

ADMINISTRATIVE PANEL DECISION

Virgin Enterprises Limited v. Daryna Shkelebei
Case No. D2026-1878

1. The Parties

The Complainant is Virgin Enterprises Limited, United Kingdom (the “UK”), represented by Venner Shipley LLP, UK.

The Respondent is Daryna Shkelebei, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <virginbetcasinoespana.com> (the “Disputed Domain Name”) 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 30, 2026. On May 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 4, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 4, 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 May 5, 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 amended Complaint, and the proceedings commenced on May 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 17, 2026.

The Center appointed Monica Novac as the sole panelist in this matter on June 22, 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 brand was originally established as a business selling popular music records by mail order under the “Virgin” name. At present, 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 branded businesses with tens of millions of customers worldwide, employing more than 70,000 people across multiple business sectors and five continents.

In 2019, the Virgin Group launched “Virgin Bet”, an online sports betting platform available in the UK. Operating under the VIRGIN BET trademark and logo, the business is conducted via the website “www.virginbet.com” and its associated mobile application.

The Complainant owns a portfolio of approximately 3,500 trademark applications and registrations in more than 150 jurisdictions, including the following:

- UK Trademark Registration No. UK00003163121 VIRGIN, registered on July 29, 2016, for goods and services in classes 3, 5, 9, 11, 12, 14, 16, 31, 32, 33, 35, 36, 38, 39, 41, 42, 43, 44, and 45;
- European Union Trade Mark Registration No. 005189923 VIRGIN, registered on May 2, 2007, for goods and services in classes 4, 39, 40, and 41;
- UK Trademark Registration No. UK00003269158 VIRGIN BET, registered on February 2, 2018, for goods and services in classes 9, 16, 28, 38, 41, and 42; and
- European Union Trade Mark Registration No. 016151102 VIRGIN BET, registered on July 11, 2017, for goods and services in classes 9, 16, 28, 38, 41, and 42.

The Complainant has used the VIRGIN mark consistently and intensively since the late 1970s.

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

The Respondent is reportedly located in Ukraine. The Respondent registered the Disputed Domain Name on January 8, 2026. As of the date of both filing the Complaint and this Decision, the Disputed Domain Name resolves to a website which purports to offer casino games and gambling services. The website prominently displays the Complainant’s VIRGIN and VIRGIN BET trademarks and logo, by also adopting the predominantly red color scheme of the Complainant’s various VIRGIN branded businesses and websites.

When clicking various hyperlinks available on the website at the Disputed Domain Name, Internet users are redirected to a competing third-party website at, for example, the domain name <legionbet.com>, likely generating commercial fees for the Respondent.

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 VIRGIN and VIRGIN BET trademarks;
- the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- the Disputed Domain Name has been registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Issue

Paragraph 10(b) of the Rules requires the Panel to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case. Paragraph 10(c) requires that the administrative proceeding takes place with due expedition.

The Respondent's mailing address is in Ukraine, which is subject to an international conflict at the date of this Decision. These circumstances may impact case notification and it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The Panel notes that the Center sent the Written Notice of the Complaint to the Respondent's physical address in Ukraine, utilizing the contact information disclosed by the Registrar. The registered post tracking information suggests that the Written Notice reached the appropriate address but was not ultimately delivered.

However, the record indicates that the Notification of Complaint sent to the Respondent's email address (as provided by the Registrar) was successfully transmitted, with no delivery failure notifications received.

Further to the above, the Panel finds that the Center has employed all reasonably available means to properly notify the Complaint to the Respondent. The Respondent has not opposed the continuation of the proceeding, nor has it filed any response.

The Panel notes that the Respondent registered the Disputed Domain Name after the outbreak of the international conflict. The timing of the registration suggests that the Respondent has Internet access and is able to control the Disputed Domain Name and associated website.

Moreover, as detailed below, the Panel is of the opinion that the Respondent registered and used the Disputed Domain Name in bad faith and with the intention to target the Complainant and to mislead consumers. In light of this, balancing the need for due expedition with the interests of the Parties supports moving forward with the administrative proceeding.

Having considered all the circumstances of this case, the Panel is satisfied that the Parties have been afforded a fair opportunity to present their respective cases, and concludes that the administrative proceeding should continue to a decision on the merits.

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 trademarks 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 VIRGIN and VIRGIN BET trademarks is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Disputed Domain Name also contains the terms "casino" and "espana"; however, the Panel finds that the addition of these elements does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's trademarks for the purposes of the Policy. According to the [WIPO Overview 3.1](#), section 1.8, where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

According to the [WIPO Overview 3.1](#), section 1.11.1, the generic Top-Level Domain ".com" in the Disputed Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Further to all the above, 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 Disputed Domain Name resolves to a website purporting to offer casino games and gambling services. This website prominently displays the Complainant's VIRGIN and VIRGIN BET trademarks and logo, while also adopting the distinctive, predominantly red color scheme characteristic of the Complainant's various VIRGIN branded businesses. The website's hyperlinks redirect users to third-party webpages offering competing online gaming, betting, and casino services. Furthermore, as the Complainant asserts, the website under the Disputed Domain Name fails to identify any responsible operating entity and lacks apparent authorization to offer gambling services in any jurisdiction.

