ARBITRATION
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# ADMINISTRATIVE PANEL DECISION

ITV Rights Limited, ITV Consumer Limited, ITV Network Limited, ITV Broadcasting Limited v. Temnyy Viktor
Case No. D2026-4081

## 1. The Parties

The Complainants are ITV Rights Limited, ITV Consumer Limited, ITV Network Limited, and ITV Broadcasting Limited (collectively "the Complainant"), United Kingdom ("UK"), internally represented.

The Respondent is Temnyy Viktor, Ukraine.

## 2. The Domain Names and Registrar

The disputed domain names <itvwin.bet>, <itvwin-casino.com>, and <itvwincasino.net> are registered with Nicnames, Inc. (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 10, 2026. On September 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 15, 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 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 September 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 19, 2026.

The Center appointed Andrea Jaeger-Lenz as the sole panelist in this matter on October 26, 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

Each of the companies collectively constituting the Complainant is a wholly owned subsidiary of ITV Plc. The group of companies, to which the Complainant belongs, is a producer, streamer and broadcaster. As one of the largest commercial linear broadcasters in the UK it operates six television channels and has used the mark ITV in the UK since 2006. Within the Complainant, ITV Rights Limited is the rights-holding entity for the group's broadcasting and online businesses. The Complainant owns, amongst others, the following trademark registrations (as per Annex 7 to the Complaint):

- UK trademark registration no. UK00906370415 for ITV (word), registered on September 15, 2008, for goods and services in Classes 9, 16, 35, 38, 41, 42, and 45;

- UK trademark registration no. UK00004280776 for ITV WIN (word), filed on October 20, 2025 and registered on January 9, 2026, for goods and services in Classes 9, 35, and 41; and

- European Union trademark registration no. 006370415 for ITV (word), registered on September 15, 2008, for goods and services in Classes 9, 16, 35, 38, 41, 42, and 45.

The Complainant owns a portfolio of domain names consisting of or containing the marks ITV and ITV WIN (as per Annex 8 to the Complaint). One of the Complainant's businesses is, since 2019, running competitions, gaming and gambling. These have been offered, since at least March 21, 2024, at the website "www.itv.com/win". In addition, the marks ITV and ITV WIN have been used across social media accounts such as Facebook and Instagram (all as per Annex 9 to the Complaint). The Complainant also owns the domain name <itvwin.com> which it acquired from a third party and which went live following press releases and a gambling license on December 15, 2025 (as per Annex 10 to the Complaint).

The disputed domain names were all registered on December 18, 2025. Each of the disputed domain names resolved, prior to filing the present Complaint, to a gambling website displaying the ITV WIN logo used by the Complainant for its ITV WIN mark as well as further references used by the Complainant on its website (as per screenshots from the websites under the disputed domain names at Annex 11 in comparison to screenshots from the Complainant's website at Annex 10.5), in part claiming to be the official ITV WIN gambling platform for UK players.

## 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.

Notably, the Complainant contends that the disputed domain names are similar to a trademark in which the Complainant owns rights. The Complainant refers to its portfolio of trademarks and notably to the trademark filings and/or registrations for ITV and ITV WIN which predate the creation of the disputed domain names. According to the Complainant, the disputed domain names all clearly contain the ITV and ITV WIN marks of the Complainant and have thus been deliberately chosen by the Respondent to misrepresent itself as the Complainant's ITV WIN brand. Consequently, the disputed domain names are identical or similar for the purposes of the Policy, given also that the respective domain suffixes refer to the Complainant's online gambling services and are descriptive and non-distinctive.

Further, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant claims that there is no relationship between the Complainant and the Respondent, that the Complainant has not authorized the Respondent to use its trademark or to register the disputed domain names. The Complainant adds that the websites, to which the disputed domain names resolve, are gaming websites displaying the ITV and ITV WIN trademarks as well as language encouraging consumers to choose the services offered on these, falsely referring to a specific gaming license number granted by the UK Gambling Commission, as well as false claims associating a connection with the group of companies of the Complainant. According to the Complainant, such fraudulent misrepresentation cannot confer rights or legitimate interests in respect of the disputed domain names.

On the third element, the Complainant argues that the disputed domain names were registered and are being used in bad faith. According to the Complainant, its trademarks have an established reputation for gambling-related services, of which prominent use is made on the websites for identical services under the disputed domain names. Consequently, the disputed domain names all of which identically included the Complainant's trademarks were registered in bad faith and used to mislead Internet users into believing that the websites hosted under them were offered by, or at least connected, to the Complainant.

**B. Respondent**

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

## 6. Discussion and Findings

### 6.1. Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that they should. The Center sent the Notification of Complaint to the Respondent also by email to the email address as provided by the Registrar. There is no evidence that the case notification was not successfully delivered to the email address provided by the Registrar. Contact forms through the websites at the disputed domain names, as well as the Registrar, were used as well. In addition, the websites under the disputed domain names are in English and target the UK, which may support that the Respondent is not actually located in Ukraine. The Panel concludes that the Parties have been given a fair opportunity to present their case, so that the present proceedings may take place with due expedition.

### 6.2. Substantive Issues

**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 Panel finds that the disputed domain names incorporate the entirety of the Complainant's ITV mark. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "-casino" and "casino", 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 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.

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 names. 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 names such as those enumerated in the Policy or otherwise.

In particular, in the present case the websites associated with the disputed domain names prominently displayed the Complainant's marks and, thus passing off as the Complainant or suggesting an association with it, invited users to register, make deposits and make use of the offered gambling services. Such use is neither legitimate nor a bona fide offering. 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 the Respondent registered the disputed domain names after the Complainant obtained trademark protection for its ITV marks and started using its ITV WIN marks. Their creation immediately followed press coverage on the Complainant's gaming business under its domain name <itvwin.com> and <itv.com/win>. The websites to which all disputed domain names resolve or resolved display the Complainant's trademarks in precisely the style as used by the Complainant, in part claiming to be the official "ITV Win" online casinos for UK players, and invite Internet users to register and make use of the gambling services offered by the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

All of the circumstances outlined above leave the Panel with no doubt that the Respondent, in registering and using the disputed domain names, intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's marks as to source, sponsorship, affiliation, or endorsement. Accordingly, having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes 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 <itvwin.bet>, <itvwin-casino.com> and <itvwincasino.net> be transferred to the Complainant.

*/Andrea Jaeger-Lenz/*
**Andrea Jaeger-Lenz**
Sole Panelist
Date: November 9, 2026