



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

**TILONDIA LTD**

EVVOIAS, 2, AGIOI OMOLOGITES,  
1087, NICOSIA, CYPRUS

...Complainant

Vs

**THOMAS BACKER**

Augsburger Strasse 71  
Witten Annen, 58453, DE

... Respondent

in respect of Disputed Domain Name(s):

[**BETWINNER.COM.IN**]

INDRP Case No. 2072

**FINAL AWARD**

Date: 28.04.2026

Venue: New Delhi, India



ABHINAV S. RAGHUVANSHI

SOLE ARBITRATOR

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A. THE PARTIES AND THEIR REPRESENTATIVE:

1. Claimant

TILONDIA LTD  
EVVOIAS, 2, AGIOI OMOLOGITES,  
1087, NICOSIA, CYPRUS

**Authorised Representative**

CORSEARCH, INC.  
111 BROADWAY  
NEW YORK, NY 10006 U.S.  
Tel: +1. 9494249116  
Email: [UDRP@CORSEARCH.COM](mailto:UDRP@CORSEARCH.COM)

2. Respondent

THOMAS BACKER  
Service  
AUGSBURGER STRASSE 71  
WITTEN ANNEN, 58453 DE  
Tel: +44. 7931063339  
Email: [mortinweiser@gmail.com](mailto:mortinweiser@gmail.com)

B. THE DOMAIN NAMES AND REGISTRAR:

The disputed domain name <BETWINNER.COM.IN> is registered through the Registrar Hosting Concepts B.V. d/b/a Registrar.eu is accredited with the .IN Registry and is listed on the website of the .IN Registry having its Contact Address:

Thomas Backer  
Service  
Augsburger Strasse 71  
Witten Annen, 58453 DE  
Tel: +44. 7931063339  
Email: [mortinweiser@gmail.com](mailto:mortinweiser@gmail.com)



**C. PROCEDURAL HISTORY:**

1. Sh. Abhinav S. Raghuvanshi was appointed as the sole Arbitrator on 13.11.2025 by the NIXI to act as an Arbitrator in the INDRP case no. 2072 regarding the complaint dated 02.11.2025 filed under the INDRP by the Complainant.
2. That the Arbitral Tribunal upon receipt of Complaint, issued the Notice of Arbitration on 15.12.2025, and further directed the Complainant to effect the service onto the Respondent and provide Proof 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. That the service of the Notice of Arbitration dated 15.12.2025 was effected by the counsel for the Complainant, and the same was intimated to the Tribunal on 20.12.2025 by Ms. Gina Carrillo, representative of the Complainant, wherein it was informed to this Tribunal that the Notice of Arbitration along with the Complaint (with annexures) was sent to the Respondent using the address details available from the WHOIS records, however, such service remained unsuccessful and incomplete due to an incorrect address of the Respondent.
4. In the interest of justice, the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure directed the Complainant to once again effect service of the Notice of Arbitration along with the copy of the Complaint and annexures, complete in all respects, however, delivery could not be effected.
5. In view of the above, despite reasonable efforts undertaken by the Complainant to effect service through available WHOIS details, the service of Notice of Arbitration upon the Respondent remained incomplete, in terms of Rule (2) of the INDRP Rules. Consequently, the Tribunal directed the Complainant to file Affidavit of Service.



6. Subsequently, the Complainant, in compliance to the directions issued by this Tribunal, filed their Evidence Affidavits on dated 29.12.2025 and Affidavit of Service on 01.03.2026 in INDRP Case No. 2072 recording three attempts made by the Complainant to effect service and reason for non-completion of the service upon Respondent.
7. There was a delay in passing the Final Award, as the completion of the procedural requirements was prolonged due to incorrect address details of the Respondent as reflected, which necessitated additional steps to verify and effect proper procedure.
8. There was a delay in passing the Final Award, as the same took more than 60 days, owing to the completion of the procedural requirements prolonged due to incorrect address details of the Respondent as reflected on record, which necessitated additional steps to verify and effect the proper procedure.

