



**DECISION OF THE THIRD-PARTY DECIDER
GAMBLING MANAGEMENT S.A. / Mr. Yurii SMOLIAR
Case no. 444269 / circus-be.be**

1. The Parties

1.1.1 Complainant:

GAMBLING MANAGEMENT S.A.:

with registered office at Rue des Guillemins 129,
4000 Liège (Belgium),
BCE number : 0859.984.677

Represented by:

Mr. Philippe Partoune (Cogitus SRL),
Legal advisor – Trademark attorney,
with office at Avenue des Bouleaux 30
4053 Embourg (Belgium)

1.1.2 Domain name holder:

Mr. Yurii SMOLIAR
Street Parkova, building 81, flat 7
65031 Odesa (Ukraine)

Not represented.

2. Domain name

Domain name: **circus-be.be**
Registered on: 6 November 2025

Hereafter referred to as "the domain name".



3. Procedure

1. On 12 March 2026, the Complainant filed a complaint with the Belgian Centre for Arbitration and Mediation (CEPANI, hereafter referred to as the "Centre") concerning the Domain Name, pursuant to the CEPANI Rules for domain name dispute resolution (hereafter referred to as the "Rules") and the dispute resolution policy of DNS Belgium, incorporated in Article 10 of its Terms and Conditions for domain name registrations under the ".be" domain operated by DNS Belgium ASBL (hereafter referred to as "the Policy").

The Complaint was filed in English. The language indicated upon registration of the Domain Name in the WHOIS database of DNS Belgium is English. The language of the proceedings is accordingly English pursuant to Article 12.1 of the Rules.

The Complainant requested the transfer of the Domain Name to its benefit. The Complainant offered the Domain Name Holder the possibility to voluntarily implement the requested transfer within 7 calendar days.

The Domain Name Holder did not voluntarily proceed with the transfer, and the proceedings continued accordingly.

2. Pursuant to Article 7.2 of the CEPANI Rules for domain name dispute resolution, the undersigned, Mr. Geoffrey FROIDBISE, was appointed on 7 April 2026 as Third-Party Decider to settle the dispute involving the domain name "circus-be.be".

Pursuant to Article 13 of the CEPANI Rules for domain name dispute resolution, the deliberations were closed 7 days from the date of appointment, i.e. by 14 April 2026.

Pursuant to Article 16.2 of the CEPANI Rules for domain name dispute resolution, the decision needed to be filed no later than 28 April 2026.

The Domain Name Holder did not submit any response to the Complaint.

In accordance with Articles 6.4 and 15 of the Rules, this decision is based on the Complaint alone, including the annexes.



4. Factual Background information

3. The Complainant is a Belgian company named "Gambling Management S.A.", having its registered office at Rue des Guillemins 129, 4000 Liège, Belgium, and registered under BCE number 0859.984.677 (Annex 2 of the Complaint).

The Complainant is the licensee of the CIRCUS trademarks owned by Circus Belgium S.A., having its statutory office at Rue des Guillemins 129, 4000 Liège, Belgium (Annex 3 of the Complaint).

Circus Belgium S.A. (BCE/KBO no. 0451.000.609) is the owner of EU figurative trademarks including EUTM No. 018025773 and EUTM No. 018544938 and has expressly authorised and empowered the Complainant to act in its name and on its behalf. The scope of this authorisation expressly includes initiating, filing, conducting, and pursuing domain name dispute proceedings worldwide, as well as acting under Article 25(3) of Regulation (EU) 2017/1001 (Annex 4 of the Complaint).

Circus Belgium S.A. is the proprietor of numerous registered trademarks consisting of or incorporating the element CIRCUS and CIRCUS CASINO (the "CIRCUS Marks") for, inter alia, casino services, games of chance and sports betting services. Among others:

- EU figurative trademark No. 018025773 ("CIRCUS"), applied for on 13 May 2019 and registered on 20 October 2020, covering goods and services in classes 9, 28 and 41, and designated for numerous EU Member States including Belgium (Annex 5 of the Complaint).



- EU figurative trademark No. 018544938, applied for on 1 September 2021 and registered on 10 March 2022, covering goods and services in classes 9, 28 and 41, and designated for numerous EU Member States including Belgium (Annex 5 of the Complaint).





- Benelux figurative trademark No. 1409860 ("CIRCUS"), applied for on 21 January 2020 and registered on 25 April 2020, covering goods and services in classes 9, 28, 37, 41 and 42, and designated for Belgium, Luxembourg and the Netherlands (Annex 6 of the Complaint).



- Benelux figurative trademark No. 1504972 ("Circus.nl SPORT & CASINO"), applied for on 23 May 2024 and registered on 24 May 2024, covering goods and services in classes 9, 28 and 41 (Annex 6 of the Complaint).



