

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Igor Krucev
Case No. D2026-1304

1. The Parties

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

The Respondent is Igor Krucev, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <play-bookofra.xyz> is registered with NameSilo, LLC (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 26, 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 March 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2026.

The Center appointed Indrek Eelmets as the sole panelist in this matter on April 23, 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 Complainant is a company organized under the laws of Austria that is active in the gaming industry.

The Complainant is the owner of the trademark BOOK OF RA, which has been registered in numerous jurisdictions around the world, including the European Union, Ukraine, and the United States. Relevant registrations include:

- BOOK OF RA – European Union Trade Mark registration No. 004451431, registered on May 24, 2006, in class 9 notably concerning computer software for casinos;
- BOOK OF RA – Ukraine trademark registration No. 165474, registered on January 10, 2013, in classes 9, 28, and 41 notably concerning computer software (recorded), in particular for casinos; and
- BOOK OF RA – United States trademark registration No. 4800800, registered on August 25, 2015, in classes 9 and 41 notably concerning gaming software and providing games of chance via the Internet.

The Complainant uses the trademark in connection with an online casino game.

The disputed domain name was registered on February 18, 2026. At the time this Complaint was submitted, the disputed domain name resolved to an active website purporting to offer the BOOK OF RA online game. At the time of this decision, the Respondent's website purportedly offers a mobile gaming app named Mystic Fortune Casino.

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 disputed domain name is identical or confusingly similar to the Complainant's trademark since the disputed domain name contains the mark in its entirety.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names since (1) the Respondent has no relationship with or permission from the Complainant to use its trademark, (2) the Respondent has neither been commonly known by the disputed domain name or the BOOK OF RA mark, and (3) the Respondent uses the disputed domain name to offer infringing slot games and to provide illegal gambling.

Finally, the Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith since (1) the Respondent registered the disputed domain name long after the Complainant registered its respective trademarks and installed its official website, (2) the website under the disputed domain name is used to offer infringing games and to provide illegal gambling, designed to mislead the Complainant's customers, and (3) the disputed domain name is used to offer counterfeited versions of the Complainant's goods and services and it prevents the Complainant from reflecting its mark in the disputed domain name.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes the following factors:

The record shows that the Notification of Complaint was sent by email to the Respondent at the email address disclosed by the Registrar. No bounce-back messages suggesting the abovementioned email was not delivered to the Respondent's email address disclosed by the Registrar were received by the Center after commencement of the proceedings.

The disputed domain name was registered on February 18, 2026, several years after the commencement of the international conflict. This indicates that, at the time of registration, the Respondent was able to provide the Registrar with a functioning address despite the conflict and therefore appears capable of controlling both the disputed domain name and the related content.

As noted later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the disputed domain name in bad faith with knowledge of the Complainant and with the intention of unfairly targeting the Complainant's trademark and goodwill.

The Panel concludes that the Parties have been given a fair opportunity to present their case. In order that the administration of proceedings takes place with due expedition, the Panel proceeds to a Decision accordingly.

6.2. Substantive Issues

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 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, "play" followed by a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

In particular, the Respondent has not been authorized to use the Complainant’s trademark. There is also no ground to believe that the Respondent’s name somehow corresponds with the disputed domain name and the Respondent does not appear to have any trademark rights associated with the term “book of ra” on its own. Rather, the disputed domain name resolved to a website, which prominently displayed the Complainant’s trademark and logo. Such use of the disputed domain name neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of the Policy. Panels have held that the use of a domain name for illegal activity (here, claimed copycat site, passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel also notes the nature of the disputed domain name reproducing the Complainant’s mark preceded by the additional dictionary term “play” generally used in the Complainant’s industry and finds that the disputed domain name carries a risk of implied affiliation with the Complainant. [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 Respondent must have been aware of the trademark when the Respondent registered the disputed domain name given the trademark was registered and widely used prior to registration of the disputed domain name, as well as the Complainant’s trademark and logo were used on the Respondent’s website in connection with the goods and services for which the Complainant’s marks are registered.

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.

Panels have held that the use of a domain name for illegal activity (here, claimed copycat site, passing off, or other types of fraud) 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.

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 <play-bookofra.xyz> be transferred to the Complainant.

/Indrek Eelmets/

Indrek Eelmets

Sole Panelist

Date: May 7, 2026