

ADMINISTRATIVE PANEL DECISION

Virgin Enterprises Limited v. Frenky Frenky
Case No. D2026-1602

1. The Parties

The Complainant is Virgin Enterprises Limited, United Kingdom, represented by Venner Shipley LLP, United Kingdom.

The Respondent is Frenky Frenky, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <virgin4dlink.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 April 15, 2026. On April 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 16, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 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 April 21, 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 April 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2026.

The Center appointed Gary Saposnik as the sole panelist in this matter on May 27, 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 part of the Virgin Group of companies and is the owner of the VIRGIN brand and associated trademarks. The VIRGIN branded businesses span a diverse range of sectors covering financial services, health and wellness, music and entertainment (including games), retail, people and planet, telecommunications and media, travel and leisure, and space. There are currently more than 40 Virgin businesses with tens of millions of customers worldwide and employ more than 70,000 people across multiple business sectors and five continents.

The Complainant is responsible for registering and maintaining registrations for trademarks containing the VIRGIN name, and licensing these rights to the Virgin business, which are part of the Virgin Group. The Complainant owns a portfolio of approximately 3,500 trademark applications and registrations in over 150 countries, including the following registrations:

- VIRGIN, United Kingdom Trademark No. UK00003163121, registered on July 29, 2016, in classes 3, 5, 9, 11, 12, 14, 16, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, and 45, which includes “electronic games services provided by means of the Internet or any other communications network” in class 41; and
- VIRGIN, European Union Trade Mark No. 005189923, registered May 2, 2007, in classes 4, 39, 40, and 41, which includes “gaming services; provision of access to online computer games; betting and gambling services; entertainment services; providing online computer games; provision of online games for remote users or remote competitors; downloadable electronic games provided via the Internet” in class 41.

The Complainant is the registrant of over 7,000 domain names consisting of or incorporating the VIRGIN mark, including its licensee operating a website at “virgin.com”. Said website has been in use since 2000 to promote the activities of the Virgin Group, including most Virgin businesses.

In 2004, the Virgin Group launched an online gaming and gambling service provider, Virgin Games, which operates through a licensee under the VIRGIN GAMES trademark. The Virgin Games business offers online gaming services and gambling services via its website at “virgingames.com” and via a mobile application. Games that can be played include online slot machines, classic casino games, live casino games, online poker games and online roulette. Additionally, the Virgin Group launched an online sports betting app available in the United Kingdom under the VIRGIN BET mark, and offered at “virginbet.com”, including a “Casino” page. Both sites are promoted heavily on social media by the Complainant.

The disputed domain name was registered by the Respondent on July 2, 2025. The Registrar provided contact details reflect the Respondent being in Indonesia. The disputed domain name resolves to a webpage with the title “VIRGIN4D” and gambling related links. When users click on hyperlinks on the website at the disputed domain name, they are redirected to a third-party website appearing to contain various online games, gambling platforms, and betting options.

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 identical or confusingly similar to the VIRGIN trademark or service mark in which the Complainant has rights. The disputed domain name incorporates the Complainant's VIRGIN mark in its entirety, while adding "4d" and "link", which are generic, non-distinctive components.

The Complainant alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name resolves to a website which appears to offer casino games and gambling services under the title "VIRGIN4D". However, many of the links' resolve to a third-party website, which does not appear to be accessible by an ordinary browser. No entity or organization responsible for the website is identified, and there is no organization authorized to offer casino games or gambling services in any jurisdiction. As there is no legitimate business being conducted at the website to which the disputed domain name resolves, the Respondent has no rights or goodwill accruing in the disputed domain name. Furthermore, the Complainant alleges there is no evidence that the Respondent has ever used or made preparations to use the disputed domain name or the name VIRGIN4D in connection with any legitimate business, nor is it making a legitimate non-commercial or fair use of the disputed domain name.

Lastly, the Complainant avers that the disputed domain name was registered and is being used in bad faith. The resolving website prominently displays the title "VIRGIN4D" in red and white, which is the identical color scheme used by the Complainant. The similar color scheme and name is liable to cause consumers to assume an affiliation between the Respondent and the Complainant, when there is none. When users click on certain hyperlinks on the website at the disputed domain name, they are redirected to a third-party website, and most likely receiving click-through fees. The use of the Complainant's VIRGIN mark to host links to a third-party website is without authorization by the Complainant. Such use is unfair and may divert actual or prospective consumers away from the Complainant and its related businesses, including Virgin Games and Virgin Bet.

In light of no organization authorized to offer gambling services in any jurisdiction being identified on the website, the Complainant surmises that the registration is likely to be held for the purposes of fraud. The presence of a superficially genuine casino and gambling website at the disputed domain name are identical to the services offered by the Complainant's licensees. Consumers would likely assume that the website and any associated email address are in some way connected with the Complainant, thus relying on the Complainant's reputation to provide credibility to any phishing or otherwise fraudulent behavior. Such use is liable to tarnish the reputation that exists in the Complainant's marks and is unfair and disruptive to the Complainant's business.

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 Complainant's VIRGIN 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, "4d" and "link") may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 Panel notes that the Respondent has not apparently been commonly known by the disputed domain name. The Respondent's use and registration of the disputed domain name was not authorized by the Complainant. Although the resolving website does not contain the Complainant's logo, the use of the Complainant's VIRGIN mark includes the same color scheme as used by the Complainant. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Rather, the Respondent is using the Complainant's VIRGIN mark with the intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the disputed domain name. The website contains competitive gambling and gaming options to the Complainant's rights in the VIRGIN mark. There is no entity or organization responsible for the gambling and gaming website that is identified, and there is no organization listed that is authorized to offer casino games or gambling services in any jurisdiction. The Respondent is apparently located in Indonesia, where online gambling is illegal. In addition, the website contains hyperlinks that resolve to a third-party site

containing other gaming and gambling options under a different name, links to enter personal and financial information, or the links don't resolve at all.

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, UDRP panels also assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.1](#), sections 2.5.2 and 2.5.3; *Virgin Enterprises Limited v. Mark Thomas*, WIPO Case No. [D2025-5147](#).

Panels have held that the use of a domain name for illegitimate or illegal activity, here, an online gambling site where online gambling is illegal, possible phishing, 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 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 registered the disputed domain name many years after the Complainant obtained registered trademark rights in its VIRGIN mark, including for online gambling and gaming services. The Respondent is apparently located in Indonesia, where online gambling is illegal. The disputed domain name resolves to a website for online gambling and gaming, with the hyperlinks resolving to a third-party website under a different name. The Respondent's website also contains a browser tab with a different name than the Respondent's use of VIRGIN. The Respondent has not responded to the Complaint, nor have they come forward with a credible explanation as to their choice of the disputed domain name that contains the Complainant's widely-known mark for gaming, betting and gambling services.

Additional evidence of bad faith is that the Respondent's contact details are unavailable at the website, along with the registration contact details appearing to be improper and/or incomplete.

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. These include the disputed domain name containing the Complainant's widely-known mark plus an additional term that doesn't differentiate it from the Complainant, as well as its use for alleged competing services while all links proceeding to a third-party website that, if legitimate, is competitive with the Complainant's gaming and gambling service, or alternatively is being used for phishing and fraud.

Combined with the above evidence of bad faith, Panels have held that the use of a domain name for illegitimate or illegal activity, here, an online gambling site where online gambling is illegal, possible phishing, 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.

Based on the totality of the evidence, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. [WIPO Overview 3.1](#), section 3.1.4.

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 <virgin4dlink.com> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: June 10, 2026