

ADMINISTRATIVE PANEL DECISION

Tipico Group Ltd. v. Daryna Honcharenko (D.H)
Case No. D2026-1644

1. The Parties

The Complainant is Tipico Group Ltd., Malta, represented by Boehmert & Boehmert, Germany.

The Respondent is Daryna Honcharenko (D.H), Ukraine, self-represented.

2. The Domain Name and Registrar

The disputed domain name <tipico-casino-deutschland.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 17, 2026. On April 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 18, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 20, 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 April 20, 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 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 15, 2026. The Respondent sent an email communication to the Center on May 16, 2026.

The Center appointed Alfred Meijboom as the sole panelist in this matter on May 18, 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 Tipco group of companies, which is a provider of sports betting services and virtual games, established in 2004 which employs over 6,000 people. The Tipco group is one of the market leaders for sports betting in Germany, where it maintains over 1,000 betting shops, and is licensed by the competent authorities in Germany, Austria and Malta to conduct, inter alia, online and land-based betting services.

The Complainant owns a trademark portfolio, which includes the following registrations:

- European Union trademark TIPICO with number 3939998, registered on September 23, 2005 for services in class 41; and
- European Union trademark  with number 11339835, registered on May 3, 2013 for goods and services in classes 3, 7, 9, 14, 16, 25, 28, 32, 33, 34, 35, 36, 38, 41, 42, 43 and 45.

The Complainant also owns and uses the domain names <tipico.com> and <tipico.de>.

The disputed domain name was registered on March 5, 2026 and resolves to a website provided in German and promoting online casino game and gambling services competing with the Complainant's TIPICO betting services. The Respondent's website prominently displays the Complainant's TIPICO word and device marks as referred to above and eventually links to a gambling website which is not in any way connected to the Complainant or its TIPICO 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 that the disputed domain name is confusingly similar to the Complainant's TIPICO trademark because it identically adopts the Complainant's TIPICO trademark and merely adds the descriptive terms "casino" and "Deutschland" (i.e., "Germany" in German).

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register the disputed domain name incorporating an approximation to its TIPICO trademark. Moreover, the Complainant alleges that the Respondent is not making legitimate non-commercial or fair use of the disputed domain name but rather shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or tarnishing the Complainant's TIPICO trademarks. According to the Complainant, the website provided under the disputed domain name does not meet the requirements for a bona fide offering of goods or services as the requirements of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the "Oki Data criteria or "Oki Data test") are not met. In particular, the Complainant alleges that the Respondent is not offering the Complainant's betting services but is promoting competing betting services under the disputed domain name, while masking its identity by creating the false impression of an endorsement by the Complainant by indicating the website provider as "Tipico Casino".

Further, the Complainant contends that it is evident from the Respondent's use of the disputed domain name that the Respondent knew of the Complainant's TIPICO trademark when registering the disputed domain name, because it started offering competing casino games services while using the Complainant's device mark as referred to above immediately after registration. The Complainant also contends that it is evident from the Respondent's use of the disputed domain name that the Respondent registered and used the disputed domain name with the intent to attract, for commercial gain, Internet users to the website associated with the disputed domain name by creating a likelihood of confusion with the Complainant's TIPICO trademark as to the source, sponsorship, affiliation, or endorsement of this website or of a product or service on this website, which the Complainant considers constituting registration and use in bad faith.

B. Respondent

The Respondent sent the Center an email on May 16, 2026, alleging that the disputed domain name contains descriptive and geographic terminology and was not registered with the intention to deceive consumers into believing that the website was formally operated by the Complainant, and any references to third-party trademarks were used descriptively to identify the subject matter of the website to which the disputed domain name resolves. According to the Respondent, its website was intended as an independent informational and promotional resource related to online casino content and did not purport to operate as the official corporate website of the Complainant. The Respondent asserts that it did not attempt to sell the disputed domain name to the Complainant, did not engage in extortion or ransom demands, and did not use the website associated with the disputed domain name for malware or technical abuse. According to the Respondent the dispute is fundamentally a trademark-related dispute rather than a case of DNS Abuse or phishing.

6. Discussion and Findings

6.1. Preliminary Matters

The Panel notes that the Respondent's postal address is stated to be in Ukraine. Since Ukraine is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue. Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality, that each Party is given a fair opportunity to present its case, and that the administrative proceeding takes place with due expedition.

The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for the purpose of notifying the Complaint. The delivery to the Respondent's email address seems to have been complete, as the Respondent sent the Center an email on May 16, 2026 with a brief reply to the Complaint.

Further, the Respondent apparently registered the disputed domain name as recently as March 5, 2026, and immediately thereafter caused it to resolve to an active website and hence would appear to be capable of managing the disputed domain name and its associated content.

Finally, the Panel notes that the Complainant has selected as the mutual jurisdiction the courts at the location of the principal office of the Registrar, such courts not being subject to an international conflict. Therefore, the Panel finds that proceeding with the present decision does not preempt the Respondent from asserting its rights under paragraph 4(k) of the Policy to submit this dispute to the courts at the applicable mutual jurisdiction.

