

ADMINISTRATIVE PANEL DECISION

NET Holding A. Ş , Merit Turizm Yatirim ve İşletme A.Ş.v. Kieran Holmes
Case No. D2026-0466

1. The Parties

The Complainants are NET Holding A Ş. (the “First Complainant”), Türkiye, and Merit Turizm Yatirim ve İşletme A.Ş. (the “Second Complainant”), Türkiye, (together:in singular, also the “Complainant”) represented by Sołtysiński Kawecki & Szlęzak, Poland.

The Respondent is Kieran Holmes, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <merit-online.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2026. On February 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 February 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 4, 2026.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on March 10, 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 following facts are undisputed.

The Second Complainant is one of the subsidiaries of the First Complainant. The First Complainant is a Turkish company in the hospitality, casino, gaming and betting sectors. The Complainant is listed on the Istanbul Stock Exchange. The Complainant operates in Türkiye, Cyprus, Montenegro, Croatia and Bulgaria under the MERIT brand. The First Complainant is the world's 8th largest casino operator.

The Complainant has various trademark registrations in Türkiye and the European Union, for marks including the word element MERIT, including the following trademark registrations:

- Turkish trademark registration MERIT (figurative mark) with registration number 2022/195277 and a registration date of July 24, 2023, for goods and services in classes 9, 41, 42;
- European Union trademark registration MERIT ROYAL HOTEL&CASINO&SPA (figurative mark), with registration number 016172389 and a registration date of May 24, 2017, for goods and services in classes 9, 16, 21, 24, 28, 33, 35, 36, 37, 38, 40, 41, 43;

The above-mentioned trademarks will hereinafter also be referred to as the "MERIT Trademarks".

The Complainant has succeeded in several cases before UDRP panels against domain names consisting of the word MERIT.

The disputed domain name was registered on September 25, 2025, and at the time of filing the Complaint, the disputed domain name resolved to a webpage (the "Website"), where Internet users could download a gambling/betting application named MERIT ROYAL CASINO, depicting the MERIT Trademarks.

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 the following.

The Complainant holds rights in the MERIT Trademark, which are confusingly similar to the disputed domain name, as the disputed domain name includes the dominant element of the MERIT Trademarks, namely the word MERIT.

The Respondent lacks rights or legitimate interest in the disputed domain name and the disputed domain name was clearly registered and used in bad faith. The Complainant has never authorized the Respondent, or any other third party to use the MERIT Trademarks on the Website.

Furthermore, it can be assumed that the Respondent was aware of the MERIT Trademarks since: (i) the MERIT Trademarks are well-known and enjoy a reputation, as the First Complainant is the world's 8th largest casino operator, and (ii) both the Respondent and the Complainant are targeting their services to the Turkish public.

In addition, the Website imitates the appearance of the Google Play store, thereby attempting to create a false impression of legitimacy for the application, while not only using the word element of the MERIT Trademarks, but also clearly using the figurative element of the MERIT Trademarks.

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

The Complainant has shown rights in respect of trademarks or service marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the word "merit" in the MERIT Trademarks are recognizable within the disputed domain name. The addition of the term "online" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7 and 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. To the contrary, the Respondent intended to impersonate the Complainant by using the disputed domain name in connection with the Website, where a gambling/betting application could be downloaded that clearly gives the impression of being the Complainant's application.

Panels have held that the use of a domain name for illegitimate activity, here, claimed inter alia impersonation, 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 refers to its consideration under section 6.B of this Decision.

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 knew or should have known of the Complainant, and that the Respondent on a balance of probabilities attempts or has attempted to impersonate the Complainant, with an intention to confuse Internet users, which also follows from the use of the MERIT Trademarks on the Website.

In the present case, the Panel notes that the Respondent is engaged in intentionally attempting to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the MERIT Trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, and the application offered on the Website, containing the MERIT Trademarks.

Panels have held that the use of a domain name for illegitimate activity, here being the impersonation of the Complainant and the passing off by the use of the application offered by the Respondent on the Website to which the disputed domain name resolved constitutes bad faith for the purposes of the Policy. [WIPO Overview 3.1](#), section 3.4.

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 <merit-online.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: March 14, 2026