



BEFORE TMT M. SHIRIJHA, B.Sc., M.L.
SOLE ARBITRATOR, AT CHENNAI

1st February 2025 FEB 2025

DF 226851

COMPLAINT IN DR Case No. 1923

Chennai - 600 15

IN THE MATTER OF AN ARBITRATION
S.V.L No. 1481/E/94
FOR A DISPUTE RELATING TO THE SALAI
No. 109, TO THE
CHENNAI-600035
DOMAIN NAME <1xbookmaker.in>
UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY.

NAVASARD LIMITED
Evvoias, 2, Flat/Office 303,
Agiol Omologites,
1087, Nicosia,
Cyprus

Complainant

versus

'Redacted for Privacy',
S Michigan Ave 2229,
Chicago, IL, 60616
United States

...Respondent

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BEFORE TMT.M.SHIRIJHA, B.Sc.,M.L.
SOLE ARBITRATOR, AT CHENNAI
21st February 2025
COMPLAINT INDRP Case No. 1923

IN THE MATTER OF AN ARBITRATION
FOR A DISPUTE RELATING TO THE
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UNDER THE .IN DOMAIN NAME
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...Respondent

AWARD PASSED UNDER THE ARBITRATION AND

CONCILIATION ACT, 1996 AND THE INDRP RULES OF PROCEDURE

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I. PARTIES TO THE ARBITRATION

1. The Complainant is Navasard Limited, a limited liability company, formed under the laws of Cyprus having its principal place of business at Evvoias,2, Flat/Office 303, Agioi Omologites, 1087, Nicosia, Cyprus, represented by their Authorised Representative Eshwars, Advocates- House Of Corporate And Ipr Laws, Address: 6th Floor, Khivraj Complex II, #480, Anna Salai, Nandanam, Chennai, Tamil Nadu, India- 600035, Telephone: 0091 44 42048235, E-mail: vishaka@eshwars.com, aanchal@eshwars.com.

2. The Respondent's details as appearing as the registrant for the disputed domain www.1xbookmaker.in in the National Internet Exchange of India (NIXI) is appearing as "Privacy Redacted, S Michigan Ave 2229, Chicago, IL, 60616, United States. Telephone: (+1).2563740797 E-mail: support@sav.com.

II. APPLICABLE LAW AND JURISDICTION

The .IN Domain Name Dispute Resolution Policy

The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (the Policy) which was adopted by the National Internet Exchange of India (NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name. By registering the domain name <1xbookmaker.in> with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed

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thereunder The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure post 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

III. Filing of the Complaint and Constitution of the Arbitral Tribunal

1. The Complainant filed the Complaint under the .IN Domain Name Dispute Resolution Policy against the Respondents, seeking transfer of the Domain Name '1xbookmaker.in' to the Complainant, following which, the .IN Registry sought the consent of **Tmt.M.SHIRIJHA** (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under 5 (a) of the Rules, to act as Arbitrator in the said matter.

2. On 21st January 2025, the Arbitral Tribunal consisting of the said **Tmt.M.SHIRIJHA** as Sole Arbitrator was constituted under 5(b) of the Rules in respect of the Complaint filed by NAVASARD LIMITED against the Respondent whose name 'Redacted for Privacy', S Michigan Ave 2229, Chicago, IL, 60616, United States.

3. On 22nd January 2025 the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules to the parties for commencement of Arbitral Proceedings.

4. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT

The details of the Respondent, have been REDACTED FOR PRIVACY. The particulars of the registration of the domain name <1xbookmaker.in > as found in the .IN Registry database are set out below:

Domain Name: 1xbookmaker.in

Date of creation : 24-05-2024

Domain ID: ---

Registrant Name: REDACTED FOR PRIVACY Registrant Organization:

Registrant Street: S Michigan Ave 2229

Registrant City : Chicago

Registrant State/Province: IL

Registrant Postal Code: 60616

Registrant Country: United States.

Registrant Phone : (+1).2563740797

Registrant Email: E-mail: support@sav.com

The Registrar with whom the subject domain name is registered : Hosting Concepts
B.V. d/b/a Open provider E mail : abuse@registrar.eu

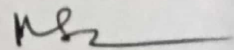
V. PROCEDURAL HISTORY

1. The Sole Arbitrator, Tmt.M.Shirijha was appointed On 21st January 2025 for the INDRP case no. 1923 regarding the Complaint dated September 23, 2024 filed under the INDRP.

