

ADMINISTRATIVE PANEL DECISION

Virgin Enterprises Limited v. Mark Thomas
Case No. D2025-5147

1. The Parties

The Complainant is Virgin Enterprises Limited, United Kingdom, represented by Venner Shipley LLP, United Kingdom.

The Respondent is Mark Thomas, the Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <virgingames1.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2025. On December 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 12, 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 December 12, 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 December 16, 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 December 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 7, 2026.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on January 12, 2026. 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 part of the Virgin group of companies. The Virgin group's businesses span a diverse range of sectors covering financial services, health and wellness, music and entertainment (including games), retail, people and planet, telecommunications and media, travel and leisure, and space. The Complainant's group employs more than 60,000 people across multiple business sectors and five continents.

The Complainant's group includes Virgin Games, an online gaming and gambling service provider which operates the domain name <virgingames.com> resolving to its official website.

The Complainant is the owner of numerous trademarks including the following:

- United Kingdom figurative mark depicted below, registered under No. UK00003664585 on December 24, 2021, in classes 9, 38, 41 and 42; and



- VIRGIN GAMES, European Union word mark registered under No. 011099355 on May 27, 2013, in classes 9, 16, 28, 35, 38 and 41.

The Disputed Domain Name was registered on December 18, 2023. The Disputed Domain Name resolves to a website displaying the Complainant's marks under the header "VIRGIN GAMES UNITED KINGDOM", advertising the Complainant's products and casino services provided under the VIRGIN GAMES marks, and copying some content from, and the overall look and feel of, the Complainant's website at the domain name <virgingames.com>. According to the Complainant's evidence, the links on this website all resolve to a third-party website providing online games.

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 confusingly similar to a trademark in which it claims to have rights.

Second, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as in summary, according to the Complainant:

- the Complainant has not authorized the Respondent to use the Complainant's marks or to register the Disputed Domain Name and the Complainant can find no other legitimate reason for use of marks identical or highly similar to the Complainant's marks to purportedly offer online gaming and betting services, being services for which the Complainant's marks have a reputation;

- the copying of content from historical versions of the Complainant's official website on the website linked to the Disputed Domain Name, the use of odd wording and language, and the lack of privacy policy, terms and conditions and company information strongly indicates that the website linked to the Disputed Domain Name does not relate to a genuine business;
- the Respondent is most likely receiving a fee each time an Internet user clicks through to the third-party website. Therefore, the Respondent is using the Disputed Domain Name, which includes the Complainant's VIRGIN GAMES mark, to host links to third-party websites that provide services that compete with the services provided by the Complainant's business under this mark. Such use is unfair, likely for commercial gain and will divert actual or prospective consumers away from the Complainant's business.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant:

- by using the Disputed Domain Name to resolve to a website displaying the Complainant's marks and purporting to offer online gaming and betting services competing with the Complainant's services under its VIRGIN GAMES marks, 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 marks as to the source, sponsorship, affiliation, or endorsement of this website;
- it is inconceivable that the Respondent was unaware of the Complainant's business or the Complainant's marks when registering the Disputed Domain Name, given the significant reputation that existed in the Complainant's marks at the time the Disputed Domain Name was registered, and the use on the website linked to the Disputed Domain Name of marks identical to the Complainant's marks as well as the copying of images from the Complainant's official website.

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 Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 1.7.

Based on the available record, the Panel finds 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 Panel observes that the Complainant's mark is reproduced within the Disputed Domain Name in its entirety. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the mere addition of the number "1" does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy.

It is well established that generic Top-Level Domain, here ".com", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.0](#), section 1.11.

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 the 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 Respondent has not apparently been commonly known by the Disputed Domain Name. According to the information provided by the Registrar, the Respondent is Mark Thomas. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

Fundamentally, a respondent’s use of a domain name will not be considered “fair” if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant’s mark is often central to this inquiry.

The Disputed Domain Name incorporates the Complainant’s VIRGIN GAMES trademark in its entirety. In the Panel’s view, the mere addition of the number “1” (which renders the Disputed Domain Name nearly identical to the Complainant’s own domain name), coupled with the use to which the Disputed Domain Name has been put, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the Disputed Domain Name and the Complainant as to the origin or affiliation of the website at the Disputed Domain Name .

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, UDRP panels also assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

The Panel observes that the Disputed Domain Name resolves to a website advertising the Complainant’s VIRGIN GAMES online casino services. In addition, this website:

- mentions the Complainant’s word mark and displays the Complainant’s figurative mark (and very similar versions of it) throughout the website; and
- includes elements directly copied from historical versions of the Complainant’s official website.

In the Panel’s view, this neither amounts to a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the Disputed Domain Name. UDRP panels have categorically held that the use of a domain name for illegal activity (e.g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent had the opportunity to demonstrate its rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the *prima facie* case established by the Complainant has not been rebutted.

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.

As mentioned above, the Disputed Domain Name resolves to a website displaying the Complainant's figurative trademark and advertising the Complainant's VIRGIN GAMES online casino services. The website contains links, such as "Get Bonus", which lead to a third-party competing casino offering. The website also copies elements from historical versions of the Complainant's official website. In the Panel's view, the circumstances of this case clearly indicate that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. [WIPO Overview 3.0](#), section 3.1.4.

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 finds that the Respondent must have been aware of the Complainant and its trademark rights when it registered the Disputed Domain Name as:

- the Disputed Domain Name incorporates the Complainant's trademark in its entirety with the sole addition of the number "1" and is nearly identical to the Complainant's own domain name;
- the Disputed Domain Name was registered more than ten years after the Complainant registered the VIRGIN GAMES mark; and
- the website linked to the Disputed Domain Name provides additional evidence of the Respondent's knowledge of the Complainant and its mark.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's 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 <virgingames1.com> be transferred to the Complainant.

*/Flip Jan Claude Petillion/
Flip Jan Claude Petillion
Sole Panelist
Date: January 30, 2026*