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DEEPALI GUPTA  
SOLE ARBITRATOR

.IN Registry - National Internet Exchange of India  
INDRP Case No: 1857

In the matter of Arbitration Between:

NAVASARD LIMITED

.....Complainant

Versus

VIKTOR REZANOVICH

.....Respondent

Disputed Domain Name : <1Xbet1.IN>

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**DEEPALI GUPTA**  
**SOLE ARBITRATOR**  
**.IN Registry - National Internet Exchange of India**  
**INDRP Case No: 1857**

**In the matter of Arbitration Between:**

**NAVASARD LIMITED**

Agias Eirinis, 16,  
Flat/Office 101, Aglantzia,  
2102, Nicosia,  
Cyprus.

Through the Authorised Representative:

Eshwars, Advocates- House of Corporate and IPR laws.

6th Floor, Khivraj Complex II, #480,

Anna Salai, Nandanam, Chennai,

Tamil Nadu, INDIA- 600035

Telephone: 0091 44 42048235

E-mail: [saisunder@eshwars.com](mailto:saisunder@eshwars.com)

[vishaka@eshwars.com](mailto:vishaka@eshwars.com)

[aanchal@eshwars.com](mailto:aanchal@eshwars.com)

.....Complainant

**Versus**

**Viktor Rezanovich**

Seo-Sam

Volgogradskaya 26,

Minsk,

Minskaya – 220 065

GB

Telephone: (+375).295230484

E-mail: [rezan@tut.by](mailto:rezan@tut.by)

(Registrant)

.....Respondent

Disputed Domain Name : <**1Xbet1.IN**>

**ARBITRATION AWARD**  
**DATED JUNE 26, 2024.**

**1) The Parties:**

The Complainant in the present arbitration proceedings is NAVASARD LIMITED, Agias Eirinis, 16, Flat/Office 101, Aglantzia,, 2102, Nicosia, Cyprus. The Complainant is represented by its Authorized Representative Eshwars, Advocates- House of Corporate and IPR laws, 6th Floor, Khivraj Complex II, #480, Anna Salai, Nandanam, Chennai, Tamil Nadu, INDIA- 600035, Telephone: 0091 44 42048235.

The Respondent in the present case is **Viktor Rezanovich**, Seo-Sam, Volgogradskaya 26, Minsk, Minskaya – 220 065, GB, Telephone: (+375).295230484, E-mail: [rezan@tut.by](mailto:rezan@tut.by) as per the details available in the 'WHOIS' database by National Internet Exchange of India (NIXI).

**2) The Domain Name, Registrar and Registrant:**

The disputed domain name is <**1Xbet1.IN**>

The Registrar is GoDaddy.com, LLC

The Registrant is Name- Viktor Rezanovich, Seo-Sam, Volgogradskaya 26. Minsk, Minskaya – 220 065, GB, Telephone: (+375).295230484, E-mail: [rezan@tut.by](mailto:rezan@tut.by)

**3) Procedural History:**

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP) adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28<sup>th</sup> June 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Ms. Deepali Gupta as the Sole Arbitrator to arbitrate the dispute between parties in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.

- The Complaint was produced before the Arbitrator on 15<sup>th</sup> May, 2024.
- 
- Thereafter Notice was issued to the Respondent on 21<sup>st</sup> May 2024, at his e.mail address '[rezan@tut.by](mailto:rezan@tut.by)', communicating the appointment of the Arbitrator in the case and outlining that the Complainant had prayed for transfer of the disputed Domain name <**1Xbet1.IN**> in its favour. The Respondent was called upon to submit their response within Twelve (12) days of the receipt of the Arbitrators email.





- The Arbitrator received no response from the respondent within the said timeline and even thereafter. Further the Arbitrator did not receive any delivery failure notification from the Respondents email id, therefore the respondent is deemed to be served with the complaint. In view of no response / acknowledgement / communication from the Respondent, the Complaint is being decided ex-parte and solely based on the materials and evidence submitted by the Complainant and contentions put forth by them.

**4) FACTUAL BACKGROUND:**

The Complainant herein is Navasard Limited, a limited liability company, formed under the laws of Cyprus, having its principal place of business at Agias Eirinis, Cyprus. That the Complainant 'NAVASARD LIMITED', is an internationally recognised online sports betting platform that was established in the year 2007 and has since won the recognition of millions of users around the world.

The Complainant is the proprietor of the trademark "1XBET" and is the registered owner of the said trademark in numerous jurisdictions around the globe. That the Complainant registered the official domain '**www.1xbet.com**' way back in 2006 and has been using the trademark "1xbet" ever since. Complainant was subsequently incorporated as a limited liability company in Europe on 9th March 2015 and has a wealth of experience working with major sporting organizations and some of the world's top football clubs.

