

ADMINISTRATIVE PANEL DECISION

MGM Resorts International v. Winners Bookmaking Pty Ltd

Case No. DAU2025-0033

1. The Parties

The Complainant is MGM Resorts International, United States of America, represented by Davies Collison Cave Pty Ltd, Australia.

The Respondent is Winners Bookmaking Pty Ltd, Australia, self-represented.

2. The Domain Name and Registrar

The disputed domain name <mgmbet.com.au> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 18, 2025. On August 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 19, 2025, 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 .au Dispute Resolution Policy (the “Policy”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (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 proceeding commenced on August 22, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was September 11, 2025. The Response was filed with the Center on September 11, 2025.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on September 22, 2025. 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

A. Complainant

The Complainant, whose history goes back to the late 1960s, is a global gaming and entertainment company, operating globally under the trade marks MGM (the “MGM Mark”) and MGM GRAND (the “MGM GRAND Mark”). In Australia, the Complainant operated a hotel and gaming facility in Darwin under the MGM Mark and the MGM GRAND Mark between 1995 and 2004.

The Complainant has also since 2018 provided online casino and sports betting services under the trade mark BETMGM (the “BETMGM Mark”). BetMGM was born from a partnership between the Complainant and Entain Plc. The Complainant promotes its BetMGM business at the websites “www.betmgm.com” and “www.betmgm.co.uk”; and its partner’s subsidiary owns the domain name <betmgm.com.au>.

The Complainant is the owner of several registered trade marks in Australia, including registration No. 655594, for the MGM Mark, with a registration date of March 15, 1995; registration No. 655597, for the MGM GRAND Mark, with a registration date of March 15, 1995; and registration No. 2153621 for the BETMGM Mark, with a registration date of February 4, 2021 (collectively the “Trade Marks”).

B. Respondent

The Respondent is a company incorporated in Australia on August 16, 2021, operating several businesses focused on the Australian online gambling and wagering industry. The Respondent operates various wagering sites, such as “www.betplay.com.au”, “www.123bet.com.au”, and “www.favbet.com.au”. The Respondent owns the mgmbet business name registered with the Australian Securities and Investments Commission (“ASIC”) on July 29, 2024.

C. The Disputed Domain Name

The disputed domain name was registered on December 7, 2023.

D. Use of the Disputed Domain Name

The disputed domain name has not been used in respect of an active 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, in light of the repute of the Trade Marks, the disputed domain name’s confusing similarity to the Trade Marks, the fact that the Respondent has a pattern of registration of third party gaming-related trade marks, and the Respondent’s offer to sell the disputed domain name to the Complainant for a price of \$6 million, the Respondent has targeted the Complainant and its Trade Marks and has registered and used the disputed domain name in bad faith.

The Complainant particularly asserts that the Respondent has registered the following domain names which demonstrates a pattern of bad faith registration:

The Respondent's Domain Names	The Complainant's Comments
<ceasarsbet.com.au>	Ceasars Entertainment is a major entertainment, hotel, casino and gaming provider that provides services (including online betting) under the CEASARS mark.
<favbet.com.au>	Favbet.com is a leading Eastern-European gambling operator, founded in 1999, operating online and offline gambling services under the FAVBET mark.
<ggbet.com.au>	Gg.bet is a platform launched in 2016 for sports and eSports betting under the GGBET mark.

Further, on July 29, 2024 or July 30, 2024, the Respondent registered several business names including mgmbet and Favbet.

B. Respondent

The Respondent contends that none of the elements required under the Policy for a transfer of the disputed domain name has been satisfied.

Notably, the Respondent contends that the Complainant has not been licensed to offer any gambling and wagering services to consumers in Australia under the BETMGM Mark and, accordingly, the Complainant's registration for the BETMGM Mark is vulnerable to a potential application for revocation, by virtue of its non-use in Australia since its registration. The domain name <betmgm.com.au> (which is owned through a subsidiary of the Complainant's joint venture partner) does not have an active website attached.

To the Australian public, the letters "mgm" in the disputed domain name are not immediately recognisable belonging to the Complainant because the Complainant does not provide betting services within Australia and many other third parties use "MGM" in Australia across various industries. "Bet" is a common word used in betting industries, therefore combining "mgm" and "bet" does not cause confusion with the Complainant.