2. On 22nd January 2025 the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules , to the parties for commencement of Arbitral Proceedings and directed the Complainant to serve the said Notice to the Respondent both Online and Offline to the address mentioned therein. The Respondent was given an opportunity to file a response in writing in opposition to the Complaint, if any along with evidence in support of its stand or contention on or before seven working days from the date of receipt of the said Notice.

3. On the same day The Authorised Representative of the Complainant submitted the proof of the email sent to the respondents' email address as directed by the Tribunal. He further requested the Tribunal that as the Respondent name is not as such disclosed in the WHOIS data as well and the address provided thereunder also seems incomplete, to consider serving of soft copy to the respondent email address

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sufficient and dispose of the requirement to serve hard copy to the Respondent. His request was declined and was asked by this Tribunal to comply its directions and accordingly The Authorised Representative of the Complainant informed the Tribunal on 23rd January 2025, informed the Tribunal that they have sent the physical copy of the complaint along with annexures to the address of the Respondent as appearing in the WHOIS details and submitted proof thereof.

4. As there is no response from the side of Respondent, On 18th February 2025, This Tribunal, in the interest of justice the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure in order to grant the Respondent a further opportunity to file in writing in opposition to the Complaint, if any, along with evidence in support of its stand or contention, directed the Complainant to send another copy of the Arbitral Notice to Respondent's Official Address for which The Complainant submitted that the WHOIS data does not provide for the complete address of the Respondent and hence sending another notice to the same address will be only futile and submitted that the Arbitral notice along with the hard copy sent on 23.01.25, has reached the US and submitted the screenshot of the status from India post website. He further requested to exercise its discretion to consider the service of soft copy to the Respondent's email address to be sufficient for compliance under the INDRP and its corresponding rules. Considering the fact and circumstances of the case, it is held that the service on the Respondent was done in accordance with Rule 2(a) of the Rules.

5. As The Respondent did not respond to the notice issued both online and offline, even after giving sufficient time, on 18th February 2025, The Arbitral Tribunal recorded the non appearance of the Respondent and set them exparte.

6. it is well settled that the plaintiff has to prove his own case and would have to stand on his own legs. Merely because the defendant remained ex-parte, he cannot succeed his case. To prove the Claim, Complainant has to establish before this Tribunal the three elements of INDRP Policy that

- a) Whether the Respondent's domain name <1xbookmaker.in > is identical and/or deceptively similar to domain name and trademarks of the Complainant?
- b) Whether the Respondent has no rights or legitimate interests in respect of the domain name?
- c) Whether the Respondent domain name was registered or is being used in absolute bad faith?

VI. COMPLAINANT'S CONTENTIONS

The Complainant is an internationally recognised online sports betting platform that was established in the year 2007 and the Complainant registered the official domain www.1xbet.com way back in 2006 and Subsequently it is incorporated as a limited liability company in the Europe on 9th March 2015 and has a wealth of experience working with major sporting organizations and has won various awards and accolades. Over a decade, the Complainant owns and uses the trademark "1xbet" in connection with its business and has coined the term "1x" which is unique and has been using it in combination with generic term "bet" in relation to all its activities, thereby establishing the fact that the term "1x" is the substantive and unique part of the Subject Mark. Further, it is pertinent to note that the Complainant has adopted the abbreviated term of the Subject Mark "1xBet" i.e."1x" as pre-fix for the specialised features of its services, such as "1xGame", "1xlive", "1xWin", including for its promotional activities namely "1xpick'em", "1xPunch", "1xContest" and has also been using the term "1x" as prefix to all the promotional codes generated by it during the course of its services, thereby clearly evidencing that "1X" is an integral part of the Subject Mark and brand identity of the Complainant and that the general public relate any term containing "1x" reference on the subject matter to the Complainant only and no one else.

