

ADMINISTRATIVE PANEL DECISION

Elmtree Holdings Limited v. Laurie Berenice
Case No. D2026-2938

1. The Parties

The Complainant is Elmtree Holdings Limited, Marshall Islands, represented by Angular Legal Limited, United Kingdom.

The Respondent is Laurie Berenice, Australia.

2. The Domain Name and Registrar

The disputed domain name <5gringoscasino.net> is registered with URL Solutions, Inc. (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 7, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 10, 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 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 25, 2026.

The Center appointed Elise Dufour as the sole panelist in this matter on August 31, 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 operates an online gambling business under the 5GRINGOS name, through which it offers casino, sports betting, and related online gambling services on its platform at “www.5gringos.com”. The Complainant states that it has used the 5GRINGOS name continuously in connection with those services since at least 2020.

The Complainant is the owner of United Kingdom trademark registration No. UK00918233528 for 5GRINGOS (figurative), filed on April 30, 2020, registered on August 19, 2020, in International Classes 35 and 41 (the “Trademark”). The Trademark covers, inter alia, the provision of casino facilities gambling and gambling services.

The disputed domain name was registered on October 2, 2023.

At the time of the filing of the Complaint, the disputed domain name resolved to an English-language website displaying, at the top of each page and in its footer, a stylized 5GRINGOS logo closely resembling the Trademark, headed “5 Gringos – New Online Casino with Instant Withdrawal”, and comprising a “Play now” call to action, a selection of slot games, descriptions of welcome bonuses and promotions, a list of deposit and withdrawal methods, information on customer support, and an FAQ section. In particular, the Respondent’s website mentioned an email address “[...]@5gringos.com” under the customer support section. That website described the 5Gringos casino partly in the first person and partly in the manner of a review, and its footer stated that 5Gringos and related rights belong to Rabidi N.V., a company incorporated under the laws of Curaçao, Netherlands (Kingdom of the).

The case file includes a further capture of that website, dated July 15, 2026, showing content of the same description.

The Complainant produces search engine optimization data and search engine results indicating that the website under the disputed domain name ranks on searches conducted on terms corresponding to the Trademark, and that it exists in English, French, and Greek language versions.

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.

As to the first element, the Complainant contends that it holds registered rights in the Trademark and that it has used the 5GRINGOS name since at least 2020 as the principal identifier of its online gambling business, so that the mark has acquired a significant degree of recognition and goodwill in the online gambling sector, a sector in which, according to the Complainant, brand recognition operates as an indicator of trust linking users to a specific and identifiable operator. The Complainant contends that the disputed domain name incorporates the Trademark in its entirety, that the mark remains the dominant and distinctive element of the disputed domain name, and that the addition of descriptive, numerical, or other non-distinctive elements does not dispel the confusing impression so created. The Complainant adds that the manner in which the disputed domain name is used increases the likelihood that Internet users will assume that it refers to, or is operated by, the Complainant.

As to the second element, the Complainant contends that it has granted the Respondent no license, authorization, or permission to use the Trademark or to register any domain name incorporating it, and that no relationship exists between the Parties which could explain such use. It contends that the Respondent is not commonly known by the disputed domain name, that the Respondent has acquired no trademark rights, trade name rights, or other legitimate commercial identity corresponding to 5GRINGOS, and that there is no

evidence of any independent adoption or use of that term by the Respondent prior to the registration of the disputed domain name. The Complainant contends that the online presence associated with the disputed domain name is constructed so as to rely on the recognition of its brand and derives its value from the association with the Trademark rather than from any original or descriptive content attributable to the Respondent, which amounts neither to a bona fide offering of goods or services nor to a legitimate noncommercial or fair use.

As to the third element, the Complainant contends that the composition of the disputed domain name is difficult to explain on any basis other than prior awareness of the Complainant and its online gambling business, the Trademark being distinctive and commercially specific and there being no plausible independent or descriptive rationale for its selection. The Complainant contends that the disputed domain name has not remained dormant or been used in any neutral manner, but resolves to what it describes as a copycat website which reproduces its branding and mirrors the presentation of its official platform, including the homepage layout, the arrangement of promotional banners, the presentation of casino and sportsbook offerings, the color scheme, the typography, the game thumbnails, and the navigation architecture, so that the website gives the impression of being connected to, or authorized by, the Complainant. The Complainant contends that online gambling services derive commercial value from user engagement, account creation, deposits, and wagering activity, so that the impersonation of a known operator is directed at attracting and monetizing Internet traffic intended for the Complainant, and that the Respondent's conduct accordingly falls within paragraph 4(b)(iv) of the Policy.

In support of its contentions, the Complainant refers to a number of prior decisions under the Policy concerning domain names used for copycat gambling websites.

B. Respondent

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

6. Discussion and Findings

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 Trademark is a figurative mark. Design elements are largely incapable of representation in a domain name and are therefore disregarded for the purposes of the comparison under the first element, the assessment being made by reference to the verbal element "5gringos". [WIPO Overview 3.1](#), section 1.10.

The entirety of the verbal element of the Trademark is reproduced within the disputed domain name, together with the additional term "casino".

Although the addition of other terms, here "casino", 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 Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".net" is a standard registration requirement and may be disregarded for the purposes of the comparison under the first element. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel finds that the Trademark is recognizable within the disputed domain name and that the disputed domain name is confusingly similar to the Trademark 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.

The Complainant states that it has not licensed or otherwise authorized the Respondent to register the disputed domain name or use the Trademark, and that no relationship exists between the Parties. These statements are not contradicted by any element of the record.

There is no evidence that the Respondent has been commonly known by the disputed domain name, or that the Respondent holds any trademark or other right corresponding to 5GRINGOS.

The website under the disputed domain name reproduces the verbal element of the Trademark, displays a logo closely resembling the Trademark, and presents an online casino offering under that name without disclosing the absence of any relationship between the Respondent and the Complainant. The composition of the disputed domain name, which reproduces the Trademark together with a term corresponding to the Complainant’s field of activity, carries a risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1. Such use can neither be considered a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

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

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 registration of the disputed domain name, on October 2, 2023, postdates the registration of the Trademark by several years. The disputed domain name reproduces the Trademark

together with the term “casino”, which corresponds to the services offered by the Complainant under the Trademark, and the website under the disputed domain name reproduces the verbal element of the Trademark, displays a logo closely resembling the Trademark, and refers to the Complainant’s casino offering. The Panel finds that the Respondent registered the disputed domain name with knowledge of the Complainant and of the Trademark, and in order to target them.

The website under the disputed domain name is commercial in nature, in that it promotes online gambling services and invites Internet users, through a “Play now” call to action, to take up welcome bonuses and promotions. The evidence produced by the Complainant further indicates that the website attracts traffic from searches conducted on terms corresponding to the Trademark. The Panel finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation, or endorsement of that website, within the meaning of paragraph 4(b)(iv) of the Policy.

The Respondent did not submit a Response, and the record contains no good-faith explanation from the Respondent for its registration and use of the disputed domain name.

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 <5gringoscasino.net> be transferred to the Complainant.

/Elise Dufour/

Elise Dufour

Sole Panelist

Date: September 14, 2026