

ADMINISTRATIVE PANEL DECISION

Sanctum IP Holdings Ltd v. Joy Gutierrez
Case No. D2025-3772

1. The Parties

The Complainant is Sanctum IP Holdings Ltd, c/o The Bird Law Firm, Inc., Antigua and Barbuda, represented by SafeNames Ltd., United Kingdom.

The Respondent is Joy Gutierrez, United States of America.

2. The Domain Name and Registrar

The disputed domain name <bodogargentina.com> is registered with Nicenic International Group Co., Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 17, 2025. On September 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 17, 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 September 18, 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 18, 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 14, 2025.

The Center appointed Luis Miguel Beneyto Garcia-Reyes 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 operates as a provider of gambling services, and the Complainant's affiliate is the owner of the BODOG trademark.

The Complainant's affiliate Bodog Holdings Ltd. is the owner of the following trademark registrations protecting the term BODOG as the only word element:

- European Union Trade Mark ("EUTM") registration No. 004491387 BODOG, registered on October 27, 2006, in classes 35,36 and 41;

- United Kingdom ("UK") registration No. UK00904491387 BODOG, registered on October 27, 2006 in classes 35,36 and 41.

The website identified by the disputed domain name is currently inactive, but the Complainant has provided evidence showing that the disputed domain name was previously used to offer gambling services and prominently displaying the Complainant's trademark.

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.

The Complainant, Sanctum IP Holdings Ltd, was founded in 1994 and it operates as a provider of online gambling services, specialising in sports betting and online casino offerings.

The Complainant operates internationally in regions such as Canada and Latin America through its websites "www.bodog.eu" and "www.bodog.com", which it uses to host the BODOG platform regionally and provide access to its online gambling offerings.

The Complainant's BODOG platform was ranked number 4 by Reader's Digest in the Best Gambling Sites in Canada for 2024, and the Complainant is recognised as a trusted provider of online gambling services, having previously operated as an official sports betting partner of Aston Villa Football Club and Arsenal Football Club, and a shirt sponsor for West Bromwich Albion during the season 2011/2012

The Complainant has accrued substantial goodwill in the BODOG mark and is maintaining a strong reputation as provider of online sports and gambling services

The disputed domain name is confusingly similar to the Complainant's BODOG mark as it is included in its entirety.

The Respondent lacks rights or legitimate interests in the disputed domain name as the Respondent has not registered any trademarks for the term BODOG; has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services; is not known, nor has ever been known, by the term 'bodog', and is not making a legitimate noncommercial or fair use of the disputed domain name.

The Respondent has registered the disputed domain name in bad faith as it was aware of the Complainant's trademark yet registered the disputed domain name with only the addition of the geographical term "Argentina".

The disputed domain name has been used by the Respondent to direct Internet users to a website that impersonated the Complainant, giving the appearance to represent Argentina-based operations and provide access to its casino and sports gambling services.

Based on the above-mentioned allegations, the Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove: 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 Respondent has registered and is using the disputed domain name in bad faith.

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 entirety of the 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, "argentina") 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 relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In addition, the composition of the disputed domain name is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that the Complainant has submitted sufficient evidence to conclude that there is indeed bad faith registration and use of the disputed domain name on the part of the Respondent pursuant to paragraph 4(b)(iv) of the Policy.

This conclusion is reached based on the Panel's findings below:

- the Complainant's prior use and registration of the trademark BODOG which is reputed in the gambling sector. The Respondent's disputed domain name includes the Complainant's trademark in its entirety, and simply adds the geographical term "argentina" at the end. The Panel's conclusion, noting the manner in which the disputed domain name was previously used, is that the Respondent must have been aware that it was appropriating a domain name that was confusingly similar to a reputed mark of the Complainant. Consequently, the Panel concludes that the disputed domain name was registered in bad faith.
- the Complainant has provided evidence showing that the disputed domain name was indeed used to create the impression that the website was sponsored by the Complainant, or affiliated to the Complainant, and to offer gambling services using the Complainant's trademark and logo. Said conduct means that the Respondent has intentionally attempted to attract Internet users by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the website. As a consequence, the Panel concludes that the disputed domain name has been used in bad faith. Further the current non-use of the disputed domain name would not prevent a finding of bad faith in the circumstances of this case.

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 <bodogargentina.com> be transferred to the Complainant.

/Luis Miguel Beneyto Garcia-Reyes/

Luis Miguel Beneyto Garcia-Reyes

Sole Panelist

Date: November 4, 2025