The Present Complaint is filed on the following Grounds:

- a) The disputed Domain Name mentioned in this Complaint is identical or confusingly similar to the Complainant's Trademark or Service**

The Complainant has been using the Subject Mark "1x" continuously and extensively in respect of its business and services worldwide including in India, due to which the term has obtained a secondary meaning in the field of online betting and The Complainant has taken several measures to publicise the Subject Mark widely in India owing to which the public in India recognise the Subject Mark only with the Complainant and no one else and seeing the term "1xbookmaker" is likely to assume that the term "1x" when combined with "bookmaker" refers to the betting services rendered by the Complainant under its well-known Subject Mark "1xbet". It is asserted that the usage of the word "bookmaker" in place of "bet" with prefix "1x" does nothing to differentiate the Disputed Domain name from that of the Complainant's trademark. 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, in which the Complainant has rights.

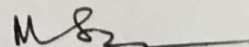
Reliance is placed to the decisions wherein it was held that 'mere addition of common or generic terms in domain name along with trademarks in which a complainant has rights are held to be "cybersquatting" (*Makemytrip (india) Pvt Ltd. vs. Ms. Kavita Ganjoo, Satisar Travels with respect to the domain "Lockmytrip.in"* (INDRP 392/2021); "a domain name is identical to a trademark when the domain name contains or is confusingly similar to the trademark, regardless of the presence of other words in the domain name *Amazon Technologies, Inc. v. Jack Worli INDRP Case No.868*); 'the intention of the domain dispute resolution policy is to prevent extortionate behavior commonly known as "cybersquatting" and that a domain name is "identical or confusingly similar" to a trademark for purposes of the policy when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name' *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale (UDRP Case No. D2000-0662)*; 'disputed domain "rapidpedia.com" replicates the first and dominant element of the trademark of the complainant "Rapid Share" (*RapidShare AG, Christian Schmid v. Protected Domain*'


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services/ Dmytro Gerasymenko (UDRP Case No. D2010-1071) ; "the dominant feature of the trademark of the complainant to fight confusing similarity with the disputed domain thereby satisfying the first element " (Supercell OyWhoisProxy. com Ltd / Jordan Rash, Application Automation LLC (UDRP Case No. D2015-1445)' while the Complainant's mark "EASTPAK" mark was not as easily recognized in the disputed domain name <bag pakonline.com>, the "PAK" element of the Complainant's mark was recognizable, and was combined with the descriptive terms "bag" and "online", thus making it confusingly similar to the complainant's mark. the disputed domain name resolved to an identical website displaying the Complainant's "EASTPAK" logo and products bearing the "EASTPAK mark" and thus under the broader context and on balance, it was concluded that the disputed domain name "bagpakonline.com" is confusingly similar to the Complainant's mark for purposes of the first element of the Policy VF Corporation v. Vogt Debra (UDRP Case No.D2016-2650); "in addition to comparing the aural and visual comparison of the domain name with the complainant's trademark, the content of a website may provide indication as to a respondent's targeting of a specific trademark through the domain name chosen. Accordingly, the context in which the domain names are being used may be helpful to assess confusing similarity" Schering-Plough Corporation, Schering Corporation v. Dan Myers (UDRP Case No. D2008-1641); Reuters Limited v. Global Net 2000, Inc. (UDRP Case No. D2000-0441).

b) The Respondent has no rights or legitimate interests in respect of the domain name:

The word "1xbet" is a combination of unique term "1x" and "bet" to form a coined term which would create an impression of an association with the Complainant who is the registered proprietor of the Subject Mark and is commonly known as "1x" and has been using the same for more than a decade and well-known in the online betting domain space commonly known as "1xbet" or "1x". The Disputed Domain Name contains this unique and dominant part of the Subject Mark of the Complainant which was not licensed or otherwise permitted to use or to apply for or use any domain



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name incorporating the Subject Mark or any part of it and there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name and it has been adopted by the Respondent merely to take a piggy back ride on the goodwill and reputation acquired by the Complainant over the years.

The WHOIS data page of the Disputed Domain Name states that the Disputed Domain had been registered on 25th May 2024, all the Registrant details are privacy redacted and 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. The Disputed Domain name contains webpage which is redirected from the domain "1xbet1.in" which has been awarded for transfer in favour of the Complainant under the INDRP case no. 1857/2024. Such re-direction is an indication of cyberflight and at the threshold establishes that the Respondent has no legitimate interest over the Disputed domain, but rather using it with malafide intent of commercial gain to mislead and divert consumers or to tarnish the brand of the Complainant at issue.

