



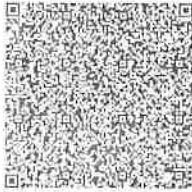
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL19418646248145X
Certificate Issued Date	: 23-Dec-2025 03:44 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ HIGH COURT/ DL-NDD
Unique Doc. Reference	: SUBIN-DLDSLHIMP1764118626219302X
Purchased by	: BHARAT S KUMAR
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: BHARAT S KUMAR
Second Party	: Not Applicable
Stamp Duty Paid By	: BHARAT S KUMAR
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



BEFORE BHARAT S KUMAR, SOLE ARBITRATOR

.IN REGISTRY

INDRP ARBITRATION

INDRP Case No. 2052

DISPUTED DOMAIN NAME: < melbet.com.in >

ARBITRATION AWARD DATED DECEMBER 29th 2025



BEFORE BHARAT S KUMAR, SOLE ARBITRATOR
.IN REGISTRY
NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)
INDRP ARBITRATION
INDRP Case No. 2052
DISPUTED DOMAIN NAME: < melbet.com.in >
ARBITRATION AWARD DATED December 29th, 2025

IN THE MATTER OF:

BATNESTO LTD

Poseidonos 1,
Flat/Office 201, Aglantzia,
CY-2101 Nicosia, Cyprus.

Complainant

VERSUS

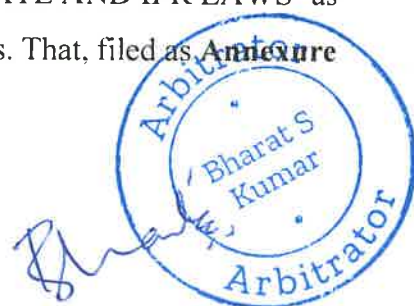
Viktor Rezanovich

Kahovskaya 40,
Minsk, Belarus - 220063

Respondent

1. **The Parties in the proceeding:**

The complainant in this administrative proceeding is Batnesto Ltd, a limited liability company, formed under the laws of Cyprus bearing registration number HE 407712 having its principal place of business at Poseidonos 1, Flat/Office 201, Aglantzia, CY-2101 Nicosia, Cyprus. The complainant has authorized 'ESHWARS, ADVOCATES- HOUSE OF CORPORATE AND IPR LAWS' as its authorized representative in the present proceedings. That, filed as Annexure



1, is the Power of Attorney (POA) dated June 16, 2025 granting authority to Ms. S Vishaka and Ms. Aanchal M Nichani as the authorized signatories, to initiate and contest this present proceeding for the complainant.

The Respondent in the present proceedings is **Viktor Rezanovich**, having his address at Kahovskaya 40, Minsk, Belarus - 220063. The complainant has also filed the publicly-available WHOIS record, for the domain name <melbet.com.in> as **Annexure 2**. The email address of the respondent is mentioned as seoshmeoserp@gmail.com.

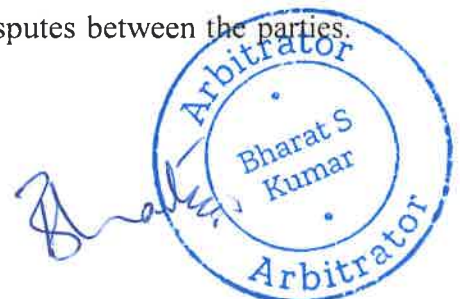
2. **Domain Name and Registrar:-**

The disputed domain name is < melbet.com.in >. The domain name was created/registered on April 2nd, 2023. The registrar with which the domain name is registered is netim-NETIM SARL. The email address of the registrar is not mentioned.

3. **Procedural History:**

3.1 This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy") adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules"). The arbitration proceeding is approved in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the respondent has agreed to the resolution of disputes pursuant to the said Policy and the Rules.

3.2 The complaint was filed by the complainant with NIXI against the respondent. On 10.10.2025, to ensure compliance, I had submitted statement of acceptance and declaration of impartiality and independence as required by the Arbitrator's Empanelment Rules (Rule 5). On 30.10.2025, I was appointed as the sole arbitrator to decide the disputes between the parties.

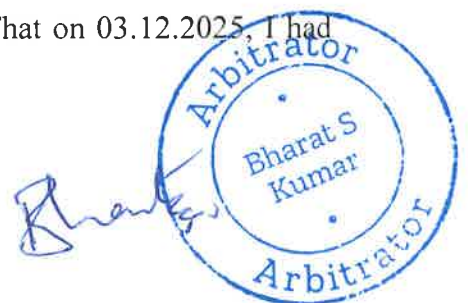


NIXI notified both the parties of my appointment as arbitrator *via* email dated 30.10.2025. NIXI had also served by email an electronic copy of the complainant with annexures, on the respondent at the email address of the respondent, seoshmeoserp@gmail.com, whilst appointing me as an arbitrator. This email address is mentioned in the WHOIS records.

