ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
Novomatic AG v. Igor Krucev
Case No. D2026-0043

## 1. The Parties

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

The Respondent is Igor Krucev, Ukraine.

## 2. The Domain Name and Registrar

The disputed domain name <bookraplay.life> is registered with NameSilo, LLC (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 7, 2026. On January 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 7, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 January 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 4, 2026.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on February 11, 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. Further Procedural Considerations**

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since the Respondent's mailing address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should.

The Panel notes that the Center successfully sent the Written Notice of the Complaint to the Respondent's physical address in Ukraine, however the same could not be delivered. The Panel also notes that the Center sent the Notification of Complaint by email to the Respondent at its email address as registered with the Registrar and to a postmaster email address as specified by the Rules. The records indicate that the notification email sent to the postmaster email address was not successfully delivered but there is no indication that the email sent to the Respondent's main email address was not delivered. Thus, it is fair for the Panel to assume that the Complaint reached the Respondent. The Panel finds that it is apparent that the Respondent registered and used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trade mark. The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

**5. Factual Background**

The Complainant is a gaming and gambling company based in Austria that operates slot casino games, including online games such as the game Book of Ra.

The Complainant is the owner of several BOOK OF RA trade marks including the following:

- the European Union Trade Mark BOOK OF RA No. 004451431, registered on May 24, 2006, for products in class 9; and

- the United States of America Trade Mark BOOK OF RA No. 4800800, registered on August 25, 2015, for products and services in classes 9 and 41.

The disputed domain name was registered on December 12, 2025 and is used to promote and offer an online game that misleadingly appears to be the Book of Ra game of the Complainant.

**6. 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 its BOOK OF RA trade mark.

The Complainant states that it has not given any authorization to the Respondent to make any use of its trade mark including in the disputed domain name. The Complainant also asserts that the Respondent is not commonly known by the disputed domain name and does not own any rights corresponding to the disputed domain name. Finally, the Complainant points to the illegal use of the disputed domain name to offer infringing slot games and promote illegal gambling activities.

The Complainant declares that the Respondent must have been aware of its trade mark at the time of registration. The Complainant contends that the Respondent uses the disputed domain name to attract, for commercial gain, Internet users to the Respondent's website and to offer counterfeited versions of the Complainant's goods and services.

**B. Respondent**

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

## 7. 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 Select UDRP Questions("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds that the BOOK OF RA trade mark is recognizable within the disputed domain name as it includes "book" and "ra" with the mere omission of the term "of". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "play", 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 trade mark for the purposes of the Policy. WIPO Overview 3.1, 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 3.1, 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.

Panels have held that the use of a domain name for illegal activity here, claimed the sale of counterfeit goods, copycat sites, offer of infringing content and illegal gambling activities, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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.

In the present case, the Panel notes that the Respondent did not respond to the Complainant's assertions that the Respondent targeted the Complainant when it registered the disputed domain name. The Complainant claims that its trade mark BOOK OF RA should be considered as being well-known. The disputed domain name includes "book" and "ra" with the mere omission of the term "of". As for the addition of the term "play", it is highly relevant in the context of the Complainant's services and thus it suggests targeting. The Panel finds that, on the balance of probabilities, the Respondent did target the Complainant when it registered the disputed domain name.

As for use of the disputed domain name in bad faith, panels have held that the use of a domain name for illegal activities here, claimed the sale of counterfeit goods, copycat sites, offer of infringing content and illegal gambling activities, constitutes bad faith. WIPO Overview 3.1, section 3.4. 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.

**8. 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 <bookraplay.life> be transferred to the Complainant.

*/Vincent Denoyelle/*
**Vincent Denoyelle**
Sole Panelist
Date: February 25, 2026