

ADMINISTRATIVE PANEL DECISION

KamaGames Entertainment Group Limited v. Ihor Basarab
Case No. D2026-2054

1. The Parties

The Complainant is KamaGames Entertainment Group Limited, Isle of Man, represented by Kosnahan Law, Isle of Man.

The Respondent is Ihor Basarab, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <roulettist.casino> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2026. On May 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 15, 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 16, 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 19, 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 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 21, 2026.

The Center appointed Fabrizio Bedarida 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 in these administrative proceedings is KamaGames Entertainment Group Limited. The Complainant's software and mobile applications focus on the social gaming market, offering games with casino themes, with products including roulette, poker, casino slot games and more.

The Complainant is, inter alia, the owner of the following:

European Union trade mark registration number 011718665 for the ROULETTIST (word) trademark, registered on August 20, 2013;

European Union trade mark registration number 011718723 for the ROULETTIST (device) trademark, registered on August 20, 2013; and

United States of America trademark registration number 4489567 for the ROULETTIST (word) trademark, registered on February 25, 2014.

The Complainant has also demonstrated use of its official website at "www.roulettist.com" since at least 2020.

The disputed domain name was registered on February 25, 2026. The disputed domain name resolves to a website presented as "Roulettist", displaying the ROULETTIST trademark and statements such as "Meet Roulettist, the vibrant online casino that's always buzzing with excitement!", and offering services, i.e. games, competing with those provided by the Complainant.

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 Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and particularly that, owing to the renown of the Complainant's trademark, the Respondent's use of the Complainant's trademark on its website to offer competing and/or similar goods and services, clearly shows that the Respondent was aware of the Complainant's business and online offerings; and that the Respondent registered and is using the disputed domain name in order to confuse potential customers and attract them, for its own commercial gain, to its website.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Considerations – Respondent’s Location

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 proceedings should continue.

The Panel notes that the Center sent the Notification of Complaint by email to the Respondent at its email address as registered with the Registrar. There is no evidence that the case notification email was not successfully delivered.

Furthermore, the Panel notes that, as specified by the Rules at paragraph 2(a) “Communications”, the Center sent the written communication to the Respondent’s address in Ukraine, as per the information disclosed by the Registrar. Postal notification is reported to have been registered for collection on June 4, 2026. However, the Panel notes that the postal service was unable to deliver the written communication sent by registered post to the Respondent’s address in Ukraine, with the tracking status showing “Delivery failed: Recipient absent”.

Having considered all the circumstances of the case, the Panel is of the view that the proceedings should continue. The Panel has reached this conclusion in part because the Panel recognizes that the Center employed all reasonably available means calculated to achieve actual notice to the Respondent.

The Panel then notes that the Respondent registered the disputed domain name on February 25, 2026, i.e., about four years after the commencement of the international conflict, indicating that the Respondent set up the active website and thus would appear to be capable of controlling the disputed domain name and the related content. Further, in this sense, *Elec Games Ltd. v. Regery Ukraine*, WIPO Case No. [D2024-4870](#), where the panel found that: “the disputed domain name was created in August 2024, during the international conflict, suggesting that the Respondent is able to access the Internet, maintain control of the disputed domain name (reinforced by the changing content displayed thereon, mentioned below), and should have received at least electronic notice of this proceeding.”

The Panel also notes that the website hosted at the disputed domain name is in the English language, which may support an inference that the Respondent is not actually located in Ukraine.

Finally, the Panel notes that, for the reasons which are set out later in this Decision, the Panel has formed the view that the Respondent registered and has used the disputed domain name in bad faith.

The Panel therefore concludes that it is appropriate to proceed to a Decision so that the administrative proceedings take place with due expedition.

6.2. Substantive Issues

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 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 mark is reproduced within the disputed domain name without any alterations. Accordingly, the Panel finds the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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.

Panels have held that the use of a domain name for illegal activity, here claimed as passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

In addition, and irrespective of whether the products and services offered at the website were genuine or not, the Panel notes that owing to the composition of the disputed domain name, coupled with the manner in which the website is presented, the disputed domain name and the corresponding website signal the Respondent's 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 dispute domain name.

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.

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 disputed domain name was registered several years after the Complainant had registered its ROULETTIST trademark. The fact that the disputed domain name is identical to the Complainant's trademark, together with its use, are a clear indication that the Respondent was aware of the Complainant's trademark and activity when registering the disputed domain name.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark.

Panels have held that the use of a domain name for illegal activity as in this case, here allegedly for passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Finally, the bad faith registration and use of the disputed domain name is further supported by the Respondent's failure to respond to the Complainant's allegations of bad faith in these proceedings.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <roulettist.casino> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: June 29, 2026