

## **ADMINISTRATIVE PANEL DECISION**

Observer Digital DOO v. Mihails Nikitins  
Case No. D2026-2077

### **1. The Parties**

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

The Respondent is Mihails Nikitins, Latvia.

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

The disputed domain name <roshteincasinos.com> (the “Disputed Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 14, 2026. On May 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 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 amended Complaint on May 21, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 17, 2026.

The Center appointed Mariia Koval as the sole panelist in this matter on June 23, 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 an operator of the online casino under the ROSHTEIN trademark (the “ROSHTEIN Trademark”), associated with a distinctive style characterized by high-value gameplay, significant bonus features, and engaging entertainment content. The origins of the ROSHTEIN platform can be traced back to October 6, 2014, when a channel under the ROSHTEIN Trademark was created on the Twitch platform. Regular streaming activity under the ROSHTEIN Trademark began in February 2016, followed by steady growth of a substantial and dedicated global audience.

The Complainant is the owner, among others, of the following ROSHTEIN Trademark registrations in different jurisdictions:

- European Union Trade Mark Registration No. 018271921, registered on November 24, 2020, in classes 9, 16, 21, 25, 28, 35, 38, 41, 42;
- International trademark Registration No. 1704402, registered on September 23, 2022, in classes 9, 16, 21, 25, 28, 35, 38, 41, 42;
- International trademark Registration No. 1770975, registered on October 17, 2023, in classes 9, 16, 21, 25, 28, 35, 38, 41, 42.

The Complainant has built up a considerable online presence and is operating the domain names <roshtein.com>, <roshtein.bet>, <roshtein.games>, <roshtein.site>, <roshtein.win>, <roshtein.lv>, where the ROSHTEIN Trademark is prominently used and promoted.

The Disputed Domain Name was registered on April 21, 2022. As at the date of this Decision the Disputed Domain Name resolves to an inactive website. However, in accordance with the evidence presented by the Complainant (Annex 9 to the Complaint) at the date of filing the Complaint the Disputed Domain Name resolved to an active website hosting online casino under the name “Roshtein Casinos”, where the Complainant’s ROSHTEIN Trademark was reproduced, the Complainant’s products and services were referenced, and the overall look and style of the Complainant’s official website was imitated. The website also contained the statement “The Roshtein Casino © Copyright 2026 / All rights Reserved”. At the time of filing the Amended Complaint, the content to which the Disputed Domain Name resolved had changed (Amended Annex 9 to the Amended Complaint). In particular, the Disputed Domain Name redirected users to an active website presenting information about “Auslots (formerly AussieSlots) Casino Streamer”.

#### **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 ROSHTEIN Trademark since the Disputed Domain Name reproduces the Complainant’s ROSHTEIN Trademark in its entirety with the addition of the term “casinos”.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Complainant has never granted the Respondent with any rights to use the ROSHTEIN Trademark in any form, including in the Disputed Domain Name;
- the Complainant has not found that the Respondent is known by the Disputed Domain Name;
- when conducting searches on online trademark databases regarding the Disputed Domain Name terms “roshteincasinos.com”, “roshteincasinos”, and “roshtein casinos” no exact matches are found in relation with trademarks corresponding to the aforementioned term;
- at the time of filing the Complaint the Disputed Domain Name used to resolve to an active website. In particular, the Respondent prominently reproduced the Complainant’s ROSHTEIN Trademark throughout the website, extensively referenced the Complainant’s products and services, and imitated the overall look and style of the Complainant’s official website, including the use of similar colors, fonts, and visual presentation;
- the website contained active hyperlinks redirecting users to the Complainant’s official social media accounts, thereby further reinforcing the false impression that the website constituted an official online presence of the Complainant;
- the Respondent’s website also contained numerous direct references to the Complainant, its ROSHTEIN Trademark, business activities, and services;
- at the time of filing the Amended Complaint, the content to which the Disputed Domain Name resolved had changed. In particular, the Disputed Domain Name redirected users to an active website presenting information about “Auslots (formerly AussieSlots) Casino Streamer”.

The Complainant further contends that the Respondent registered and is using the Disputed Domain Name in bad faith based on the following. The Complainant’s ROSHTEIN Trademark was registered long before the Disputed Domain Name was registered by the Respondent. The ROSHTEIN Trademark also enjoys a strong online presence and is active on social media platforms. The structure of the Disputed Domain Name shows that the Respondent registered it having the Complainant’s ROSHTEIN Trademark in mind. It reflects the Respondent’s clear intention to create an association, and a subsequent likelihood of confusion, with the Complainant’s ROSHTEIN Trademark in Internet users’ mind. By registering the Disputed Domain Name, the Respondent is seeking to benefit from the established reputation related to ROSHTEIN Trademark and potentially harm its business by diverting traffic to a different website.

The Disputed Domain Name used to resolve to a website featuring the Complainant’s ROSHTEIN Trademark, as well as providing several mentions clearly referring to our client, its products, business activity, and overall field. By using the Disputed Domain Name in this manner, the Respondent intentionally attempted to attract Internet users by creating a likelihood of confusion with the Complainant’s ROSHTEIN Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website and the services offered thereon. The subsequent redirection of users to third-party gambling platforms evidences a clear commercial purpose. At the time of filing the Amended Complaint, the content to which the Disputed Domain Name resolved had changed: the website contained multiple references to “Auslot”, an alleged casino streamer purportedly operating in the same field as the Complainant and reportedly engaged in live-streamed gambling activities on Twitch and other social media platforms.