The Respondent contends further that it has rights and legitimate interests in the disputed domain name, as it has been developing a website for a bona fide offering of services under the disputed domain name. The Respondent only invests its resources in legitimate projects and has a strong track record of developing business concepts, executing on them, and successfully bringing them to the Australian market including "www.favbet.com.au", "www.betplay.com.au", and "www.123bet.com.au". These projects typically take many years and millions of dollars to be fully researched, developed, designed, constructed, executed and then brought to market. There are also significant additional delays, often 12 months or more, in obtaining licensing and approvals. Although the Respondent is yet to make active use of the disputed domain name, prior to receiving notice from the Complainant, the Respondent had spent considerable money, time and company resources on its project, "Member Get Member" Bet (or "MGMBet"). Since registering the disputed domain name, the Respondent has applied to, and received approval from the relevant state government authority, being the Office of Liquor Gaming Regulation (OLGR) NSW, for authorisation to operate the gambling site at the disputed domain name and associated apps for launch in the market and the website is listed on the he Australian Communications and Media Authority ("ACMA") site as being a legal operator in Australia.

The Respondent has registered and used the disputed domain name in good faith in relation to the Member Get Member business concept. The Respondent's offer to sell the disputed domain name to the Complainant (by email from its director to the Complainant's legal representatives, following receipt of their letter of demand) was not serious because the Complainant does not possess a bookmaker's license in Australia. The Complainant is therefore not in a position, legally, to operate an online wagering business using the disputed domain name.

6. Discussion and Findings

6.1 Eligibility

Paragraph 6.1 of the Policy states as follows:

“6. REMEDIES AVAILABLE TO COMPLAINANT

6.1 A Complainant may seek to have the domain name licence:

- a) cancelled, in which case the domain name will become available for registration in the normal way; or
- b) transferred to themselves, but only if the registrar determines that they are eligible to hold the domain name under the relevant policy rules.”

Further, Schedule A to the .auDA Domain Name Eligibility and Allocation Policy Rules for the Open 2LDs (the “Eligibility Rules”) provides relevantly as follows:

ELIGIBILITY AND ALLOCATION RULES FOR ALL OPEN 2LDS

First come, first served

1. Domain name licences are allocated on a ‘first come, first served’ basis. It is not possible to pre-register or otherwise reserve a domain name.

Registrants must be Australian

2. Domain name licences may only be allocated to a registrant who is Australian, as defined under the eligibility and allocation rules for each 2LD.

Schedule C to the Eligibility Rules provides relevantly as follows:

ELIGIBILITY AND ALLOCATION RULES FOR COM.AU

The com.au 2LD is for commercial purposes.

The following rules are to be read in conjunction with the Eligibility and Allocation Rules for All Open 2LDs, contained in Schedule A of this document.

1. To be eligible for a domain name in the com.au 2LD, registrants must be:

- a) an Australian registered company; or
- b) trading under a registered business name in any Australian State or Territory; or
- c) an Australian partnership or sole trader; or
- d) a foreign company licensed to trade in Australia; or
- e) an owner of an Australian Registered Trade Mark; or
- f) an applicant for an Australian Registered Trade Mark; or

- g) an association incorporated in any Australian State or Territory; or
- h) an Australian commercial statutory body.

The Panel finds that the Complainant, as the owner of registrations for the Trade Marks in Australia, meets the alternative eligibility requirements set out in paragraph 1(e) of Schedule C to the Eligibility Rules.

6.2 Substantive Elements of the Policy

The Complainant must prove each of the three elements in paragraph 4(a) of the Policy in order to prevail.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has rights in the Trade Marks.

Disregarding the Second-Level Domain and country code Top-Level Domain, the disputed domain name is confusingly similar to the Trade Marks. It comprises of the MGM Mark alongside the dictionary word “bet”, and simply reverses the two components of the BETMGM Mark. It also contains the dominant feature of the MGM GRAND Mark – namely, “MGM”.

The Panel has considered the Respondent’s submissions in respect of a potential future application for revocation of the Complainant’s BETMGM Mark. The Panel must defer to the status of the Register of Australian Trade Marks at the time of the Decision.

The Respondent has not itself filed any non-use revocation action in respect of any of the Trade Marks; and, according to the evidence on the record, the Complainant’s registrations in Australia for the Trade Marks remain valid and subsisting at the time of this Decision. This has also been verified by the Panel at the website of IP Australia.¹

Therefore, the Complainant has established the first requirement under the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to the respondent of the dispute, the respondent’s bona fide use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with an offering of goods or services (not being the offering of domain names that the respondent has acquired for the purpose of selling, renting or otherwise transferring); or
- (ii) the respondent (as an individual, business, or other organisation) has been commonly known by the disputed domain name even if the respondent has acquired no trade mark or service mark rights; or
- (iii) the respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the name, trade mark or service mark at issue.