The Complainant owns and uses the trademark "1xbet" in connection with its business since 2006. The Complainant has been using the Subject Mark continuously and extensively in respect of its business and services worldwide including in India.

The Complainant has, since inception, been steadily expanding its operations through quality delivery of its services to its customers which has helped the Complainant create long-lasting relationships with its customers. Due to its long and continuous use of the Subject Mark for almost two decades now, the same has become a well-known mark and public associate the mark "1xbet" exclusively with the Complainant and no one else.

**5) Summary of Complainant's contentions:**

The Complainant has contended that each of the element in the .IN Domain Name Dispute Resolution Policy are applicable to the present dispute. It has thus been



contended that the Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; that the Registrant's has no rights or legitimate interests in respect of the domain name that is the subject of complaint; and the Registrant's domain name has been registered or is being used in bad faith. The Complainant has in support of its case has made the following submissions:

- (a) The Complainant submits that 'NAVASARD LIMITED' is a limited liability company, formed under the laws of Cyprus, having its principal place of business at Agias Eirinis, Cyprus. That the Complainant is an internationally recognised online sports betting platform that was established in the year 2007. Through its betting services available in its official websites and applications, the players/users can place bets on thousands of events in over 60 sports every day. The users can bet on thousands of sporting events or play different online games from top providers, and the Complainant's website and app are available in 70 languages.
- (b) The Complainant has submitted that it has registered the official domain www.1xbet.com way back in 2006 and has been using the trademark '1xbet' ever since. The Complainant relies on **Annexure-3**, a screenshot of the whois data page of the said domain.
- (c) The Complainant was subsequently incorporated as a limited liability company in the Europe on 9<sup>th</sup> March 2015 and has a wealth of experience working with major sporting organizations and some of the world's top football clubs, including Serie A, the CAF, FC Barcelona, Olympique Lyonnais, LOSC Lille, PSG, and other famous sports brands and organizations. The Complainant has won various sporting awards and has enlisted the track record of its achievements over a decade from the year 2018 to 2024. The Complainant relies on **Annexure-5**.
- (d) The Complainant is the proprietor of the trademark "1XBET" and relies on copies of the TM Registration Certificates containing the detailed description of the services of the said Marks marked as **Annexure 6**. The list is as follows:

TRADEMARK	CLASSES	COUNTRY	REGISTRATION NUMBER	STATUS
IXBET (word mark)	35,41, 42	European Union	014227681	Registered
IXBET (logo)	41,42	European Union	017517327	Registered
IXBET (logo)	35,41,42	Madrid Application designating 84 countries including India	1673396	Pending Registration in India
IXBET (logo)	41,42	Madrid Application designating 84 countries including India	1672896	Pending Registration in India
IXBET (logo)	35,41,42	Madrid Application designating 84 countries including India	1673116	Pending Registration in India
IXBET (logo)	35,41,42	Madrid Application designating 84 countries including India	1673114	Pending Registration in India
IXBET (logo)	35, 41 & 42	Madrid Application designating 84 countries including India	1673113	Pending Registration in India
IXBET (logo)	41 & 42	Madrid Application designating 84 countries including India	1669925	Pending Registration in India
IXBET (logo)	35, 41 & 42	Madrid Application designating 84 countries including India	1379235	Pending Registration in India

(e) The Complainant contended that it is the proprietor/ owner and uses the trademark "1xbet" in connection with its business since 2006. The Complainant has been using the Subject Mark continuously and extensively in respect of its business and services worldwide including in India. Due to its long and continuous use of the Subject Mark for almost two decades now, the same has become a well-known mark and public associate the mark "1xbet" exclusively with the Complainant. Complainant also owns numerous domain names containing the Subject Mark and relies on **Annexure-7**.

