

## ADMINISTRATIVE PANEL DECISION

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v.  
Kelvin Tay  
Case No. DCC2025-0023

### 1. The Parties

Complainant is Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco, Monaco, represented by De Gaulle Fleurance & Associés, France.

Respondent is Kelvin Tay, Malaysia.

### 2. The Domain Name and Registrar

The disputed domain name <montecarlo2u.cc> is registered with CloudFlare, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2025. On November 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 2025, 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 (“Domain Admin”) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 7, 2025, 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 November 12, 2025.

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 November 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 4, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on December 15, 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**

Complainant is a company organized under the laws of Monaco, founded in 1863 by a Sovereign Decree passed by Prince Charles III. Its main shareholders are the Principality of Monaco and its ruling family, the House of Grimaldi. Complainant currently employs almost 3,000 people and is the largest employer in the Principality of Monaco. Initially, Complainant was set up as a public company to run the Casino de Monte-Carlo and has been granted a monopoly for the provision of casino gaming services in the country.

Therefore, Complainant has been the sole corporation with the state permission to operate casinos in the Principality of Monaco since 1863. Complainant has been operating the famous Casino de Monte-Carlo since that year.

Complainant is the owner of numerous trademark registrations for CASINO DE MONTE-CARLO and MONTE-CARLO trademarks worldwide, including the following:

- the Monegasque trademark registration No. 14.30170 for MONTE-CARLO (word), filed on December 31, 2013, and registered on February 12, 2014, for goods and services in international classes 3, 7, 9, 12, 14, 16, 18, 28, 34, 35, 38, 39, 41, 42, 43 and 45; and
- the Monegasque trademark registration No. 96.17407 for CASINO DE MONTE-CARLO (word), filed on August 13, 1996, and registered on October 30, 1996, for goods and services in international classes 3, 7, 9, 12, 14, 16, 18, 28, 34, 35, 38, 39, 41, 42, 43 and 45.

The disputed domain name was registered on March 26, 2024, and leads to a website displaying Complainant's trademarks and providing gambling services (the Website). The logo used at the top of the home page of the Website, includes a picture of Complainant's casino along with the word elements "MONTE CARLO CASINO" and the words "slot and live game world". Right below, there is a banner stating "Welcome to MONTE CARLO". The Website also includes several pictures in the field of gambling (roulette wheels, gift icons etc.).

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

##### **B. Respondent**

Respondent did not reply to Complainant's contentions.

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists three elements, which Complainant must satisfy with respect to the disputed domain name:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

- (ii) 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 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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name (except the hyphen). Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, the number "2" and the letter "u", sounding like the English phrase "to you" 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 3.0](#), section 1.8.

The country code Top-Level Domain ("ccTLD") ".cc" is disregarded, as ccTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only. [WIPO Overview 3.0](#), section 1.11.1.

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 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 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 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

On the contrary, as Complainant demonstrated, the disputed domain name resolves to the Website displaying Complainant's trademark, incorporating images of Complainant's casino and offering gambling services. The Panel considers that use of the disputed domain name in connection with a website offering such services does not confer any rights or legitimate interests on Respondent. [WIPO Overview 3.0](#), section 2.5.3.

Panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), 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.

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 3.0](#), section 3.2.1.

Because the MONTE-CARLO and CASINO DE MONTE-CARLO marks had been widely used and registered before the disputed domain name registration, and enjoyed reputation for the services at hand, as repeatedly recognized, the Panel finds it more likely than not that Respondent had Complainant's mark in mind when registering the disputed domain name. Moreover, the reproduction of Complainant's mark in the disputed domain name also suggests that Respondent was aware of and targeted Complainant in an attempt to confuse Internet users who were expecting to find Complainant's website. 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 3.0](#), section 3.2.1. The addition of the terms, "2" and "u", sounding like the English phrase "to you", suggests bringing Complainant's MONTE-CARLO casino to the users and further reinforces the finding of bad faith registration.

The Panel finds that Respondent's use of the disputed domain name in connection with a website offering competing gambling services and mimicking Complainant constitutes bad faith under paragraph 4(b)(iv) of the Policy. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

The Panel finds that 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 <montecarlo2u.cc> be transferred to Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: December 29, 2025