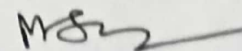
c) The domain name(s) was registered and/or used in bad faith

The Subject Mark of the Complainant "1xbet" is a coined word that is a combination of unique term "1x" and "bet" and has acquired a strong reputation and goodwill over the years globally and the Respondent who was very well-aware of this, registered the Disputed Domain by retaining the distinctive and dominant part "1x" of the Subject Mark and replacing the common generic part "bet" with "bookmaker", which is nothing but connotation of the term bet and further The contents of the webpages in the Disputed Domain Name is an absolute replica of the Complainant's Webpage thereby falsely creating an implied affiliation with the Complainant 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 illegal adoption of the Disputed Domain name is causing irreparable damage and injury to the

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Complainant's reputation and goodwill which cannot be ascertained and/or quantified due to the intangible nature of goodwill. Further, it is an established principle that a domain name adopted by the complainant is entitled to equal protection against passing off as in the case of a trademark. To further substantiate the bad faith of the Respondent, it is pertinent to consider the fact that the domain "1xbet1.in" which has been awarded in favour of the Complainant in case of INDRP 1857/2024 is placed under server lock till 27.09.2024 thereby preventing the respondent from transferring the said domain to any third party. However, upon attempting to reach the said domain as on date, it is being redirected to the Disputed Domain which evidences that the Respondent is likely to be the same person operating or controlling the operations of the content of the domain "1xbet1.in" and aggrieved by the award passed in favour of the Complainant, the Respondent has now registered in bad faith the Disputed Domain and has also redirected the domain "1xbet1.in" to the Disputed Domain, which prima facie establishes the bad faith in registration and use of the Disputed Domain thereby entitling the transfer of the Disputed Domain to the Complainant.

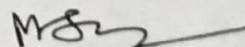
Reliance is placed on *Societe des Produits Nestle S.A. v Dotpe Pvt. Ltd* (Case no. INDRP Case no. 1778/2023) wherein it was held that 'where the sole purpose of the respondent is to create confusion in mind of ordinary internet users, it is indicative of bad faith registration'; "the intent of the respondent to profit from the reputation of the complainant's mark's/domain is definitely a bad faith registration use" (*New cross healthcare solutions ltd. v. Amelia Gibbs* (INDRP Case No. 1798/2024) ; *Virgin Enterprises Limited v. Alex Willian* (INDRP Case no. 1790/2023) *Mattel Inc. v. Ria Sardana* (INDRP Case no. 1780/2023) wherein bad faith was established through intentional diversion of internet traffic to respondent's site and whereby respondent was also guilty of trademark infringement and passing off; *Yahoo! Inc. vs Akash Arora & Anr.*(78 (1999) DLT 285); and *Rediff Communication Ltd Vs. Cyberbooth and Anr* AIR 2000 AIR Bom. 27 ; *Massachusetts Financial Services Company v SI Mandowara*, (INDRP Case No. 1808/2024) wherein Panel observed that "act of the respondent registering the impugned domain name WWW.MFS.NET.IN incorporating identical



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Reliance is placed on *Societe des Produits Nestle S.A. v Dotpe Pvt. Ltd (Case no. INDRP Case no. 1778/2023)* wherein it was held that 'where the sole purpose of the respondent is to create confusion in mind of ordinary internet users, it is indicative of bad faith registration'; "the intent of the respondent to profit from the reputation of the complainant's mark's/domain is definitely a bad faith registration use" (*New cross healthcare solutions ltd. v. Amelia Gibbs (INDRP Case No. 1798/2024)* ; *Virgin Enterprises Limited v. Alex Willian (INDRP Case no. 1790/2023)* *Mattel Inc. v. Ria Sardana (INDRP Case no. 1780/2023)* wherein bad faith was established through intentional diversion of internet traffic to respondent's site and whereby respondent was also guilty of trademark infringement and passing off; *Yahoo! Inc. vs Akash Arora & Anr.(78 (1999) DLT 285)*; and *Rediff Communication Ltd Vs. Cyberbooth and Anr AIR 2000 AIR Bom. 27* ; *Massachusetts Financial Services Company v SI Mandowara, (INDRP Case No. 1808/2024)* wherein Panel observed that "act of the respondent registering the impugned domain name WWW.MFS.NET.IN incorporating identical



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trademark as that of the complainant's registered mark "MFS" is a malafide attempt on its part to scam innocent members of the public and make illegal economic gains and profits by misusing and free riding on the goodwill and reputation associated with the registered and known trademark of the complainant"; *M/s. Dropbox, Inc. vs. M/s Kristina Ivanova (INDRP Case no. 1807/2024)*.

