

ADMINISTRATIVE PANEL DECISION

Novomatic AG v. Andreas Becker

Case No. D2026-3619

1. The Parties

The Complainant is Novomatic AG, Austria, represented by Salomonowitz Attorneys-at-Law, Austria.

The Respondent is Andreas Becker, Germany.

2. The Domain Names and Registrar

The disputed domain names <bookra-app.com> and <booksofra.top> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2026. On August 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 17, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on August 17, 2026, providing additional registrant and contact information disclosed by the Registrar.

The Center verified that 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 August 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 15, 2026.

The Center appointed Andrew F. Christie as the sole panelist in this matter on September 21, 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

While the Complainant's corporate history and business is not expressly stated in the Complaint, indirect references indicate that the Complainant offers online slot machine games.

The Complainant is the owner of a number of registrations for the word trademark BOOK OF RA, including European Union Trademark No. 004451431 (registered on May 24, 2006) and United States of America Trademark No. 4800800 (registered on August 25, 2015), both in class 9 for gaming software. The Complainant is also the owner of a number of registrations for a composite mark consisting of the words "BOOK OF RA" in front of the image of a pair of stylized wings ("BOOK OF RA figurative trademark"), including European Union Trademark No. 012456828 (registered on April 23, 2014) and United Kingdom Trademark No. 00912456828 (registered on April 23, 2014), in class 9 for gaming software.

The disputed domain name <bookra-app.com> was registered on July 26, 2026. The disputed domain name <booksofra.top> was registered on July 8, 2026. The Complaint contained two screenshots showing that each disputed domain name resolved to a webpage which appeared to offer for download an app for online gaming. These webpages contained both the Complainant's BOOK OF RA word trademark and the Complainant's BOOK OF RA figurative trademark.

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 names.

The Complainant contends that each of the disputed domain names is confusingly similar to a trademark in which it has rights on the following grounds. The disputed domain names contain the Complainant's registered trademark in its entirety. The addition of the term "app" is not qualified to exclude confusion, since the term is merely descriptive for the services offered under the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain names on the following grounds. The disputed domain names are used by the Respondent in violation of the law and in violation of the Complainant's trademark rights. The Complainant's rights to its registered trademark date back to 2005. The Respondent has no relationship with or permission from the Complainant to use the Complainant's BOOK OF RA trademark. The Respondent has not been commonly known by the disputed domain name or by the BOOK OF RA trademark, and has not acquired any respective trademark rights. The Respondent uses the disputed domain names to offer infringing slot games and to provide illegal gambling. It does this by pretending to offer apps via the official Google Play Store, but the store is a fake website.

The Complainant contends that the Respondent has registered and is using the disputed domain names in bad faith on the following grounds, among others. The Respondent registered the disputed domain names long after the Complainant registered its trademark, and long after the Complainant had installed its website, which then was copied by the Respondent. The Complainant's Book-of-Ra-games and BOOK OF RA trademark are so well-known that the Respondent was aware of them when he registered the disputed domain names. When registering the disputed domain names, the Respondent had a duty to check trademark registries. The Respondent's website is only used to offer illegal copies of the Complainant's famous slot games and to provide illegal gambling. The website is therefore designed to mislead the Complainant's customers. The disputed domain names are used to offer counterfeited versions of the Complainant's goods and services. The Respondent is preventing the Complainant from reflecting its trademark in a corresponding domain name.

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. It is the owner of a trademark registration for the word trademark BOOK OF RA.

The disputed domain name <bookra-app.com> contains the first and last words of the Complainant's BOOK OF RA word trademark and adds a hyphen and the word "app". The disputed domain name <booksofra.top> contains all of the words of the Complainant's BOOK OF RA word trademark, and merely adds an "s" to pluralize the first word. The Complainant's trademark is recognizable within both of the disputed domain names. Neither the absence of the word "of" and the addition of a hyphen and the word "app" in the first disputed domain name, nor the pluralization of "book" in the second disputed domain name, prevents a finding of confusing similarity between the disputed domain names and the trademark for the purposes of the Policy.

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 Respondent is not a licensee of the Complainant, is not otherwise affiliated with the Complainant, and has not been authorized by the Complainant to use its BOOK OF RA trademark. The Respondent has not provided any evidence that it has been commonly known by, or has made a bona fide use of, the disputed domain names, or that it has, for any other reason, rights or legitimate interests in the disputed domain names. The composition of each of the disputed domain names carries a risk of implied affiliation with the Complainant. The disputed domain names resolved to a webpage that contains the Complainant's word trademark, and that purports to offer for download an app for an online slot machine gaming, which is the same activity in respect of which the Complainant uses its trademark. The Respondent's use of the disputed domain names in this way unfairly took advantage of the Complainant's trademark for the Respondent's benefit. Such use of the disputed domain names is not a bona fide offering of goods or services, and is not a legitimate noncommercial or fair use. Accordingly, such use does not confer on the Respondent rights or legitimate interests in the disputed domain names.

The Complainant has put forward a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names, and the Respondent has not rebutted this. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

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: (i) the Respondent registered the disputed domain names more than two decades after the Complainant first registered its BOOK OF RA word trademark; (ii) the disputed domain names are confusingly similar to the Complainant's trademark; (iii) the Respondent has used the disputed domain names to resolve to a web location that contains the Complainant's BOOK OF RA word trademark, and that purports to offer for download an app for an online slot machine gaming, which is the same activity in respect of which the Complainant uses its trademark; and (iv) the Respondent did not seek to dispute any of the Complainant's assertions. It is clear the Respondent registered the disputed domain names with knowledge of the Complainant's trademark and the use to which it put that trademark.

The evidence shows that the Respondent has used the disputed domain names in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant's trademark.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitute 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 names <bookra-app.com> and <booksofra.top> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: October 5, 2026