3.3 On 31.10.2025, I had issued notice to the respondent and directed the complainant to serve the complete paperbook on the respondent, i.e. the complaint which was filed by the complainant and the complete annexures (annexures 1 to 17). Pertinently, I had directed the complainant to serve the complete paperbook through email and post, both. The service was done by the complainant's counsel, Ms. Vishaka Shivkumar, on 04.11.2025, on the physical and email address present through a WHOIS lookup, i.e. seoshmeoserp@gmail.com and to **Mr. Viktor Rezanovich**, having his address at Kahovskaya 40, Minsk, Belarus - 220063. Ms. Shivkumar had subsequently vide email dated 06.11.2025, shared the physical delivery receipt of the service on the respondent. It may be noted that I had on 31.10.2025 also granted the respondent a time period of 15 days, to file a response to the complaint, from my email and the delivery of service of the complete paperbook.

3.4 Pertinently, I had on 19.11.2025, vide email informed both parties that since I was appointed by NIXI and should they wish to have an alternate arbitrator from NIXI itself, they may touch base with NIXI. The complainant had vide email confirmed my appointment as an arbitrator on 19.11.2025 itself.

3.5 That pursuant to no response from the respondent for 15 days after service of the complaint and the documents (annexures), I had on 23.11.2025, in the interest of justice, again granted 5 more days to the respondent to file a response. That again on 02.12.2025, owing to no response from the respondent and in the interest of justice, I had again vide email, granted 5 more days to the respondent to file a response. That on 03.12.2025, I had

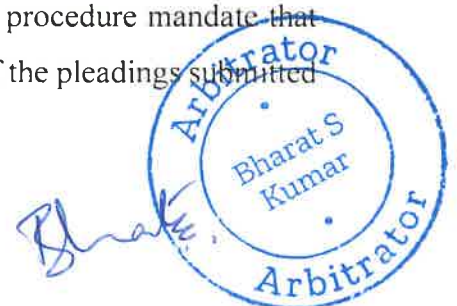


received a response from the respondent whereby he asserted his rights on the Disputed Domain Name, “melbet.com.in”, on email. That on 03.12.2025, I had acknowledged the respondent’s email and again, as a final opportunity, granted 7 more days for him to file a response. There was no response (statement of defence) filed by the respondent.

3.6 That on 11.12.2025, the complainant had requested that a “supplemental filing” be taken on record by me. This was essentially the response to the clarification given by the respondent on email on 03.12.2025. That I had accepted and taken the same on record vide email dated 12.12.2025. Furthermore, vide the same email, I had also sent an email to the respondent apprising it of its rights to file a defence (response), being closed. That in the same email, I had also asked the complainant’s counsel whether they wish to seek any personal hearing, to which they declined the same and requested that the complaint further proceed on merits. I had specifically also asked the respondent vide emails dated 14.12.2025 and 19.12.2025 whether it requires any virtual hearing, to which there was no response.

3.7 That, all the communications to the complainant, respondent and NIXI by this tribunal have been through email. None of the emails sent on seoshmeoserp@gmail.com have bounced or returned. I therefore hold that the service is complete as per the INDRP rules as all correspondences effectively took place on the aforementioned email of the respondent. Its response, once on 03.12.2025, also affirms the same.

3.8 The respondent has been given a fair opportunity to represent itself, respond to the complainant’s assertions & contentions and counter the same, if it so wishes to. However, apart from one email clarifying its stance, there has been no response by the respondent, despite effective service. It is noteworthy that Clause 18 of the INDRP Rules of procedure mandate that an arbitrator shall decide a complaint on the basis of the pleadings submitted



and in accordance with the Arbitration & Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2015 read with the Arbitration & Conciliation Rules, Dispute Resolution Policy, the Rules of Procedure and any by-laws, and guidelines and any law that the arbitrator deems to be applicable, as amended from time to time. In these circumstances this tribunal proceeds to decide the complaint on merits, in accordance with said act, policy and rules on respondent's failure to submit a response, despite having been given sufficient opportunity and time to do so and represent itself. Furthermore, the averments and defence mentioned in the email by the respondent vide email dated 03.12.2025 is taken on record as its only statement of claim (response). That I had communicated the same to the respondent too.