As the Respondent has intentionally attempted to attract Internet users to the Disputed Domain Name by creating a likelihood of confusion with the Complainant's brand as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain, the Complainant has requested that the domain name <1xbookmaker.in> be transferred to the Complainant along with costs of the proceedings in favour of the Complainant and against the Respondent.

VII. DISCUSSIONS AND FINDINGS:

Perused the records placed before the Tribunal. To transfer the Disputed Domain name in favour of the Complainant as claimed by it, it has to satisfy the three elements of Rule 4 of INDRP Policy which The Arbitral Tribunal, which shall be dealt as under:

a) Whether the Respondent domain name <1xbookmaker.in> is identical and/or deceptively similar to domain name and trademarks of the Complainant?

The Complainant provided evidence with the Annexures, to establish that the Disputed Domain name is identical or confusingly similar to the Complainant's registered and distinctive trademark.

(i) It is the contention of the Complainant that The subject domain name <"1xbookmaker.in"> is virtually identical to the trademark "1xbet.com" of the Complainant. If We examine both the Disputed Domain name and that of the Complainant's, The Complainant's domain name is 'www.1xbet.com' but the Disputed Domain name is "'1xbookmaker.in", where only the term "1x" is identical and has to be seen whether the said term '1x' coined with another term 'bookmaker' and the top-level domain extension ".in" instead of the Complainant's Domain name which has the

domain extension ".com", can be said to be identical with that of Complainant's '1xbet' and whether the usage of the term '1x' is exclusively belongs to the Complainant.

(ii) The copy of the trademark registration certificate of Domain Name "1xbet.com" and WHOIS records shows that the Complainant is the owner of the said trademark registration in India. Apart from the said Domain name, Documents placed before the Tribunal shows that the Complainant also holds the Domain names "1xpick'em", "1xPunch", "1xContest" and that they are using the term "1x" as prefix to all the promotional codes generated by them during the course of their services thereby making that "1X" is an integral part of the Subject Mark and brand identity of the Complainant. Moreover, the extensive use and promotion of the "1xbet" trademark made on the social media as the Annexures shows, that the brand has gained recognition and had made the general public relate any term containing "1x" reference 'on the subject matter' to the Complainant. Hence the contention of the Complainant that an internet user seeing the term of Domain Name "1xbookmaker" is likely to assume that the term "1x" when combined with "bookmaker" refers to the betting services rendered by the Complainant under its well-known Subject Mark "1xbet", thereby seems to be convincing and acceptable.

iii) There is no evidence to show that the Respondent is commonly known by "1xbookmaker", nor does it conduct any legitimate business under such a name, as contended by the Complainant. Moreover it cannot also be said that respondent is not aware of the Complainant's long standing association with the term '1x' and the Domain name chosen by them accidentally coincides with that of the Complainant's, considering the Global recognition of the Complainant's services. The WHOIS records shows that the disputed domain name by Respondent, i.e. "1xbookmaker.in" was acquired long after the Complainant's "1xbet.com" trademark was recognised. It is pertinent to note that if the said Domain name is held by the Respondent legally, then there is no need to hide their details in WHOIS records, which makes their activities suspicious.

(iv) At this juncture, it is to be noted that the Disputed Domain name has an additional term "bookmark" in it and the top-level domain extension ".in" instead of the Complainant's Domain name which has the domain extension ".com" , which can distinguish it with that of the Complainant's. It is the contention of the Complainant 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 and upon clicking on the "Registration" option on the Disputed Domain Name, the page is redirected to a third party website "1x-betind.in" which contains terms and conditions which are copies from the Complainant's Webpage and also having reference to the Complainant's Webpage, containing contact details/ email addresses belonging to the Complainant which have been merely copied from the Complainant's Webpage evidently indicating that the Respondent is illegally attempting to pass off the Disputed Domain as that of the Complainant's Webpage which has an extension of .com. The Complainant further stoutly contends that these evidences makes clear that there is no bonafide offering of services by the Respondent, but rather involved in passing off the services as that of the Complainant by riding on the goodwill of the Complainant that it has carefully garnered over a decade. The Screenshots of the web page of the Disputed Domain Name placed before this Tribunal makes clear that they are a replica of the screenshot/images from the Complainant's Webpage and having reference of the Complainant's Webpage in the Disputed Domain itself, intending only to divert the internet traffic to the site and to unduly enrich itself by riding upon the goodwill of the Complainant.