In view of the above, the Panel considers it appropriate to proceed to a decision.

6.2. The Respondent's late submission

The Respondent sent the Center an email on May 16, 2026 with a brief response to the Complaint. The deadline for the filing of the response was May 11, 2026, and in absence of a timely response, the Center notified the Respondent of its default on May 15, 2026. Although being aware that it was too late, the Respondent sent its response the following day, and it asserted that the "delay was not intentional and resulted from circumstances affecting my ability to prepare and submit a timely response." And the Respondent asked the Panel "to exercise its discretion to consider this submission in the interest of fairness and completeness of the record".

Paragraph 14(a) of the Rules provides that, in the event of a late response, absent exceptional circumstances, panels shall proceed to a decision based solely on the complaint. Paragraph 14(a) of the Rules is counterbalanced by paragraph 10(b) of the Rules, which requires panels to ensure that parties are treated with equality and that each party is given a fair opportunity to present its case (e.g., *Headhunter Group PLC and OOO "Хэдхантер" (Headhunter Ltd) v. Dana Jakupova, TOO "TALANTIZ"*, WIPO Case No. [D2021-1945](#)).

The Respondent sent its response email to the Center five days late, allegedly for undisclosed circumstances which causes the late submission. Although the response email was only sent to the Center after the notification of default, it was submitted before the Panel was appointed. Because the response email is not detailed, does not include any attachments, and is not of such a nature that the Complainant could not have anticipated it, and does therefore not prejudice the Complainant's position, the Panel considers that the requirement that the parties be treated equally and that both have a fair opportunity to present their case is decisive for accepting the late submission.

The Panel shall therefore consider the Respondent's email response in determining this case.

6.3. Substantive Elements of the Policy

Under the Policy, the Complainant must prove that:

- (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.

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 Panel finds that the TIPICO trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's TIPICO trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, in this case "-casino-deutschland", 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 TIPICO trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 on the ground as set forth in paragraph 5.B above.

As the disputed domain name resolves to a website in German which offers casino game and gambling services for which the Complainant's TIPICO word and device marks are used, the Panel first needs to decide if the Respondent (could have) made a bona fide offering of services via the disputed domain name and if the Oki Data criteria, which panels commonly apply in matters of resale, were met. Under this Oki Data test, the following cumulative requirements apply (see also section 2.8 of [WIPO Overview 3.1](#)):

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark, thus depriving the trademark owner of the ability to reflect its own mark in a domain name.

The evidence submitted by the Complainant shows that the Respondent's website eventually redirects to a third party website which offers gambling services in direct competition with the Complainant. The Respondent has neither rebutted this, nor has it offered any explanation why this would be permitted under the Oki Data criteria or would constitute a bona fide offering of services. Furthermore, the Respondent has not refuted the Complainant's assertion that the website associated with the disputed domain name did not disclose its identity but instead listed “Tipico Casino” as the website's provider, nor has it provided any explanation for this. Consequently, the Respondent did not offer the Complainant's services and did not disclose its relationship with the Complainant, thus failing to satisfy the Oki Data test.

The Panel considers that the Respondent's assertion that the website associated with the disputed domain name was intended to serve as an independent source of information and promotion regarding online casino content, and was not intended to deceive Internet users into believing that the disputed domain name resolves to the Complainant's website, entirely implausible, not least because the website concerned appears to be aimed at generating revenue, uses the Complainant's trademarks, and thereby misleads visitors by giving the distinct impression that they are visiting a website endorsed by the Complainant.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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.

The Complainant has demonstrated that it registered the TIPICO trademark two decades prior to the Respondent's registration of the disputed domain name, and the Complainant has asserted that "tipico" has no intrinsic meaning in connection with gambling. In light of this, the Panel considers the Respondent's argument that it used the Complainant's TIPICO trademarks descriptively to refer to the content of the website to be insufficiently substantiated, as it fails to clarify what descriptive meaning "tipico" is supposed to have and how that term relates to gambling services. The Respondent has further not refuted the Complainant's assertion that, immediately after its registration, the disputed domain name resolved to a website on which the Complainant's TIPICO word and figurative marks were used. The Panel concludes from this that the Respondent registered the disputed domain name because it was aware of the Complainant and its TIPICO trademark. Consequently, the Panel is satisfied that the disputed domain name was registered in bad faith.

The Panel is also satisfied that the Respondent's use of the disputed domain name in connection to a gambling website which uses the Complainant's trademarks and eventually links to a third party gambling website which competes with the Complainant's services constitutes an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the TIPICO trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered on the Respondent's website. Under these circumstances, the Respondent's defense that it did not register the disputed domain name with the intention of selling it to the Complainant, did not engage in extortion or demand a ransom, and did not use the website associated with the disputed domain name for malware or technical abuse, carries no weight. The Panel is therefore satisfied that the Complainant showed that the Respondent used the disputed domain name in bad faith as meant in paragraph 4(b)(iv) of the Policy.

The Panel finds the third element of the Policy has been established

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 <tipico-casino-deutschland.com> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: May 21, 2026