- (f) The Complainant further submits that considering that cricket is a well-recognised sports in India and the said sport has a huge fanbase in India per se, the Complainant has invested huge sums of money in publicising its business by sponsoring various international cricket tournaments and also associating with various international cricketers as its brand ambassadors in order to promote its business and the Subject Mark. All these evidence that the Subject Mark has acquired distinctiveness owing to its continuous usage.
- (g) The Complainant submits that the Disputed domain name is identical or confusingly similar to the Subject Mark. The Disputed Domain name contains the Subject Mark in entirety along with a non-significant numeric element "1" and even though the Disputed Domain Name, differs from the Subject Mark of the Complainant by the addition of a numeric '1', it does not serve sufficiently to distinguish or differentiate the Disputed Domain Name from the Complainant's Subject Mark.
- (h) The Complainant further contended that the Complainant has taken UDRP actions against various cybersquatters and has been successful in all such actions. The Complainant relies on a list of the cases initiated by the Complainant whereunder the disputed domains were transferred to the Complainant.
- (i) The Complainant has asserted that the usage of a random number "1" as a suffix and as part of the disputed domain name along with the word "1Xbet" does nothing to differentiate the disputed domain name from that of the Complainant's trademark and various other domain names held by the Complainant containing the word and trademark "1Xbet". Hence it is ex-facie evident that the disputed domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights.
- (j) The Complainant further submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name.
- (k) The Complainant submits that the Disputed Domain had been registered on 25<sup>th</sup> June 2021. That the Disputed Domain Name resolves to an active webpage, where the Respondent is purportedly operating an online sports betting site under the Subject Mark of the Complainant which is, to the utter shock and surprise of the Complainant, strikingly similar to in terms of its trade dress, get up and user interface to that of the Complainant's Webpage.





- (l) The Complainant submitted that the word "Ixbet" is a coined word and as such it is not one that traders would legitimately choose unless the sole purpose is to create an impression of an association with the Complainant who is the registered proprietor of the Subject Mark. The Complainant submits that by virtue of its long term use, the Subject Mark has attained a status of well-known trade mark in the online betting domain space and has been adopted by the Respondent merely to take a piggy back ride on the goodwill and reputation acquired by the Complainant in relation to the Subject Mark over the years. That there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name.
- (m) The Complainant submitted that the Disputed Domain Name contains the Subject Mark and the business name of Complainant in entirety and the Complainant states that it has not licensed or otherwise permitted the Respondent to use its Subject Mark or to apply for or use any domain name incorporating the Subject Mark and hence the Respondent has no rights in respect of the Disputed Domain Name. Further, there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name.
- (n) The Complainant has submitted that the content of the Disputed Domain in itself is plagiarised and infringes the proprietary rights of the Complainant as the look and feel of the Disputed Domain is replica of the Complainant's Webpage content. This is further evidenced by the fact that the Respondent had replicated the screenshot/images from the Complainant's Webpage and thus having reference of the Complainant's Webpage in the Disputed Domain itself and hence clearly indicating that the Respondent has no legitimate interest on the Disputed Domain, but it is intended only to divert the internet traffic to the site and to unduly enrich itself by riding upon the goodwill of the Complainant and by sailing as close as possible to the trade name and Subject Mark of the Complainant. Complainant relies on **Annexure 9** and **Annexure 10**. Further, upon clicking on the "Registration" option on the Disputed Domain Name, the page is redirected to a third party website "Ix- bet.in" which contains terms and conditions which are copies from the Complainant's Webpage and also having reference to the Complainant's Webpage. Screenshots of such comparison is marked as **Annexure 11**.





- (o) The Complainant submits that it is clear that there is no bonafide offering of services by the Respondent, but rather involved in passing off the services of the Respondent as that of the Complainant by riding on the goodwill of the Complainant that it has carefully garnered over a decade. The Respondent is not making a legitimate non-commercial or fair use of the Disputed Domain Name, but rather using it with a malafide intent of commercial gain to misleading and divert consumers or to tarnish the trademark or service mark of the Complainant at issue. It is evident that the Respondent's intent is to unjustly enrich through the well-known status of the Subject Mark of the Complainant. Thus, the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.
- (p) The Complainant has further submitted that the Respondent has registered and is using the Disputed Domain name in bad faith. The Complainant submits that the Subject Mark of the Complainant "1xbet" is a coined word that is distinctive and has acquired a strong reputation and goodwill over the years globally considering it is an internationally available service having players and users all over the world. It is also not possible to conceive of a plausible situation in which the Respondent would have been unaware of the distinctiveness and strong reputation of the Complainant's Subject Mark "1xbet". That the Respondent intentionally and knowingly registered the Disputed Domain with a malafide intent to mislead the internet traffic of the Complainant towards the Respondent's Disputed Domain Name and thereby unlawfully enrich itself. The contents of the webpages in the Disputed Domain Name make it abundantly clear that the Respondent was very well aware of the Complainant and its service offerings and hence indicative of the fact that the Disputed Domain Name was registered in bad faith and also being used in bad faith by the Respondent. Considering that the Respondent has registered the Disputed Domain solely to pass-off its services as that of the Complainant, it is also likely that the unlawful adoption of the Disputed Domain Name by the Respondent would result in the dilution of the Complainant's Subject Mark "1xbet". The illegal adoption of the Disputed Domain name is causing irreparable damage and injury to the Complainant's reputation and goodwill which cannot be ascertained and/or quantified due to the intangible nature of goodwill.
- (q) Thus the Complainant submits that it is established that the Respondent has intentionally attempted to attract Internet users to the Disputed Domain Name by

creating a likelihood of confusion with the Complainant's Subject Mark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain and hence the registration and the usage of the Disputed Domain Name is bad faith.

