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BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2051

IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULE OF PROCEDURE
AND THE ARBITRATION AND CONCILIATION ACT, 1996

FINAL AWARD

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**IN THE MATTER OF THE ARBITRATION ACT 1996 as Amended by
Arbitration & Conciliation (Amendment) Act, 2015
and
INDRP Rules of Procedure;
and
.IN Domain Name Dispute Resolution Policy (INDRP)
and
In the matter of arbitration between**

BATNESTO LTD

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

....Complainant

Vs

IAN CHRIS JULIO ESTHER

Porthote Ltd
Suite 3, 1st Floor,
La Ciotat Building
Monte Fleuri, Mahe – SS92SA
Seychelles

....Respondent

in respect of Disputed Domain Name(s):

[mel-bet.com.in]

INDRP Case No; 2051

FINAL AWARD

Date: 07.01.2026

Venue: New Delhi, India



ABHINAV S. RAGHUVANSHI
SOLE ARBITRATOR

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A. THE PARTIES AND THEIR REPRESENTATIVE:

1. Claimant

BATNESTO LTD

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

Legal Representative

Vishaka Sivakumar

Eshwars, Advocates- House of Corporate and IPR Laws
6th Floor, Khivraj Complex II,
#480, Anna Salai, Nandanam,
Chennai, Tamil Nadu,
India- 600035
Tel: 0091 44 42048235
Email: vishaka@eshwars.com
domaindisputes@eshwars.com

2. Respondent

IAN CHRIS JULIO ESTHER

Porthote Ltd
Suite 3, 1st Floor,
La Ciotat Building
Monte Fleuri, Mahe - SS92SA
Seychelles
Tel: +248.2749682
Email: porthoteltd@gmail.com

B. THE DOMAIN NAMES AND REGISTRAR:

The disputed domain name < **mel-bet.com.in** > is registered through the Registrar registrar.eu is accredited with the .IN Registry and is listed on the website of the .IN Registry having its Contact Address:

IAN CHRIS JULIO ESTHER

Service:

Porthote Ltd
Suite 3, 1st Floor,
La Ciotat Building
Monte Fleuri, Seychelles, Mahe - SS92SA
Email: porthoteltd@gmail.com



C. PROCEDURAL HISTORY:

1. Sh. Abhinav S. Raghuvanshi was appointed as the sole Arbitrator on 10th October 2025 by the NIXI to act as an Arbitrator in the INDRP case no. 2051 regarding the complaint dated 29th September 2025 filed under the INDRP by the Complainant.
2. On 5th November 2025, the Arbitral Tribunal issued the Notice of Arbitration and further directed the Complainant to effect the service into the Respondent and file an Affidavit of Service to the effect. 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 within 15(fifteen) days.
3. The Respondent did not respond to the notice issued on 5th November 2025.
4. Service of the Notice of Arbitration dated 5th November 2025 was affected by the counsel for the complainant, and the same was intimated to the Tribunal by Vishaka Sivakumar representative of the complainant. The complaint (with annexures) was sent to the email address of the Respondent shown in the WHOIS details. Consequently, the service of the Notice of Arbitration on the Respondent was done in accordance with Rule (2) of the INDRP Rules.
5. In the interest of Justice, the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure directed the Complainant to once again affect service of this Notice of Arbitration along with copy of Complaint and Annexure, complete in all respects by email on 17th November 2025 to the Respondent.
6. Even after the Service of Notice of Arbitration twice, the Respondent did not respond.
7. On 24th December 2025, Evidence Affidavit were filed by the Complainant in relation to the case of INDRP Case No. 2051.



