

## **ADMINISTRATIVE PANEL DECISION**

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v. ufavision seoteam; Rungrote Pholsiri; linda aja; janchai mahanakorn; and chatchalerm noisanguan  
Case No. D2023-3653

### **1. The Parties**

The Complainant is Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco, Monaco, represented by De Gaulle Fleurance & Associés, France.

The Respondents are ufavision seoteam, Thailand; Rungrote Pholsiri, Thailand; linda aja, Indonesia; janchai mahanakorn, Thailand; and chatchalerm noisanguan, Singapore.

### **2. The Domain Names and Registrars**

The disputed domain names, <monaco888.co>, <monaco888.net>, <monaco888.org>, <monaco96.info>, and <playmonaco96.net>, are registered with NameCheap, Inc.; the disputed domain names, <monaco96.com> and <playmonaco96.com>, are registered with GoDaddy.com, LLC; the disputed domain name, <monaco96.org>, is registered with Tucows Inc. (collectively the (“Registrars”))

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 30, 2023. On August 31, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On August 31, 2023, and September 1, 2023, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names 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 September 4, 2023, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint adding the Registrar-disclosed registrants as formal Respondents and provide relevant arguments or evidence demonstrating that all named registrants are, in fact, the same entity and/or that all disputed domain names are under common control; and/or indicate which disputed domain name will no longer be included in the current Complaint. The Complainant filed an amended Complaint including a consolidation request on September 8, 2023.<sup>1</sup>

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<sup>1</sup>The Complainant removed two domain names from the Complaint upon receipt of the Center’s email regarding language of the registration agreement for those two domain names.

The Center verified that the Complaint together with the amended Complaint and the amendment to 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 Respondents of the Complaint, and the proceedings commenced on September 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 2, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 9, 2023.

On September 13, 2023, the Complainant submitted a supplemental filing requesting for the addition of the domain names, <monaco888.info> and <monaco888.vip>, to the proceedings.

The Center appointed Mihaela Maravela as the sole panelist in this matter on October 13, 2023. 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**

According to information in the Complaint, the Complainant was founded in 1863 and is a company organized under the laws of Monaco. It employs almost 3,000 people and is the largest employer in the Principality of Monaco. Since 1863, the Complainant has been operating the Casino de Monte-Carlo which it says is the most famous casino in the world. The Complainant also owns and operates other casinos in Monaco (the Monte-Carlo Bay Casino, the Casino Café de Paris and the Sun Casino) but also a complete resort including two palaces and two deluxe hotels, 40 conference and banqueting rooms, 34 restaurants and bars, three spas, as well as cultural and leisure venues.

The Complainant is the owner of various registered trademarks that include MONACO, including the following:

- the trademark CASINO DE MONACO, registered in Monaco under the number 02.23234 as of September 30, 2022, for the classes of goods and services 3, 9, 12, 14, 16, 18, 28, 34, 35, 38, 39, 41, and 43;
- the trademark MONACOPOKER, registered in Monaco under the number 09.27380 as of July 15, 2009, for the class 41 of services;
- the trademark MONACOBET, registered in Monaco under the number 09.27373 as of July 15, 2009, for the class 41 of services;
- the trademark MONACOGAMING, registered in Monaco under the number 09.27371 as of July 15, 2009, for the class 41 of services.

The disputed domain names were registered as follows:

- the disputed domain name <monaco96.com> was registered on October 24, 2022;
- the disputed domain name <playmonaco96.com> was registered on November 2, 2022;
- the disputed domain name <playmonaco96.net> was registered on March 22, 2023;
- the disputed domain name <monaco96.info> was registered on March 23, 2023;
- the disputed domain names <monaco888.co>, <monaco888.net>, and <monaco888.org>, were registered on April, 4, 2023;
- the disputed domain name <monaco96.org> was registered on April 21, 2023.

The disputed domain names, <monaco96.com>, <monaco96.org> and <monaco888.co> resolve at the date of the Decision and also resolved at the date of the Complaint, to gambling websites reproducing a logo that includes "monaco" and a picture of the Complainant's Casino de Monte-Carlo. The disputed domain name <playmonaco96.com> resolves at the date of the Decision and also resolved at the date of the Complaint to a log in page, reproducing on the landing page a logo that includes "monaco" and a picture of the

Complainant's Casino de Monte-Carlo. The disputed domain names <monaco888.net>, and <monaco888.org> resolve at the date of the Decision and also resolved at the date of the Complaint, to pay-per-click ("PPC") pages displaying links in the same area of activity as the Complainant. The disputed domain names, <playmonaco96.net>, and <monaco96.info>, at the date of the Complaint resolved to gambling websites reproducing "monaco" on the websites, the latter is inactive at the date of the Decision.

