



## AWARD

### 1. THE PARTIES

The Complainant is **Inplace N.V.**, having office at Chout Bij Nacht Doormanweg 40, Willemstad, Curacao., Telephone- 079- 4800 5141, Mobile No. 7575888005/-004, E-mail: INFO@MandPIndia.com, by its authorized representative Mahendra Parmar, Kinjal Bhatt, Harun Shaikh, Shoeb Masodi Advocate, Agent/ Attorneys of M&P IP PROTECTORS, having their office at 27, National Chambers, Adjacent to CityGold Cinema, Ashram Road, Ahmedabad- 380009, Gujrat, India.

The Respondent is Sergey Yaromich, Endurance Digital Domain Technology LLP, having their address at L body 2b, Minsk-220030, Belarus, Telephone- (+375) 447591175, E-mail [sergey.yarpomich@biggiko.com](mailto:sergey.yarpomich@biggiko.com).

### 2. THE DOMAIN NAME AND REGISTRAR:

This Arbitration pertains to a dispute regarding the Domain name <POKERMATCH.IN>

The disputed Domain name is < POKERMATCH.IN >

The abovesaid domain registered particulars in detail is provided along with the complaint.

**Registrar Name: Endurance Digital Domain Technology LLP**

**IANA ID : 801217**

**Date of creation: 06.12.2021**

**Date of Expiry : 06.12.2022**

**Registrant Client ID : EDTRP-13319457**

**Registrant ROID: C6A636A7049074116BBB17B8F2FE029A7-IN**

**Email: [sergey.yaromich@biggiko.com](mailto:sergey.yaromich@biggiko.com)**

**Phone: (+375) 447591175**

### 3. PROCEDURAL HISTORY

(a) The Complainant has filed a complaint on 07.09.2022 with the NATIONAL INTERNET EXCHANGE OF INDIA. The Complainant made the registrar verification in connection with the Domain name at issue. The annexures received with the complaint are **Annexure-A to E.**

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The exchange verified the complaint, satisfied the formal requirements of the Indian Domain Name Dispute Resolution Policy (INDRP) (the 'Policy') and the Rules framed thereunder.

- (b) The NIXI has appointed Sh. R.K. Kashyap, Advocate as the Sole Arbitrator vide Email dated 12.09.2022. The Arbitrator has duly submitted his Statement of acceptance and Declaration of Impartiality and Independence on 13.09.2022, as required by the Exchange.
- (c) The Arbitrator, as per the INDRP Policy and the Rules, has duly issued the notice on 16.09.2022 and directed the complainant to serve the Respondent with a copy of the Complaint alongwith annexures on the given e-mail as well as on physical address. In the Notice, it has also been mentioned that the respondent to file the reply/response within 10 days from the receipt of notice. The direction of the arbitrator to serve the respondent has duly been complied with vide Email dated 21.10.2022, and sent the receipt regarding the service through Email and also sent through post vide consignment no. AIRWAYS BILL NO 558403481, on 20.10.2022, to the respondent and also sent through E-mail on 21.10.2022 and 27.10.2022. The complainant also sent the mail dated 02.11.2022 wherein also confirmed that sent the copy of the complaint and documents through mails and they have not received any bounce back or undelivered message till date. The respondent till date has not filed any reply/response within the stipulated time, hence, the respondent proceeded Ex-parte and Ex-parte Award is being passed.

4. **Factual Background:**

The following information has been derived from the Complaint and the various supporting annexure to it, the Arbitrator has found the following facts:

**Complainant's Activities**

1. The complainant is doing the business in the name of "POKERMATCH" from the year 2016. The complainant since the adoption of the brand, trade mark, trading style, trade name and name

*Prakash*

of the online platform “**POKERMATCH**” has been marketing, advertising and doing publicity activity and has been spending tremendous amount of money towards across the world. The said brand and trade mark is well-known online platform “**POKERMATCH**” is a highly innovative and technically advance platform for online gaming and sports.

2. The online global platform of the complainant POKERMATCH is the major eastern European online poker room which is among the top 10 world industry leaders. The said platform is designed by the complainant and their team to provide real pleasure in poker. The said platform is developed operate from any device, which is advanced with features such as user-friendly and multifunctional software, bonuses for new players, interesting and modern types of poker, multiple promotions and special offers, large online tournaments and series with huge prize pools; progressive jackpots, cash game, starting at the lowest limits, freerolls for beginners, and much more.
3. The domain of the complainant “**POKERMATCH**” is now become a large-scale and one of the **top 10 international sports betting, gambling and gaming platforms** and the complainant having registered domain with the trademark “**POKERMATCH**” to cater their users and customers with their website <https://pokermatch.com/en> **refer Annexure- C in this regard.**
4. Having advanced and user-friendly mobile application which is available of apple app store. The link for the mobile application is <https://apps.apple.com/ua/app/pokermatch-online-poker-games/id1487078171>, **refer Annexure- D.** The complainant is very popular and in talk on social media like Facebook, Instagram, Youtube, LinkedIn and others, due to the unique, innovative, effective and accepted services of the applicant, refer **Annexure – E.**
5. The complainant is the globally prior adopter, user and applicant of the said trade mark and well -reputed gaming website.

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5. **DISCUSSION AND FINDINGS:**

The Rules instructs this Arbitrator as to the Principles to be used in rendering its decision. It says that, “a panel shall decide a Complaint on the basis of the statements and documents submitted by the parties in accordance with the Policy, the Arbitration and Conciliation Act, 1996, the Rules and any Rules and Principles of Law that it deems applicable”.