(v) So it has to be concluded that though The Disputed Domain name contains the unique and substantive part of the Subject Mark "1x" in entirety along with a non-significant generic element "bookmaker" which is different from the Subject Mark of the Complainant "bet", it does not serve sufficiently to distinguish or differentiate the Disputed Domain Name from the Complainant's Subject Mark, especially in

consideration of the content of the Web Page of the Disputed Domain which is a replica of the Complainant's Webpage and contains the Subject Mark in entirety.

(vi) The Arbitral Tribunal further took notice of the decision in *Fendi Sr.I. v. Ndiaye Therese*, WIPO Case No. D2018-0179; *Birdies, Inc. v. Registration Private, Domains By Proxy, LLC/Fu Li*, WIPO Case No. D2019- 2134, which through a catena of Orders passed by Panel of WIPO (under the UDRP), states that "domain extensions such as ".com" and ".in" are to be ignored while assessing whether a domain name is identical or confusing similar to a trade mark, the disputed domain name is regarded confusingly similar to that mark for the purposes of UDRP standing". The Arbitral Tribunal also took note of the decisions of WIPO Panel's in *WhatsalU2 Inc. v. Warrick Mulder*, JNDRP Case No. 1233, dated July 22, 2020; *Havells India Limited vs. Joio Alappat*, INDRP Case No. 1025, dated October 4, 2018; *Voltas Limited v. Sergi Avaliani*, INDRP Case No. 1257, dated September 22, 2020; and *be/N Media Group L.L.C v. Rima Muliawati* WIPO Case No. D2021-1076 .

Following the said dicta referred above, and upon the facts and circumstances of the present case and the evidence placed before it, The Tribunal founds that The subject domain name <1xbookmaker.in> is deceptively similar, confusingly identical to domain name and trademarks of the Complainant and Accordingly, the requirement of the first element in the INDRP Policy Paragraph 4(a) is satisfied.

b) Whether the Respondent has no rights or legitimate interests in respect of the domain name?

(i) To pass muster under Paragraph 4(b) of the INDRP Policy, the Complainant has to show that the Respondent has no rights and legitimate interests In the disputed domain name under Paragraph 6 of the Policy.

(ii) This Tribunal already in preceding paragraphs, has given a finding that the Respondent, who is not commonly known by the Disputed Domain Name or the name

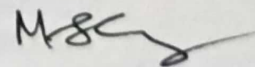
"bookmaker" and nor doing any business under the "1xbookmaker" trademark, has the Disputed Domain Name leading to an active webpage, which impersonates the Complainant's Webpage. Evidence was provided by the Complainant to show that The Respondent is not affiliated with Complainant in any way and has never been authorised or licensed by Complainant to use or register its trademarks, or to seek registration of any domain name incorporating the trademark in question. To prove that the Respondent actions are most certainly not a bona fide offering of goods and services under Policy Paragraph 6 (a), Reference has been made to the Annexures regarding Respondent's disputed domain name <www.1xbookmark.in>. redirect from the domain "1xbet1.in" which has been awarded for transfer in favour of the Complainant under the INDRP case no. 1857/2024. It is the stout contention of the Complainant that such re- direction is an indication of cyberflight. As from the details of the Registrant of the Disputed Domain Name from Whois data page, it is seen that the Disputed Domain had been registered only on 25th May 2024 and all the Registrant details are privacy redacted, The contention of the Complainant gains weightage.