## **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 names.

Notably, the Complainant contends that the disputed domain names are identical or at least confusingly similar to the Complainant's trademark CASINO DE MONACO, all the more in the field of gambling given their identical term "Monaco", which comprises the Complainant's trademark CASINO DE MONACO. Also, as regards the disputed domain names <playmonaco96.net> and <playmonaco96.com>, they associate the Complainant's trademark CASINO DE MONACO with the term "play" that directly indicates to Internet users that the domain names' purpose is to offer gambling related activities and then alludes to the field of gambling, in which the Complainant's trademarks acquired a significant reputation. The use of "96" within these domain names also alludes to the field of gambling as this number is considered to be "a symbol of love and luck" and "is often associated with lucky numbers and a simple service to help us find our soul purpose". As regards the disputed domain names <monaco888.co>, <monaco888.net>, <monaco888.org>, they include the number "888" that is directly alluding to the field of gambling, as this number "usually means triple fortune, as a form of strengthening of the digit 8" that is itself "often associated with great fortune, wealth and spiritual enlightenment".

As regards the second element, the Complainant argues it had searched the trademark databases for trademarks associating either "Monaco", "play" and "96" or "Monaco" and "96" or "Monaco" and "888" and found no trademark containing these terms, therefore, to the best of the Complainant's knowledge, the Respondents hold no intellectual property rights over any mark that associates the term "Monaco" with the terms "play" and/or the numbers "96" or "888". Furthermore, the Complainant has never authorized the Respondents to register and use the disputed domain names containing the trademark CASINO DE MONACO.

With respect to the third element, the Complainant argues that the strong reputation and world renown of the Complainant's trademarks render it impossible for the Respondents to have been unaware that the registration and use of the disputed domain names would violate the Complainant's rights. The disputed domain names are (or at least were) used to access highly similar gambling platforms, which is exactly the Complainant's core business and the activities for which its trademarks are well-known. The websites at most of the disputed domain names include a picture of the Complainant's Casino de Monte-Carlo.

### **B. Respondents**

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

## **6. Discussion and Findings**

### **6.1 Consolidation of Multiple Respondents**

Consolidation of multiple domain name disputes under paragraphs 3(c) and 10(e) of the Rules may be appropriate where the particular circumstances of a case indicate that common control is being exercised over the disputed domain names or the websites to which the disputed domain names resolve and the panel,

having regard to all of the relevant circumstances, determines that consolidation would be procedurally efficient and fair and equitable to all parties. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.11.2, “Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario”.

In the present case, the Panel finds that the consolidation of the disputed domain names is justified as, *inter alia*: (i) the disputed domain names were all registered in a range of few months, (ii) the disputed domain names are similar in construction, as they all incorporate the dominant part of the Complainants’ trademark CASINO DE MONACO, *i.e.* MONACO, with the addition of other term(s) in each disputed domain name, all connected to the Complainant’s field of activity according to the unrebutted statements of the Complainant (*i.e.*, “play”, “888”, “96”), (iii) most of the websites to which the disputed domain names resolve have similar content in the gambling industry or resolve to PPC pages with links in the same sector, (iv) the email addresses for the Respondents have similar structure and are registered with @gmail.com, and (v) the postal addresses for all of the Respondents are located in Southeast Asia and are incomplete or bad addresses.

Under the circumstances, the Panel finds that the consolidation is fair to the Parties, and the Respondents have been given an opportunity to object to consolidation through the submission of pleadings to the Complaint, but have chosen not to rebut the consolidation (see [WIPO Overview 3.0](#), section 4.11.2). Based on the available record, the Panel finds that it is more likely than not that the disputed domain names are subject to common control; hence, the Panel grants the consolidation for the disputed domain names and will refer to the Respondents as the “Respondent” hereinafter.

