

ADMINISTRATIVE PANEL DECISION

Emphasis Services Limited v. Juris Kalnins
Case No. DIO2023-0048

1. The Parties

The Complainant is Emphasis Services Limited, United Kingdom ("UK"), represented Tsibanoulis & Partners Law Firm, Greece.

The Respondent is Juris Kalnins, Latvia.

2. The Domain Name and Registrar

The disputed domain name <dafabet.io> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 29, 2023. On November 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 29, 2023, 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 November 30, 2023, 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 amendment to the Complaint on December 1, 2023.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the "Policy"), the Rules for .IO Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .IO 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 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 28, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on January 3, 2024. 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 is part of the group of companies providing online gaming and betting services under the trademark DAFABET, through licensed group entities in different countries, including the UK. The group's main website operates at "www.dafabet.com" since 2009. It is ranked 21st worldwide, and is a leading online gaming website, offering sports betting, online casino, and online games.

The Complainant is the owner of a number of trademark registrations of the mark DAFABET *inter alia* the following:

- European Union Trademark registration DAFABET (figurative) No. 012067138, filed on August 14, 2013, and registered on February 17, 2014, with expiry date August 14, 2033, for services in international Class 38, and
- European Union Trademark registration DAFABET (word) No. 012067088, filed on August 14, 2013, and registered on February 17, 2014, with expiry date August 14, 2033, for services in international Class 38,

The disputed domain name was registered on November 17, 2021, and at the time of filing the Complaint, it was used for a website that contained so called pay-per-click ("PPC") links to websites of competitors to the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical to its widely known trademark DAFABET; that the Respondent has no rights or legitimate interests in the disputed domain name; and, that the Respondent registered and is using the disputed domain name in bad faith. The Complainant requests the transfer of the disputed domain name to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Based on the available record, the Panel finds the Complainant has shown rights in respect of the trademark DAFABET for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1¹.

The Panel further finds that this mark is clearly recognizable within the disputed domain name, and that the disputed domain name is in effect identical to this mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

¹ The Panel, noting the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (the "UDRP"), has referred to the [WIPO Overview 3.0](#), where appropriate.

Based on the available record, the Panel finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

Having reviewed the 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.

The Panel considers that the record of this case reflects that: the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4. Rather, the Respondent has composed the disputed domain name of the Complainant's well-known trademark and has used the disputed domain name to host a PPC landing page wherein the Respondent presumable earns click-through revenue from the unsuspecting Internet users misled to the disputed domain name by virtue of the implied affiliation with the Complainant.

Based on the available record, the Panel finds that the second element of the Policy has not been established.

C. Registered or 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.

The Panel considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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, <dafabet.io> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: January 19, 2024