According to the Policy, the Complainant must prove that:-

- A) The registrant’s domain name is identical or confusingly similar to a name, trademark or service mark in which the complainant has rights;
- B) The registrant’s has no rights or legitimate interests in respect of the domain name that is the subject of complaint; and
- C) The registrant’s domain name has been registered or is being used in bad faith.

(A). **Identical or Confusingly Similar:**

The complainant is the proprietor of “**POKERMATCH**” trademark is well established in Europe as well as in other Countries and Globally know and one of the top ten sports betting, Gambling and Gaming Platforms, refer **Annexure B & C** in this regard. The disputed domain name of the respondent contains “**POKERMATCH.IN**”, which is identical and confusingly similar with the trademark and domain “**POKERMATCH**” of the complainant.

(B). **The Respondent has no Rights or Legitimate Interests :**

The respondent was having a knowledge of the complainant’s trademark, it’s well established and reputed platform as well as for the registered domain POKERMATCH.COM as complainant is using the said trademark “**POKERMATCH**” since 2016 and the uses of the trademark/ trading style/ name of the online platform as well as registered domains of the complainant “**POKERMATCH**” has been expending. In this regard, to invade the rights of the complainant, or to gain illicit money from the reputation and goodwill of the complainant, the respondent has registered the identical domain POKERMATCH same as the trade mark of the

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complainant with domain extension .IN in India. Thus, the respondent does not have rights or legitimate interest in respect of the impugned domain name and also the respondent has no registered or applied trademark of the said impugned domain name “**POKERMATCH.IN**” in India. The respondent is seeking advantage of the trademark of the complainant and is thereby tried to gain illicit money and tarnishing the reputation of the trademark of the complainant in Indian market.

**WIPO case no. D2009-1529**

**INDRP case no. INDRP/167**

**WIPO case no. D2001-0903**

**WIPO case no. D2010-1017**

**WIPO case no. D2003-0269**

The complainant is the sole legitimate owner of the trade mark **POKERMATCH**. The complainant neither licensed nor permitted the respondent to use trade/service mark **POKERMATCH.IN** or to apply for any domain name incorporating the said trade marks.

(C). **Registered and Used in Bad Faith:**

1. The registration of the impugned domain name by the respondent is in a **Bad Faith**, due to the high reputation of the trademark “**POKERMATCH**” earned by spending extensive amount of money towards development, expertise, marketing, advertising, promoting through celebrities, sports icons, and well-known personalities across the world, the complainant has acquired the position in top 10 pokerplatforms globally, extensive goodwill, reputation and recognition. Therefore, there are immense likelihood of confusion, scam, fraud with the users and potential customers in India. There is likelihood of association with the impugned domain with the reputed name of the complainant, that is against the interest of the common people in India as well as also devastating for the reputation and recognition of the complainant in India. The internet of the users/ customers is on high risk and likely to be duped by the respondent’s mala fide business practice. The respondent has tried to create false impression that the corresponding addresses “**pokermatch.in**” is also one of the official

*Praveen Adv.*

internet addresses of the complainant. The respondent's alleged domain name could mislead the potential customers/ users to their website. The intention of the respondent is evident to create confusion with the complainant's trademark "POKERMATCH", therefore the respondent has registered the disputed domain name in **bad faith**. It is evident that the respondent's intention is not to act in good faith but has got registered the disputed domain name in **bad faith**.

2. Bad faith has already been found where a domain name is so obviously connected with a well-known trademark that its very use by someone with no connection to the trademark suggests opportunistic bad faith, referred the following judgements:-

**WIPO Case No. D2010-0494**

**WIPO Case No. D2006-0303**

**WIPO Case No. D2008-0226**

**WIPO Case No. D2000-0270**

**WIPO Case No. D2006-0464**

**WIPO Case No. D2008-0287**

**WIPO Case No. D2007-0077**

**WIPO Case No. D2000-0055**

**WIPO Case No. D2008-0281**

3. The respondent is taking undue advantage of Complainant's trademark to generate profits. The use of a well-known trademark to attract Internet users to a website for commercial gains constitutes a use in bad faith pursuant to the policy and relied upon:-

**WIPO Case No. D2007-0956**

**WIPO Case No. D2009-1231**

**WIPO Case No. D2007-1736**

4. It is finally submitted that the disputed domain name was registered and is being used in bad faith. If the respondent is not restrained from using the disputed domain name and the same is not transferred to the complainant, loss and hardship will be caused to the complainant.

The very use of a domain name by someone with no connection with the Complainant suggests opportunistic bad faith, refer **INDRP case No. 1167**.

*Dennis*  
*Adv.*



6. **DECISION**

In light of the foregoing findings, namely, that the disputed Domain name is confusingly/deceptively similar to Complainant's well-known brand "POKERMATCH", a mark in which the Complainant has rights and the Respondent has no claims, rights or legitimate interests in respect of the disputed Domain name and the disputed Domain name was registered in bad faith and is being used in bad faith, in accordance with the policy and the rules. Hence, the Arbitrator orders that the disputed Domain name "POKERMATCH.IN" be transferred to the Complainant.

This Award is passed at New Delhi on this 9<sup>th</sup> Day of November, 2022

*Dispute Adr.  
09/11/2022*

**R. K. KASHYAP**  
**SOLE ARBITRATOR**