- (r) Hence in view of the above submissions the Complainant prays that the disputed domain name <1xbet1.in> as registered by the respondent be transferred to the Complainant

#### **6. RESPONDENT:**

The Respondent did not respond in these proceedings although notice was sent to the Respondent under the INDRP Rules. The respondent has neither filed any reply nor brought any evidence on record to establish its rights in the disputed domain name.

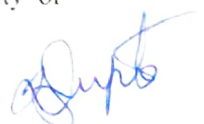
#### **7. DISCUSSION AND FINDINGS**

Under the INDRP Policy the following three elements are required to be established by the Complainant in order to obtain the relief of transfer of the disputed domain name:

- (i) The disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights and
- (ii) The Respondent lacks rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered or is being used in bad faith.

#### **Identical or confusingly Similar:**

The Disputed Domain Name incorporates the Complainant's '1xbet' mark in its entirety. It is well accepted that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. The Complainant has submitted evidence of its trademark registrations that establish that the Complainant has statutory rights in the service mark for the purpose of policy. The service mark / trade mark of the Complainant has been reproduced within the disputed domain name '1xbet1.in'. It is a well established principal that when a domain name wholly incorporates a complainant's registered mark, the same is sufficient to establish identity or



confusing similarity for purposes of the Policy. That addition of a numeric to the registered trade mark as suffix can not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trade mark for the purposes of the Policy.

Further a TLD / ccTLD such as '.in' '.co.in' is an essential part of domain name. Therefore it cannot be said to distinguish the Respondents Domain Name <1Xbet1.in.> from the Complainants trademark '1Xbet'.

The Complainant has also provided evidence of the reputation, goodwill and fame associated with its mark due to its extensive use. Further in addition to the above, the Complainant is also the owner of numerous domain names incorporating its trademark '1Xbet' that have been duly registered in various jurisdictions globally.

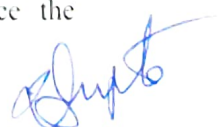
In *Motorola, Inc. vs NewGate Internet, Inc.* (WIPO Case D2000-0079), it was held that use of the trademarks can not only create a likelihood of confusion with the Complainants' marks as to the source, sponsorship, affiliation or endorsement of its web site, but also creates dilution of the marks.

It is well established that in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark.

The disputed domain name is accordingly found to be identical or confusingly similar to the Complainant's mark. The Complainant has successfully fulfilled the first element under paragraph 4 of the Policy, that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights.

#### **Rights and Legitimate Interests:**

The second element requires the Complainant to put forward a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Although the onus of proving that the Respondent lacks rights or legitimate interests in the disputed domain name lies on the Complainant, the same may amount to 'proving in negative' hence may not be possible. Hence the



Complainant has to make out a prima facie case that the respondent lacks rights or legitimate interests, whereafter, the burden of proof 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.

The Complainant has argued that the Respondent lacks rights or legitimate interests in the disputed domain name and has submitted that the Registrant does not own any registered rights in any trademarks that comprise part or all of the disputed domain name. It is further observed that the trademark '1Xbet' was already registered in India for several years prior to when the Respondent registered the Disputed Domain Name on 25 June 2021.

The Complainant states that prima facie, the Registrant has no rights or legitimate interests in respect of the disputed Domain Name. The Complainant has argued that due to extensive use of the '1Xbet' mark globally and in India, the mark is distinctive and enjoys substantial goodwill, reputation and fame. It is found that the Complainant has acquired rights in the mark '1Xbet' through use and registration and the Complainant has provided evidence of the mark being distinctive and having a substantial recognition. In the light of these facts and circumstances, it is found that the respondent's use of the '1Xbet' mark which is distinctive of the Complainant and its products & services, does not constitute legitimate use or fair use of the mark by the Respondent.

It is found that the Complainant has provided evidence of its prior adoption of the '1Xbet' mark. The Complainant has submitted that the use of the mark by the respondent is likely to mislead people and the respondent lacks rights to use the said trademark in the disputed domain name. That the Disputed Domain Name resolves to an active webpage, where the Respondent is purportedly operating an online sports betting site under the Subject Mark of the Complainant which is, to strikingly similar to in terms of its trade dress, get up and user interface to that of the Complainant's Webpage. The Complainant's submissions that the Respondent's use of mark in the disputed domain name is likely to mislead Internet users is plausible.





