

ADMINISTRATIVE PANEL DECISION

Merryvale Limited v. Arjun Mehta

Case No. D2025-3904

1. The Parties

The Complainant is Merryvale Limited, Guernsey, represented by Herzog, Fox & Neeman, Israel.

The Respondent is Arjun Mehta, India.

2. The Domain Name and Registrar

The disputed domain name <betwaynl.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 September 25, 2025. On September 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name which differed from the named Respondent (Unknown) and contact information in the Complaint. On September 25, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name. The Center sent an email communication to the Complainant on September 26, 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 28, 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 October 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 23, 2025.

The Center appointed Simone Huser as the sole panelist in this matter on November 12, 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 member of the Super Group (SGHC) Limited which provides services in the field of online gaming and sport betting under the brand name BETWAY since 2006.

The Complainant operates a website under the domain name <betway.com>.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

- BETWAY, European Union Trademark Registration No. 004832325, registered on January 26, 2007, in international classes 9 and 41;
- BETWAY, Indian Trademark Registration No. 3202826, registered on March 4, 2016, in international classes 9 and 41; and
- BETWAY, United Kingdom Trademark Registration No. UK00003234076, registered on August 18, 2017, in international classes 9 and 41.

The disputed domain name was registered on February 12, 2025.

According to the evidence submitted with the Complaint, the disputed domain name resolves to a website featuring the Complainant's BETWAY trademark and respective logos and discussing the Complainant's company history and gaming offerings. The website also offers "welcome bonuses" for users wishing to access the Complainant's gaming and gambling services.

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 as follows:

The disputed domain name is confusingly similar to the BETWAY trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the geographical term "nl" does not prevent a finding of confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The trademark BETWAY has been extensively advertised and used to identify the Complainant and its services. The Respondent is not affiliated with any of the companies within Super Group and has never been licensed or otherwise authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods or services.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademark BETWAY at the time it registered the disputed domain name.

The Respondent is using the disputed domain name in bad faith, by intentionally attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the BETWAY trademark as to the source, sponsorship, affiliation, or endorsement of its website.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 name; and
- (iii) the disputed domain name has been registered and is being used 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 "nl", 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 addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). See [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 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.

The Panel notes that the disputed domain name resolves to a website featuring the Complainant’s BETWAY trademark and respective logo and discussing the Complainant’s company history and gaming offerings. The website also offers “welcome bonuses” for users wishing to access the Complainant’s services, and contains links, notably, to “Live Casino”, “Games” and “Promo”. Noting lack of information as to the identity of the website operator or, indeed, as to its lack of relationship with the Complainant, the Panel finds that the composition of the disputed domain name together with the use to which the disputed domain name has been put may mislead Internet users into thinking that the website is connected to, or operated 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.

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.

In the view of the Panel, noting that the Complainant’s trademark predates the registration of the disputed domain name and considering that the disputed domain name resolves to a website featuring the Complainant’s trademark and logo and discussing its gaming offering, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The impression given by this website would cause Internet users to believe that the Respondent is somehow associated with the Complainant when, in fact, it is not. The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website in the sense of Policy, paragraph 4(b)(iv).

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 <betwaynl.com> be transferred to the Complainant.

/Simone Huser/

Simone Huser

Sole Panelist

Date: November 26, 2025