

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Kieran Holmes

Case No. D2026-1303

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 <casinoadmiral.online> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 26, 2026. On March 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 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 March 27, 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 March 30, 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 April 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 23, 2026.

The Center appointed Anna Carabelli as the sole panelist in this matter on May 4, 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 the information available on the Complainant's website at the domain name <novomatic.com>, the Complainant is an international company founded in 1980 and headquartered in Austria, operating as a full-service provider in various segments of the gaming industry. The Complainant, either directly or through its subsidiaries, offers a diversified portfolio of omnichannel products to its partners and customers worldwide. This product range includes land-based gaming products and services, management systems and cash management. The Complainant also offers online games to consumers.

The Complainant owns several registrations for the trademark ADMIRAL in various jurisdictions, including the following:

- International Trademark Registration N° 474965 for ADMIRAL (figurative) registered on January 24, 1983, in International Class 9;
- International Trademark Registration N° 598347 for ADMIRAL (figurative) registered on December 17, 1992, in International Classes 9, 28, 36, 37, 41, and 42;
- European Union Trademark Registration N° 004134433 for ADMIRAL (word) registered on November 22, 2004, in International Classes 9, 16, 28, 36, 37, 41, 42, and 43;
- European Union Trademark Registration N° 004134433 for ADMIRAL (word) registered on November 22, 2004, in International Classes 9, 16, 28, 36, 37, 41, 42, and 43;
- China Trademark Registration N°9615328 for ADMIRAL (word), registered on January 21, 2017, in International Class 28; and
- United Kingdom Trademark Registration N° UK00915570005 for ADMIRAL (figurative) registered on October 27, 2016, in International Class 41.

The Respondent, who is reportedly located in Afghanistan, registered the disputed domain name on February 22, 2026.

According to the Complaint, the disputed domain name directed users to an active website that offered alleged counterfeit versions of the Complainant's slot games as well as illegal gambling services, while posing as the official Google Play Store. In this regard, the Complaint simply includes a screenshot of what appears to be a mobile application named "casinoadmiral.online" seemingly available at Google Play Store.

At the time of the drafting of this decision, the disputed domain name resolves to an error page.

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:

- The disputed domain name is confusingly similar to the Complainant's trademark ADMIRAL, since it consists of the Complainant's trademark with the addition of the term "casino" which is mere descriptive for the services offered.
- The Respondent has no rights or legitimate interests in the disputed domain name since: (i) the Complainant has not authorized or somehow given consent to the Respondent to register and use the disputed domain name; (ii) the Respondent is not commonly known by the disputed domain name; and (iii) the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use.
- The disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name in full knowledge of the Complainant and its trademark to attract for commercial gain Internet users to the Respondent's website offering infringing copies of the Complainant's slot games.

Based on the above, the Complainant requests the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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 Panel finds the mark is recognizable within the disputed domain name. Indeed, the disputed domain name incorporates the Complainant's trademark ADMIRAL in its entirety. 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 addition of the Top-Level Domain, such as ".online", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

Although the addition of other terms, here "casino", may bear on assessment of the second and third elements, the Panel finds the addition of that term (which is merely descriptive of the services offered and directly related to the Complainant's business) 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 Complainant confirmed that it had not authorized or otherwise given the Respondent permission to use the disputed domain name. There is no indication before the Panel of any activity in relation to the disputed domain name that would give rise to rights or legitimate interests to the Respondent.

Furthermore, the Panel notes that the nature of the disputed domain name, being confusingly similar to the Complainant's trademarks, carries a risk of implied affiliation with the Complainant (see also [WIPO Overview 3.1](#), section 2.5.1) and that the Respondent is not commonly known by the disputed domain name.

The Complainant alleges that the Respondent used the disputed domain name to offer counterfeit versions of the Complainant's slot games but has submitted limited evidence in support of that allegation.

Panels have held that the use of a domain name for illegal activity, here, claimed as sale of counterfeit goods, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

While panels are generally not prepared to accept merely conclusory or unsupported allegations of illegal activity, including counterfeiting, even when the respondent is in default, the Panel notes that even if the products allegedly offered on the website to which the disputed domain name resolved were genuine

products from the Complainant, such use still does not qualify as fair use (see [WIPO Overview 3.1](#), sections 2.13.2 and 2.8.1).

In this instance, the Panel needs not come to a determination on the nature of the goods being offered, noting that the use of the disputed domain name fails under the Oki Data criteria. Further to the so-called “Oki Data test” enshrined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), even if the goods offered at the website to which the disputed domain name resolved were of a genuine nature, the disputed domain name cannot constitute fair use for failure to include any disclaimer as to its relation to the Complainant, enhancing the risk of implied affiliation caused by the identical replication of the Complainant's trademark in the construction of the disputed domain name ([WIPO Overview 3.1](#), section 2.5.1).

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 Complainant registered its ADMIRAL trademark (see Section 4 above) well before the registration of the disputed domain name by the Respondent in 2026. In the circumstances of the case, particularly noting the composition of the disputed domain name, it is difficult to believe that the Respondent did not have in mind the Complainant's trademark when registering the disputed domain name, consisting of the Complainant's trademark with the addition of the term “casino” which is directly related to the Complainant's business.

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.

Under paragraph 4(b)(ii), the Panel may find both registration and use in bad faith where there is evidence that the respondent registered 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 the respondent has engaged in a pattern of such conduct.

Based on research conducted by the Panel in WIPO's database on domain name Decisions, it appears that the Respondent has been engaged in a pattern of cybersquatting conduct having been involved in other previous domain name disputes under the Policy, most of which were brought by the Complainant, and all of which resulted in decisions against the Respondent (see *Novomatic AG v. Kieran Holmes* WIPO Case No. [D2025-1468](#); *Novomatic AG v. Kieran Holmes* WIPO Case No. [D2025-4305](#); *Novomatic AG v. Kieran Holmes* WIPO Case No. [D2025-2785](#); *Novomatic AG v. Kieran Holmes* WIPO Case No. [D2025-3666](#); *Novomatic AG v. Kieran Holmes* WIPO Case No. [D2025-3668](#); *Novomatic AG v. Kieran Holmes* WIPO Case No. [D2026-0042](#); *Calvin Broadus v. Kieran Holmes*, WIPO Case No. [D2025-0510](#); *Groupe Partouche v. Kieran Holmes*, WIPO Case No. [D2024-4992](#); *Groupe Lucien Barrière v. Kieran Holmes*, WIPO Case No. [D2024-0807](#)). The Panel notes that the decisions rendered in favor of the Complainant Novomatic AG, in the abovementioned proceedings were based on facts similar to those in the present case.

The Panel finds that in the circumstance of the case the disputed domain name was registered and is being used in bad faith, and that the requirements of paragraph 4(a)(iii) of the Policy are satisfied.

The fact that the disputed domain name currently resolves to an inactive website and redirect to an error page does not prevent a finding of bad faith under the passive holding doctrine given the totality of the circumstances in the present case, noting the composition of the disputed domain name as discussed above and the failure of the Respondent to submit a response. [WIPO Overview 3.1](#), section 3.3.

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 <casinoadmiral.online> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: May 18, 2026