

EXPERT DECISION

Kaizen Gaming International Limited v. B. J. R. F. P.
Case No. DCH2026-0004

1. The Parties

The Claimant is Kaizen Gaming International Limited, Malta, represented by Ubilibet, S.L., Spain.

The Respondent is B. J. R. F. P., France.

2. The Domain Name

The dispute concerns the following domain name <betanos.ch> (the “disputed domain name”).

3. Procedural History

The Request was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2026. On April 13, 2026, the Center transmitted by email to SWITCH, the “.ch” and “.li” registry, a request for verification in connection with the disputed domain name. On April 14, 2026, SWITCH 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 (Not disclosed) and contact information in the Request. The Center sent an email communication to the Claimant on April 14, 2026, providing the registrant and contact information disclosed by SWITCH, and inviting the Claimant to submit an amendment to the Request. The Claimant filed an amended Request on April 17, 2026.

The Center verified that the Request together with the amended Request satisfied the formal requirements of the Rules of procedure for dispute resolution procedures for “.ch” and “.li” domain names (the “Rules of Procedure”), adopted by SWITCH, on January 1, 2020.

In accordance with the Rules of Procedure, paragraph 14, the Center formally notified the Respondent of the Request, and the Dispute resolution procedure commenced on April 20, 2026. In accordance with the Rules of Procedure, paragraph 15(a), the due date for Response was May 10, 2026.

The Respondent has neither filed a Response nor expressed his readiness to participate in a Conciliation in accordance with paragraph 15(d) of the Rules of Procedure.

No Conciliation conference has taken place within the deadline specified in paragraph 17(b) of the Rules of Procedure.

On May 13, 2026, the Center notified the Claimant accordingly, who on May 14, 2026, made an application for the continuation of the Dispute resolution proceedings in accordance with specified in paragraph 19 of the Rules of procedure and paid the required fees.

On May 19, 2026, the Center appointed Anne-Virginie La Spada as Expert in this case. The Expert finds that it was properly appointed. In accordance with Rules of Procedure, paragraph 4, the above Expert has declared his independence of the Parties.

4. Factual Background

The Claimant is a company based in Malta, which operates an online gaming and betting platform under the name "Betano". The Claimant has developed sponsorships in the sports field under its BETANO brand. The Claimant's services are available in several countries. The Claimant operates an official website at "www.betano.com".

According to the Expert's independent online verifications on the website "www.betano-schweiz.ch", the Claimant appears to have a presence in Switzerland through local authorized partners.

The Claimant owns an international trademark registration for BETANO no. 1832201 registered on November 29, 2024, in classes 9, 41, 42 and 45, designating Switzerland. The services claimed in class 41 cover in particular "online casino gaming services".

The disputed domain name was first registered on November 30, 2023. However, according to SWITCH, the disputed domain name was allocated to the Respondent on November 11, 2025.

The disputed domain name resolves to a website in Italian language purportedly offering online casino services. Such website displays the mark BETANO in a prominent fashion. On this website, the Respondent describes itself as "Casino Betano Svizzera", a licensee of the Malta Gaming Authority. The website also features visuals including the Claimant's BETANO logo.

5. Parties' Contentions

A. The Claimant

The Claimant represents that the group of which it is part is the global fastest-growing operator in the gambling and entertainment industry over the last decade. According to the Claimant, its BETANO brand is well-known across Europe and America. Its platform hosted more than 71 million transactions in 2021 and had more than 1.4 million active users. The Claimant represents that its mark BETANO has become well-known through sponsorship of sport events including the 2022 FIFA World Cup in Qatar or the UEFA EURO 2024, among others. The Claimant further contends that it has earned several awards and recognitions from the gaming and betting industry.

The Claimant is of the view that it has provided sufficient evidence that it has a right in a distinctive sign protected in Switzerland. According to the Claimant, the disputed domain name fully incorporates the Claimant's registered and well-known trademark BETANO, which is sufficient to establish confusing similarity. Indeed, the disputed domain name is visually and phonetically identical or extremely similar to the trademark BETANO. The Respondent uses the disputed domain name in connection with a website where the Respondent tries to impersonate the Claimant under the protected mark BETANO to offer betting an online casino services. According to the case law of the Swiss Federal Court, the use of a domain name that is identical or similar to a protected trademark in connection with a website offering identical or similar goods constitutes trademark infringement. The Claimant concludes that the transfer of the disputed domain name is justified based on a clear trademark infringement.

B. The Respondent

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

6. Discussion and Findings

According to paragraph 24(c) of the Rules of Procedure, the Expert shall grant the request if the allocation or use of the domain name constitutes a clear infringement of a right in a distinctive sign which the claimant owns under the law of Switzerland (in disputes over a domain name under the country code Top-Level Domain ("ccTLD") ".ch").