D. COMPLAINANT CONTENTION:

It is case of the Complainant that:

- i. The Complainant states that the Complainant Batnesto Ltd is 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.
- ii. The Complainant contends that the Complainant is the proprietor and lawful user of the trademark "Melbet", which has been continuously and extensively used since 2012 in relation to its globally recognised online sports betting and gaming platform, supported by valid trademark registrations, ownership of multiple domain names, and widespread international operations. Through extensive promotions, sponsorships, strategic sporting partnerships, and industry recognition, the Subject Mark has acquired substantial goodwill, reputation, distinctiveness, and secondary meaning, including among consumers in India.
- iii. The Complainant asserts that the Disputed Domain Name is identical or confusingly similar to the Subject Mark as it wholly incorporates "Melbet" with only a hyphen and the ".com.in" extension, both of which are legally irrelevant for the purpose of assessing confusing similarity under settled INDRP and UDRP principles.
- iv. The Complainant through consistent judicial and arbitral precedent recognises that complete incorporation of a registered trademark in a domain name is sufficient to establish confusing similarity, and that the Complainant has repeatedly and successfully enforced its rights against cybersquatters, thereby affirming the strength and enforceability of the Subject Mark.
- v. The Complainant highlights that the Disputed Domain Name, registered on 11 October 2024 with privacy-shielded details, resolves to an active betting website that unlawfully uses the coined and distinctive Subject Mark and



closely imitates the Complainant's website in trade dress, layout, design, and user interface, creating a false impression of association. The Respondent has no licence, authorisation, trademark rights, or legitimate connection with the Complainant.

- vi. The Complainant further asserts that the Respondent has no rights or legitimate interests in the Disputed Domain Name, which is used solely for impersonation and passing off, with the intention of diverting internet traffic for commercial gain. The Respondent has plagiarised the Complainant's content and imagery, redirected users through unaffiliated third-party domains, and made false references to the Complainant and its authorised entities to mislead users and exploit the Complainant's goodwill.
- vii. The Complainant's Mark is a globally well-known and highly distinctive mark, and given its fame and long-standing use, the Respondent could not have been unaware of the Complainant's rights and has knowingly adopted the Subject Mark in its entirety.
- viii. The Complainant furthermore asserts that the Disputed Domain Name is being used as an instrument of deception and unfair exploitation, exposing unsuspecting users to potential financial loss, and that such unauthorised and deceptive use constitutes bad faith registration and use, entitling the Complainant to protection equivalent to that accorded to registered trademarks.

E. RESPONDENT CONTENTION:

The disputed domain name was registered on 11.10.2024. Pursuant to the notice issued by this Tribunal dated 05.11.2025, the Respondent have failed to file their response- Reply in Opposition to the Complaint. And thus, this Tribunal is not in position to appreciate the exact contentions of the Respondent. However, prima facie it appears that the Respondent's use of disputed domain name is not bona fide. Nevertheless, the Tribunal firmly believes that even in the uncontested matter, the petitioner's case must stand on its own legs and it cannot derive any advantage by absence of the respondents therefore, the complainant must still establish each of the three elements as mentioned in clause 4 of the INDRP policy. Tribunal also



notes decision of Hon'ble Supreme Court of India in Sudha Agarwal vs Xth Additional District Judge & Ors (1996) 6 SCC 332.

F. DISCUSSIONS AND FINDINGS:

The complainant seeks to rely upon paragraph 4 of the .IN Policy, which reads as: "Any Person who considers that a registered domain name conflicts with his 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 Respondent 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 in bad faith."

And the Complainant seeks to assert that each of the aforementioned factors.

A. Whether the Respondent's domain name < mel-bet.com.in > is identical to a name, trademark/ Trade name or Service mark, in which the Complainant has right?

- i. The Complainant stated that the Complainant is a limited liability company registered and existing under laws of Republic of Cyprus. The Complainant 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. 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.
- ii. The Complainant further stated that the Complainant 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 also sponsored the Kyetume FC football team from Uganda. Additionally, the Complainant has partnered with former Turkey football player, Didier Drogba, which shows the well-known status and global recognition of the Complainant. The screenshots evidence of the aforementioned sponsorship and partnership has been attached by the Complainant as **Annexure 3** along with the Complaint.

