ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Groupe Partouche v. Brain Corney, Basilisk Entertainment S.R.L., and WALP Entertainment S.R.L.
Case No. DIO2025-0015

1. The Parties

The Complainant is Groupe Partouche, France, represented Jacob Avocats, France.

The Respondents are Brain Corney, Costa Rica, Basilisk Entertainment S.R.L. ("Basilisk"), Costa Rica, and WALP Entertainment S.R.L. ("WALP"), Costa Rica, represented by Dreyfus & associés, France.

2. The Domain Name and Registrar

The disputed domain name <pasino.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 May 6, 2025. On May 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 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 ("Redacted for Privacy") and contact information in the Complaint. The Center sent an email communication to the Complainant on May 14, 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 May 14, 2025, naming the registrant identified by the Registrar and also Basilisk Entertainment S.R.L. ("Basilisk") the operator of the website associated with the disputed domain name.

The Center verified that the Complaint together with the amended 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 May 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Respondent Basilisk sent an email communication to the

Center on May 14, 2025 (before the amended complaint and before the proceeding formally commenced), prepared internally, with brief responses to the elements of the Complaint. The Center inquired whether this should be considered the final Response to the Complaint. The Center then received an email on May 21, 2025, notifying it that the Respondent was now represented by outside legal counsel. Counsel filed a Response on May 28, 2025, on behalf of Basilisk and its "parent company" WALP Entertainment S.R.L. ("WALP"). On June 3, 2025, the Complainant submitted a supplemental filing. On June 4, 2025, the Respondent submitted a supplemental filing. On June 16, 2025, the Complainant submitted a second supplemental filing.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on June 10, 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 is a limited company organized under French law in 1973, headquartered in Paris, and listed on the Euronext stock exchange. The Complainant and its affiliates operate 44 casinos, 12 hotels, and 44 restaurants in France, Switzerland, Belgium, and Tunisia, as well as online gambling, with a website at "www.partouche.com" and linked social media sites. The Complainant is regulated by the French National Gaming Authority ("ANJ"), which imposes restrictions, for example, on online gambling.

The Complainant holds a number of trademark registrations, including French trademark registration number 97695308 (registered on February 27, 1998) for a semi-figurative mark comprised of the word PASINO in stylized letters, in International Classes 35, 36, 38, 39, 41, and 43.

The disputed domain name was created on January 21, 2019, and is registered to the Respondent "Brain Corney", listing no organization, a postal address in Costa Rica, and a Proton Mail contact email address. The Response and supplemental filings indicate that the Respondents acquired the disputed domain name in 2019, in connection with launching an online gambling business. The Respondents Basilisk and WALP are affiliated Costa Rican limited companies.

It appears that Mr. Corney acted for Basilisk and WALP in registering the disputed domain name after acquiring it on their behalf in 2019. Because of their common interests in the disputed domain name and associated website, the Panel refers to Mr. Corney, Basilisk, and WALP hereafter collectively as "the Respondent".

The Respondent's websites associated with the disputed domain name and at "www.pasino.com" (which is the subject of a parallel UDRP dispute resolution proceeding, WIPO Case No. D2025-1804) identify affiliate "Basilisk Studio SRL" as the operator. The Respondent Basilisk has an online gambling license from the Costa Rican authorities. The Respondent holds European Union Trademark Number 018456190, registered August 6, 2021, for a figurative mark consisting of the name PASINO in stylized letters, in International Class 41; the European Union Intellectual Property Office website lists its status as "Registration cancellation pending". The trademark certificate was issued to the Respondent WALP, who is named as the trademark owner in the Response, but the EUIPO lists affiliate Basilisk Studio S.R.L. as the owner, perhaps reflecting an assignment.

The Respondent's websites are essentially identical. They are available in English, Spanish, Russian, Ukrainian, Portuguese, Filipino, and Indonesian but not in French. The websites offer a wide variety of online games for gambling with real money in various national currencies and cryptocurrencies, using Feyorra utility coins ("FEY"), a kind of cryptocurrency, to distribute rewards and incentives to players. The sites are labelled with the Respondent's figurative logo and the name "Basilisk Studio SRL". The Respondent report that the sites use technical measures to block access from IP addresses in jurisdictions such as France where online gaming is restricted.

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. The Complainant asserts that the disputed domain name is identical or confusingly similar to its registered PASINO mark, which it has never authorized the Respondent to use. The Complainant infers that the Respondent was aware of the Complainant's mark and intended to deceive Internet users "to exploit the Complainant's well-established reputation" for financial gain and also with malicious intent, as the Respondent's site offers services that lack ANJ accreditation and are unlawfully accessible to minors under French regulations. In its supplemental filings, the Complainant offers proof that it is possible for a user in France to access the Respondent's websites.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Response observes that while the Complainant holds many trademark registrations, only one features the word PASINO, and only six of its casinos operate under the PASINO brand, all in France. The Respondent is licensed and operates solely in the online gambling market, from Costa Rica, directs its business at non-French markets, and implements geo-blocking measures to exclude French consumers. The Respondent does business under a PASINO mark online and has a registered PASINO mark in the European Union (the Respondent points out that at least fifteen other companies have PASINO trademarks listed in various jurisdictions). The Respondent denies targeting the Complainant's mark or operating in an unlawful manner. The Respondent argues that it is licensed, employs geo-blocking measures, age-gating policies to prevent access by minors, Know Your Customer and Anti-Money Laundering standards, and security procedures, and it is not subject to French law. In supplemental filings, the Respondent points to its policies and procedures to prevent unauthorized access from countries such as France that restrict online gambling and questions if and how an employee of the Complainant circumvented them.

