE MONACO trademark. Accordingly, the disputed domain names are confusingly similar to the trademark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

The gTLDs ".fun" and ".click" are a standard registration requirement and as such may be 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 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 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 has not authorized the Respondent to use the Complainant's CASINO DE MONACO trademarks. There is no evidence that the Respondent has been using the disputed domain names in connection with bona fide offering of goods or services or making a legitimate non-commercial or fair use of the disputed domain names, nor there is indication that the Respondent is commonly known under the disputed domain names.

The nature of the disputed domain names, containing the Complainant's CASINO DE MONACO trademark, indicate the Respondent's awareness of the Complainant and its trademark, and create a risk of implied affiliation or association with the Complainant, which doesn't support a finding of any rights or legitimate interests in this case. WIPO Overview 3.0, section 2.5.1.

The Respondent has failed to provide a response to the Complainant and to come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names. Accordingly, the Respondent failed to rebut the Complainant's prima facie case showing that the Respondent has no rights or legitimate interest in the disputed domain names.

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 notes that the Respondent has registered the disputed domain names which exclusively include the Complainant's CASINO DE MONACO trademark. The available evidence shows that registration and use of the Complainant's CASINO DE MONACO trademark predate the registration of the disputed domain names. The Panel is of the opinion that the Complainant has acquired substantial goodwill and reputation in relation to its business activities of organizing games and gambling in the Principality of Monaco as well as managing the Casino of Monte-Carlo. The Complainant provided evidence to the effect that it has the exclusive right in exploiting the aforementioned activities. This Panel accepts that the Complainant's CASINO DE MONACO trademark is well-known within the gambling industry.

With respect to the disputed domain name <casinomonaco.fun>, it resolves to a gambling platform. The content presented on the Respondent's website to which the disputed domain name <casinomonaco.fun> resolves, corelates to the Complainant's business area, and Internet users are misled to believe that the website is either the Complainant's website or was run by the Complainant. Having in mind the nature of the disputed domain name <casinomonaco.click>, and the use to which it has been put, this Panel is of opinion that it is highly unlikely that the Respondent was unaware of the Complainant and its CASINO DE MONACO trademark when it registered the disputed domain name, even though it does not resolve to any active website. In this Panel's view, the Respondent is, by using CASINO DE MONACO trademark in the disputed domain names intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its CASINO DE MONACO trademark. It is well established that if a respondent has intentionally attempted to attract for commercial gain by creating a likelihood of confusion with the complainant's trademark it is an indicator of bad faith.

Further, the disputed domain name <casinomonaco.click> is currently inactive. 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.

Although 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 the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details, and (iv) the implausibility of any good faith use to which the domain name may be put. WIPO Overview 3.0, section 3.3.

Having reviewed the available record, the Panel finds that in the circumstances of this case the passive holding of the disputed domain name <casinomonaco.click> does not prevent a finding of bad faith under the Policy. The Respondent decided to register the disputed domain name <casinomonaco.click> that incorporate the Complainant's CASINO DE MONACO trademark without any authorization from the Complainant. Such Respondent's action indicates an intent to exploit the Complainant's established reputation and goodwill. The Respondent's use of privacy shield to conceal its identity and the passive holding of the disputed domain name <casinomonaco.click>, no evidence of any good-faith use, reinforce the conclusion of bad faith. These factors collectively support the finding that the disputed domain name <casinomonaco.click> was registered and used in bad faith, in line with the criteria outlined in paragraphs 4(a)(iii) and 4(b) of the Policy.

Finally, the Panel draws adverse inferences from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. WIPO Overview 3.0, section 4.3.

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 <casinomonaco.click> and <casinomonaco.fun> be transferred to the Complainant.

/Mladen Vukmir/
Mladen Vukmir
Sole Panelist
Date: October 30, 2025