4. Legitimate rights under which a complainant can approach NIXI:

4.1 The complainant has invoked Clause 4 of the INDRP policy to initiate the arbitration proceeding. Clause 4 reads as under:

4. Any person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- (a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and*
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and*
- (c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.*

The complainant therefore has to satisfy this arbitral tribunal on all the three aforementioned clauses/conditions, i.e 4 (a), (b) and (c).

5. Case of the complainant

5.1 The complainant avers that it is a limited liability company registered and existing under laws of Republic of Cyprus. The complainant claims that it is an internationally recognized online sports betting and gaming platform, founded in 2012 and has since won the recognition of millions of users around the world. Further, it states that through its betting services available in its official websites and applications the players/users can place bets on thousands of events across over 60 sports, as well as a wide e-sports, virtual sports, and live casino games via its website and mobile apps (iOS and Android) available on 70+ languages.

5.2 The complainant avers that it has actively sponsored a variety of sporting events worldwide. In 2020, the complainant with prominent soccer clubs, including Juventus, showcasing its global marketing reach and commitment to expanding its influence. In 2021, complainant states to have also sponsored the Kyetume FC football team from Uganda. Additionally, the complainant has also averred to have partnered with former Turkey football player, Didier Drogba, which shows the wellknown status and global recognition of the complainant. The screenshots of the said sponsorship and partnership have been attached with this present petition as **Annexure 3**.

5.3 The complainant states that it offers 30,000 pre-match events per month to bet on and also provide a Live Streaming service which shows tons of matches from the best leagues, like La Liga, Bundesliga, Premier League, etc. in high definition. Furthermore, it states that it is one of its key achievements to be a media partner to the Spanish La Liga, one of the most famous organization based in Spain responsible for conducting national professional football competitions having various famous football clubs as



its members. The screenshot of its association with La Liga is attached with this present petition as **Annexure 4**.

The complainant's statutory claims pertaining to trademark "MELBET"

5.4 The complainant also avers that it is the proprietor of the trademark "Melbet" and its figurative mark ("Subject Mark"). The list of registrations/applications made by it with respect to the Subject Mark is tabulated in paragraph 4 of the complaint. The complainant has attached extracts from the global trademark websites along with status of the marks as **Annexure 5**. Further, the complainant also avers that is also recorded as the registered proprietor for the Subject Mark transferred from Linkbiz Marketing to it vide transfer/assignment certificates. The list of such marks have tabulated in paragraph 4 of the complaint. Furthermore, copies of trademark registration certificates and the assignment certificate in favour of the complainant, where ever it alleges to be applicable are attached by it as **Annexure 6**.

The complainant's website – www.melbet.com

5.5 The complainant claims to have registered the official domain www.melbet.com ("Complainant's Website") on 18 September 2012, and states to be enjoying continuous use of the trademark "melbet" ever since. In affirmation of the same, it has attached the WHOIS data page and the screenshot of it's website is attached as **Annexure 7**. The complainant also wishes to place on record that it's website is currently redirected to its other website www.melbet-india.net ("Affiliated Website"). In this regard, it is states that it is pertinent to note that a Domain Name Lease Agreement was executed between the complainant and Veral Business Limited, confirming the latter's rights to use and operate the complainant's website. Further, Veral Business Limited, through an official confirmation, has also granted Pelican



Entertainment B.V., a limited liability company, the right to use and operate and maintain the complainant's website. The complainant, therefore, asserts its legitimate contractual and operational rights over its website. Extract from Affiliated Websites registrar's interface evidencing the complainant's ownership of the Affiliated Website, copy of the Domain Name Lease Agreement between the complainant and Veral Business Ltd. and authorisation from Veral Business Ltd. to Pelican Entertainment B.V. have been filed by it as **Annexure 8**.

5.6 The complainant avers that considering the unique website design and layout, it has taken effective steps to protect the design, layout and source code of its website in European Union (EU) and United Kingdom (UK). It states that the EU design registrations for the website layout of its website are attached and marked as **Annexure 9**. It further avers that the UK copyright registrations for the layout of its website and the source code of the its website are marked and attached as **Annexure 10**.

5.7 The complainant avers that in 2020, it received four nominations at the SBC Awards, including Best Mobile App, Best Affiliate Program, and Rising Star in the sports betting and casino categories. It states that these nominations serve as a testament to its well-known status and reputation in the gaming field. The complainant has also filed the nomination list as **Annexure 11**, evidencing its claims. The complainant avers that it is also the winner of the 2023 EVENTUS Award for Best Online Gaming Operator. It has attached the copy of the award/screenshot proving the same, as **Annexure 12**.