- iii. The Complainant furthermore stated that the Complainant 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. One of the key achievements of the Complainant is that they are a media partner to the Spanish La Liga, one of the most famous organisation based in Spain responsible for conducting national professional football competitions having various famous football clubs as its members. The screenshot of the association with La Liga has been attached by the Complainant as **Annexure 4** alongwith the Complaint.
- iv. The Complainant contended that the Complainant is the proprietor of the trademark "Melbet" and its figurative mark ("**Subject Mark**"). The list of registrations/applications made by the Complainant with respect to the Subject Mark is tabulated pursuant to Rules of Procedure, Paragraph 4(b)(v) and extracts from the global trademark websites along with status of the marks has been attached by the Complainant as **Annexure 5** alongwith the Complaint.

Further, the Complainant is also recorded as the registered proprietor for the Subject Mark transferred from Linkbiz Marketing to the Complainant vide transfer/assignment certificates. The list of such marks is as provided below



CLASSES	COUNTRY	REGISTRATION NUMBER	DATE OF REGISTRATION
9,16,21,25, 28,30	European Union	No 019060714	12 th Nov 2024
35,41,42	Eswatini	SZ/T/2022/385	10 th Nov2022
35,41,42	Mauritius	34042/2023	09 th Nov 2022
42	Tanzania	TZ/S/2022/1349	11 th Nov 2022
42	Kazakhstan	85081	14 th Nov 2022
35,41,42	Liberia	LR/M/2023/00036	15 th April 2023
41	Zanzibar	ZN/S/608	14 th Dec 2022
35,41,42	Burindi	10242/BI	15 th Nov 2022
09	Zambia	1692/2022	10 th Nov 2022
16	Zambia	1693/2022	10 th Nov 2022

Copies of the TM Registration Certificates containing the detailed description of the services of the above-mentioned Marks obtained from the relevant websites, the assignment certificates in favour of the Complainant has been attached by the Complainant as **Annexure 6** alongwith the Complaint.

- v. The Complainant contended that the Complainant registered the official domain www.melbet.com ("**Complainant's Website**") on 18 September 2012, enjoying continuous use of the trademark "melbet" ever since. The whois data page and the screenshot of the Complainant's Website has been attached by the Complainant as **Annexure 7** alongwith the Complaint.

The Complainant placed on record that the Complainant's Website is currently redirected to its other website www.melbet-india.net ("**Affiliated Website**"). In this regard, 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 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 the Complainant's 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. has been attached by the Complainant as **Annexure 8** alongwith the Complaint.

- vi. The Complainant further contended that considering the unique website design and layout, the Complainant has taken effective steps to protect the design, layout and source code of the Complainant's Website in European Union (EU) and United Kingdom (UK). The EU design registrations for the website layout of the Complainant's Website has been attached by the Complainant as **Annexure 9** alongwith the Complaint.

The UK copyright registrations for the layout of the Complainant's Website and the source code of the Complainant's Website has been attached by the Complainant as **Annexure 10** alongwith the Complaint.

- vii. The Complainant furthermore contended that in 2020, Complainant received four nominations at the SBC Awards, including Best Mobile App, Best Affiliate Program, and Rising Star in the sports betting and casino categories. These nominations serve as a testament to the Complainant's well-known status and reputation in the gaming field. The nomination list evidencing the same has been attached by the Complainant as **Annexure 11** alongwith the Complaint.

The Complainant placed on record that the Complainant is also the Winner of the 2023 EVENTUS Award for Best Online Gaming Operator. Copy of the award/screenshot proving the same has been attached by the Complainant as **Annexure 12** alongwith the Complaint.

- viii. The Complainant highlighted the list of domain names containing the Subject Mark as owned by the Complainant:

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

Screenshots of Whois Data pages has been attached by the Complainant as **Annexure 13** alongwith the Complaint.

- ix. The Complainant further highlighted that the Complainant owns and uses the Subject Mark in connection with its business since 2012. The Complainant has been using the Subject Mark consistently and extensively across the globe, including in India, in relation to its online sports betting and gaming services. Since its inception, the Complainant has steadily expanded its operations through the consistent and high-quality delivery of its services, fostering long-standing trust and loyalty among its users. Due to its prolonged and uninterrupted use of the Subject Mark for over a decade, Subject Mark has gained widespread recognition and has come to be exclusively associated with the Complainant by the public. The Complainant has made significant efforts to promote the Subject Mark within India in recent years, and all such promotional content is readily accessible to internet users across the globe, including India. Consequently, the Indian public identifies the Subject Mark “Melbet” solely with the Complainant and no other entity.
- x. The Complainant asserted 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.



