

ADMINISTRATIVE PANEL DECISION

The Choctaw Nation of Oklahoma v. Nikolay Korobov
Case No. D2026-3147

1. The Parties

The Complainant is The Choctaw Nation of Oklahoma, United States of America, represented by Dunlap Coddling, P.C., United States of America.

The Respondent is Nikolay Korobov, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <choctawcasinosresorts.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 16, 2026. On July 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 20, 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 (“NameCheap Inc.”) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 23, 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 August 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 24, 2026. The Respondent sent email communications to the Center on August 4, 2026 and August 25, 2026. The Center commenced the panel appointment process on August 25, 2026.

The Center appointed Gabriela Kennedy 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 is the third-largest federally-recognized Indian tribe in the United States, with over 225,000 tribal members and over 13,500 employees and associates. The Choctaw Nation reservation covers nearly 11,000 square miles in Southeastern Oklahoma and harbors a multitude of tribal-owned businesses. The Complainant's CHOCTAW CASINO enterprise is known for its gaming facilities, restaurants, bars, shopping outlets, live entertainment, and associated resorts.

The Complainant has eight casino locations that operate under the CHOCTAW CASINO mark and four casinos and resort destinations marketed under the CHOCTAW CASINO & RESORT name.

The Complainant owns the United States Trademark Registration No. 2860432 for CHOCTAW CASINO in Class 41 registered on July 6, 2004 (the "Complainant's Trademark").

The Disputed Domain Name was registered on December 16, 2021, many years after the Complainant registered the Complainant's Trademark. At the time of the filing of the Complaint, the Disputed Domain Name redirected Internet users to another website which featured the Complainant's Trademark and purported to offer online betting services. At the time of rendering of this Decision, the Disputed Domain Name resolved to an inactive website displaying an error message stating that "the requested URL was not found on this server" (the "Respondent's Website").

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:

- (a) the Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Disputed Domain Name incorporates the dominant, recognizable terms of the Complainant's Trademark. The Complainant's Trademark and the Disputed Domain Name are synonymous in meaning and share the identical terms "choctaw" and "casino". Moreover, the Respondent's inclusion of the term "resorts" only enhances the risk of confusion because the Complainant regularly and prominently uses this term in conjunction with the Complainant's Trademark, website, and myriad advertisements for the same. The Disputed Domain Name is likely to deceive consumers into believing when they click on the Disputed Domain Name that consumers will be directed to services from the Complainant.
- (b) the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent registered the Disputed Domain Name on December 16, 2021, long after the Complainant registered the Complainant's Trademark with the United States Patent and Trademark Office and long after the Complainant began using the Complainant's Trademark. The Complainant has not licensed, authorized, or otherwise permitted the Respondent to use the Complainant's Trademark in any manner, including as a domain name. By incorporating the dominant and distinctive "choctaw" identifier used by the Complainant, the Disputed Domain Name falsely suggests sponsorship, affiliation, or endorsement, thereby inducing consumer confusion at the point of domain name selection and upon arrival at the Respondent's Website. The Respondent uses a near-identical domain name to redirect Internet users to his own website for commercial gain.

- (c) the Respondent has registered the Disputed Domain Name and is using it in bad faith. The fact that the Respondent acquired the Disputed Domain Name years after the Complainant registered the Complainant's Trademark and developed a globally-known casino chain is indicative of Respondent's bad faith. The Respondent has likely used the underlying website to extract sensitive consumer data under the guise of a gaming-related site associated with the Complainant's brand. Such conduct constitutes a fraudulent scheme intended to capitalize on the Complainant's reputation and misappropriate the trust of Internet users seeking the Complainant's legitimate services. The Respondent registered and is using the Disputed Domain Name in bad faith to create a false association with the Complainant, divert consumers, and extract payment and financial information through deceptive means, thereby wrongfully exploiting the Complainant's identity and goodwill for commercial gain.

B. Respondent

The Respondent filed a Response to the Complaint. The Respondent sent an email communication to the Center on August 4, 2026 stating that at that time the Disputed Domain Name did not resolve to an active website, and only returned a standard HTTP 404 "Not Found" response and no content or services are available through it. The Respondent sent a second email communication to the Center on August 25, 2026 stating that he did not intend to use the Disputed Domain Name in a manner that would infringe upon the Complainant's rights, and would be open to resolving this matter amicably. The Complainant sent an email communication to the Center on August 25, 2026 requesting the proceedings to move forward to panel appointment.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 by the Respondent 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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the generic Top Level Domain in this case ".com", may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, an "s" and "resorts") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's Trademark 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 Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant’s Trademark or to apply for or use any domain name incorporating the Complainant’s Trademark. The use of the Complainant’s Trademark in the Disputed Domain Name and on the Respondent’s Website carries a high risk of implied affiliation and effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.1](#).

There is also no evidence to suggest that the Respondent’s use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or could be regarded as legitimate noncommercial or fair use. The Respondent has used the Disputed Domain Name to impersonate or pass himself off as the Complainant by redirecting Internet users to another website which featured the Complainant’s Trademark and the Choctaw Casino Resort business information, and purported to offer online betting services. At the time of rendering of this decision, the Disputed Domain Name does not resolve to any active website.

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 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 Panel notes that it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant’s Trademark in its entirety and is reproduced on the Respondent’s Website. The Respondent has registered and used the Disputed Domain Name to create a likelihood of confusion with the Complainant’s Trademark as to the source, sponsorship, affiliation, or endorsement. Further, the Respondent has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

The Panel notes that the Disputed Domain Name was registered many years after the Complainant's Trademark was registered and put into use. The Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name as the Respondent's Website featured the Complainant's Trademark and the Complainant's business information, and purported to offer online betting services, with an attempt to create an impression that it was a website authorized or endorsed by the Complainant when it was not. Panels have held that the use of a domain name for illegitimate activity, here claimed passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Moreover, while initially used for impersonating/competing services, at the time of the rendering of this Decision, the Disputed Domain Name resolved to an inactive website. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's Trademark, and the composition of the Disputed Domain Name, and finds that in the circumstances of this case the passive holding of the Disputed Domain Name does not prevent a finding of 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 <choctawcasinosresorts.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: September 14, 2026