D. COMPLAINANT CONTENTION:

It is case of the Complainant that:

- i. The Complainant is the owner of EUIPO, UKIPO and Serbia trademark for BETWINNER figurative mark. A copy of the Registration trademark records from the European Union Intellectual Property Office (the "EUIPO"), UK Intellectual Property Office (the "UKIPO") and The Intellectual Property Office of the Republic of Serbia has been attached by the Complainant as Exhibit D, Exhibit E and Exhibit F alongwith the Complaint.
- ii. The Complainant states that the Complainant has partnered with Prevalier B.V., the holder of the e-gaming license from the Curacao Gaming Authority (Antillephone license Curaçao no. 8048/JAZ), ensuring that approved websites follow international gambling regulations, through its licensee. The license ensures transparency and security, providing players with assurance regarding the fairness of games and the protection of their personal data. Prevalier B.V. manages the websites <betwinner.com> and <betwinner-

in00053.top>. A supporting document has been attached by the Complainant as Exhibit K alongwith the Complaint.

- iii. The Complainant contends that BetWinner.com is a leading online sports betting and casino platform founded in 2018. The websites offer a wide range of sports betting options, including a diverse list of over 30 sports disciplines. It also offers an extensive casino lobby with over 2,000 slots and live dealer games. You can bet on a wide range of sports including football, cricket, basketball, tennis, hockey, volleyball, and virtual sports. The platform also uses state-of-the-art security technologies to protect your personal and financial information.
- iv. The Complainant further asserts that the website <betwinner-in00053.top> offers various betting options for local India sports such as SCLPS Nairobi Laxmanbhai construction Premier League, Chandigarh cricket league, Pakistan Shaikhani Champions League, Chennai Daily Cricket, plus more. A supporting document has been attached by the Complainant as Exhibit K alongwith the Complaint.
- v. The Complainant highlights that the Complainant's social media presences on Instagram, Twitter and Telegram together have thousands of followers. A supporting document has been attached by the Complainant as Exhibit G alongwith the Complaint.
- vi. The Complainant further highlights that the Disputed Domain Name, registered on April 5, 2023, previously hosted a website that closely imitated the Complainant's BETWINNER mark. The Respondent used it to pass off as the Complainant by replicating key elements such as content, layout, and color scheme, while offering competing services. The domain is currently inactive and under "client hold" status.
- vii. The Complainant points out that the Respondent has a history of similar conduct and has been involved in prior UDRP proceedings, including *Rush Street Interactive, LP and*

*Rush Street Interactive Colombia S.A.S v. Thomas Backer* (Claim No. FA2402002085047). A supporting document has been attached by the Complainant as Exhibit L alongwith the Complaint.

- viii. The Complainant further points out that the Respondent's the Respondent's email ID (mortinweiser@gmail.com) has been identified in INDRP Case No. 1858, further evidencing a pattern of abusive domain name registrations and bad faith conduct). A supporting document has been attached by the Complainant as Exhibit M alongwith the Complaint.

**E. RESPONDENT CONTENTION:**

The disputed domain name was registered on 05.04.2023. Pursuant to the notice issued by this Tribunal dated 15.12.2025, 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 <BETWINNER.COM.IN> is identical to a name, trademark/ Trade name or Service mark, in which the Complainant has right?**

- i. The Complainant contended that the by virtue of its trademark and/or service mark registration, Complainant is the owner of the Complainant's Mark(s).

The Complainant has relied upon:

*United Way of America v. Alex Zingaus, NAF Claim No. FA0707001036202* ("Panels have long recognized Complainant's registration of a mark with a trademark authority is sufficient to confer rights in the mark pursuant to Policy 4(a)(i)"); *Huolala Global Investment Ltd. v. Li Chenggong, INDRP/1027 (<lalamove.co.in>)* (Nov 23, 2018) (It is well established that if a Complainant owns a trademark, it is sufficient to satisfy the threshold requirement of having trademark rights under the policy."); *The jurisdiction where the trademark is registered is not relevant.*" *Id.* (citing *Easton Corp. Pty Ltd. Mr. Dean Chandler, INDRP Case No. 844*); *HDR Global Trading v. mo gyuri, gyuri mo, INDRP/1129 (<bitmex.in>)* (August 5, 2019) where BitMex established rights in the BITMEX mark.

