

## **ADMINISTRATIVE PANEL DECISION**

Virgin Enterprises Limited v. Dmytro Hutorov  
Case No. D2026-1978

### **1. The Parties**

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

The Respondent is Dmytro Hutorov, Ukraine.

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

The disputed domain name <virgin-games-casino-uk.com> (the “Disputed Domain Name”) 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 May 7, 2026. On May 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 8, 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 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 11, 2026.

The Center appointed Monica Novac as the sole panelist in this matter on June 17, 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 2004, the Virgin Group launched an online gaming and gambling service provider, i.e., Virgin Games, which operates under the trademark VIRGIN GAMES. Virgin Games was later acquired by Gamesys Group. Gamesys Group has a license to offer gaming and gambling services in the UK under the mark VIRGIN GAMES. It does so via the website at “www.virgingames.com” and via a mobile application.

The Complainant owns a portfolio of approximately 3,500 trademark applications and registrations in more than 150 countries, 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 Trademark Registration No. 005189923 VIRGIN, registered on May 2, 2007, for goods and services in classes 4, 39, 40, and 41;
- UK Trademark Registration No. UK00911099355 VIRGIN GAMES, registered on May 27, 2013, for goods and services in classes 9, 16, 28, 35, 38, and 41; and
- European Union Trademark Registration No. 011099355 VIRGIN GAMES, registered on May 27, 2013, for goods and services in classes 9, 16, 28, 35, 38, and 41.

The Complainant has used the VIRGIN sign 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 7, 2026. As shown by the Complainant, at least on April 1, 2026, and also as of the date of this Decision, when accessed by the Panel, the Disputed Domain Name resolves to a website which purports to offer online gaming, betting and/or casino services. The website prominently displays the name “Virgin Games” both as a favicon and in the top-left corner of the homepage, as well as throughout the site, alongside a red and white logo that is highly similar to the Complainant’s registered VIRGIN GAMES trademark logo and the official logo displayed on the Complainant’s website. Furthermore, the website utilizes the sign “Virgin Games Casino” which closely resembles the Complainant’s VIRGIN GAMES and VIRGIN CASINO trademarks, and incorporates specific design features - such as a “Join Now” ribbon - that directly mirror the layout of the Complainant’s official website. The Complainant further contends that the website at the Disputed Domain Name contains, among others, an advertisement for the “Virgin Games” app and a screenshot of a historical page of the Complainant’s official website.

According to the evidence filed by the Complainant, and as also verified by the Panel, when clicking various (if not all) hyperlinks available on the website at the Disputed Domain Name, Internet users are redirected to third-party websites that provide services in competition with those offered by the Complainant under, inter alia, the VIRGIN and VIRGIN GAMES trademarks. The Complainant asserts that the Respondent receives a commercial fee each time an Internet user clicks through to these third-party websites.

## **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 GAMES 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 Issues**

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. However, the Panel observes that the Written Notice sent via registered post was not successfully delivered, returning a status of "Delivery failed: Recipient absent".

Nevertheless, the record indicates that the Notification of Complaint and the formal notice of Commencement of Administrative Proceedings sent to the Respondent's email address (as provided by the Registrar) were successfully transmitted, with no delivery failure notifications received. Moreover, the Center also used the Registrar's Domain contact form to communicate the same notices to the Respondent as per the above. While actual receipt via such web forms cannot be independently guaranteed, the communication appears to have been properly submitted through the Registrar's platform.

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.

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 Panel finds that the Disputed Domain Name incorporates the Complainant's VIRGIN and VIRGIN GAMES marks in their entirety. Although the Disputed Domain Name contains the terms "virgin" and "games" separated by a hyphen, both of the Complainant's marks are clearly recognizable within the Disputed Domain Name. Thus, the Panel concludes that the Disputed Domain Name is confusingly similar to the VIRGIN and VIRGIN GAMES marks for the purposes of the Policy.

The Disputed Domain Name also contains the terms "casino" and "uk" (the abbreviation for the United Kingdom), both preceded by a hyphen; 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.

It is accepted by the Panel that the Complainant has not authorized the Respondent to use the Complainant's trademarks or to register the Disputed Domain Name. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name.

Note has been taken that the Disputed Domain Name resolves to a website which purports to offer services that are identical or highly similar to those offered by the Complainant under its trademarks. The website displays the name "Virgin Games" as a favicon, on the homepage, and throughout the site, alongside a red and white logo that is highly similar to the Complainant's registered VIRGIN GAMES trademark and official logo. Furthermore, the website utilizes the sign "Virgin Games Casino" which closely resembles the Complainant's VIRGIN GAMES and VIRGIN CASINO trademarks, and incorporates specific design features -- such as a "Join Now" ribbon -- to mirror the layout of the Complainant's official website. In addition, the website at the Disputed Domain Name integrates copied elements from historical versions of the Complainant's official website, and features hyperlinks that redirect users to third-party websites providing services in competition with those offered by the Complainant under, inter alia, the VIRGIN and VIRGIN GAMES trademarks, most likely in exchange for a commercial fee.

After checking the content of the website at the Disputed Domain Name (in particular, the "About" section), the Panel finds that the site explicitly claims to be operated "under the Virgin name by Gamesys Operations Limited", specifically identifying itself as "Virgin Games Casino". It is also stated therein that "Virgin Games Casino was launched in 2004 as the gambling arm of the wider Virgin group". The Panel refers to its considerations under Section 4 above and notes the Complainant's allegations that the Complainant's Virgin Games service provider was acquired by Gamesys Group, and that Gamesys Group currently uses the Complainant's VIRGIN GAMES trademark under license for the purposes of offering gaming and gambling services in the UK.

Moreover, upon inspecting the website's "Sign Up" section, the Panel notes that for the purposes of signing-up to the website at the Disputed Domain Name, Internet users are required to disclose personal or sensitive information.

In the Panel's view, the above-mentioned unauthorized use of the Complainant's branding, the misleading references to the Complainant's actual business arrangements and the deceptive solicitation of users' personal and sensitive information constitute a clear attempt by the Respondent to impersonate the Complainant and to deceive Internet users for commercial or illicit gain.

The Panel notes that the website at the Disputed Domain Name contains a disclaimer stating that it is an "independent affiliate review site" and that it is "not affiliated with, endorsed by, or directly connected to Virgin Games Casino". However, a disclaimer does not cure a deceptive domain name and website structure if the overall impression falsely suggests an affiliation with the trademark owner. Given the layout and content of the website at the Disputed Domain Name (as detailed above), the Panel finds the disclaimer to be entirely ineffective and a mere pretext. In the Panel's view, the overall facts and circumstances of the case do not support a claimed fair use. [WIPO Overview 3.1](#), section 2.5.2.

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.

In view of 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 impersonation/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 GAMES 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 GAMES 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.

While the Respondent has included a disclaimer at the end of the webpage at the Disputed Domain Name, the Panel finds that this does not cure the Respondent's bad faith. On the contrary, the presence of the disclaimer demonstrates the Respondent's full awareness of the Complainant's trademarks and business arrangements at the time of registration and use of the Disputed Domain Name. The Panel finds that the Respondent's disclaimer fails to mitigate the confusion generated by the Disputed Domain Name and the website's layout. Furthermore, the Panel notes that Internet users are inevitably lured to the website prior to encountering the disclaimer. [WIPO Overview 3.1](#), section 3.7.

Furthermore, the use of the Disputed Domain Name for illegitimate activity (here, claimed impersonation/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 <virgin-games-casino-uk.com> be transferred to the Complainant.

*/Monica Novac/*

**Monica Novac**

Sole Panelist

Date: June 26, 2026