

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Pingping Yang
Case No. D2025-4585

1. The Parties

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

The Respondent is Pingping Yang, China.

2. The Domain Name and Registrar

The disputed domain name <novomaticz.com> is registered with NameMart Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2025. On November 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 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 November 10, 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 November 10, 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 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 2, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on December 5, 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 gaming and gambling company based in Austria that operates slot games and gambling services. According to the Complainant's website at "www.novomatic.com", in 2024, the group's revenue was around EUR 3.5 billion, it has locations in more than 40 countries and exports advanced gaming equipment to about 130 countries.

The Complainant and its group operate under the NOVOMATIC brand and hold various trademark registrations for this trademark (hereafter "the NOVOMATIC Trademark" or "the Trademark"), including:

- European Union Trade Mark Registration No. 005711461 for NOVOMATIC (word mark), registered on February 8, 2008, in classes 16, 35, and 38;
- United States of America Trademark Registration No. 1839246, for NOVOMATIC (word mark), registered on June 14, 1994, in classes 9, 28, 39, 37, 41 and 42;
- International Trademark Registration No. 598346, for NOVOMATIC (word mark), registered on December 17, 1992, in classes 9, 28, 36, 37, 41 and 42, notably covering China;

Prior decisions under the Policy have recognized the reputation of the NOVOMATIC Trademark within the online gaming industry. See, e.g., *Novomatic AG v. Evgeniy Zhak*, WIPO Case No. [D2023-0769](#); and *Novomatic AG v. WhoisGuard, Inc / Ivan Ivanov*, WIPO Case No. [D2020-2042](#).

The Complainant further owns various domain names incorporating the NOVOMATIC Trademark, including <novomatic.com> (registered on October 22, 1996), which resolves to its corporate website.

The disputed domain name was registered on October 23, 2025. According to the Complaint, the disputed domain name resolves to a website offering slot games and illegal gambling services and displaying the NOVOMATIC Trademark. At the time of this Decision, the disputed domain name resolves to an error page.

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.

First, the Complainant asserts that it owns trademark registrations for the NOVOMATIC Trademark and that the disputed domain name is confusingly similar to the NOVOMATIC Trademark, as it includes the Trademark in its entirety.

Second, the Complainant asserts that the Respondent lacks rights and legitimate interests in the disputed domain name. The Complainant has not authorized the Respondent to make any use of its NOVOMATIC Trademark. There is no evidence to suggest that the Respondent is commonly known by the disputed domain name and the Respondent does not own trademark rights in the disputed domain name. The Complainant further contends that the Respondent's website does not provide any bona fide offering of goods or services. Instead, the website under the disputed domain name is offering slot games and illegal gambling services which appear to be counterfeited versions of the Complainant's own products and services.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that the Respondent should have searched the trademark registries, which would have revealed the Complainant's trademark registrations. The Complainant further contends that the Respondent has registered and is using the disputed domain name incorporating its well-known NOVOMATIC Trademark to falsely associate itself to the Complainant's brand. By registering and using the disputed domain name, the Respondent attempts to attract Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

B. Respondent

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

6. Discussion and Findings

Dealing with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 Trademark is reproduced within the disputed domain name. The only difference between the Trademark and the disputed domain name is the addition of the letter "z" at the end of the Trademark. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

Further, the generic Top-Level Domain ".com", as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity.

Accordingly, the disputed domain name is confusingly similar to the NOVOMATIC Trademark for the purposes of the Policy.

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 Respondent is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name directs to a website (in Arabic) prominently displaying the NOVOMATIC Trademark and offering gambling services, which are services similar to those offered by the Complainant under the Trademark.

Considering the content of the website operated under the disputed domain name, offering similar services to those offered by the Complainant and prominently displaying the NOVOMATIC Trademark on nearly each page, as well as the intentional misspelling of the Complainant’s Trademark in the disputed domain name, it is clear that the Respondent intended to mislead Internet users into thinking that the disputed domain name is operated by or otherwise connected to the Complainant. This confirms that there is no use, nor preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

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 present case, the Panel notes that the disputed domain name consists of the entirety of the Complainant’s NOVOMATIC Trademark with only one difference, namely the addition of the letter “z” at the end of the Trademark, which amounts to typosquatting (and which will go unnoticed by most Internet users). The Trademark predates the registration of the disputed domain name. The Trademark is inter alia registered in China, where the Respondent is located. A quick trademark search for NOVOMATIC, or even a Google search, would have revealed to the Respondent the existence of the Complainant and its Trademark. This is all the more so since the NOVOMATIC Trademark is well-known in the field of gambling and slot

games, which corresponds to the services offered on the website at the disputed domain name. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant's Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.1.4.

Paragraph 4(b) of the Policy considers that the domain name is used in bad faith when, by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location. In the present case, the Panel notes that the disputed domain name, which reproduces the Trademark with the mere addition of the letter "z" at the end (which will go unnoticed by most Internet users), combined with the gTLD ".com" (and therefore close to the Complainant's registered domain name <novomatic.com>), is likely to mislead Internet users into thinking that the website under the disputed domain name is affiliated with the Complainant and/or offering slot games and gambling services operated or endorsed by the Complainant. The Panel concludes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's Trademark (paragraph 4(b)(iv) of the Policy).

Moreover, panels have held that the use of a domain name for illegitimate activity, here claimed as impersonation or passing off, constitutes bad faith. In the present case, the disputed domain name resolves to a website offering slot games and gambling services which are similar to the services offered by the Complainant. The website displays the NOVOMATIC Trademark on almost each page and the Respondent attempts to impersonate/pass off as the Complainant with the following statements displayed on the website "NOVOMATIC - The virtual betting platform offers gamblers the opportunity to engage in authentic casino simulations with realistic graphics and adjusted odds", "NOVOMATIC is an excellent payment system, allowing players to make transactions quickly and securely", "NOVOMATIC offers a great range of bonuses and promotions, ensuring that all players have something extra to enjoy", amongst others. In light of this, it seems inconceivable that the Respondent would have registered and used the disputed domain name for a reason other than to take unfair advantage of the Complainant's NOVOMATIC Trademark, and associated goodwill.

Furthermore, the failure of the Respondent to submit a response is further evidence of bad faith, given all the circumstances of the case. [WIPO Overview 3.0](#), section 3.2.

The disputed domain name currently resolves to an error page. Panels have found that the non-use of a domain name (including a blank or error 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 notes the reputation of the Complainant's Trademark, and the composition of the disputed domain name, 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.

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 <novomaticz.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: December 16, 2025