

## **ADMINISTRATIVE PANEL DECISION**

Observer Digital DOO v. Xiaolong Hao  
Case No. D2026-1842

### **1. The Parties**

The Complainant is Observer Digital DOO, Serbia, represented by Abion AB, Sweden.

The Respondent is Xiaolong Hao, India.

### **2. The Domain Name and Registrar**

The disputed domain name <roshtein.org> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 6, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 6, 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 May 7, 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 May 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 5, 2026.

The Center appointed Michal Havlík as the sole panelist in this matter on June 9, 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 the owner of intellectual property rights related to ROSHTEIN, a widely-known name in the online gambling and streaming community. ROSHTEIN has origins on the Twitch streaming platform, and Complainant provides users with access to a variety of services, including but not limited to entertainment content, interactive multimedia computer programs, and online betting.

The Complainant owns multiple trademark registrations among others including the following:

- European Union Trade Mark registration No. 018271921 ROSHTEIN with filing date July 10, 2020
- International trademark registration No. 1704402 ROSHTEIN with registration date September 23, 2022 designating, inter alia, United States of America, Canada and China
- International trademark registration No.1714376 ROSHTEIN (logo) with registration date September 23, 2022 designating, inter alia, United States of America, Canada and China

The Complainant holds and operates numerous domain names related containing the ROSHTEIN trademarks including <roshtein.com>. The Complainant, upon learning of the Disputed Domain Name, sent a Cease-and-Desist Letter to Respondent via the Registrar on April 10, 2026, to which the Complainant did not receive a response.

The Disputed Domain Name was registered on September 11, 2025. The Disputed Domain Name is active since its registration and the website displays a figurative sign “POSHTEIN” in the top left corner and notice “Copyright 2026 © roshtein” at the bottom of the website page. The Respondent’s website features online gaming and gambling programs, blog posts, and links to third-party online gaming and gambling sites. There has been no change on the website of the Disputed Domain Name after filing of the Complaint.

#### **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.

The Complainant cites its International and other trademarks for word mark ROSHTEIN. The Complainant contends that the Disputed Domain Name incorporates m in its second-level position, the ROSHTEIN marks in its entirety. According to the Complainant, the presence of the generic Top-Level Domain (“gTLD”) “.org” does not add any distinctiveness to the Disputed Domain Name and can be disregarded when assessing the confusing similarity test due to it being a mere technical requirement. The Complainant further contends that the Disputed Domain Name is identical to the Complainant’s mark.

The Complainant also contends that the Respondent has prima facie no rights or legitimate interests in respect of the Disputed Domain Name since there has never been any relationship between the Complainant and the Respondent and there is no evidence to suggest that the Respondent has ever used, or demonstrated preparations to use, the Disputed Domain Name in connection with a bona fide offering of goods or services.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was undertaken in bad faith since the Disputed Domain name is being used in an attempt to intentionally attract, for commercial gain, Internet users to the Respondent’s website by creating a likelihood of confusion with the Complainant’s mark as to source, sponsorship, affiliation, or endorsement. According to the Complainant,

the Disputed Domain Name, is an active website which features various buttons and links resulting in internet traffic being further diverted to a third-party website, thereby putting the Respondent in a position to reap a financial benefit. The Complainant contends that by operating under the Disputed Domain Name, Respondent seeks to potentially harm its business by diverting traffic to a third-party website. Furthermore, the Complainant alleges that the Respondent had the opportunity to provide evidence of good-faith use of the Disputed Domain Name when Complainant sent the Cease-and-Desist Letter on April 10, 2026, but failed to do so.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or a service mark in which the Complainant has right;
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that the Disputed Domain Name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant has shown rights regarding a trademark or service mark for the purpose of the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.2.1.

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 3.1](#), section 1.7. The entirety of the ROSHTEIN mark is reproduced within the Disputed Domain Name, and the Disputed Domain Name is identical to the mark for the purpose of the Policy.

Accordingly, this Panel finds that the Disputed Domain Name is identical to a trademark in which the Complainant has rights.

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 the 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 the 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. Moreover, there has never been any relationship between the Complainant and the Respondent, consequently, the Respondent is not in any manner authorized to register or use the ROSHTEIN mark.

The Panel examined the Respondent's website located on the Disputed Domain Name to determine whether or not the content of the website may constitute rights or legitimate interest in use of the Disputed Domain name. The website contains a logo containing word element "POSHTEIN", which is confusingly similar with the Complainant's ROSHTEIN trademarks, as well as a copyright notice incorporating "roshstein", identical to the Complainant's trademarks. Furthermore, the website features online gaming and gambling programs, blog posts, and links to third-party online gaming and gambling sites, for which the Complainant's trademarks are registered, which is evidence of targeting of the Complainant. The Panel finds that the website does not represent a bona fide offering of goods or services.

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's ROSHTEIN marks predate the Disputed Domain Name by many years and have been put to genuine use. Moreover, the Respondent's website on the Disputed Domain Name displays misleading information, including a "POSHTEIN" logo and conflicting "roshstein" copyright notice clearly intended to falsely suggest affiliation with the Complainant, as well as third party links related to the services for which the Complainant's trademarks are protected, which shows the Respondent was aware of the Complainant's trademarks at the time of the registration of the Disputed Domain Name, and the Respondent specifically targeted the Complainant and its trademarks.

Additionally, the Panel took into consideration additional evidence of bad faith, including a pattern of bad faith conduct. The Respondent was found to have acted in bad faith in a previous UDRP decision regarding another domain name earlier this year, demonstrating to the Panel a pattern of bad faith behavior in registering domain names. See *LEGO Holding A/S v. Xiaolong Hao*, WIPO Case No. [D2025-5381](#).

Considering the circumstances mentioned above, the Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith.

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 <roshtein.org> be transferred to the Complainant.

*/Michal Havlík/*

**Michal Havlík**

Sole Panelist

Date: June 23, 2026