## **B. Respondent**

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

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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 was 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 Disputed Domain Name reproduces the Complainant's ROSHTEIN Trademark in combination with the additional term "casinos" and the generic Top-Level Domain (gTLD) ".com". 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. The addition of the term "casinos" to the ROSHTEIN Trademark does not prevent a finding of confusing similarity in this case.

According to the [WIPO Overview 3.1](#), section 1.11.1, the applicable gTLD in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's ROSHTEIN Trademark pursuant to paragraph 4(a)(i) of the Policy.

### 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 concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's ROSHTEIN Trademark. Moreover, there is no element from which the Panel could infer the Respondent's right over the Disputed Domain Name under the Policy, or that the Respondent might be commonly known by the Disputed Domain Name.

Also, in accordance with the [WIPO Overview 3.1](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Name – reproducing the entirety of the ROSHTEIN Trademark, along with the term “casinos” – the term that describes the Complainant's main business - carries a risk of implied affiliation with the Complainant. The fact that the Respondent has incorporated the Complainant's ROSHTEIN Trademark in its entirety in the Disputed Domain Name and previously used the Disputed Domain Name for a website replicating the design and layout of the Complainant's official website is further evidence, that the Respondent was well aware of the Complainant's ROSHTEIN Trademark and business at the time of registration of the Disputed Domain Name and has done so for the purpose of creating an impression that the Disputed Domain Name is connected with the Complainant.

The Panel finds that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the ROSHTEIN Trademark of the Complainant. At the date of filing the Complaint the Disputed Domain Name resolved to the website that replicated the Complainant's official website using the ROSHTEIN Trademark and operated an online casino purporting to offer the same products and services as those provided and sold by the Complainant's website, as well as also contained numerous direct references to the Complainant, its ROSHTEIN Trademark, business activities, and services. At the time of filing the Amended Complaint, the Disputed Domain Name resolved to the website presenting information about another online casino - “Auslots Casino Streamer”. The Panel cannot consider such previous use of the Disputed Domain Name as a legitimate noncommercial or fair use.

According to the [WIPO Overview 3.1](#), section 2.8.1, UDRP panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (“Oki Data test”), the following cumulative requirements will be applied to the specific conditions of a UDRP case:

- (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.

As is seen from the circumstances of this case, the website to which the Disputed Domain Name resolved when the Complaint was filed, did not disclose any relationship between the Complainant and the Respondent and the whole design of the Respondent's website created a false impression that this website is one of the Complainant's official websites or related to the Complainant. Thus, the Respondent does not satisfy the conditions of the Oki Data test. Therefore, the Panel cannot consider such use of the Disputed Domain Name as a bona fide offering of goods or services.

The Respondent did not file any response to the Complaint and did not participate in this proceeding, as such, the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

### **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.

The Complainant had obtained the registration of the ROSHTEIN Trademark earlier than the Respondent registered the Disputed Domain Name. Taking into account all circumstances of this case, the Panel finds that the Respondent was well aware of the Complainant's business and its ROSHTEIN Trademark when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant's ROSHTEIN Trademark. The addition of the term "casinos" that is directly related to the Complainant's business, is further evidence, that the Respondent was aware of the Complainant's ROSHTEIN Trademark and business at the time of registration of the Disputed Domain Name and has done so for the purpose of creating an impression that the Disputed Domain Name is connected with the Complainant's ROSHTEIN Trademark. The Panel considers it is bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant's ROSHTEIN Trademark.

Moreover, the Respondent's knowledge of the Complainant's ROSHTEIN Trademark is also supported by the previous use of the Disputed Domain Name for a website purportedly offering the same products and services as those offered on the Complainant's website. The website under the Disputed Domain Name contained the Complainant's ROSHTEIN Trademark and used a similar color palette that closely resembles one found on the Complainant's website. In view of the fact that the Disputed Domain Name resolved to the website displaying the Complainant's ROSHTEIN Trademark and replicated the design and layout of the Complainant's website, Internet users would most likely be misled into believing that the Disputed Domain Name is related to or authorized by the Complainant. Therefore, the Panel finds that the Respondent intentionally attempts to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's ROSHTEIN Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

Further use of the Disputed Domain Name, particularly its resolving to another online gambling platform, further evidences the Respondent's bad faith. By using the Disputed Domain Name that incorporates the Complainant's ROSHTEIN Trademark to redirect Internet users to an unrelated casino platform, the Respondent is intentionally seeking to capitalize on the Complainant's reputation and goodwill, likely creating a false impression of association, sponsorship, or endorsement for commercial gain.

Finally, with regards to current use of the Disputed Domain Name (at the date of this Decision), particularly resolving to inactive website, it has been established that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Given the Complainant's well-reported involvement and reputation in the online casino industry, and the composition of the Disputed Domain Name, such passive holding does not prevent a finding of bad faith.

According to section 3.1.4 of the [WIPO Overview 3.1](#), UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith. The Panel is of the opinion that it is highly likely that the Respondent, having registered and used the Disputed Domain Name, which is confusingly similar to the Complainant's ROSHTEIN Trademark, intended to disrupt the Complainant's business and confuse Internet users seeking or expecting the Complainant's website. In view of the absence of any evidence to the contrary and the fact that the Respondent did not file any Response to claim otherwise, the Panel concludes that the Respondent has registered and is using 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 <roshteincasinos.com> be transferred to the Complainant.

*/Mariia Koval/*

**Mariia Koval**

Sole Panelist

Date: July 3, 2026