4. The Complainant operates the well-known Belgian gambling website <https://www.circus-casino.be>, and Circus Belgium S.A., the licensor, is the owner of <https://www.circus.be>.

The Complainant is the registrant and operator of the online casino website "circus-casino.be", which has been registered since 21 January 2010 (Annexes 7, 9 and 12 of the Complaint).

5. Under Belgian gambling law, in particular the Act of 7 May 1999 on games of chance, betting, gaming establishments and the protection of players, online casino games offered to Belgian players may only be provided by operators who hold a complementary A+ licence linked to a land-based

A licence for a physical casino. The holder of an A+ licence must be partnered with, and operationally connected to, a licensed bricks-and-mortar casino in Belgium.

The Complainant is the licensed gaming operator that operates the official website [circus-casino.be](https://www.circus-casino.be) for Circus Belgium, under A+ licence number 20635 and under the supervision of the Belgian Gaming Commission (Annex 8 of the Complaint).

The Complainant is the only gaming operator in Belgium that is authorised by the Gambling Commission to use a casino website incorporating the term "CIRCUS".

6. According to the official DNS Belgium WHOIS extract (Annex 1 of the Complaint), the Domain Name [circus-be.be](https://www.circus-be.be) was registered on 6 November 2025. The registrar is Key-Systems GmbH. The registrant is located in Ukraine and has no apparent link with Belgium.

The Domain Name is used in connection with an online gambling website that deliberately imitates the Complainant's official platforms and targets identical regulated online casino services.



The Domain Name Holder places the figurative CIRCUS trademark at the very top of the homepage, identical to the Complainant's licensor's registered semi-figurative mark. Furthermore, the Domain Name Holder's website reproduces the same favicon as the Complainant's official websites, reinforcing the false impression of affiliation and confirming the deliberate nature of the impersonation.

When accessing the disputed domain name, if the user clicks on the games displayed on the first page or on any button such as the inscription button, the user is automatically redirected to an online casino operating under the brand "spingranny", via a URL containing affiliate tracking parameters (Annex 10).

Publicly available information identifies the destination platform as a casino operator claiming to hold an "Anjouan licence" issued in the Union of the Comoros. Such licensing does not constitute authorisation under Belgian gambling law and does not permit the lawful offering of online casino services to Belgian consumers (Annex 10 of the Complaint).

7. Independent market evidence confirms the strong reputation of the CIRCUS brand in the gambling sector. A 2025 Belgium iGaming Market Research Report (Annex 13 of the Complaint) identifies Circus among the leading online casino operators in Belgium, with approximately 745,000 monthly visits, alongside Starcasino, Napoleon Sports & Casino and Casino777, describing them as market leaders in the online casino segment.

5. Position of the parties

Position of the Complainant

8. The Complainant submits that all three cumulative conditions under the applicable CEPANI rules are clearly fulfilled: (a) the disputed domain name circus-be.be is confusingly similar to the Complainant's CIRCUS Marks, trade names and domain names; (b) the Domain Name Holder has no rights or legitimate interests in respect of the disputed domain name; and (c) the disputed domain name has been registered and is being used in bad faith to impersonate the Complainant and divert Internet users to a competing gambling website with no official licence for the Belgian market.

The Complainant accordingly requests that the Third-Party Decider order the transfer of the disputed domain name circus-be.be to the Complainant.

Position of the Domain name holder

9. The Domain Name Holder did not submit any response to the Complaint.



6. Discussion and findings

10. Pursuant to Article 16.1 of the *CEPANI rules for domain name dispute resolution*, the Third-Party Decider shall rule on domain name disputes with due regard for the Policy and the CEPANI rules for domain name dispute resolution.

Pursuant to Article 10b (1) of the Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE, the Complainant must provide evidence of the following:

- *"the registrant's domain name is identical or confusingly similar to a trademark, a trade name, a registered name or a company name, a geographical designation, a name of origin, a designation of source, a personal name or name of a geographical entity in which the complainant has rights; and*
- *the registrant has no rights or legitimate interests in the domain name; and*
- *the registrant's domain name has been registered or is being used in bad faith."*

Preliminary remark on admissibility and standing

11. The Third-Party Decider notes that the Complaint was found to be complete by CEPANI in accordance with Articles 3 and 4 of the Rules.

The Third-Party Decider further notes that the Complainant is not the owner of any trademark. It relies on rights derived from a licence agreement with Circus Belgium S.A. for the purpose of these proceedings. As established in CEPANI case no. 444260 (circus-belgium.be), in order for a trademark licensee to bring infringement proceedings, it must have been duly authorised to do so by the trademark owner, in accordance with Article 25(3) of Regulation (EU) 2017/1001 on the European Union trade mark.