Other Domain names with "Melbet" owned by the complainant:

5.8 The complainant states that it also owns other domain names with "Melbet" as a part of the domain name. The same being:



S.NO.	DOMAIN NAME	DATE OF CREATION
1.	Melbet.com	18 th September 2012
2.	Melbet.ac	2 nd September 2022
3.	Melbet.ax	2 nd September 2022
4.	melbet-india.net	04 th April 2023
5.	melbet.org	03 rd June 2015

The complainant has also attached as **Annexure 13**, the screenshots of the WHOIS pages of the aforementioned websites.

Complainant's presence in India:

5.9 The complainant alleges that considering that cricket is one of the most widely followed sports in India with an enormous fanbase, the complainant has strategically invested substantial resources in promoting its brand through high-profile cricket associations. The complainant avers that it appointed renowned international cricketers such as Faf du Plessis (in 2022) as global brand ambassador enhancing the visibility and reputation of its Subject Mark among cricket fans. Additionally, the complainant claims that it has actively sponsored cricket teams and tournaments, including serving as an official sponsor and partnering with the "Trinbago Knight Riders" in the Caribbean Premier League. The complainant has also filed screenshots evidencing the aforementioned association with the cricketer and the team franchise as **Annexure 14**. The complainant alleges that these evidence that its Subject Mark has acquired distinctiveness owing to its continuous usage and has attained a secondary meaning amongst the public in relation to the services of the complainant.



UDRP disputes - Melbet

5.10 The complainant avers that it has filed a number of UDRP disputes to claim its rights over domain names which have the “melbet” trademark. A few of them being:

Case No.	Parties	Disputed Domains
CAC-UDRP-107057	Batnesto Ltd.v. Alex Voronov	melbets-az.com
CAC-UDRP-106874	Batnesto Ltd.v. Askar Rubas	melbet-eg.com
CAC-UDRP-107231	Batnesto Ltd.v Host Master (NjallaOkta LLC)	melbet-uz.bet
CAC-UDRP-107245	Batnesto Ltd.v.. Kory Lattrell	melbetagent.com
DIO2024-0036	Batnesto Ltd.v.. Lenildo Nogueira, VICTORIA GAMES SOLUTIONS B.V.	metbet.io

The complainant states that a few of its decisions under CAC as on the website <https://udrp.adr.eu/decisions/list?grid-perPage=10> and WIPO Domain Name Dispute Case No. DIO2024-0036.

6. The dispute raised before this tribunal – case of the complainant:

The Domain Name and associated website

6.1 The complainant states that it recently came across the respondent’s domain name < melbet.com.in > (*‘disputed domain name’*) which was registered on 02.04.2023. The complainant avers that the respondent uses the complainant’s registered trademark “**melbet**” as the dominant part of the Disputed Domain Name. The complainant emphasizes that this is a calculated and deliberate use of the complainant’s registered trademark by



the respondent. The complainant states that this amounts to infringement of the complainant's rights in its trademark 'melbet'.

Respondent's response (statement of defence)

6.2 The Respondent had on 03.12.2025, by email, stated the following:

"We recently became aware of the INDRP complaint filed regarding the domain melbet.com.in, and wanted to reach out directly. As you know, this domain was registered and maintained by us during our time as part of MELBET's affiliate program. It was always used in good faith — redirecting traffic to official MELBET resources — and aligned with how many affiliates have operated MELBET-formative domains over the years.

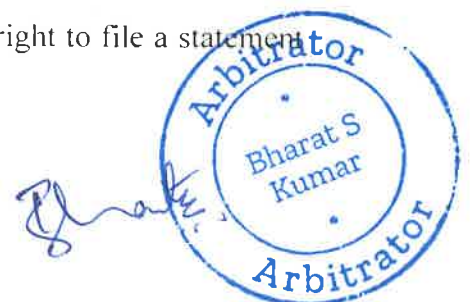
Upon reviewing the complaint, we believe it's worth noting:

- BATNESTO LTD does not appear to own the MELBET trademark in India (and many other countries) in key classes such as 9 (software), 35 (advertising/business), or 41 (gaming/betting).*
- No prior outreach or notification was made before filing, which is surprising considering our prior affiliate relationship.*
- MELBET's affiliate operations have historically allowed or tolerated use of MELBET-formative domains, and this domain followed the same precedent. Although, we've invested considerable time, effort, and resources into building and promoting melbet.com.in always with the understanding that it supported MELBET's growth, not harmed it. To our knowledge, this use has never violated any valid IP rights."*

We're open to resolving this constructively and believe this would be faster, less costly for everyone, and more aligned with the long-standing affiliate cooperation to resolve the dispute amicable.