As the Complainant has made out a case that the Respondent has no rights and legitimate interests in respect of the disputed domain name <www.1xbookmaker.in> as Complainant has never assigned, granted, licensed, sold, transferred, or otherwise authorised Respondent to register or use the Disputed Domain Name or the "1x" or "1xbet" Trademark, this Tribunal holds that the second element under Paragraph 4 (b) of the Policy has been proved by the Complainant.

c) Whether the Respondent domain name was registered or is being used in absolute bad faith?

i) The Complainant provided the following reasons supported by documents to show that the Respondent acquired the disputed domain name in bad faith-

Firstly, the Respondent used the <www.1xbookmaker.in> trademark without consent from the Complainant.



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Secondly, Respondent was aware of Complainant's rights in its well-known trademark as a consequence of Complainant's substantial use of the trademark which predates before the Respondent acquired the domain name.

Thirdly, The domain name is only registered with no apparent legitimate purpose and holding on to the same with absolute no justification except to make wrongful profit therefrom. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith registration. In fact, the registrant does not properly configured the domain.

Fourthly, The Respondent impersonated the Complainant's domain name <[www."1xbet.com"](http://www.1xbet.com)> which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business by redirecting people to the infringing domain name and also making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

This Tribunal has already given a finding that the Disputed Domain name is identical, confusing to the Domain name of the Complainant, which is used by the Respondent without any right or legal interest over the same. Further it is found that

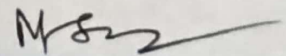
(i) the global recognition of the Domain name of the Complainant and its services associating itself with the term '1x'

(ii) it can't be assumed that the Respondent would have been unaware of the the Complainant's association with the term '1x'

(iii) Disputed Domain registered long after the Trade mark of Complainant i.e.'1x' got global recognition

(iv) all the Registrant details are privacy redacted

(v) the Disputed Domain Name resolves to an active webpage, which is a replica of the Complainant's Webpage.



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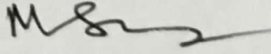
(vi) The Disputed Domain name contains webpage which is redirected from the domain "1xbet1.in" which has been awarded for transfer in favour of the Complainant under the INDRP case no. 1857/2024

The Complainant argues that Disputed Domain. of INDRP 1857/2024 is placed under server lock till 27.09.2024 thereby preventing the respondent from transferring the said domain to any third party and upon attempting to reach the said domain as on date, it is being redirected to the Disputed Domain which evidences that aggrieved by the award passed in favour of the Complainant, the Respondent is likely to be the same person operating or controlling the operations of the content of the domain '1xbet1.in' has now registered in bad faith the Disputed Domain and has also redirected the domain "1xbet1.in" to the Disputed Domain, which prima facie establishes the bad faith in registration and use of the Disputed Domain thereby entitling the transfer of the Disputed Domain to the Complainant. This Tribunal fully accepts the contentions of the Complainant.

in *HSBC Holding§ [!_lc v. Hooman Esmail Zadeh*, INDRP Case no 032, dated March 20, 2007; *Visteon Corporation v. Prahlad S.*, INDRP Case No. 1535, dated May 6, 2022; *Solidium Oy v. Privacy Service Provided by Withheld for Privacy ehfl EstormH Etormhosting. Estorm Programming*, WIPO Case No. D2022-3139; *LPL Financial LLC v. Privacy Service Provided by Withheld for Privacy ehf I Steffen Hain*, WIPO Case No. D2022-0542 it was held that *the mere registration of an identical domain name by an unaffiliated entity can by itself create a presumption of bad faith"*

Hence for the foregoing reasons stated above, This Tribunal holds that the Respondent domain name www.1xbookmaker.in has been registered with an opportunistic intention and is being used in bad faith and Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

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VIII. DISPOSITIONS

The Arbitral Tribunal holds that the three elements set out in paragraph 4 of the INDRP Policy that

i) The Respondent domain name <<www.1xbookmark.in> is identical and confusingly similar to the name, trademark and brand name <www.1xbet.com> by the Complainant.

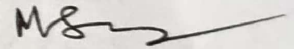
ii) The Respondent has no rights or legitimate interests in the domain name <www.1xbookmaker.in> and

iii) the same has been registered and used in bad faith.
have been established by the Complainant and hence It is entitled for the relief sought for.

For the foregoing reasons stated above, The Arbitral Tribunal directs that The Disputed Domain name <www.1xbookmaker.in> be transferred to the Complainant, NAVASARD LIMITED.

Place: Chennai

Dated: 21st February 2025



M.SHIRIJHA

Sole Arbitrator,
The Arbitral Tribunal.

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