Notably, Complainant appointed renowned international cricketers such as Faf du Plessis (in 2022) as global brand ambassador enhancing the visibility and reputation of the Subject Mark among cricket fans. Additionally, the Complainant 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. Screenshots evidencing the aforementioned association with the cricketer and the team franchise has been attached by the Complainant as **Annexure 14** alongwith the Complaint.

All these evidence that the 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.

- xi. The Complainant pointed out that even under the Uniform Domain Name Dispute Resolution Policy (UDRP), which governs disputes relating to gTLDs, numerous panel decisions have consistently upheld the principle that the domain extension is to be disregarded while assessing confusing similarity. Considering that the .IN Domain Name Dispute Resolution Policy (INDRP) is founded on principles substantially similar to those embodied in the UDRP, this Tribunal finds merit in applying the same evaluative yardstick to disputes arising under the INDRP, including the present Complaint. At this juncture, it is also pertinent to record that the Complainant has previously initiated multiple proceedings under the UDRP against various cybersquatters and has been successful in all such actions. An indicative list of proceedings/cases initiated by the Complainant, wherein the disputed domain names were ordered to be transferred in favour of the Complainant, is set out hereinbelow by the Complainant along with the Complaint.



Case No.	Parties	Disputed Domains
CAC-UDRP-107057	BatnestoLtd.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	BatnestoLtd.v..Kory Lattrell	melbetagent.com
DIO2024-0036	BatnestoLtd.v..Lenildo Nogueira, VICTORIA GAMES SOLUTIONS B.V.	metbet.io

This can be accessed through the 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](#)

- xii. The Complainant further pointed out that the Disputed Domain Name subsumes the Complainant's Subject Mark in its entirety. The Respondent has merely added a hyphen between the words "mel" and "bet" of the Complainant's Subject Mark which cannot sufficiently distinguish the Disputed Domain Name from the Complainant's trademark.

It is a settled position in the UDRP decisions that supplementing or modifying a trademark with a hyphen does not prevent a finding of "identical or confusingly similar" for purposes of satisfying this first element of paragraph (4)(a)(i) of the Policy. Reference is drawn in this regard to *Fort Knox National Company v. Ekaterina Phillipova* (Case No. D2004-0281) and *Canva Pty Ltd. V Jun Yin*, (INDRP1831/2024) <canva.com.in> where in it was observed by this panel that suffix '.com.in' is not sufficient to escape the finding that

the domain is confusingly similar to Complainant's trademark. Past INDRP decisions have also held that the fact that a domain name wholly incorporates a Complainant's registered trademark is sufficient to establish identity or confusing similarity for the purpose of *INDRP, ITC Limited v. Travel India (INDRP Case No. 065)*, *Allied DOMEQ Spirits and Wine Limited v. Roberto Ferrari (INDRP Case No. 071)*, *International Business Machines Corporation v. Zhu Xumei (INDRP Case No. 646)* and *Jaguar Land Rover v. Yitao (INDRP Case No. 641)*. Furthermore in *Farouk Systems Inc., v Yishi, Case no.02010-0006*, it was held that a domain name wholly incorporating complainants registered trademark maybe sufficient to establish identity or confusing similarity, despite the addition of other words to such marks.

- xiii. Thus, it is prima facie clear that the disputed domain name <melbet.com.in> is identical and/or confusingly similar to the Complainant's trademarks.