Let us know if you'd be open to discussing this further"

6.3 It is pertinent to note that **after** the respondent's email, I had 08.12.2025, 12.12.2025 and 19.12.2025 sent emails requesting him to touch base with the complainant if he wishes to settle and share a proper statement of defence too. I had through every email given him ample time. Furthermore, owing to no response being filed by him, I had closed his right to file a statement



of defence(response) on 12.12.2025 and considered this email sent by him as a response.

Rebuttal by the complainant

6.4 The complainant had also on 11.12.2025 filed a “supplementary filing” and stated that:

- i. It denies that the Disputed Domain Name was registered under the complainant’s affiliate program and that it has been used in good faith. That the same are bald averments and statements not backed by any credible evidence that proves the contrary;
- ii. Paragraph 4 of the INDRP requires the complainant to establish that the Disputed Domain Name is identical or confusingly similar to the trademark over which the complainant has rights. In this regard, the complainant wishes to submit that it has sufficiently demonstrated its rights over the trademark “MELBET” across various jurisdictions as part of its complaint and hence the statements made by the respondent that the complainant does not have rights over the trademark “MELBET” in India are irrelevant for the present dispute under the framework of the INDRP, which does not, in any case mandate that the complainant shall have to establish rights of trademark in Indian jurisdiction.
- iii. The respondent has been operating the Disputed Domain Name under the guise of being authorised under the affiliate program of the complainant so far and it is only upon initiation of the arbitration proceedings under INDRP. That the respondent has conveniently indicated an option of settlement while it is undisputable that the respondent has been unlawfully enriching himself through the Disputed Domain and continues to do so.




7. Analysis

7.1 It is pertinent to note that Paragraph 4 of the INDRP Domain Name Dispute Resolution Policy, mentions about class of disputes, which grants any person who considers that a registered domain name conflicts with his/her legitimate rights or interests, the right to file a complaint with the .IN Registry. There are 3 conditions which an aggrieved right holder may file the complaint under. The complainant has in the present complaint mentioned that its rights under all the three conditions have been violated:

- i. Condition 4(a) - The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the complainant has rights;

The complainant states in the complaint that <melbet.com.in> domain name is confusingly similar, to its trademark, **Melbet**. The complainant further asserts that trademark registrations for its trademark 'Melbet' across myriad jurisdictions are valid, and its trademark(s) have become globally famous long prior to the creation date of the Disputed Domain Name, <melbet.com.in>.

The complainant states that unwary customers would peruse the disputed domain name bearing the complainant's trademark, believing that it is one of the complainant's webpages. The complainant states that even if users eventually discover that they are not at one of its websites, based upon the appearance of the famous Melbet mark in the Disputed Domain Name (webpage), they will be led to believe that the complainant has endorsed, sponsored or affiliated itself with the respondent. Further, it states that the *mala fide* of the respondent is evident as they seek to ride on the goodwill and reputation accrued by the complainant for its goods bearing its Melbet trademark. The complainant relies on past UDRP and INDRP decisions stating that if a domain name wholly incorporates a complainant's registered



trademark, it is sufficient to establish identity or confusing similarity for the purpose of INDRP. In averring the same, it throws light and relies on *Batnesto Ltd.v. Alex Voronov (melbets-az.com, CAC-UDRP-107057)*; *Batnesto Ltd.v. Askar Rubas (melbet-eg.com, CAC-UDRP- 106874)* and a number of other UDRP and INDRP cases.

The complainant thus states that in the present case, the disputed domain name is confusingly similar to the complainant's trademark melbet and the complainant has successfully satisfied the first requirement set out in clause 4(a) of the INDRP.

I have gone through the pleadings and documents filed by the complainant. With regard to the fulfilment of paragraph 4(a) of the INDRP policy, it is evident that the complainant has been continuously and extensively using the registered trademark Melbet in the course of trade and commerce since atleast the year 2012 and also has extensive presence in India through its tie up with "Kolkata Knight Riders". A perusal of the complainant's trademark registrations across the world, affirms the same. Its statutory rights thus, in the trademark melbet is well established. It is pertinent to note that the disputed domain name melbet.com.in was registered on April 02, 2023, more than a decade after the adoption/usage and subsequent registration of the complainant's trademark, Melbet. Furthermore, even in the absence of a trademark registration in India, the complainant has common law rights which have relevance too.