The Rules of Procedure, paragraph 1, define a "right in a distinctive sign" as any right recognised by the legal system devolving from the registration or use of a sign, which protects the holder of the right from infringement of his interests as the result of registration or use of an identical or similar sign by third parties, including, but not limited to, the right in a registered business name, a personal name, a trademark, a geographical indication and the defensive rights devolving from the law on unfair competition.

According to paragraph 24(d) of the Rules of Procedure, a clear infringement of an intellectual property right exists in particular when:

- i. both the existence and the infringement of the claimed right in a distinctive sign clearly result from the wording of the law or from an acknowledged interpretation of the law and from the presented facts and are proven by the evidence submitted; and
- ii. the respondent has not conclusively pleaded and proven any relevant grounds for defence; and
- iii. the infringement of the right justifies the transfer or revocation of the domain name, depending on the remedy requested in the request.

A. The Claimant has a right in a distinctive sign under the law of Switzerland

The Claimant owns an international trademark registration for the mark BETANO no. 1832201 registered on November 29, 2024, designating Switzerland.

Therefore, the Claimant has a right in a distinctive sign under the law of Switzerland.

B. The allocation or use of the domain name constitutes a clear infringement of a Right in a distinctive sign which the Claimant owns under the law of Switzerland

According to Article 13(2) in connection with Article 3(1) of the Swiss Act on the Protection of Trademarks and Indications of Origin ("Trademark Act"), the owner of an earlier trademark may prohibit third parties from using identical or similar signs for goods or services identical or similar to those covered by the earlier trademark where there is a likelihood of confusion.

The disputed domain name was first registered on November 30, 2023 but it was allocated to the Respondent on November 11, 2025 only. Under Swiss law, a transfer of a domain name is considered to be a new allocation of the domain name (*Tréré Innovation S.r.l. v. Domain Privacy OÜ*, WIPO case No. [DCH2025-0001](#)), with the consequence that the allocation date (and not the earlier first registration date) is relevant to determine the temporal priority. The Claimant acquired trademark rights in Switzerland as of November 29, 2024, i.e. before the allocation of the disputed domain name to the Respondent. The Claimant can accordingly avail itself of an earlier trademark.

According to the case law of the Swiss Federal Court, the use of a domain name that is identical or similar to a protected trademark in connection with a website offering identical or similar goods constitutes trademark infringement (see, for example, the decisions of the Swiss Federal Court 4C.31/2004 <riesen.ch> and 4C.341/2005 <swiss-life.ch>).

The disputed domain name consists of the Claimant's trademark BETANO, reproduced in its entirety, with the addition of the letter "s" at the end. The Claimant's mark and the disputed domain name only differ by the presence of the final letter "s", which is commonly understood as indicating the plural form of a term. Therefore, the disputed domain name may be deemed highly similar to the Claimant's trademark. The disputed domain name is used in relation to services identical to those offered by the Claimant and covered by its trademark registration for BETANO. The likelihood of confusion and the trademark infringement must therefore be confirmed.

The Expert is furthermore of the view that the use of the disputed domain name amounts to unfair competition in the circumstances of the case. The Expert has no doubt indeed that the Respondent targeted the Claimant and its BETANO trademark. Indeed, the website operated under the disputed domain name purportedly offered services identical to those of the Claimant and included visuals reproducing the Claimant's BETANO logo. The Respondent obviously tried to impersonate a Swiss licensee of the Claimant, passing its website off as an authorized website for Switzerland. This behavior is in clear breach of Article 3(b) and (d) of the Swiss Unfair Competition Act (UCA). According to Article 3(b) UCA, a person acts unfairly if they provide incorrect or misleading information about, notably, themselves, their business, their business name, their services or their business relationships (among others). According to Article 3(d) UCA, a person acts unfairly if they take measures that are likely to cause confusion with, notably, the goods, services or business operations of others. The Respondent presented itself as "Casino Betano Svizzera" ("Svizzera" meaning "Switzerland" in Italian), acting under a license of the Malta Gaming Authority. As Malta is the place of the Claimant's head office, these indications could only create the impression that the Respondent was a licensee or business partner of the Claimant, when such is not the case. The use of the Claimant's logo was also apt to cause confusion about the Respondent's possible affiliate with the Claimant.

The Expert notes that the Respondent did not participate in the proceedings and did not come forward with any explanation or grounds of defense regarding the registration or use of the disputed domain name.

In such circumstances, the Expert finds that the registration and use of the disputed domain name infringe the Claimant's trademark rights and its rights under the Swiss Unfair Competition Act, and that therefore the transfer to the disputed domain name to the Claimant is justified.

7. Expert Decision

For the above reasons, in accordance with paragraph 24 of the Rules of Procedure, the Expert orders that the disputed domain name <betanos.ch> be transferred to the Claimant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Expert

Dated: June 2, 2026