ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Gambling Management S.A. v. Alexander Fisunov
Case No. D2026-0354

1. The Parties

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

The Respondent is Alexander Fisunov, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <circus-casino-vip.com> is registered with Internet Domain Service BS Corp (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 28, 2026. On January 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 9, 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 (Domain Admin, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 9, 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 amended Complaint on February 13, 2026.

The Center verified that the Complaint together with the amended 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 February 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 10, 2026.

The Center appointed Kaya Köklü as the sole panelist in this matter on March 13, 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. Procedural Issue

Paragraph 10(b) of the Rules requires the Panel to ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case. Paragraph 10(c) requires that the administrative proceeding takes place with due expedition.

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

The Panel is of the view that the proceeding should continue, having considered all the circumstances of the case. The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for the purposes of notifying the Complaint. There is no evidence that the case notification email to this email address was not successfully delivered.

5. Factual Background

The Complainant is an operator of a Belgian online gambling website.

It is the non-exclusive licensee of two stylized CIRCUS and CI trademark registrations, which are registered in the name of Circus Belgium S.A, namely European Union Trademark Registrations No. 018025773, registered on October 20, 2020, for CIRCUS, and No. 18544938, registered on March 10, 2022, for CI, both covering gambling related goods and services as protected in classes 9, 28, and 41.

The Complainant further operates its official website at "www.circus-casino.be".

By way of a signed unilateral statement by the registered trademark owner, the Complainant is explicitly authorized to initiate and conduct UDRP proceedings in its own name.

The Respondent is reportedly located in Ukraine.

The disputed domain name was registered on September 13, 2024.

According to evidence provided in the Complaint, the disputed domain name resolves to an online gambling website that prominently uses the Complainant's licensed CI and CIRCUS trademarks in an identically stylized way without a visible disclaimer disclosing the (the lack of) relationship between the Parties. The use of the CI and CIRCUS trademarks in an identically stylized way creates the look and feel as if the associated website is operated by 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.

B. Respondent

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

7. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

(i) the disputed domain name is identical or confusingly similar to a trademark 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.

As per paragraph 4(a) of the Policy, the complainant bears the burden of proving that all these requirements are fulfilled, even if a respondent has not substantively replied to the complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. D2007-1228.

Concerning the uncontested information provided by a complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in a complaint as true. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.3.

It is further noted that the Panel has taken note of the WIPO Overview 3.1 and, where appropriate, will decide consistently with the consensus views captured 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 3.1, section 1.7.

The Complainant has shown licensed rights in respect of the CI and CIRCUS trademarks for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the CIRCUS 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 3.1, section 1.7.

Although the addition of other terms, here "casino" and "vip" in combination with hyphens, may bear on assessment of the second and third elements, the Panel finds such addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, 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 that 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 Respondent has particularly failed to demonstrate any of the non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or other evidence of rights or legitimate interests in the disputed domain name. Bearing in mind that the disputed domain name resolves to a website prominently reproducing the Complainant's licensed CI and CIRCUS trademarks in an identically stylized way, and creating the overall look and feel as if the website is operated by the Complainant, the Panel has no doubt that the Respondent was well aware of the Complainant and the CI and CIRCUS trademarks before registering and while using the disputed domain name. The Panel also notes that the inherently misleading nature of the disputed domain name (which is also confusingly similar to the Complainant's official website at "www.circus-casino.be") along with the content of the associated website indicates the Respondent's illegitimate intention to mislead Internet users into believing that its online gambling website is operated or endorsed by the Complainant. In view of the Panel, this demonstrates the Respondent's attempt to pass itself off as the Complainant.

The Panel finds the Respondent's attempt to impersonate the Complainant together with the offering of online gambling services results in an illegitimate if not illegal use that 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.

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.

As already indicated above, the Panel notes that the Respondent must have been aware of the Complainant, its licensed CI and CIRCUS trademarks and its official website when registering the disputed domain name. It is obvious to the Panel that the Respondent has deliberately chosen the inherently misleading disputed domain name, which comprises the CIRCUS trademark and the CI mark (embedded within the CIRCUS mark) in combination with the term "casino" and the abbreviation "vip" (which is likely to further support an association with the Complainant and its official online gambling services) to target the Complainant and mislead Internet users.

With respect to the use of the disputed domain name, the Panel notes that the disputed domain name resolves to an online gambling website prominently using the Complainant's licensed trademarks without a visible disclaimer disclosing the lack of relationship, thus creating the overall look and feel as if the website is operated by the Complainant or at least with its authorization for illegitimate commercial gain.

Panels have held that the use of a domain name for illegitimate and/or illegal activity, here, claimed impersonation respectively passing off, and other possible types of fraud (like the purported offering of unauthorized online gambling services), 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 <circus-casino-vip.com> be transferred to the Complainant.

/Kaya Köklü/
Kaya Köklü
Sole Panelist
Date: March 25, 2026