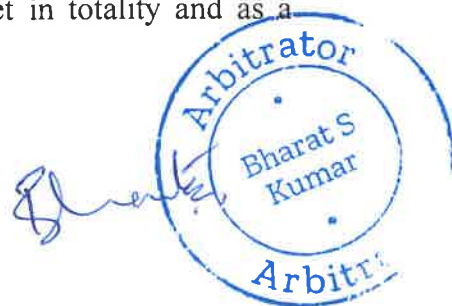
It is noteworthy that a perusal of the disputed domain name 'melbet.com.in' of the registrant/respondent shows that the respondent has used the complainant's trademark Melbet in its entirety. The Disputed Domain Name 'melbet.com.in' is near identical to the 'melbet' trademark of the complainant. It is well established that the mere addition of a TLD such as "com.in" to a registered trademark(s), are not significant in distinguishing a domain name. It has been held by prior panels deciding under the INDRP


Arbitrator
Bharat S
Kumar
Arbitrator

such as in *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, that there is confusing/deceptive similarity where the disputed domain name wholly incorporates a complainant's trade mark. It is further noteworthy that, a TLD/ccTLD such as "**com.in**" is an essential part of a domain name. Therefore, it cannot be said to distinguish the respondent's domain name 'melbet.com.in' from the complainant's trademark Melbet. In **Satyam Infoway Ltd vs Siffynet Solutions Pvt. Ltd AIR 2004 SC 3540**, the Hon'ble Supreme Court of India stated that the law pertaining to the Trademark Act, 1999 shall be applicable to domain names in India. The Hon'ble Supreme Court of India also observed that domain names have the same characteristics of a trademark and thus act as a source and business identifier. In *M/s Retail Royalty Company v. Mr. Folk Brook INDRP/705*, wherein on the basis of the complainant's registered trademark and domain names for "AMERICAN EAGLE", having been created by the complainant much before the date of creation of the disputed domain name <americaneagle.co.in> by the respondent, it was held that:

"The disputed domain name is very much similar to the name - and trademark of the complainant. The Hon'ble Supreme Court of India has recently held that the domain name has become a business identifier. A domain name helps identify the subject of trade or service that an entity seeks to provide to its potential customers. Further that there is a strong likelihood that a web browser looking for AMERICAN EAGLE products in India or elsewhere would mistake the disputed domain name as of the complainant."

The complainant has rights in the trademark Melbet by way of trademark registrations across myriad countries, and common law rights by virtue of use in India. Pertinently, the use is much prior to the date on which the respondent created the impugned domain <melbet.com.in > incorporating the complainant's trademark and trade name melbet in totality and as a



whole. I agree that the usage of the complainant's trademark not only creates confusion, but may even make a potential web user believe that this may well be associated with the complainant. This also gives an impression that this is an India centric operations website of the complainant. The complainant has negated any association with the respondent too.

The respondent has merely sent an email, without any documents and not filed any response to the assertions put forth by the complainant. The averments of the complainant thus remain nearly unrebutted.

In view of the above facts and submissions of the complainant, on perusal of the documents filed and annexed with the complaint, I therefore hold that the disputed domain name < melbet.com.in > of the registrant (respondent) is identical and/or confusingly/deceptively similar to the trademark Melbet of the complainant.

- ii. Condition no.4 (b) the Respondent (Registrant) has no rights or legitimate interest in respect of the domain name:

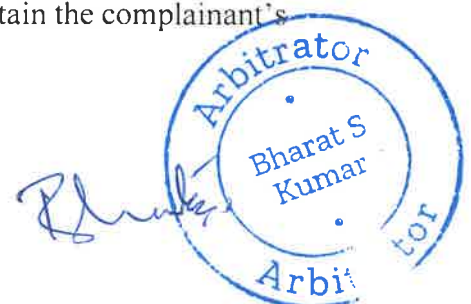
The complainant asserts that the respondent is unable to invoke any of the circumstances set out in Paragraph 6 of the .IN Policy to demonstrate rights or legitimate interests in the domain name. The complainant states that the respondent's disputed domain name <melbet.com.in> is an unauthorized website. It avers that the respondent is passing itself off as the complainant. It states that the term "Melbet" is a coined and distinctive word, not commonly used in trade, and it is highly unlikely that any trader would adopt it independently unless the intent is to mislead users into believing an association with the complainant. The complainant is the rightful proprietor of the Subject Mark and has been using it continuously since 2012, during which time it has acquired significant reputation



and goodwill in the online betting and gaming industry. The respondent's adoption of a confusingly similar domain name clearly demonstrates an intention to ride on the established goodwill of the complainant, more so evidenced by the references to Pelican Entertainment B.V. in its "General terms and conditions" which is blatantly false and misleading. It further avers, there is no evidence whatsoever to show that the respondent has any legitimate trademark rights or lawful interest in the Disputed Domain Name.