In the present case, unlike in case no. 444260, the Complainant has filed an express authorisation dated 1 January 2026, by which Circus Belgium S.A. empowers Gambling Management S.A. to initiate, file, conduct and pursue domain name dispute proceedings, including proceedings expressly falling within the scope of Article 25(3) of Regulation (EU) 2017/1001 (Annex 4 to the Complaint). This authorisation remains valid until expressly revoked in writing.

The Third-Party Decider accordingly finds that the Complainant has standing to bring trademark-based claims in these proceedings. The Complainant is furthermore the owner and operator of the domain name circus-casino.be and uses the sign CIRCUS as a trade name in connection with its licensed online casino services. The Third-Party Decider therefore considers that the Complainant holds both trademark-derived rights (as authorised licensee) and trade name rights (through public, visible and constant use of the term "CIRCUS" in Belgium) on which the Complaint may validly rely.



The Domain Name is identical or confusingly similar to trademarks in which the Complainant has rights

Existence of prior rights

12. Circus Belgium S.A. is the owner of EU figurative trademark No. 018025773 ("CIRCUS"), registered on 20 October 2020 for goods and services in classes 9, 28 and 41 (Annex 5 of the Complaint). It is also the owner of EU figurative trademark No. 018544938, registered on 10 March 2022 for goods and services in classes 9, 28 and 41 (Annex 5 of the Complaint). Circus Belgium S.A. further holds Benelux trademark No. 1409860 ("CIRCUS"), registered on 25 April 2020 for goods and services in classes 9, 28, 37, 41 and 42 (Annex 6 of the Complaint). These marks predate the registration of the Domain Name on 6 November 2025 by several years.

As established above, the Complainant holds a duly authorised licence from Circus Belgium S.A. to use these trademarks and has been expressly empowered to bring the present proceedings, including under Article 25(3) of Regulation (EU) 2017/1001. The Third-Party Decider accordingly considers that the Complainant has established rights in the CIRCUS trademarks for the purposes of this dispute.

13. The Complainant is moreover the owner of the domain name "circus-casino.be", registered since 21 January 2010 (Annexes 7, 9 and 12 of the Complaint), and uses this domain name to offer online casino services under the name "Circus", thereby also using the name "circus" as a trade name. The right to a trade name is protected by the Paris Convention for the Protection of Industrial Property of 20 March 1883. In Belgium, the protection of a trade name is acquired merely through public, visible and constant use, without any formal obligation.

The sign CIRCUS is therefore strongly associated in Belgium with the Complainant's activities and its licensed gambling services.

Confusing similarity

14. The Third-Party Decider finds the Domain Name "circus-be.be" to be confusingly similar to the CIRCUS trademarks and to the trade name "Circus".

Firstly, the domain name wholly incorporates the distinctive and protected sign CIRCUS, which constitutes the sole distinctive and dominant element of the relevant trademark registrations. The element "circus" is placed at the beginning of the Domain Name, which reinforces its dominant and distinctive character.



Secondly, the addition of the hyphen and the element "be" does not alter the overall impression of the sign. On the contrary, "be" is the official country code for Belgium. In the present configuration, the disputed domain name combines "CIRCUS" with "-be" at the second level and is further registered under the Belgian country-code top-level domain ".be", thereby resulting in a double reference to Belgium ("-be.be"). This repetition of the Belgian country code does not reduce the likelihood of confusion.

Thirdly, the Complainant and its licensor operate, inter alia, the official Belgian websites circus.be and circus-casino.be. By reproducing the exact trademark CIRCUS and associating it twice with the Belgian country code, the disputed domain name creates a particularly strong and immediate link with the Complainant's official Belgian online presence. Internet users are likely to perceive circus-be.be as an official Belgian portal, a localisation of the primary domain circus.be, or an authorised sub-brand or dedicated Belgian interface.

Fourthly, regarding the inherent distinctiveness of CIRCUS in the relevant sector, the EUIPO has stated that "'circus' does not indicate a particular game, nor is it directly descriptive of any particular characteristic of the goods and services concerned. It is, therefore, distinctive." (as stated by the EUIPO in the decision *Circus v. Dynamo's Circus*, EUIPO opposition No. 003218331 of 22 April 2025, cited in the Complaint) This consistent EUIPO practice confirms that CIRCUS enjoys full distinctiveness in relation to gaming and gambling services and cannot be regarded as a merely descriptive or commonplace name in this field.

15. The first condition of Article 10(b)(1) of the Policy is therefore met.

The Domain name holder has no rights or legitimate interests in the Domain Name

16. It is widely accepted that, considering the difficulty of proving a negative fact, a Complainant must only establish a *prima facie* case that the Domain Name Holder has no rights or legitimate interests. If the Complainant succeeds, the burden of proof then shifts to the Domain Name Holder to provide relevant evidence demonstrating rights or legitimate interests in the Domain Name.