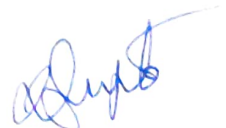
Use of the said trademark '1Xbet' by the Respondent with the intention of attracting customers is likely to cause confusion and deception to those who encounter the disputed domain name. Internet users are likely to believe that the disputed domain name is in some way connected to the Complainant or is endorsed or authorized by the Complainant. Use of a trademark with the intention to derive benefit from the mark and to make improper commercial gains by such use is recognized as infringing use under INDRP Policy. Refer to, *Google LLC V Gurdeep Singh*, INDRP Case No.1184 (<googlepays.in> ) where use of GOOGLE mark in the domain name <googlepays.in> by the respondent in that case was found to lack rights or legitimate interests because the mark was used to attract customers by a respondent who was found to have no connection with the well known mark. The use of the Complainants '1Xbet' mark by the Respondent, is found to be misleading use of the mark, and is accordingly found not qualifying as legitimate use by the Respondent.

The Respondent has not participated in these proceedings nor filed any reply or documents/ evidence. The Complainant has categorically submitted that it has not consented, authorized or permitted the Respondent for use of the disputed domain name.

In the light of the facts and circumstances discussed, it is accordingly found that the Complainant has made out a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name. The second element under paragraph 4 of the Policy has been met by the Complainant.

### **Bad faith**

The Complainant has contended that the Subject Mark of the Complainant "1xbet" is a coined word that is distinctive and has acquired a strong reputation and goodwill over the years globally considering it is an internationally available service having players and users all over the world. Evidence on record clearly demonstrates the Complainant's prior adoption and extensive use of the '1xbet'



mark. The trade mark '1xbet' was initially conceived and adopted by the Complainant and is a unique combination of terms coined by the complainant.

The disputed domain name has been registered on 25<sup>th</sup> June 2021 whereas the trademark registration of '1xbet' mark was obtained by the Complainant several years prior thereto in various jurisdictions world wide. These facts establish the Complainants prior adoption of the '1xbet' mark and the evidence filed by the Complainant also establish that it has extensively used the said trademark in commerce for a number of years continuously and the mark is recognized internationally and is well known, which has substantial value. The evidence filed by the Complainant clearly establishes the international recognition and reputation associated with the '1xbet' mark.

The evidence adduced by the Complainant depicts that the Respondent has intentionally attempted to confuse Internet users and attract them to the Disputed Domain for commercial gain by creating the content of the Disputed Domain identical or confusingly similar to the Complainant's Webpage. Further the evidence placed on record depicts that the Respondent is not making any legitimate or fair use of the impugned domain at all. This only shows the *mala fide* intention of the Respondent to wrongfully gain benefits at the cost of the goodwill and reputation of the Complainant's trademark '1xbet'.

It is observed that such acts constitute misrepresentation. Such acts are not only prejudicial to the rights of the Complainant but also to the members of trade and public. The activities of the Respondent rise to the level of a bad faith usurpation of the recognition and fame of Complainant's well-known and earlier trademark '1xbet' to improperly benefit the Respondent financially and are in violation of applicable laws. These activities demonstrate bad faith registration.

The Respondent has been found to have no rights or legitimate interests in the disputed domain name. It is furthermore observed that the facts circumstances and the evidence indicate that the Respondent has used the '1xbet' Mark in the disputed domain name to intentionally mislead internet users to its website by creating a likelihood of confusion with the mark of Complainant and based on the reputation associated with the mark.



There are numerous precedents under the Policy, where it has been held that the registration of a domain name with a well known mark which is likely to create confusion in the minds of Internet users and attempting to use such a domain name to attract Internet traffic based on the reputation associated with the mark is considered bad faith registration and use under the Policy. Similarly in the present case it is found that the use of the '1xbet' mark by the Respondent is likely to attract customers based on the Complainant's mark and Internet users are likely to be misled by the use of the trademark in the disputed domain name.

For the reasons discussed, the registration of the disputed domain name by the Respondent leads to the conclusion that the domain name in dispute was registered and used by the Respondent in bad faith.

Thus, in view of all that has been discussed, it is found that the Respondent has registered the disputed domain name in bad faith. Accordingly, it is found that the Complainant has established the third element under paragraph 4 of the Policy.

#### **DECISION**

In view of the above finding's it is ordered that the disputed domain name <1xbet1.in> be transferred to the Complainant.



Deepali Gupta  
Sole Arbitrator

Date: 26<sup>th</sup> June, 2024.