Upon reviewing the content of the website at the Disputed Domain Name, the Panel finds that its homepage explicitly states, in Spanish, that "Virgin Bet se ha consolidado como una de las plataformas de casino online más reconocidas en el mercado español, respaldada por la prestigiosa marca Virgin Group" (in English: "Virgin Bet has established itself as one of the most recognized online casino platforms in the Spanish market, backed by the prestigious Virgin Group brand"). This narrative continues by stating that "[...] la reputación de la marca Virgin respalda cada aspecto de la experiencia de usuario, garantizando que cada sesión de juego sea tanto emocionante como protegida" (in English: "[...] the reputation of the Virgin brand supports every aspect of the user experience, ensuring that each gaming session is both exciting and secure").

Moreover, upon inspecting the website's sections titled "Registro y Verificación de Cuenta" (in English: "Account Registration and Verification") and, respectively, "¿Cómo puedo registrarme en Virgin Bet España?" (in English: "How Can I Register at Virgin Bet Spain?"), the Panel notes that in order to register on the website or its alleged corresponding mobile application, Internet users are required to disclose personal and sensitive information.

In the Panel's view, the above-mentioned unauthorized use of the Complainant's branding, the misleading references to the Complainant's business structure, combined with the deceptive solicitation of users' personal and sensitive data, constitutes a clear attempt by the Respondent to pass off the Complainant and to deceive Internet users for commercial or illicit gain.

It has been established that "a respondent's use of a domain name will not be considered 'fair' if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant's mark is often the central starting point to this inquiry". [WIPO Overview 3.1](#), section 2.5.

Further to the above, the Panel is of the opinion that the Respondent registered and used the Disputed Domain Name with the ultimate intent to mislead Internet users and to erroneously make them believe that the Disputed Domain Name is operated by or associated with the Complainant. The Panel considers that the composition of the Disputed Domain Name, coupled with its use as explained above, signals the Respondent's intention of taking unfair advantage of the Complainant's marks.

Finally, 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 is of the opinion that the Respondent does not use the Disputed Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Disputed Domain Name as per the Policy.

The Respondent did not respond to the Complainant's contentions, thus the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

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

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.2.B. above.

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.

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.

In the present case, the Panel notes that the Complainant registered and used its VIRGIN and VIRGIN BET trademarks before the Respondent registered the Disputed Domain Name. In view of the long-lasting presence of the Complainant, the distinctiveness of the VIRGIN and VIRGIN BET trademarks, the composition of the Disputed Domain Name, as well as its use (as explained above), it is unlikely that the Respondent was not aware of the Complainant's trademarks and business when registering the Disputed Domain Name.

The Panel considers that the Respondent targeted the Complainant when registering the Disputed Domain Name. Additionally, the Panel is of the opinion that the Respondent registered the Disputed Domain Name with the intent to confuse the Internet users looking for the Complainant, which supports a finding of bad faith on the part of the Respondent.

Having reviewed the totality of the evidence in this matter, the Panel considers that the circumstances of this case fall within the provisions of paragraph 4(b)(iv) of the Policy, which states that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] web site 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] web site or location or of a product or service on [the respondent's] web site or location" is evidence of registration and use in bad faith. The Panel is of the opinion that the Respondent's intention was to attract Internet users to the webpage at the Disputed Domain Name, by creating a likelihood of confusion and making them believe that said webpage is held, controlled by or related to the Complainant, for the Respondent's commercial gain.

Furthermore, the Panel considers that there is sufficient evidence to make a determination based on paragraph 4(b)(ii) of the Policy, which provides that bad faith registration and use will be found where the Respondent has "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". UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. This may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner. [WIPO Overview 3.1](#), section 3.1.2. In this case, the Panel finds that the Respondent has engaged in a clear pattern of registering domain names corresponding to trademarks held by both the Complainant and a third party, which further proves a pattern of bad faith conduct. See *Virgin Enterprises Limited v. Daryna Shkelebei*, WIPO Case No. [D2026-1879](#); *Lottoland Holdings Limited v. Daryna Shkelebei*, WIPO Case No. [D2026-1599](#).

Lastly, the use of the Disputed Domain Name for illegitimate activity (here, claimed copycat site/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

The Panel also notes the Respondent's failure to submit a response in the present proceeding, which may be considered as a further indication of the Respondent's bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

Further to all the above, 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 <virginbetcasinoespana.com> be transferred to the Complainant.

/Monica Novac/

Monica Novac

Sole Panelist

Date: July 6, 2026