

ADMINISTRATIVE PANEL DECISION

Kaizen Gaming International Limited v. xieshengqi
Case No. D2026-2795

1. The Parties

Complainant is Kaizen Gaming International Limited, Malta, represented by Ubilibet, S.L., Spain.

Respondent is xieshengqi, China.

2. The Domain Name and Registrar

The disputed domain name <betanogames.com> (the “Disputed Domain Name”) is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 26, 2026. On June 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 29, 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 (undisclosed) and contact information in the Complaint. The Center sent an email communication to Complainant on July 1, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 16, 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 Respondent of the Complaint, and the proceedings commenced on July 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 9, 2026. Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 11, 2026.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on August 13, 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

Complainant states that it was founded in 2012; “is a company belonging to the Kaizen Gaming group of companies, currently the fastest-growing operator in the online gaming products and services sector”; “has expanded to 12 countries in Europe and the Americas, including Canada, Portugal, Brazil, Romania, Germany, Bulgaria, the Czech Republic, Chile, Peru, and Ecuador, where it operates under the ‘BETANO’ trademark,” which is “the company’s flagship brand” and “a leading global online betting and entertainment operator, offering sports betting, online casino, and live betting.” Complainant further states that “in 2021 (latest information available), its platforms hosted more than 71 million transactions, exceeding 1.4 million active users.”

Complainant states that it owns “numerous trademarks under the ‘Betano’ tradename in various territories,” including the following:

- European Union Trademark Reg. No. 014893671 for BETANO (registered March 23, 2016) for use in connection with, inter alia, “entertainment services”;
- International Trademark Reg. No. 1832201 for BETANO (registered November 29, 2024) for use in connection with, inter alia, “betting information services”; and
- United States Trademark Reg. No. 7,532,743 for BETANO (registered October 15, 2024) for use in connection with, inter alia, “entertainment services, namely, gambling services, betting services, online casino gaming services, gaming services in the nature of casino gaming”.

Complainant states that it “has not provided the registration titles of all the trademarks mentioned, as this information is publicly available” and that “it would be more than happy to provide them if the Panel deems it necessary.”

These registrations are referred to herein as the “BETANO Trademark.”

The Disputed Domain Name was created on October 3, 2025. Complainant states that the Disputed Domain Name was previously used in connection with a website “impersonating the Complainant on the site itself,” as shown in a screenshot provided with the Complaint; and that the Disputed Domain Name currently “does not display any content and is therefore being used passively,” as shown in another screenshot provided with the Complaint. The earlier screenshot includes text that says, among other things, “Official Online Casino of the Philippines!” and “Play at betano with total security!”

Complainant states that it sent a demand letter to the Registrar (a copy of which was provided with the Complaint) regarding the Disputed Domain Name on March 24, 2026, requesting that the Registrar “immediately lock and suspend your service to the domain name.”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name. Notably, Complainant contends in relevant part that:

- The Disputed Domain Name is identical or confusingly similar to the BETANO Trademark because “the incorporation of a trademark in its entirety is sufficient to establish that a domain name is identical or

confusingly similar to the Complainant's registered trademark"; and inclusion of the word "games" in the Disputed Domain Name "is generic and descriptive of the complainant's business, so the addition of this term, far from conferring sufficient distinctiveness on the domain name to prevent it from being associated with the trademark, only increases the likelihood of confusion among users."

- Respondent has no rights or legitimate interests in the Disputed Domain Name because Complainant "has not authorized, licensed, or allowed the Registrant or any third party to use its trademarks through the domain <betanogames.com> or in any other way that would confer validity or legitimacy upon such usage"; "the only use made of the domain since its registration has been through content that infringes the Complainant's rights, by impersonating the Complainant on the site itself"; "'betano' is not a common commercial term, a well-known proper name, or a term in general use, which we believe significantly reduces the likelihood of that the Respondent has been commonly known by the domain name"; Respondent did not reply to the demand letter that Complainant sent to the Registrar; and "the fact that the domain name previously hosted an online gaming and betting website – which is the Complainant's economic activity and primary business – alone demonstrates that the Respondent has commercial purposes for it based on making a profit at the expense of user confusion, which excludes the possibility of a fair use."
- Respondent registered and is using the Disputed Domain Name in bad faith because "[g]iven the notoriety of its 'BETANO' trademark, it is implausible that the Respondent was unaware of the Complainant's trademarks"; "[t]he construction of 'betanogames' clearly indicates a connection to the Complainant, 'BETANO' brand is a well-known in the Respondent's sector"; Respondent use of the Disputed Domain Name in connection with "an online betting website that also included constant references to the BETANO brand... constitutes clear evidence of the Respondent's intent to take unfair advantage of the Complainant's good reputation and renown for profit, by creating a fictitious connection with the Complainant, imitating the Complainant's activities, and incorporating some of the Complainant's rights"; Respondent's current non-use of the Disputed Domain Name "appears to be more of a strategic move than a gesture of goodwill, given the full context – particularly the fact that the Respondent was given the opportunity to reach an amicable resolution through the C&D letter."