B. Whether the Respondent has rights or legitimate interests in respect of the domain name?

- i. The Complainant pointed out that upon perusal of the Whois data page of the Disputed Domain Name, it is observed that the domain was registered on 11th October 2024, wherein the Registrant's details are privacy redacted. It is hereby placed on record that the Disputed Domain Name resolves to an active webpage where the Respondent is purportedly operating an online sports betting platform using the Complainant's Subject Mark "Melbet". The impugned webpage closely mirrors the Complainant's Website in terms of its trade dress, layout, design, get-up, and user interface, thereby creating a false impression of affiliation or origin.
- ii. The Complainant further pointed out 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. In support of these contentions, the complainant has relied on the case of *Morgan Stanley v. M/s Keep Guessing (INDRP Case no .024/ 2007)*, *Morgan Stanley v. Ding Riguo (INDRP Case No.370/ 2012)*. The Complainant has thus been able to show further that 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. The Respondent's adoption of a confusingly similar domain name clearly demonstrates an intention to ride on the established goodwill of the Complainant, moreso evidenced by the references "melbet.com" and "Pelican Entertainment B.V." in its "General terms and conditions" which is blatantly false and misleading. Furthermore, there is no evidence whatsoever to show that the Respondent has any legitimate trademark rights or lawful interest in the Disputed Domain Name.

- iii. The Complainant stated 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. Also, there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name.
- iv. The Complainant further stated that the Disputed Domain Name redirects users to a third-party domain, namely <melbet.biz.in>, which is neither owned by nor affiliated with the Complainant and against which the Complainant has independently initiated



proceedings under the INDRP. Significantly, the said third-party website, upon selecting the “registration” option, redirects to the Affiliated Website of the Complainant. This redirection mechanism, in the considered view of the Tribunal, evidences a calculated and deceptive design aimed at exploiting the goodwill associated with the Complainant’s mark and misleading internet users into believing that they are dealing with the Complainant or its authorised platform. Such conduct cannot be characterised as a bona fide offering of goods or services and instead amounts to passing off by unfairly riding upon the goodwill of the Complainant over that the Complainant has built over a decade.

- v. The Tribunal takes note of the Complainant’s assertion that the Disputed Domain Name 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 Website content. This is evidenced by the fact that the Respondent has
- a) replicated the screenshot/images from the Complainant’s Website
 - b) drawn misleading references to “melbet.com” on the Disputed Domain Name
 - c) drawn misleading references to “Pelican Entertainment B.V”, a company that is authorised by Complainant to operate and maintain the Complainant’s Website as evidenced under Annexure 8. 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.



Screenshots demonstrating the redirection, copied content, references to Pelican Entertainment B.V has been attached by the Complainant as **Annexure 15** alongwith the Complaint.

The reference is made to **Section 2.13.1 of the WIPO Jurisprudential Overview 3.0**, wherein panels have categorically held that use of a domain name for illegal activity including impersonation or passing off can never confer rights or legitimate interests on a respondent. Reference in this regard.

- vi. Thus, it is evident that the Respondent registered the domain name for the sole purpose of creating confusion and misleading the general public and therefore is not making a legitimate, fair or bona fide use of the domain name.

C. Whether the Registrant's domain name has been registered or is being used in bad faith?

- i. The Complainant stated that the Subject Mark of the Complainant "Melbet" 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. Hence, it is 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.

The Complainant has been able to show that the Respondent was very well-aware of the goodwill and reputation of the Subject Mark and the Complainant's Website that the Respondent registered the Disputed Domain Name 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. The Complainant relied on *Societe des Produits Nestle S.A. v Dotpe Pvt. Ltd (INDRP Case no. 1778/2023)* wherein the Panel 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. Further, the Complainant relied on *New cross healthcare solutions ltd. v. Amelia Gibbs (INDRP Case No. 1798/2024)* wherein the Panel held that “*the intent of the respondent to profit from the reputation of the complainant’s mark’s/domain is definitely a bad faith registration use*”. Reliance is also placed on *Virgin Enterprises Limited v. Alex Willian (INDRP Case no. 1790/2023)*.

