

## **ADMINISTRATIVE PANEL DECISION**

Circus Belgium S.A. v. Jerry Harper  
Case No. D2026-0112

### **1. The Parties**

The Complainant is Circus Belgium S.A., Belgium, represented by COGITUS SRL, Belgium.

The Respondent is Jerry Harper, Poland.

### **2. The Domain Name and Registrar**

The disputed domain name <casino-cransmontana.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 12, 2026. On January 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 14, 2026, 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 January 14, 2026, 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 January 17, 2026.

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 January 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 11, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on February 16, 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**

According to information in the Complaint, the Complainant is the owner of various trademarks containing CIRCUS for casino services, games of chance and sports betting services. As such, the Complainant is the owner of several trademark registrations, including the Swiss Trademark Registration No. 785512 registered on August 18, 2022, for goods and services in International Classes 9, 28, 41, and 43 for CIRCUS CASINO CRANS MONTANA, a combined trademark with claimed color red, and the European Union trademark registration No. 018544938 registered on March 10, 2022, for goods and services in International Classes 9, 28, and 41 for figurative trademark consisting of Stylized heads, (un-)/happy faces in red color.

The Complainant is also the holder of the domain name <casinocransmontana.ch>, which redirects to the website at the domain name <circuscasino.fr>, for promotional activities, where the casinos of the Complainant in Switzerland and France are presented. Also, the Complainant operates a well-known Belgian gambling website at the domain name <circuscasino.be>.

The Respondent is an individual with listed addresses in Poland. The Respondent did not submit a response, and, consequently, little information is known about the Respondent.

The disputed domain name was registered on July 12, 2025, and resolves to a gambling website, displaying the Complainant's trademark and logo mentioned above as well as the same favicon as the one used by the Complainant. It also displays photos from the Complainant's website and with its onsite casinos, and redirects users to third party online gambling locations targeting the same 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 that its trademark CIRCUS enjoys full distinctiveness in relation to gaming and gambling services and cannot be regarded as a merely descriptive or commonplace name in this field.

As regards the second element, the Complainant argues that it has not licensed, authorised, or otherwise permitted the Respondent to register or use a domain name incorporating "casinocransmontana", nor to use any sign, brand confusingly similar to the Complainant's casino-related branding and online presence. Further, the Complainant submits that the Respondent has copied the Complainant's trademarks, photos of the website of the Complainant or its partner and reproduced photos of the real Casino Crans Montana without authorisation and use the look and feel of the official domain name of the Complainant for redirecting players to a third party online gambling and that the Respondent targets the same services as those of the Complainant. Moreover, the Complainant argues that the website at the disputed domain name contains multiple call-to-action buttons that route Internet users to third-party outbound links, which when are followed, redirect users to a third-party gambling platform, which presents itself as an online sportsbook and casino platform, in breach of the Swiss regulatory framework applicable to online casinos. As such, the Complainant explains that Swiss casinos may offer online games only if they obtain a concession extension granted by the Federal Council and the necessary authorisations from the Swiss Federal Gaming Board, while the online casino at the disputed domain name does not appear on the list of authorised casinos.

With respect to the third element, the Complainant argues that before the registration of the disputed domain name the Complainant's CIRCUS-branded casino and betting activities and its CIRCUS trademark portfolio (including registrations dating back to at least 1997) had been established for decades and had acquired significant recognition among gambling consumers. Further, The Respondent's use of the disputed domain name as described above confirms bad faith. The website associated with the disputed domain name impersonates the Complainant's casino identity and creates the false impression of an official, authorised

affiliation, as it reproduces the Complainant's branding elements (including the "Circus Casino" presentation and favicon), uses unauthorised photographs, and adopts a look-and-feel closely resembling the Complainant's official websites, while presenting itself in French and asserting an "official Swiss licence". These misrepresentations are intended to deceive Internet users into believing the website is operated, sponsored or endorsed by the Complainant, or otherwise connected with the Complainant's licensed casino activities. Moreover, the disputed domain name is used as a deceptive entry point to divert users to a third-party gambling platform for commercial gain. When users click on "play", "registration", "bonus" or similar calls-to-action, they are redirected to the unrelated online gambling website.

## **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, ("[WIPO Overview 3.1](#)"), 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 3.1](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.1](#), and, where appropriate, will decide consistently with the consensus views stated therein.

### **A. Identical or Confusingly Similar**

Under paragraph 4(a)(i) of the Policy, the Complainant must prove that it has rights to a trademark, and that the disputed domain name is identical or confusingly similar to that trademark. This first element under the Policy functions primarily as a standing requirement. [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of the trademark CIRCUS CASINO CRANS MONTANA (figurative) for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

As regards the second limb of the first element, the test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7. It has also long been held that generic Top-Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. See section 1.11.1 of the [WIPO Overview 3.1](#).

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. The content of the website connected to the disputed domain name confirms Panel's findings on

confusing similarity. [WIPO Overview 3.1](#), section 1.15. The omission of “circus” and the addition of a hyphen in the disputed domain name does not prevent a finding of confusing similarity.

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.

The disputed domain name is used to resolve to a gambling website, displaying the Complainant’s trademarks mentioned above as well as the same favicon as the one used by the Complainant. It also displays photos from the Complainant’s website and with its onsite casinos, and redirects users to third party online gambling locations targeting the same services. This cannot amount in the Panel’s view to a bona fide offering of goods or services within the meaning of paragraphs 4(c)(i) of the Policy or to a legitimate noncommercial or fair use of the disputed domain name as provided by article 4(c)(iii) of the Policy.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off, or the claimed offering of online casino services without authorisation) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Respondent is an individual named “Jerry Harper”, as was disclosed by the Registrar, and there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

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 3.1](#), section 3.2.1.

The Panel finds it highly unlikely that the disputed domain name was registered without knowledge of the Complainant and its trademarks, given the reputation of the Complainant and the composition of the disputed domain name and also given the Respondent’s use of the disputed domain name to resolve to a website

prominently displaying the CIRCUS CASINO CRANS MONTANA figurative mark and offering purportedly similar services. The Panel finds on balance that the Respondent registered the disputed domain name with the expectation of taking advantage of the reputation of the Complainant's trademark.

As regards the use, the Respondent reproduced substantial portions of the Complainant's website content, including the Complainant's trademark and logo, on the website associated with the disputed domain name. By doing so, it is clear the Respondent was intentionally seeking to attract Internet users for commercial gain through the creation of a likelihood of confusion with the Complainant's mark. Panels have also held that the use of a domain name for the purposes of passing off, or other type of fraud constitutes bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4.

Also, the Panel concludes on this record that the Respondent is in bad faith within the meaning of paragraph 4(b)(iv) of the Policy, by directing the disputed domain name to websites purporting to offer online gambling services, which creates the false impression that the services are somehow affiliated with or sponsored by the Complainant.

Furthermore, there appears to be a pattern of abusive registrations by the Respondent,<sup>1</sup> as the Respondent was involved in at least one previous UDRP proceeding where similar facts caused the concerned UDRP panel to decide in favor of the complainant (See *Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. Jerry Harper, Jaroslav Svub*, WIPO Case No. [D2025-4655](#)). 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".

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 <casino-cransmontana.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: February 18, 2026

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<sup>1</sup> 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 to assessing the case merits and reaching a decision.