## **6.2 Request for consolidation following complaint notification**

One day after the Complaint notification and commencement of the proceedings, the Complainant submitted a supplemental filing requesting the addition of the domain names <monaco888.info> and <monaco888.vip> to the proceedings. The mentioned domain names were registered on June 16, 2023, respectively on August 14, 2023. The registration dates for both domain names are prior to the filing of the Complaint. The registrant is not available in the Whois data, which mentions “Redacted for privacy”.

Having the above in mind, as well as the obligation of the Panel to respect the procedural rights of the Parties (paragraph 10(b) of the Rules, providing that the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and the Panel’s obligation to ensure that administrative proceedings take place with due expedition (paragraph 10(c) of the Policy), the Panel rejects the request for amendment of the Complaint with respect to the domain names <monaco888.info> and <monaco888.vip>. This decision is without prejudice to the Complainant’s possibility to file a separate complaint with respect to the mentioned domain names. See section 4.12.2 of the [WIPO Overview 3.0](#).

## **6.3 Substantive Issues**

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the [WIPO Overview 3.0](#).

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are 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 names, and (iii) the disputed domain names have been registered and are being used 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 names. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the dominant part of the Complainant's trademark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. While the addition of other terms here, "play", "96", or "888" may bear on assessment of the second and third elements, the Panel finds the addition of such terms do not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel further finds that it is legitimate in this case to take into account the content of the Respondent's websites to confirm the confusing similarity whereby it appears *prima facie* that the Respondent seeks to target the Complainant's trademarks through the disputed domain names. [WIPO Overview 3.0](#), section 1.15.

Based on the available record, 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.

While 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 often impossible 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. 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 record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

There is no evidence in the record that the Respondent is currently using the disputed domain names in connection with a *bona fide* offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. The Respondent directed or directs most of the disputed domain names to websites purporting to offer gambling services, creating the impression that the services were somehow sponsored by or affiliated with Complainant. This cannot amount in the Panel's view to a *bona fide* offering of goods or services within the meaning of paragraphs 4(c)(i) of the Policy. Also, according to the unrebutted evidence put forward by the Complainant, other disputed domain names are used to host parked pages comprising PPC links in the gambling sector. According to section 2.9 of the [WIPO Overview 3.0](#). "Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation

and goodwill of the complainant's mark or otherwise mislead Internet users". In this case, the PPC links are related to the Complainant's trademarks and generate search results with competing services to those offered by the Complainant. In this Panel's view, such use does not confer rights or legitimate interests to the Respondent.

Also, there is no evidence that the Respondent is commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy.

Based on the available record, 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.

According to the unrebutted assertions of the Complainant, its trademarks were widely used in commerce well before the registration of the disputed domain names. The disputed domain names are confusingly similar with the Complainant's trademark and most of them reproduce a logo that includes "monaco" and a picture of the Complainant's Casino de Monte-Carlo. Under these circumstances, the Respondent very likely registered the disputed domain names having the Complainant's trademark in mind. The Respondent provided no explanations for why it registered the disputed domain names.

The Panel concludes on this record that the Respondent is in bad faith within the meaning of the above-quoted Policy paragraph 4(b)(iv), by directing most of the disputed domain names to websites purporting to offer gambling services, which create the false impression that the services are somehow affiliated with or sponsored by the Complainant.

The disputed domain names <monaco888.net> and <monaco888.org> are used to direct to websites displaying PPC advertisements for services related to the Complainant's services. Given the confusing similarity between the Complainant's trademark and the disputed domain names, Internet users would likely be confused into believing that the Complainant is affiliated with the websites to which the disputed domain names resolves. Presumably the Respondent intends to benefit from the confusion created: it is likely that the Respondent earns income when Internet users click on the links in search of the Complainant's services.

The Panel finds that the current passive holding of the disputed domain name <monaco96.info> does not in the circumstances of this case prevent a finding of bad faith. There is no evidence in the record of a legitimate use of the disputed domain name. The disputed domain name used to resolve to a gambling website. The trademark of the Complainant is distinctive and widely used in commerce. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use and indeed none would seem plausible.

Based on the available record, the Panel finds 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 names, <monaco888.co>, <monaco888.net>, <monaco888.org>, <monaco96.com>, <monaco96.info>, <monaco96.org>, <playmonaco96.com>, and <playmonaco96.net>, be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: October 27, 2023