¹Overview of Panel Views on Selected auDRP Questions, Second Edition (“auDRP Overview 2.0”), Section 4.8. The format of the auDRP Overview 2.0 is based on the UDRP Overview produced by WIPO.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the Trade Marks. The Panel finds on the record that there is therefore a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to show that it has acquired any trade mark rights in respect of the disputed domain name or that the disputed domain name has been used in connection with a bona fide offering of goods or services. To the contrary, the disputed domain name has not been used. The Panel notes that the Respondent registered “mgmbet” as a business name in July 2024, and has received the approval from the relevant state government authority to operate a gambling website at the disputed domain name and associated apps, and has provided a one-page design of the proposed website. The Panel considers that in the circumstances of the case, this is not sufficient to show rights or legitimate interests for the Respondent in the disputed domain name, as the Panel finds it is more likely that the Respondent registered the disputed domain name targeting the Complainant.

The Panel notes that the Respondent has only provided limited evidence of the development of its proposed website particularly considering the registration of the disputed domain name back to December 2023.

Furthermore, the Respondent is in the online gambling and wagering industry, offering its online wagering services to customers in Australia via the Respondent’s websites at the domain names <betplay.com.au>, <123bet.com.au>, and <favbet.com.au> (the Complainant asserts this latter domain name infringes the rights of Favbet.com, a leading Eastern-European gambling operator, founded in 1999 and the FAVBET trade mark). Although the Complainant does not appear to actively provide gambling services in Australia, both Parties do operate in the same online wagering and gambling industry. Noting the reputation of the Trade Marks, the Panel finds that the Respondent’s intention in registering the disputed domain name is more likely than not to unfairly exploit the value of the Trade Marks rather than its claimed “Member Get Member” business explanation.

There has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain name; and there has been no evidence adduced to show that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name for the purposes of the Policy.

In light of the above, the Panel finds that the Respondent has failed to produce sufficient evidence to demonstrate genuine rights or legitimate interests in the disputed domain name.

Therefore, the Complainant has established the second element under the Policy.

C. Registered or Subsequently Used in Bad Faith

Given (i) the reputation of the Complainant and of its Trade Marks in the online wagering and gambling industry; (ii) the fact the Respondent does not contend that it was not aware of the Complainant or of its Trade Marks; (iii) the fact the Respondent operates in the online wagering industry, making it inconceivable that the Respondent was unaware of the Complainant’s Trade Marks when it registered the disputed domain name; (iv) the Respondent’s pattern of registering third party gaming-related trade marks as domain names as evidenced by the Complainant (see Section 5.A.); and (v) the offer made by the Respondent to the Complainant to sell the disputed domain name for \$6 million (presumably in Australian Dollars), the Panel finds it hard to believe that the Respondent chose “mgm” to operate its proposed online gambling/wagering website simply because it stands for “Member Get Member”. It is more likely than not that the Respondent attempted to take an unfair advantage of the reputation of the Trade Marks by including “mgm” in the disputed domain name for its own potential benefits. In all the circumstances, the Panel finds that the requisite element of bad faith has been made out.

Although the Respondent contends that the offer made by the Respondent to sell the disputed domain name to the Complainant was not serious and involved “throw away” remarks, the wording of the email reflects an explicit offer to sell the disputed domain name for \$6 million. The relevant email correspondence is reproduced below:

“... Thanks for your letter. Are you a real firm, I rang your number and your telephones don't work and the woman said that is the way you guys do business.

Are you representing MGM resorts? I am not in the resort space my website member get member bet MGMbet is approved and the URL is mine and it's all registered.

I am not pretending to be a resort and I haven't ever heard of you. There are plumbers and hundreds of companies called MGM in Australia, I spoke with my trademark guy and he said good luck.

If you want to purchase the URL you can, I want 6 million for it. Let me know.

Have a good one...”

In all the circumstances, the Panel does not find the Respondent's contention (made after the event) - that its offer to sell the disputed domain name was not serious - convincing.

Additionally, the evidence suggests that the Respondent has targeted the Complainant in registering the disputed domain name; and that there cannot be any actual or contemplated good faith use of the inherently misleading disputed domain name by the Respondent noting the Trade Marks and the Parties' operation in the same industry.

Furthermore, in all the circumstances, the Respondent's non-use or passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.²

For all the foregoing reasons, the Panel concludes that the disputed domain name has been registered in bad faith, under paragraph 4(b)(i) of the Policy.³

7. Decision

For all 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 <mgbet.com.au> be transferred to the Complainant.

/Sebastian M.W. Hughes/
Sebastian M.W. Hughes
Sole Panelist
Date: October 3, 2025

²auDRP Overview 2.0, Section 3.3.

³auDRP Overview 2.0, section 3.1.1.