

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Kieran Holmes

Case No. D2025-4305

1. The Parties

The Complainant is Novomatic AG, Austria, represented by Salomonowitz Attorneys-at-Law, Austria.

The Respondent is Kieran Holmes, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <admiralgaming.online> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 21, 2025. On October 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 21, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 24, 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 October 31, 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 November 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on December 2, 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 information in the Complaint, the Complainant is offering betting services. It is the owner of various registered trademarks for ADMIRAL, such as the European Union trademark no. 004134433 registered on August 14, 2006 for goods and services in classes 9, 16, 28, 36, 37, 41, 42, and 43 or the International trademark no. 598347 registered on December 17, 1992 for goods and services in classes 9, 28, 36, 37, 41, and 42. The Complainant has registered the domain name <admiral.ag> that it uses as its official website.

The Respondent is reportedly located in Afghanistan.

The disputed domain name was registered on October 19, 2025 and does not resolve to an active website. The Complainant asserts that the Respondent uses the disputed domain name for offering gambling services, “pretending to be the official Google Play Store” (providing a screenshot of what appears to be a mobile application called “Admiral Casino”).

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 that the disputed domain name is identical (in the distinctive part) or at least confusingly similar to the Complainant’s trademark ADMIRAL, since the disputed domain name contains such mark in its entirety. The addition of the term “gaming” is not qualified to exclude confusion, since the term is merely descriptive for the offered services.

As regards the second element, the Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name. The disputed domain name is used by the Respondent in violation of the law and in violation of the Complainant’s trademark rights to offer infringing slot games and to provide illegal gambling, pretending to be the official Google Play Store. The Respondent has no relationship with or permission from the Complainant for the use of the trademarks ADMIRAL. The Respondent has neither been commonly known by the disputed domain name or the mark ADMIRAL nor has acquired any trademark rights.

With respect to the third element, the Complainant submits that the Respondent registered the disputed domain name long after the Complainant had registered its trademarks and long after the Complainant had installed its website, which was copied by the Respondent. The Respondent’s website is only used to offer illegal copies of the Complainant’s famous slot games and to provide illegal gambling. Therefore, the website at the disputed domain name is designed to mislead the Complainant’s customers.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Likewise, paragraph 10(d) of the Rules, provides that “the Panel shall determine the admissibility, relevance, materiality and weight of the evidence”.

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant’s contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is 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 name, and (iii) the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

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 the trademark ADMIRAL 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, “gaming”) 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.

It is the settled view of panels applying the Policy that the generic Top-Level Domain (“gTLD”) (here “.online”) may be disregarded under the first element test as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel disregards the gTLD “.online” for the purposes of the confusing similarity test.

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.

There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. Rather, according to the un rebutted evidence put forward by the Complainant, it appears the disputed domain name is used as an app (with a name which includes the Complainant’s mark) available for download on Google Play for the same services as those of the Complainant. Such use does not confer in the Panel’s view rights or legitimate interests on the Respondent.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name. The Panel notes that the Respondent’s name does not correspond to any of the terms in the disputed domain name.

Furthermore, the composition of the disputed domain name, which incorporates the Complainant’s trademark with the addition of the term “gaming”, which pertains to the Complainant’s services, coupled with its use as shown by the Complainant and not rebutted by the Respondent, signals the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and 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.

The Panel notes that the Complainant’s trademark was registered more than 30 years before the registration of the disputed domain name. The Complainant alleges that the Respondent uses the disputed domain name to offer slot games and to provide gambling services, pretending to be the official Complainant’s Google Play Store. The Panel notes that the Complainant has submitted limited evidence of the above-mentioned allegation. The Panel also notes that the disputed domain name currently resolves to an inactive website. While the Complainant provided a screenshot of what appears to be a mobile application called “Admiral Casino” seemingly available at Google Play Store, the Complainant did not clearly explain the relationship between such screenshot and the disputed domain name.

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. Panels have found that the non-use of a domain name (including a blank page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel considers more likely than not that the Respondent must have been aware of the Complainant's trademark, and notes the composition of the disputed domain name (noting that the term "gaming" pertains to the Complainant's industry), and the lack of a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Also, there appears to be a pattern of abusive registrations by the Respondent,¹ as the Respondent was involved in several UDRP proceedings where similar facts caused the concerned UDRP panels to decide in favor of the complainant (See e.g., *Novomatic AG v. Kieran Holmes*, WIPO Case No. [D2025-2785](#); and *Groupe Lucien Barrière v. Kieran Holmes*, WIPO Case No. [D2024-0807](#)). This fact also supports a finding grounded on paragraph 4(b)(ii) of the Policy, referring to a respondent registering "the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct".

With the evidence on file, the Panel finds that the disputed domain name was registered and is being used in bad faith, and that the requirements of paragraph 4(a)(iii) of the Policy are satisfied.

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 <admiralgaming.online> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: December 15, 2025

¹ As part of a panel's general powers articulated in paragraphs 10 and 12 of the Rules, the Panel has undertaken limited factual research into matters of public record, namely whether the Respondent was involved in prior UDRP cases, as the Panel considered such information useful for assessing the case merits and reaching a decision.