

ADMINISTRATIVE PANEL DECISION

Elmtree Holdings Limited v. Steve Jones, Stealles SRV Ltd
Case No. D2026-2937

1. The Parties

The Complainant is ELMTREE HOLDINGS LIMITED, Marshall Islands, represented by Angular Legal Limited, United Kingdom.

The Respondent is Steve Jones, Stealles SRV LTD, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <5gringos777.com> is registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2026. On July 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 9, 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 (Unidentified / Domain Admin, The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 12, 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 July 21, 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 proceedings commenced on July 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 16, 2026.

The Center appointed Olga Zalomiy as the sole panelist in this matter on August 19, 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 an online gambling business. The Complainant owns registered rights in the United Kingdom Trade mark No. UK00918233528, registered on August 19, 2020, for the 5GRINGOS (word and design) mark. The Complainant offers its services through its official online platform at "www.5gringos.com".

The disputed domain name was registered on August 6, 2025. The disputed domain name directs users to a website which discusses the Complainant's gaming offering in the Australian market, including game range and betting limits. It also contains links to "register" to receive welcome bonuses, while reproducing the Complainant's trademark in its entirety and the color scheme associated with the Complainant's official online platform. The site also offers "5 Gringos Assistant". It indicates at the bottom that it is operated by Rabidi N.V.

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 trademark because it incorporates the Complainant's trademark 5GRINGOS in its entirety. The Complainant argues that the addition of the numerical element does not prevent the finding of confusing similarity. The Complainant asserts that the manner in which the disputed domain name is used confirms that confusing similarity between its mark and the disputed domain name because the website under the disputed domain name reproduces the Complainant's branding and platform presentation.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name because the Complainant did not grant the Respondent a license, authorization or permission to use the Complainant's mark or to register the disputed domain name incorporating it. The Complainant argues that because the Respondent's identity is obscured by a privacy shield, it has been unable to identify any basis upon which the Respondent could claim to be commonly known by the disputed domain name. The Complainant asserts that the Respondent does not have any trademark or trade name rights in the disputed domain name and it is using the disputed domain name to capitalize on the Complainant's trademark's recognition value.

The Complainant contends that the Respondent registered the disputed domain name in bad faith for several reasons. First, it is likely that the Respondent knew about the Complainant's trademark at the time of the disputed domain name registration because it incorporates the Complainant's mark in its entirety. The fact that the disputed domain name directs to the website that looks like the Complainant's online gambling platform reproducing the Complainant's trademark and the color scheme of the Complainant's website, supports this conclusion. The Complainant contends that the Respondent's use of the disputed domain name constitutes bad faith, because the Respondent is using the disputed domain name to attract Internet users by creating confusion as to source, affiliation or endorsement for commercial gain. The Complainant argues that the use of the disputed domain name for a website designed to imitate the Complainant's supports this assertion.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, to succeed in these proceedings, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the 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 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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. The inclusion of the generic Top-Level Domain ".com" is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.1](#), section 1.11.1. Therefore, the disputed domain name is confusingly similar to the Complainant's trademark.

Although the addition of other terms here, the numbers "777", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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.

The evidence on file shows that the Complainant has not licensed or permitted the Respondent to use the Complainant's 5GRINGOS trademark in the disputed domain name, or for any other purpose.

The Respondent uses the disputed domain name for a website which discusses the Complainant's gaming offering (seemingly mostly in the Australian market), including its game range and betting limits. The website also contains links to "register" to receive welcome bonuses, while reproducing the Complainant's trademark in the same stylized manner and the color scheme associated with the Complainant's official online platform and its official images. Although the website indicates at the bottom it is operated by Rabidi N.V. (which seems to be unrelated to the Complainant), given the overall circumstances, in which the website content did nothing to avoid confusion regarding potential sponsorship or endorsement, the Respondent's inclusion of the links to "login" and "register" to receive "welcome bonuses", which may suggest a commercial intent, its extensive use of the Complainant's mark went beyond any referential fair use.

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 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.

In the present case, the Panel notes that the Respondent registered the disputed domain name, which contains the entirety of the Complainant's trademark, and used it to direct users to a website which discusses the Complainant's gaming offering (seemingly mostly in the Australian market). These circumstances indicate the Respondent's awareness of the Complainant and its trademark. Further, noting the Panel's findings under the second element, the Panel concludes that the Respondent registered the disputed domain name to capitalize on the goodwill associated with the Complainant's trademark. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, [...]" [WIPO Overview 3.1](#), section 3.1.4.

Here, the Respondent, who has no rights or legitimate interests in the disputed domain name, registered the disputed domain name incorporating the Complainant's trademark in its entirety and is using it to direct Internet users to a website designed, as discussed above, to capitalize on the goodwill associated with the Complainant's trademark and reputation. This conduct demonstrates that by registering and using the disputed domain name in such a manner, the Respondent attempted to attract, likely for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Accordingly, the Panel finds that the Respondent registered and uses 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 <5gringos777.com> be transferred to the Complainant.

/Olga Zalomiy/

Olga Zalomiy

Sole Panelist

Date: August 21, 2026