

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Kieran Holmes

Case No. D2026-0756

1. The Parties

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

The Respondent is Kieran Holmes, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <bookofraspiele.live> 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 23, 2026. On February 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 26, 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 February 26, 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 March 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 26, 2026.

The Center appointed Jonathan Agmon as the sole panelist in this matter on April 2, 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.

Exercising its authority under paragraphs 10 and 12 of the Rules, the Panel issued Procedural Order No. 1, on April 21, 2026. In Procedural Order No. 1, the Panel requested that the Complainant provides evidence showing that the Respondent is or was offering counterfeit or illegal copies of the Complainant's famous slot games, or other goods or services of the Complainant; and evidence showing that the Respondent is or was offering illegal gambling products and/or services under the disputed domain name. The Complainant provided additional evidence on April 24, 2026. The Respondent was given time to respond to the Complainant's submission, but did not submit any comments.

4. Factual Background

The Complainant, founded in 1980, is an Austrian gaming technology group headquartered in Gumpoldskirchen, Austria. It employs more than 20,000 employees and has a turnover of over EUR 3.5 billion. It is one of the largest producers and operators of gaming technologies in the world, with operations spanning more than 90 countries. The Complainant develops, manufactures, and distributes gaming equipment, including slot machines and electronic gaming systems, and operates gaming venues under various brand names. The Complainant invests heavily in development of its games and enjoys a considerable reputation in the gaming industry.

The Complainant holds registered trademark rights in BOOK OF RA in multiple jurisdictions. The Complainant's trademark registrations include the following:

- BOOK OF RA, registered under European Union Registration No. 004451431 on May 24, 2006;
- BOOK OF RA, registered under United Kingdom Registration No. UK00904451431, on May 24, 2006; and
- BOOK OF RA, registered under United States of America Registration No. 86306165 on August 25, 2015.

The Complainant operates websites relating to its BOOK OF RA games, including "www.win2day.at/slots/book-of-ra".

The disputed domain name was registered on September 30, 2025. At the time of this Decision, the disputed domain name resolved to a website titled "Egyptian Mythology Books", styled as a promotional page for a mobile application offering Egyptian mythology content available for download on Google Play. Further to the Procedural Order No. 1, the Complainant has provided screenshots of social media advertisements featuring links to the website at the disputed domain name together with gambling images, including the name of the Complainant's game Book of Ra and the Complainant's logo.

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:

- (i) the disputed domain name is confusingly similar to the Complainant's BOOK OF RA trademark because it reproduces the mark in its entirety together with the German word "spiele" ("games"), which is descriptive of the services offered under the Complainant's trademarks and does not sufficiently distinguish the disputed domain name from those marks;
- (ii) the Respondent has no rights or legitimate interests in the disputed domain name, has not been authorized by the Complainant, and is not commonly known by the disputed domain name. The

Complainant further submits that the Respondent uses the disputed domain name to offer illegal copies of the Complainant's slot games and to facilitate illegal gambling, contrary to any legitimate noncommercial or fair use; and

- (iii) the disputed domain name was registered and is being used in bad faith, with knowledge of the Complainant and its trademarks, to mislead Internet users for commercial gain.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced and recognizable within the disputed domain name. The addition of the term "spiele" (German word meaning "games") does not prevent a finding of confusing similarity with the Complainant's trade mark. Further, the generic Top-Level Domain ".live" is disregarded for the purposes of the first element comparison. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the mark 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.

The Panel finds that the evidence does not clearly support the Complainant's more specific allegations that the disputed domain name was used for "illegal gambling" or the offering of counterfeit slot games.

That said, the present record nonetheless supports a finding against rights or legitimate interests. The disputed domain name wholly reproduces the Complainant's BOOK OF RA mark and adds the German word for "games", thereby carrying a risk of implied affiliation.

Further, the Respondent has provided no evidence of any bona fide offering of goods or services, any legitimate noncommercial use, or any other basis for rights or legitimate interests under paragraph 4(c) of the Policy. On this record, the use shown in the screenshots appears instead to be opportunistic use of a domain name in connection with the Complainant's game built around the Complainant's mark to attract Internet users.

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 sets out 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 registered the disputed domain name long after the Complainant's BOOK OF RA trademark was registered and extensively used. The disputed domain name incorporates the entirety of the Complainant's distinctive trademark with the addition of the suffix "spiele", which is the German word for games. As explained below, the Respondent was well aware of the Complainant's and its trademark at the time of registration of the disputed domain name.

The evidence shows that the Respondent is using website templates that infringe the Complainant's trademarks, and particularly the Complainant's BOOK OF RA trademark. At the same time, the Respondent was using the disputed domain name in connection with advertisements on social media promoting what appears to be infringing and/or competing gaming activities through Facebook, under the disputed domain name.

While the disputed domain name website presents content seemingly related to Egyptian mythology, in fact, the evidence shows that the disputed domain name was used to promote what appears to be infringing game-related applications on Google's Play Store. The Panel notes the fact that the disputed domain name comprises the Complainant's trademark BOOK OF RA in addition to the German word for "games" while being currently used for a website ostensibly related to an innocent application concerning Egyptian mythology demonstrates the Respondent's true intent was to target the Complainant and its well-known games. The disputed domain name is therefore being used as a tool for targeting the Complainant and its trademarks through social media.

In these circumstances, taking into account the full reproduction of the Complainant's BOOK OF RA mark, the addition of the term "spiele", prior domain name dispute showing the Respondent's pattern of abuse, the use of the disputed domain name in connection with advertisements to promote infringing or competing activities through social media, including the Complainant's game Book of Ra, and the absence of any rebuttal from the Respondent, the Panel finds that the disputed domain name was registered with the Complainant's mark in mind and is being used to attract Internet users by creating an association with that mark.

Accordingly, 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 <bookofraspiele.live> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: May 5, 2026