- ii. The Complainant stated that the Disputed Domain Name fully incorporates the entirety of the textual element of the Complainant's trademark BETWINNER and adds the '.com.in' top-level domain. Notably, these minor changes do not do not render the subject Domain

Name distinctive or dissimilar or do not negate confusing similarity between a domain name and a mark per Policy.

The Complainant has relied upon:

Bloomberg Finance L.P. v. Nexperian Holding Limited, FA 1782013 (Forum June 4, 2018) (“Where a relevant trademark is recognisable within a disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element.”); Kenneth Cole Productions v. Viswas Infomedia INDRP/093 <kennethcole.in>; Carrier Corporation, USA v. Prakash K.R. INDRP/238 <carrier.net.in>; WIPO Overview 3.0 section 1.10, “[t]o the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element”).

iii. The Complainant has further relied upon :

Rollerblade, Inc. v. Chris McCready, WIPO Case No. D2000-0429 (finding that the top-level domain, such as ".net" or ".com", does not affect the domain name for the purpose of determining whether it is identical or confusingly similar); Gardline Surveys Ltd. v. Domain Fin. Ltd., NAF Claim No. FA0304000153545 (“[t]he addition of a top-level domain is irrelevant when establishing whether or not a mark is identical or confusingly similar, because top-level domains are a required element of every domain name.”).

iv. In view of the above, it is prima facie clear that the Disputed Domain Name <**BETWINNER.COM.IN**> is confusingly similar to the Complainant’s registered trademark “**BETWINNER**”.

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

i. The Complainant asserted that the Respondent has not been commonly known by the Disputed Domain Name and upon information and belief, at the time Respondent registered the Domain Name, it had no trademark or intellectual property rights in the Domain Name. The Complainant further asserted that from the verification data, the record shows that the Respondent’s name is “Thomas Backer” and WHOIS record provides no evidence that Respondent is commonly known by

Complainant’s mark. The Complainant has attached WHOIS record for the Disputed Domain Name set forth as Exhibit I in alongwith the Complaint.

The Complainant has relied upon:

*Transamerica Corp. v. Domain Administrator, FA2204001994108 (FORUM June 8, 2022). And, whereas here the WHOIS record provides no evidence that Respondent is commonly known by Complainant’s mark, a prima facie case exists that Respondent has no rights or interest in the disputed domain Name; JA Apparel Corp. v. Katz, FA1608001689449 (FORUM Sept. 25, 2016); UBS AG v. Key, FA1611001705029 (FORUM Jan. 10, 2017) (finding respondent not to be commonly known by disputed domain name where WhoIs listed dissimilar name as registrant); Compagnie de Saint Gobain v. Com-Union Corp., D2000-0020 (WIPO Mar. 14, 2000) (finding that a respondent had no rights or legitimate interest in the disputed domain name where it was not commonly known by the mark and never applied for a license or permission to use the mark), WIPO Overview 3.0, section 2.1.*

- ii. The Complainant further asserted that neither the Complainant is affiliated with Respondent nor Complainant not licensed the mark BETWINNER to Respondent. Furthermore, the Complainant asserted that the Complainant has not granted Respondent any right, authorization, or permission to use Complainant’s BETWINNER Mark in a domain name or in any other capacity.

The Complainant has relied upon:

*Dell Inc. v. Kathivel, FA1512001650842 (FORUM Jan. 19, 2016); Wacom Co. Ltd. v Lihen, INDRP/634 (November 24, 2014) (<wacom.in>) (finding no legitimate interest where “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”).*

- iii. The Complainant also pointed out that Respondent fails to use the <BETWINNER.COM.IN > domain name for a bona fide offering of goods or services or a legitimate noncommercial or fair use because Respondent implied a connection with Complainant by passing off as Complainant at the resolving webpage. The Complainant further pointed out that the disputed domain name’s resolving website previously resolved to a website that prominently displayed the BETWINNER figurative mark,

identical to Complainant's mark, and offered services such as gambling and casino services, which could mislead users into believing that the website is connected with Complainant, when it is not and the respondent also used the disputed domain name to resolve to a website that imitated the complainant's mark and color scheme to create a website that falsely suggested an affiliation with Complainant. Furthermore, the Complainant stated that the Respondent defrauded customers into believing that the Respondent's website is operated or authorized by Complainant. Notably, it is evident that the Respondent was aware of the Complainant and its trademarks prior to registering the disputed domain name.