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the BETANO Trademark. However, Complainant has provided no documentation to support any of the cited trademark registrations, because it stated that "this information is publicly available" and that "it would be more than happy to provide them if the Panel deems it necessary." While true, the appropriate practice is for parties in proceedings under the Policy to provide documentation to support their assertions in their filings because "conclusory statements unsupported by evidence will normally be insufficient to prove a party's case." WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.2. Failure to include appropriate documentation in filings only creates unnecessary burdens by potentially requiring panels to request such readily available documentation, which requests could delay what are supposed to be efficient proceedings. However, "a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision," including by "accessing trademark registration databases." [WIPO Overview 3.1](#), section 4.8. Accordingly, the Panel here has indeed accessed relevant trademark databases to confirm details of the trademark registrations cited above.

As to whether the Disputed Domain Name is identical or confusingly similar to the BETANO Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “betanogames”) because “[t]he applicable Top-Level Domain (‘TLD’) 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”. [WIPO Overview 3.1](#), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.1](#), “in cases where a domain name incorporates the entirety of a trademark,... the domain name will normally be considered confusingly similar to that mark.” Further, as set forth in section 1.8 of [WIPO Overview 3.1](#), “[w]here 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.” Here, the Disputed Domain Name contains the entirety of the BETANO Trademark, and the addition of the word “games” does not prevent a finding of confusing similarity.

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

B. Rights or Legitimate Interests

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, Complainant “has not authorized, licensed, or allowed the Registrant or any third party to use its trademarks through the domain name <betanogames.com> or in any other way that would confer validity or legitimacy upon such usage”; “the only use made of the domain since its registration has been through content that infringes the Complainant’s rights, by impersonating the Complainant on the site itself”; “‘betano’ is not a common commercial term, a well-known proper name, or a term in general use, which we believe significantly reduces the likelihood of that the Respondent has been commonly known by the domain name”; Respondent did not reply to the demand letter that Complainant sent to the Registrar; and “the fact that the domain name previously hosted an online gaming and betting website – which is the Complainant’s economic activity and primary business – alone demonstrates that the Respondent has commercial purposes for it based on making a profit at the expense of user confusion, which excludes de possibility of a fair use.”

[WIPO Overview 3.1](#), section 2.1, states: “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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant 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 registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a

competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website 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 registrant's website or location or of a product or service on the registrant's website or location. Policy, paragraph 4(b).

By previously using the Disputed Domain Name in connection with a website that provided services described by Complainant's BETANO Trademark, Respondent has clearly created a likelihood of confusion pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *The Dow Chemical Company v. dawaychemical eva_hwang@21cn.com +86.7508126859*, WIPO Case No. [D2008-1078](#) (finding bad faith where complainant alleged that respondent's website "fraudulently impersonat[ed] the Complainant" because "[t]he Respondent was clearly specifically targeting the Complainant's trademark and attempting to divert Internet users searching for the Complainant's product to the Respondent's website"); *Emu (Aus) Pty Ltd. and Emu Ridge Holdings Pty Ltd. v. Antonia Deinert*, WIPO Case No. [D2010-1390](#) ("a reasonable person who visited the Respondent's website was likely to be misled in relation to the source, sponsorship, affiliation, or endorsement of the website and the products purportedly made available for online sale on the website"); and *Cantor Fitzgerald Securities, Cantor Index Limited v. Cantor Index*, WIPO Case No. [D2010-0807](#) (finding bad faith where "Respondent copied text, logos and other elements from Complainant's website").

The fact that Disputed Domain Name is no longer associated with an active website (following Complainant's submission of a demand letter to the Registrar) is irrelevant because it does not negate Respondent's previous actions and, in any event, the passive holding doctrine supports a finding of bad faith here. See [WIPO Overview 3.1](#), section 3.3 (citing *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)): "Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement)."

The Panel finds that 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 <betanogames.com> be transferred to Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: August 15, 2026