The complainant avers that the malicious intent of the respondent is writ large from the fact that upon clicking the "Registration" tab on the Disputed Domain Name, users are redirected to the complainant's Affiliate Website www.melbet-india.net thereby clearly evidencing that the Disputed Domain has been cyber-squatted by the respondent. It avers that the content and look-and-feel of the Disputed Domain Name is deceptively similar to the contents and the general web-layout of it's website further revealing the respondent's deceptive intent to exploit the complainant's goodwill and confuse users into believing they are engaging with the complainant website. To affirm the same, it has relied upon screenshots demonstrating the similarity between the Disputed Domain Name and it's website, which have been filed as **Annexure 15**.

The complainant further avers that 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 mislead and divert innocent users. It states that it is evident from the aforementioned submissions that the respondent's intent is to unjustly enrich through the well-known status of the Subject Mark of the complainant. This is further strengthened by the reference of "Pelican Entertainment B.V." a company that is authorised by complainant to operate and maintain the complainant's



website. It relies on **Annexure 8** for the same. It further states that the respondent, by falsely indicating association with Pelican is trying to mislead the users into believing that the Disputed Domain Name is also operated by the complainant, which is blatantly wrong. Screenshot of the misleading reference provided by the respondent have been filed by it as **Annexure 16**.

The complainant claims that it has therefore established a *prima facie* case that the respondent has no rights and legitimate interests in the disputed domain name. It states that thereby the burden of proof shifts to the respondent to produce evidence demonstrating rights or legitimate interests in respect of the domain name.

The complainant also places heavy reliance on the UDRP decisions referred by it.

The complainant avers further that with respect to Policy 6 (b), it has never assigned, granted, licensed, sold, transferred, or in any way authorized the respondent to register or use the Disputed Domain Name or to use the Melbet trademark in connection with any domain name or website.

I agree with the assertions put forth by the complainant. I believe that the complainant has established its rights in the trade mark Melbet. It is significant to note that the use of Melbet in the respondent's domain name is definitely likely to give a false impression to internet users that the disputed website is either owned by the complainant or is affiliated to the complainant in some manner. The respondent cannot conceivably claim that its use of the complainant's trademark is *bona fide* as per paragraph 6(a) of the .IN Policy or is commonly





known by the domain name in accordance with paragraph 6(b) of the .IN Policy.

The mere fact that the disputed domain name is registered does not imply that the respondent has any rights or legitimate interests in them. In *Deutsche Telekom AG v. Phonotic Ltd.* (WIPO Case No. D2005-1 000), it has been held that "*Registration of a domain name in itself does not establish rights or legitimate interests for purposes of paragraph 4(a)(ii) of the Policy*". Therefore, any use of the disputed domain name by the respondent is not a legitimate, non-commercial or fair use. The respondent thus has no rights or legitimate interests in, the disputed domain name.

The adoption of word/mark "Melbet", therefore in the disputed domain name affirms the malafide intention of the respondent to make use of and ride on the coat tails of the complainant for earning commercial benefits. Such a conduct demonstrates anything, but a legitimate interest in the domain name. In the *Sports Authority Michigan, Inc. v. Internet Hosting*, NAF Case No. 124516, it was held '*It is neither a bona fide offerings of goods or services, nor an example of a legitimate non-commercial or fair use under Policy 4(c)(i) and (iii), when the holder of a domain name that is confusingly similar to an established mark uses the domain name to earn a profit without approval of the holder of the mark*'.
without approval of the holder of the mark".

It is pertinent to note that the complainant has also not licensed the use of the mark, Melbet, to the respondent. In such as situation, there is no reason for the respondent to use the same as its domain name. The use is therefore unauthorized. A decision of a previous panel, *Wacom Co. Ltd. v. Liheng*, INDRP/634, is relevant in this case. It was stated that:

"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"

It is reiterated that the respondent (registrant) has not filed any response to counter the complainant's assertions and has merely sent an email, allegedly clarifying itself, despite service. There are no supporting documents filed by it too. The respondent has thus failed to satisfy the conditions contained in clauses 6(a),(b) and (c) of INDRP Policy. Significantly, the respondent has never been identified with the disputed domain name or any variation thereof. The respondent's (Registrant) use of the disputed domain name will inevitably create a false association and/or affiliation with complainant and its trademarks, Melbet.

