

ADMINISTRATIVE PANEL DECISION

Entain Plc. v. Lawrence Maldonado

Case No. D2022-3295

1. The Parties

The Complainant is Entain Plc., United Kingdom, represented by Stobbs IP Limited, United Kingdom.

The Respondent is Lawrence Maldonado, United States of America.

2. The Domain Name and Registrar

The disputed domain name <ladbrokestrust.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2022. On September 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 5, 2022, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 September 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 6, 2022.

The Center appointed Marina Perraki as the sole panelist in this matter on October 17, 2022. 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 was incorporated in the United Kingdom on January 19, 2018, under the name GVC Holdings (UK) Ltd. The company name was changed to Entain Holdings (UK) Ltd on April 7, 2021. The Ladbrokes Coral Group and consequently the LADBROKES brand was acquired by Complainant in March 2018. The Ladbrokes Coral Group operates an online gambling and betting business at “www.ladbrokes.com” and “sports.ladbrokes.com” together with two country specific websites and its mobile platforms. Ladbrokes was founded in London in 1902 and was listed in the London Exchange in 1967. From 1967 to 1973, Ladbrokes’ retail betting business grew to 1,135 betting shops. In 2016, Ladbrokes’ merger with Gala Coral lead to Ladbrokes Coral Group becoming per Complainant Britain’s biggest betting company, with over 4,000 betting shops and 30,000 employees. On March 28, 2018, Complainant completed the acquisition of the Ladbrokes Coral Group. Per Complaint, the Labrokes business enjoys reputation, with 342,336 followers on Facebook and 197,300 followers on Instagram. For the financial year ending December 31, 2021, Complainants’ underlying profit before tax was GBP 527.3million.

Complainant’s affiliates own numerous trademark registrations for LADBROKES including

- the United Kingdom trademark registration LADBROKES (word), No. 1294512, filed on December 12, 1986 and registered on January 22, 1993 for services in international class 36;
- the United States trademark registration LADBROKES (word), No. 78216830, filed on February 20, 2003 and registered on May 25, 2004 for services in international class 41; and
- the European Union trademark registration LADBROKES (word), No. 010874221 filed on May 10, 2012 and registered on November 1, 2012 for goods and services in international classes 9, 16, 28, 38 and 41.

The Domain Name was registered on April 26, 2021. It resolves to a website as of August 17, 2022, per Complaint, (“the Website”) where purportedly financial services are advertised under Complainant’s mark. Per Complaint, Respondent also uses Complainant’s official address as a means of contact, since at least as early as December 11, 2021. The Website contains text in English with grammatical errors, social media URLs that redirect to Complainant’s website, a “latest news” section for June and September 2020, predating the registration of the Domain Name and not redirecting to an actual post, no mention of any authorization to deal in financial services and an outdated copyright disclaimer for the year 2021.

5. Parties’ Contentions

A. Complainant

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

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

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Domain Name incorporates the LADBROKES trademark in which Complainant has rights in its entirety. This is sufficient to establish confusing similarity (*Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#)).

The addition of the word “trust” does not prevent a finding of confusing similarity as the LADBROKES trademark remains clearly recognizable within the Domain Name (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8).

The generic Top-Level Domain (“gTLD”) “.com” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is confusingly similar to the LADBROKES trademark in which Complainant has rights.

Complainant has established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to Respondent of the dispute, Respondent’s use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Name, even if it has acquired no trademark or service mark rights; or
- (iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per Complainant, Respondent was not authorized to register the Domain Name.

Respondent has not demonstrated any preparations to use, or has not used the Domain Name or a trademark corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant demonstrated, the Domain Name is used to host the Website to impersonate Complainant and attempt to mislead Internet users into thinking that the services purportedly offered on the Website originate from Complainant. Such use demonstrates neither a *bona fide* offering of goods nor a right or legitimate interest of Respondent (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)).

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the Domain Name; or

(ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith.

Because the LADBROKES trademark had been widely used and registered by Complainant’s affiliates and its predecessor before the Domain Name registration and enjoyed reputation in the relevant business sector (*Merryvale Limited v. Sg Group*, WIPO Case No. [D2020-3008](#)), the Panel finds it more likely than not that Respondent had the LADBROKES trademark in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Respondent should have known about Complainant’s rights, as such knowledge is readily obtainable through a simple browser search and also due to Complainant’s nature of business, provided also online (see *Caesars World, Inc. v. Forum LLC.*, WIPO Case No. [D2005-0517](#); *Compart AG v. Compart.com / Vertical Axis Inc.*, WIPO Case No. [D2009-0462](#)).

Furthermore, the content of the Website gives the impression that it originates from Complainant, prominently displaying LADBROKES signs on the Website and the Complainant’s official address as a means of contact, thereby giving the false impression that the Website emanates from Complainant. This further supports registration in bad faith reinforcing the likelihood of confusion with Complainant’s trademark and business, as Internet users are likely to consider the Domain Name as in some way endorsed by or connected with Complainant ([WIPO Overview 3.0](#), section 3.1.4 and 3.2.1).

The above further supports the finding that Respondent likely knew of Complainant and chose the Domain Name with knowledge of Complainant and its industry (*Safepay Malta Limited v. ICS Inc.*, WIPO Case No. [D2015-0403](#)).

As regards bad faith use, Complainant demonstrated that the Domain Name was employed to host the Website, which appeared falsely to be that of Complainant. The Website contains text in English with grammatical errors, social media URLs that redirect to Complainant's website, a "latest news" section for June and September 2020, predating the registration of the Domain Name and not redirecting to an actual post, no mention of any authorization to deal in financial services and an outdated copyright disclaimer for the year 2021.

The use of the Domain Name to resolve to a website passing itself off as the website of Complainant, whether for phishing of sensitive data from Internet users, or otherwise seeking to take unfair advantage of Complainant's mark, supports a finding of bad faith in these circumstances (See section 3.4 of the [WIPO Overview 3.0](#)).

Under these circumstances and on this record, the Panel finds that Respondent registered and used the Domain Name in bad faith.

Complainant has established Policy, paragraph 4(a)(iii).

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, <ladbrokestrust.com> be transferred to Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: November 7, 2022