The Respondent requests a finding of Reverse Domain Name Hijacking. The Respondent recounts the Complainant's repeated efforts to take down the Respondent's websites through complaints to the Respondent's DNS and content delivery provider and the Respondent's successful rebuttal of those complaints. Because of these exchanges, the Complainant was aware of the Respondent's European Union trademark and the Respondent's measures to avoid providing access to French consumers. Nevertheless, the Complainant filed the current Complaint, neglecting to mention the Respondent's trademark or the fact that the Complainant itself owned the disputed domain name from at least 2011 to 2015, while claiming that the Complainant became aware of the disputed domain name in March 2025, and asserting with screenshots from unattributed sources that the Respondent is making its site available in France and violating French law.

6.Discussion and Findings

6a. Preliminary Issues: Supplemental Filings

The Rules provide for a Complaint and Response and do not contemplate repeated amendments and supplemental filings. Paragraph 10 of the Rules gives the Panel "the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition". Paragraph 12 provides that it is in the Panel's sole discretion to request further statements or documents from the parties. Unsolicited filings are generally discouraged and tend to be permitted exceptionally where additional supporting evidence is required, a relevant claim has not been addressed, or fairness calls for an opportunity to respond to the opposing party. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), sections 4.6, 4.7.

Here, the Respondent made a submission prematurely before engaging outside legal counsel, who promptly filed a more complete and timely Response. The Panel does not find that this resulted in unfairness to the Complainant but notes that the Respondent and Complainant both raised factual and legal arguments (including the use of the Respondent's websites, the registration history of the disputed domain name, the allegations of bad faith in targeting or excluding French consumers, and the request for a finding of Reverse Domain Name Hijacking) that warrant supplemental submissions. Hence, in the interest of fairness to both Parties and given that the pace of the proceeding has not been unduly compromised, the Panel accepts the Respondent's final Response prepared by outside counsel and both Parties' supplemental filings.

6b. Substantive Matters

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 3.0, section 1.7.

The Complainant has shown rights in respect of a trademark or service mark, the registered semi-figurative PASINO mark, for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Although the mark is figurative, especially in presenting a highly stylized letter "P", it is clearly meant to spell the invented name PASINO. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

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.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent used the disputed domain name in connection with a bona fide offering of goods *or* services (Policy paragraph 4(c)(i)), a licensed online gambling website operating from Costa Rica before the current dispute arose. WIPO Overview 3.0, section 2.2.

The Panel also finds that the Respondent has been commonly known by a corresponding name (Policy paragraph 4(c)(ii)), as reflected in a mark displayed on the Respondent's websites. WIPO Overview 3.0, section 2.3. The Respondent holds a European Union trademark registration for this figurative mark featuring the word PASINO in stylized letters. The Response also attaches reviews of gambling sites referring to the Respondent's Pasino sites.

These rights or legitimate uses would not be considered bona fide only if the Panel determined that the Respondent chose the Pasino name and mark for its online gambling business intentionally to exploit the Complainant's preexisting PASINO mark, as the Complainant infers. This issue, on which the Complainant has the burden of proof, is better addressed in the following section on bad faith.

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.

In the present case, the Panel observes that the Respondent does not deny prior awareness of the Complainant's mark but demonstrates that many other companies also use PASINO marks and that the Complainant's use of that mark is limited to physical casinos in France, while the Respondent operates entirely online and takes steps to prevent access by consumers in France or other jurisdictions where online gambling is illegal or heavily restricted. The record shows that the Complainant is well established in the casino industry in France and adjacent francophone regions, not that it has a "worldwide" reputation as claimed in gaming, and certainly not in online gambling.

Thus, the Respondent plausibly denies any value or intent to imitate the Complainant and points out that there is no evidence of actual confusion, much less of targeting a francophone audience familiar with the Complainant's mark. The Complainant asserts that the Respondent's activities violate French law, but the Respondent cites French jurisprudence denying such jurisdiction where offshore service providers do not direct their services to the French public. The Complainant furnishes isolated screenshots purportedly showing how a French user could access the Respondent's games, but these do not demonstrate that the Respondent has intentionally directed its services to the French market, and the Respondent's services are designed otherwise.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark under the terms of the Policy.

The Panel finds the third element of the Policy has not been established. Based on this analysis, the Panel also confirms that the second element of the Policy has not been established.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking ("RDNH") or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. WIPO Overview 3.0, section 4.16.

The Respondent has requested such a finding here, for the reasons mentioned above. This is a close case for entering such a finding, as the Complainant was aware of the Respondent's ongoing business activities using the disputed domain name and its European Union trademark. The Complainant at least should have addressed these issues convincingly in the Complaint, as well as mentioning the Complainant's prior ownership of the disputed domain name.

Ultimately, however, the Panel is not inclined to find bad faith on the part of the Complainant in pursuing a Complaint against a Respondent that, on the face of it, is in a similar business and using a domain name identical to the Complainant's well-established mark. Therefore, the Panel denies the request for a finding of RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/
W. Scott Blackmer
Sole Panelist
Date: June 24, 2025