Therefore, in view of the submissions made in the complaint and on perusal of the accompanying documents, I am of the opinion that the respondent has no rights or legitimate interests in respect of the disputed domain name. Accordingly, condition 4(b) of the INDRP policy is decided in the favour of the complainant.

- iii. Condition 4(c): The Registrant's domain name has been registered or is being used in bad faith:

To look into condition 4 (c) of the INDRP policy, clause 7 is to be looked into. Clause 7 of the INDRP policy states as under:

For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the Registration and use of a domain name in bad faith:




- (a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the Trademark or Service Mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or*
- (b) the Registrant 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 the Registrant has engaged in a pattern of such conduct; or*
- (c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location; or*
- (d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor.*

The complainant states that the issue at hand falls under 7 (c) of the INDRP policy as the Registrant (respondent) has intentionally attempted to attract users to the Registrant's website. The complainant states that the respondent has registered the disputed domain name subsuming the complainant's trademark Melbet, with the sole reason of attracting prospective customers to its website and gain commercially. Therefore, it asserts that the respondent's use of its trademark 'melbet' in the disputed domain name is solely to ride on the complainant's reputation.




It is pertinent to reiterate that the complainant is vested with statutory rights in its Melbet trademark across myriad countries and has common law rights in India. The use and alleged adoption of the trademark Melbet has been from the year 2012. The complainant is also known in its advertising through the IPL. The respondent's registration of a disputed domain name wholly incorporating the complainant's trademark is most certainly to ride on the coat tails of the complainant's commercial success which its Melbet trademark has attained over the past numerous years. It is also noteworthy that the actions of the respondent seem to fall squarely within subclause (c) hereinabove.

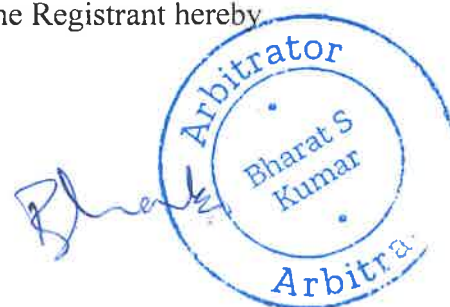
Given the enormous success of the complainant's business, its known trademark Melbet, there seems to be no reason for the respondent to adopt an identical name/ mark with respect to the impugned domain name. This adoption by the respondent, of course seems to create a deliberate and false impression in the minds of users that the respondent is somehow associated with or endorsed by the complainant. A case by a previous panel, *Mls Merck KGaA v Zeng Wei JNDRP/323*, can be referred wherein it was stated that:

"The choice of the domain name does not appear to be a mere coincidence, hut a deliberate use of a well-recognized mark... such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration. "

It is noteworthy that Rule 3 of .IN Domain Name Dispute Resolution Policy (INDRP), casts obligations on a registrant, such as the respondent here. The same provides as under:

3. Registrant's Representations

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby



A handwritten signature in blue ink is written over a circular blue stamp. The stamp contains the text "Arbitrator" at the top, "Bharat S Kumar" in the center, and "Arbitra" at the bottom.

represents and warrants that:

(a) the credentials furnished by the Registrant for registration of domain name are complete and accurate;

(b) to the knowledge of Registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;

(c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and

(d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility' of the Registrant to determine whether their domain name registration infringes or violates someone else's rights.

It is evident from above rule that rule 3(b) and (d) puts an obligation on the Registrant, the respondent herein, before registering a domain name. The registrant is to verify that the registration of the domain name will not infringe upon or otherwise violate the rights of any third party.

From a perusal of the averments and documents filed herewith, there is therefore no doubt that the respondent has got the disputed domain name registered in bad faith and to ride on the complainant's Melbet trademark's goodwill and reputation. The actions of the respondent are thus in contravention with paragraph 4(c) of the INDRP policy. I therefore hold that the respondent's domain name has been registered in bad faith.




Decision

In view of the foregoing, I hold that the disputed domain name, <melbet.com.in> is identical and/or confusingly similar to the complainant's 'Melbet' trademark. I further hold that the respondent has no rights or legitimate interests in respect of the disputed domain name and that the same was registered in bad faith by the respondent. In accordance with the INDRP Policy and Rules, I direct that the disputed domain name registration be transferred to the complainant. No order as to costs.

Date: 29.12.2025

Place: New Delhi


Bharat S Kumar
Sole Arbitrator