The Complainant has relied upon:

*Ripple Labs Inc. v. NGYEN NGOC PHUONG THAO, FA 1741737 (FORUM Aug. 21, 2017) ("Respondent uses the [disputed] domain name to divert Internet users to Respondent's website... confusing them into believing that some sort of affiliation exists between it and Complainant... [which] is neither a bona fide offering of goods or services under Policy 4(c)(i) nor a legitimate noncommercial or fair use under Policy 4(c)(iii)."); WIPO 3.1 section 2.13.1 'Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent; Pathway IP S.A.R.L vs Regus India INDRP/1168 (December 2, 2019) (<regusindia.in>) where the Respondent's use of the Disputed Domain Name is merely intended to divert customers to Respondent's website, which dishonestly projects that the Respondent is related to the Complainant.*

The Complainant has attached screenshot(s) of the website(s) reachable through the Disputed Domain Name as Exhibit H the Complaint.

- iv. 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 Respondent has registered and uses the BETWINNER.COM.IN domain name in order to attract, for commercial gain, Internet users to Respondent's own website by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the content thereon. The resolving webpage mimicked Complainant's BETWINNER mark and offered services identical to the complainant's services. A supporting document has been attached by the Complainant as Exhibit H along with the Complaint.

ii. The Complainant has relied upon:

*Bittrex, Inc. v. Wuxi Yilian LLC, FA 1760517 (Forum Dec. 27, 2017) (finding bad faith per Policy paragraph 4(b)(iv) where "Respondent registered and uses the <bittrex.com> domain name in bad faith by directing Internet users to a website that mimics Complainant's own website in order to confuse users into believing that Respondent is Complainant or is otherwise affiliated or associated with Complainant."); Microsoft Corporation v. Story Remix / Inofficial, FA 1734934 (Forum July 10, 2017) (finding bad faith registration and use under Policy 4(b)(iv) where the respondent was diverting Internet users searching for the complainant to its own website and likely profiting); WIPO Overview 3.0, Section 3.1.4; Amazon Technologies Inc. v. Alex Parker INDRP/1166 (November 25, 2019) (<amazonemi.in>) where the respondent caused immense confusion and deception and lead the general public into believing that the said domain enjoys endorsement, is authorized by or is in association with and/or originates from the Complainant.*

The Complainant has also relied upon:

*Chevron Intellectual Property LLC v. Domain ID Shield Service / Domain ID Shield Service CO., Limited, FA1905001841700 (Forum June 21, 2019) (finding that respondent was using "chevronplacement.com" in bad faith in order to "disrupt the business of Complainant by causing internet users to think an affiliation exists between Respondent's domain names and Complainant"); Accenture Global Services Limited v. Vishal Singh INDRP/999 (July 19, 2018) (<accenturesoftware.co.in>); Knowingly registering domain names in which another has rights is evidence of bad faith registration and use under Policy 4(a)(iii) - Radio & Records, Inc. v. Nat'l Voiceover, FA 665235 (Nat. Arb. Forum May 9, 2006) (Respondent's registration of the disputed domain name with knowledge of Complainant's rights is further evidence of bad faith registration and use under Policy 4(a)(iii)).*

iii. Thus, it is established by the Complainant that the Respondent has registered the disputed domain name and is using it in bad faith.

G. DECISION:

In the light of foregoing discussions, it is abundantly clear that the disputed 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. It can be clearly held that the Complainant succeeded in establishing that the disputed domain name was registered by the Respondent in bad faith and being used in bad faith in accordance with the policy and rules.

This Tribunal, therefore, orders that the domain name <BETWINNER.COM.IN> be transferred to the Complainant.



Abhinav S. Raghuvanshi  
Sole Arbitrator

Place: New Delhi

Date: 28.04.2026