

ADMINISTRATIVE PANEL DECISION

Kaizen Gaming International Limited v. Igor shanska
Case No. DCO2024-0094

1. The Parties

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

The Respondent is Igor shanska, France.

2. The Domain Name and Registrar

The disputed domain name <betano-colombia.co> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 4, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 2024, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 2024, 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 December 10, 2024.

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 December 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 31, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 15, 2025.

The Center appointed Petra Pecar as the sole panelist in this matter on January 21, 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

The Complainant, Kaizen Gaming International Limited, is a Malta-based company and part of the Kaizen Gaming group, operating under the brand name BETANO. Founded in 2012, the Complainant operates in 12 countries across Europe and the Americas, providing sports betting, online casino, and live betting services.

In 2022, the Complainant processed over 220 million transactions and had 7 million active users. The Complainant sponsors sporting events, including the Qatar 2022 FIFA World Cup, and collaborates with 18 football clubs. The Complainant has received multiple industry awards in recognition of its activities.

The Complainant holds active BETANO marks in over 35 countries, including the European Union, United Kingdom, China, the United States of America, and through International registrations. The Complainant's extensive portfolio of marks incorporating the term BETANO includes the European Union word mark BETANO Trade Mark No. 014893671, registered since March 23, 2016, which covers goods and services in Classes 9, 41, and 42, and European Union figurative mark:



Trade Mark No. 018170411, registered since May 22, 2020, which covers goods and services in Classes 9, 41, and 42.

The Complainant has presence and activities within the Colombian market through its corporate legitimate page in the geographical area: "www.betano.co", active since March 14, 2017.

The disputed domain name was registered on June 14, 2023, resolving to a webpage that reproduced the Complainant's logo, along with a header which read "Betano Colombia Sitio Oficial" (translated as "Betano Colombia Official Site"), and provided information on the Complainant and how to register for a Betano account, until its content was blocked on November 30, 2024, following a cease-and-desist letter.

The Respondent is an individual from France.

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 asserts that the disputed domain name fully incorporates its BETANO mark, with the addition of the descriptive term "colombia". Given the Complainant's established presence in Colombia since 2017, users are likely to associate the disputed domain name with its legitimate business. The ".co" country code Top-Level Domain ("ccTLD") further reinforces this connection, increasing the potential for confusion. As a result, the disputed domain name is similar to the Complainant's mark, meeting the first requirement for establishing similarity.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The burden rests on the Respondent to demonstrate such rights, who failed to present any evidence.

The Complainant, as the lawful owner of the BETANO mark, has neither authorized nor granted permission for its use in any capacity.

The Respondent used the disputed domain name to replicate the Complainant's branding and mislead consumers for commercial gain. Such unauthorized use was discontinued on November 30, 2024, in response to a cease-and-desist letter sent by the Complainant. The Respondent has failed to contest this action or provide any justification for its claim to the disputed domain name. Moreover, there is no evidence indicating that the Respondent has ever been commonly known by the BETANO mark or engaged in any legitimate business under the "betano" name.

The Complainant contends that the Respondent registered and used the disputed domain name in bad faith by intentionally misleading Internet users for commercial gain. The Respondent created a website mimicking the Complainant's BETANO mark, causing confusion among users and advertisers until the Complainant executed a takedown on November 30, 2024.

The mere registration of a disputed domain name similar to a well-known mark by an unaffiliated party suggests bad faith. The Respondent's actions indicate a clear intent to impersonate the Complainant and profit from the confusion. Even after the takedown, retaining the disputed domain name does not negate bad faith, as its removal was involuntary. The Respondent failed to provide any legitimate justification, reinforcing the conclusion that the disputed domain name was registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to 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;
- (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 and 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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of BETANO 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. 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 a hyphen and term “colombia” may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 ccTLD, in this case is “.co”, is often disregarded in the first element confusing similarity test (see [WIPO Overview 3.0](#) at 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 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 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 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.

According to the Complainant, it appears that the Respondent is not affiliated or connected with the Complainant in any manner, nor has the Complainant granted the Respondent any license or authorization to use or register a domain name incorporating the Complainant’s BETANO marks. The Respondent has also failed to respond to the Complaint, thereby failing to provide any information or factors that could potentially establish prior rights or legitimate interests in the disputed domain name. Furthermore, there is no evidence indicating that the Respondent has engaged in any legitimate or bona fide use of the disputed domain name, either for commercial or noncommercial purposes, as the disputed domain name resolved to a webpage that mimicked the Complainant’s website and logo for presumably commercial activities until its content was blocked on November 30, 2024, following a cease-and-desist letter.

Furthermore, there is no evidence to suggest that the Respondent has made any legitimate or bona fide use of the disputed domain name for either commercial or noncommercial purposes. The Respondent has neither used the disputed domain name in connection with a bona fide offering of goods or services nor demonstrated any plans to do so. There is also no indication that the Respondent is commonly known by the disputed domain name or has engaged in legitimate noncommercial or fair use. Instead, the disputed domain name resolved to a webpage that mimicked the Complainant’s website and unlawfully reproduced its BETANO marks while misrepresenting itself as the Complainant’s official website in Colombia, until its content was removed on November 30, 2024, following a cease-and-desist letter.

Panels have held that the use of a domain name for impersonation 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.

In this case, the Panel observes that the disputed domain name consists of the BETANO mark, a hyphen, the term “colombia”, and the ccTLD “.co”. The inclusion of the term “colombia” serves as a descriptive reference to the Complainant’s business territory. The Complainant also operates the domain name <betano.co>, further reinforcing its presence and activities within the Colombian market. The Panel considers that the registration of the disputed domain name in combination with BETANO mark, which enjoys substantial recognition among its approximately 7 million active users in the gambling and betting industry, indicates a clear intent to target the Complainant’s BETANO marks. The Respondent’s awareness of the Complainant and its BETANO marks is further suggested by the fact that BETANO is not a generic or commonly used term. Consequently, the Panel concludes that the disputed domain name was registered in bad faith.

Regarding bad faith use, the Panel finds it likely that the Respondent knowingly exploited the disputed domain name with full awareness of the Complainant’s rights, as the BETANO mark predated the disputed domain name registration by approximately seven years. Furthermore, the Respondent used the disputed domain name for a webpage that mimicked the Complainant’s website and BETANO marks, creating a misleading association with the Complainant’s activities. The imitation of the Complainant’s BETANO marks, content, and website layout suggests an intention to deceive users and unfairly benefit from the Complainant’s reputation. Panels have held that the use of a domain name for impersonation constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy. Given these factors, the Panel concludes that the disputed domain name was used in bad faith.

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 name <betano-colombia.co> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: February 4, 2025