- ii. The Complainant contended 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. Reference in this regard is to made to *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.
- iii. Further, the Complainant stated that 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 “**Melbet**”. The Complainant has convincingly shown that 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. 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. Reliance is placed upon the judgments in *Yahoo! Inc. vs Akash Arora & Anr.* (78 (1999) DLT 285); *and Rediff Communication Ltd Vs. Cyberbooth and Anr* AIR 2000 AIR Bom. 27. The Complainant also relied on past decisions in *Bharti Airtel Limited vs. Rajeev Garg*, (INDRP Case No. 285), *Merck KGaA v. Zeng Wei* (INDRP Case No. 323), *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma* (INDRP Case No. 799), and *Sensient Technologies Corporation v. Katrina Kaif, Corporate Domain* (INDRP Case No. 207), where respondent's bad faith was found from intentionally attempting to attract for gain Internet users to the respondent's website or other online location by creating a likelihood of confusion with complainant's mark.

- iv. Furthermore, the Complainant contended that upon considering that the Disputed Domain Name is held by the Respondent to misleadingly attract internet traffic by creating a false impression of a connection between the Disputed Domain and the Complainant, the present use of the Disputed Domain itself constitutes a threatened abuse hanging over the head of the Complainant as it is used for illegal and unlawful purposes to deceive the users and potentially dupe them of their monies through the scam website. Reference in this regard is drawn to *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 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". Reliance is also placed on *M/s. Dropbox, Inc. vs. M/s Kristina Ivanova* (INDRP Case no. 1807/2024). At this juncture it pertinent to draw reference to the deposits and bonus amounts mentioned in the Disputed Domain



Name along with the payment methods listed thereunder which clearly indicates potential monetary loss to the general public who are misled into believing that the Disputed Domain Name is associated with the Complainant.

- v. The Complainant asserted that the Disputed Domain Name contains the Complainant's well-known mark "Melbet" in entirety. At this juncture it is pertinent to take note of the decision of the panel UDRP under *Case No. CAC-UDRP-107057 in Batnesto Ltd vs. Alex Voronov*, whereunder it was held that *"the name MELBET is well-known and have received widespread recognition due to its extensive use by the Complainant for its business activities; such use predates registration of the disputed domain name. The complex name "MELBET" is a denomination with a high degree of distinctiveness. It follows that it is highly implausible that Respondent would register a disputed domain name for itself without knowing its previous use by the Complainant. This clearly indicates bad faith registration of the disputed domain name by the Respondent"*. The decision of the CAC is published at

<https://udrp.adr.eu/decisions/detail?id=67655617ea04b1fe8f0d4517>.

Further, as held in *Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.*, AIR 2004 SC 3540, the Hon'ble Supreme Court recognized that domain names function as business identifiers and are entitled to the same protection as trademarks. The Court further held that unauthorized use of a deceptively similar domain name amounts to passing off. This principle directly applies to the present dispute.

- vi. The Complainant further asserted that the overall layout and look and feel of the Disputed Domain is strikingly similar to that of the Complainant's Website. The general colour codes in the domain, including sidebar menus and homepage slide banners, closely mirrors each other indicating a deliberate attempt by the Respondent

to pass off the Disputed Domain Name as that of the Complainant's Website.

- vii. The Complainant highlighted that both the Complainant's Website and the Disputed Domain display identical customer support features, including 24/7 live chat, email, telephone, and social media contact options. Notably, the Disputed Domain Name provides for email addresses with extensions such as <info-en@melbet.org>, <security@melbet.org> and <marketing@melbet.org> wherein the domain <melbet.org> is actually held by the Complainant only. Screenshot evidencing this misleading representation has been attached by the Complainant as **Annexure 16** alongwith the Complainant.
- viii. The Complainant further highlighted 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.
- ix. Thus, it is established that the Respondent has registered the disputed domain name and is using it in bad faith.

G. **DECISION:**

In the light of foregoing findings, namely, that the domain name is confusingly similar to a mark in which the Complainant have rights, that the Respondent has no rights or legitimate interests in respect of disputed domain name and that the disputed domain name was registered in bad faith and being used in bad faith in accordance with the policy and rules, the arbitrator orders that domain name < **mel-bet.com.in** > be transferred to the Complainant.



Abhinav S. Raghuvanshi
Sole Arbitrator