

ADMINISTRATIVE PANEL DECISION

SportPesa Holdings Ltd. v. Nikita KOLESNIKOV
Case No. D2025-3649

1. The Parties

The Complainant is SportPesa Holdings Ltd., Isle of Man, represented by SafeNames Ltd, United Kingdom.

The Respondent is Nikita KOLESNIKOV, Russian Federation.

2. The Domain Names and Registrar

The disputed domain names <sport-pesa.net> and <sport-pesa.org> are registered with NETIM SAS (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 9, 2025. On September 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 11, 12, and 18, 2025, the Registrar transmitted by email to the Center its verification responses disclosing registrant and contact information for the disputed domain names 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 September 19, 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 September 19, 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 15, 2025.

The Center appointed Knud Wallberg as the sole panelist in this matter on October 21, 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 provider of online sport betting and gaming services and started the provision of these services under the SPORTPESA brand in 2014, originally in Kenya. Today, the Complainant provides these services to more than 12 million customers worldwide.

The Complainant has registered numerous SPORTPESA trademarks globally and is the owner of inter alia the following registrations:

- International trademark registration SPORTPESA (word), Registration number 1339902, registered on January 19, 2017;
- United States of America (“United States”) trademark registration SPORTPESA (word), Registration number 5837543, application filed on June 18, 2018 and registered on August 20, 2019; and
- United Kingdom trademark registration SPORTPESA (word), Registration number UK00003176509, application filed on July 25, 2016 and registered on October 28, 2016.

The Complainant also registered numerous domain names containing the SPORTPESA trademark, including <sportpesa.com>, which is its key domain name and resolves to its official website, as well as <sportpesa.am>, <sportpesa.ba>, <sportpesa.cn>, <sportpesa.co.dk>, <sportpesa.app>, <sportpesa.biz>, <sportpesa.co.bw>, and <sportpesa.co.gl>.

The Respondent is located in the Russian Federation. The disputed domain names <sport-pesa.net> and <sport-pesa.org> were both created on February 4, 2024. At the time of the filing of the Complaint the disputed domain name <sport-pesa.net> resolved to a website using the Complainant’s trademark and the Complainant’s logo and indicating provision of online casino and betting services in Kenya, while the disputed domain name <sport-pesa.org> directed to a webpage displaying “This site can’t be reached”. However, the disputed domain name <sport-pesa.org> previously resolved to a virtually identical website at the disputed domain name <sport-pesa.net>.

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 SPORTPESA trademark, since the trademark is being replicated identically in both disputed domain names save for the addition of a hyphen in the middle of the mark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. To the best of the Complainant’s knowledge, the Respondent does not have any trademark rights to the term SPORTPESA or any other term used in the disputed domain names. There is also no evidence that the Respondent retains unregistered trademark rights to the term SPORTPESA. Neither has the Respondent received any license from the Complainant to use domain names featuring the SPORTPESA trademark. The Respondent has not used, nor prepared to use, the disputed domain names in connection with a bona fide offering of goods or services. The disputed domain name <sport-pesa.org> does not currently resolve to an active website, due to the Complainant’s takedown request to the hosting

provider. The Complainant further contends that the disputed domain name <sport-pesa.org> previously resolved, and the disputed domain name <sport-pesa.net> currently resolves, to a website that impersonates the Complainant's brand, including the use of the official SPORTPESA logo, purporting to provide access to the Complainant's services. The Respondent is not commonly known by any terms used in the disputed domain names, nor is the Respondent offering any genuine goods or services under the same terms, therefore, there is no plausible reason for the registration and use of the disputed domain names, other than the motive of taking advantage of the goodwill and reputation attached to the SPORTPESA mark.

Finally, the Complainant submits that the disputed domain names have been registered and are being used in bad faith. The Complainant's trademark registrations predate the creation date of the disputed domain names by [about] eight years, and the Complainant has accrued substantial goodwill since its establishment in 2014. Given the content that has been displayed on the disputed domain names, it is thus implausible that the Respondent was unaware of the Complainant's rights in the SPORTPESA mark when the disputed domain names were registered. The Complainant furthermore submits that the Respondent has used the disputed domain names in bad faith. The Respondent has intentionally used the disputed domain names to pass off as the Complainant by creating a likelihood of confusion with the Complainant's SPORTPESA mark and then claim to offer access to the Complainant's Kenyan services. The fact that the disputed domain name <sport-pesa.org> does not currently resolve to an active website does not prevent a finding of bad faith under the doctrine of passive holding. Last but not least, the Respondent holds numerous domain names infringing on third-party marks in the same sector as the Complainant, and the Respondent has also been subject to three previous UDRP disputes filed by a complainant in the same sector as the Complainant, for example, *Elec Games Ltd. v. Nikita KOLESNIKOV*, WIPO Case No. [D2024-1945](#).

B. Respondent

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

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 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 Complainants have 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 mark SPORTPESA is recognizable within the disputed domain names. Accordingly, the disputed domain names are 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 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 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 Complainant's SPORTPESA trademark had been registered and used several years prior to the registration of the disputed domain names. At the time of the filing of the Complaint the disputed domain name <sport-pesa.net> resolved to a website using the Complainant's trademark and the Complainant's logo and indicating provision of online casino and betting services in Kenya. Further, the website features links for a user to "Login" or "Register", which will then redirect the user to a third-party website that appears to be known for providing malicious activities, according to the Complainant's submissions. While the disputed domain name <sport-pesa.org> directed to a webpage displaying "This site can't be reached" at the time of the filing of the Complaint, it previously resolved to a virtually identical website at the disputed domain name <sport-pesa.net>.

The Panel finds that by using the disputed domain name <sport-pesa.net>, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainants' mark. [WIPO Overview 3.0](#), section 3.1.4.

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.

Furthermore, the Panel notes that in particular in light of the distinctiveness or reputation of the Complainant's trademark in the relevant industry, the composition and previous use of the disputed domain name <sport-pesa.org>, the lack of a response from the Respondent, the Panel finds that the passive holding of the disputed domain name <sport-pesa.org> does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Therefore, the Respondent has registered and used the disputed domain names in bad faith.

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 <sport-pesa.net> and <sport-pesa.org> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: November 5, 2025