

## **ADMINISTRATIVE PANEL DECISION**

**MGM Resorts International v. Kitsilano NV, Kitsilano NV**  
Case No. DAE2026-0006

### **1. The Parties**

The Complainant is MGM Resorts International, of United States of America, represented by Com Laude Limited, United Kingdom.

The Respondent is Kitsilano NV, Kitsilano NV, of Netherlands (Kingdom of the).

### **2. The Domain Name and Registrar**

The disputed domain name <betmgm.ae> (the “Disputed Domain Name”) is registered with AE Domain Administration (.aeDA).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2026. On March 25, 2026, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On April 16, 2026, .aeDA 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 UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 16, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was May 6, 2026. The Respondent did not submit any formal Response. Accordingly, the Center notified the Respondent’s default on May 28, 2026.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on June 8, 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.

On June 9, 2026, the Respondent sent an email communication to the Center asking to suspend the proceedings and requested for the Complainant's contact details in order to resolve the matter directly with the Complainant. The Center replied by email on June 10, 2026, informing the Respondent that it is the Complainant who could request the suspension of the proceedings, and in that a panel had already been appointed and was preparing to issue a decision.

#### **4. Factual Background**

The Complainant is an American global gaming and entertainment company. The Complainant operates a wide range of businesses, including hotels and casinos, the provision of meeting and conference spaces, live and theatrical entertainment, as well as a number of restaurants, nightlife, and retail businesses. The Complainant's portfolio now encompasses 31 unique hotel and gaming destinations globally. Since around 2017, the Complainant has had a property under development in Dubai, United Arab Emirates, with Bellagio, Aria and MGM Grand Hotel towers scheduled to open in the third quarter of 2028. In 2018, the Complainant ventured into the digital betting space with the launch of BetMGM, a gaming, casino and online sports betting platform.

The Complainant owns various trademarks for the BETMGM mark. The relevant trademark registrations include, inter alia, the United States of America Trademark Registration No. 6025462 for BETMGM in Classes 9 and 41 registered on March 31, 2020, the European Union Trademark Registration No. 018390081 for BETMGM in Classes 9 and 41 registered on June 26, 2021, and the United Kingdom Trademark Registration No. UK00003590035 for BETMGM in Classes 9 and 41 registered on July 9, 2021 (the "Complainant's Trademark"). The Complainant also owns word trademarks for the MGM mark, including, inter alia, the United Arab Emirates Trademark Registration No. 276383 for MGM in Class 25 registered on July 26, 2018 (the "Complainant's MGM Trademark").

The Disputed Domain Name was created on February 18, 2022, years after the Complainant registered the Complainant's Trademark. At the time of the filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to a holding webpage of "Marcaria.com Network" which is a trademark and domain registration provider, and displaying a message saying "This domain has been registered through Marcaria.com" (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 identical or confusingly similar to the Complainant's Trademark. The Complainant's Trademark is reproduced in its entirety in the Disputed Domain Name. The country code top-level domain ("ccTLD") <.ae> is required only for technical reasons and is generally ignored for the purposes of comparison of the Complainant's Trademark to the Disputed Domain Name. The Disputed Domain Name is also confusingly similar to the Complainant's MGM Trademark as the Disputed Domain Name incorporates the Complainant's MGM Trademark in its entirety with the addition of the term "bet". Given that the Complainant operates casinos, the addition of the term "bet" in the Disputed Domain Name increases the likelihood of confusion amongst Internet users.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent is not commonly known as the Complainant's Trademark or the Complainant's MGM Trademark. The Respondent is not a licensee of the Complainant and has not received any permission or consent from the

Complainant to use its MGM nor BetMGM mark. As the Disputed Domain Name is identical to the Complainant's Trademark, it carries a risk of implied affiliation between the Disputed Domain Name and the Complainant. The Respondent cannot obtain or derive any rights or legitimate interests through its passive holding of the Disputed Domain Name, and the Respondent's Website does not amount to any legitimate non-commercial or fair use or use in connection with a bona fide offering of goods and services.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Respondent is passively holding the Disputed Domain Name as it resolves to a holding page of the registrar of record. The Respondent knew of, or should have known of, the Complainant when registering the Disputed Domain Name, given that the Complainant is recognized as one of the world's largest casino operators and its brands enjoy significant global visibility.

## **B. Respondent**

In an email dated April 28, 2026, the Respondent claimed that "[t]he company is no longer based in Curacao.

We have the scanned documents so we have all of the information". In a second email dated June 9, 2026, the Respondent requested the Complainant's contact details for a possible settlement. However, the Respondent did not address, or reply to the Complainant's contentions.

## **6. Discussion and Findings**

Under paragraph 6(a) of the Policy, the Complainant must 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; and
- (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 or 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<sup>1</sup>.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of paragraph 6(a)(i) Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Complainant's Trademark BETMGM is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the Complainant's 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.

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<sup>1</sup> Noting the similarities between the Uniform Domain Name Dispute Resolution Policy (the "UDRP") and the Policy, the Panel has referred to prior UDRP cases and the [WIPO Overview 3.1](#), where appropriate.

## **B. Rights or Legitimate Interests**

Paragraph 6(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 .AE 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 also notes that there is no evidence on the available record 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 Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant noting the Disputed Domain Name is identical to the Complainant’s Trademark save for the ccTLD. There is no evidence that the Respondent has been using the Disputed Domain Name in connection with bona fide offering of goods or services or making a legitimate noncommercial or fair use, as the Disputed Domain Name resolves to a holding page of a trademark and domain registration provider “Marcaria.com Network” promoting its trademark and domain registration services, and the Respondent has not provided any content of its own on the Respondent’s 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.

## **C. Registered or is Being Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 6(a)(iii) of the Policy, paragraph 6(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 or 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. The Respondent must have been fully aware of the Complainant and the Complainant’s Trademark when it registered the Disputed Domain Name, given the well-known and distinctive nature of the Complainant’s brand, evidenced by the various trademark registrations for the Complainant’s Trademark that were put into use before the Respondent registered the Disputed Domain Name.

At the time of the filing of the Complaint and the rendering of this decision, the Disputed Domain Name resolves to a holding page of a trademark and domain name registration provider “Marcaria.com Network”. The holding page displays the message “This domain has been registered through Marcaria.com” and contains links directing Internet users to webpages introducing Marcaria.com Network’s services. It does not display any content of the Respondent. The Panel notes that this does not appear to be a case of mere passive holding. Rather, the Disputed Domain Name is being actively used to promote the commercial

services of Marcaria.com Network. Internet users searching for or navigating to the Disputed Domain Name (which is identical to the Complainant's Trademark) are presented with advertising for a third-party domain registration business. This constitutes use of the Disputed Domain Name to attract Internet users for commercial gain by trading on the reputation and recognition of the Complainant's Trademark. The Panel further notes that the Respondent has not filed a formal Response addressing the Complainant's contentions or provided any evidence supporting good-faith use. The Respondent was willing to suspend the case to explore settlement options. In order to avoid further delays, the Panel has decided to proceed with the decision.

The Panel finds that the Complainant has established the third element of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Name <betmgm.ae> be transferred to the Complainant.

*/Gabriela Kennedy/*

**Gabriela Kennedy**

**Sole Panelist**

Date: June 22, 2026