In the present case, the Domain Name Holder did not submit any response.

Based on all the facts of the case, the Third-Party Decider finds that there are no reasons or circumstances indicative of any rights or legitimate interests in the Domain Name by the Domain Name Holder:

- The Complainant has never authorised, licensed, or otherwise permitted the Domain Name Holder to use the CIRCUS trademark or to register any domain name incorporating that sign. The Domain Name Holder is neither affiliated with nor endorsed by, nor connected in any manner to, the Complainant or its licensor, Circus Belgium S.A.



- The Domain Name Holder is not commonly known by the disputed domain name.
- The Belgian Gaming Commission has not granted any licence to the Domain Name Holder. To run an online casino in Belgium, any business operator must obtain a licence from the Belgian Gaming Commission. The Domain Name Holder does not appear on the list of licensed operators. Hence, it cannot legally operate either offline or online gambling activities targeted at Belgian consumers.
- The website at circus-be.be presents itself as "Circus Online Belgian Casino" and claims to operate in accordance with the standards of the Belgian Gaming Commission, thereby falsely suggesting regulatory supervision by the Belgian Gaming Commission. This constitutes a direct misappropriation of the Complainant's Belgian A+ licence and regulatory status and is designed to mislead Internet users into believing that the website is officially authorised.
- When accessing the disputed domain name and clicking on the games displayed on the first page or on any button, such as the inscription button, the user is automatically redirected to an online casino operating under the brand "spingranny", through a URL containing affiliate tracking parameters evidencing a commercial affiliate marketing scheme (Annex 10).
- Such impersonation and passing off for commercial gain cannot qualify as a *bona fide* offering of goods or services within the meaning of Article 10(b)(2) of the Policy, nor as a legitimate non-commercial or fair use. The use of a domain name for unlawful or misleading activities — including impersonation, regulatory misrepresentation, and deliberate imitation of a licensed operator — can never confer rights or legitimate interests upon a registrant.

By not submitting a response to the Complaint, the Domain Name Holder has furthermore failed to provide any explanation or evidence to establish any rights or legitimate interests in the Domain Name.

There is no apparent connection between the Domain Name Holder's name and the Domain Name. The Domain Name Holder is not known and does not appear to have ever been known under the term "Circus-be".

17. The second condition of Article 10(b)(1) of the Policy is therefore met.

The Domain name holder's Domain Name has been registered or is being used in bad faith

18. Bad faith is to be construed as the knowledge — proven as having been actual or having taken place with a reasonable certainty of evidence in the circumstances — by the domain name holder that a third party (the complainant) enjoyed a factual or legal situation previous to, and conflicting with, the disputed registration or use.



Bad faith must be reasonably proven and may be proved by any means, including by means of presumptions and circumstances that indicate the existence of bad faith with a reasonable degree of certainty.

It should also be noted that the notion of bad faith is a broad notion and that it is sufficient that the domain name has been registered in bad faith or is being used in bad faith, these two criteria being non-cumulative. Bad faith may never be presumed but must be reasonably proven.

All circumstances of the case indicate with a reasonable degree of certainty that the Domain Name has been registered and is being used in bad faith.

Bad faith at the time of registration:

19. According to the official DNS Belgium WHOIS extract (Annex 1 of the Complaint), the disputed domain name was registered on 6 November 2025. At that date, the Complainant's CIRCUS-branded online casino services and the CIRCUS trademark portfolio had long been established and were widely known in Belgium and beyond.

Independent market evidence confirms the strong reputation of the CIRCUS brand in the gambling sector. A 2025 Belgium iGaming Market Research Report (Annex 13 of the Complaint) identifies Circus among the leading online casino operators in Belgium, with approximately 745,000 monthly visits, alongside Starcasino, Napoleon Sports & Casino and Casino777, describing them as market leaders in the online casino segment. Likewise, a 2023 industry publication on gamblingnews.com (Annex 11 of the Complaint) confirms that Circus is "the leading brand in the Benelux countries", as stated by Push Gaming's director of new business and markets.

Furthermore, in March 2024, Ipsos conducted a Brand Health Tracking study (Annex 14 of the Complaint) on the Belgian gambling market among 856 active gambling consumers. The results show very high brand awareness for CIRCUS and systematic inclusion of the mark in consumers' consideration sets. Depending on the age segment, Circus ranks between 4th and 6th out of 21 brands in terms of brand equity.

These independent findings confirm that the CIRCUS mark enjoys a strong and recognisable position in the Belgian gambling market. It is therefore implausible that the Domain Name Holder was unaware of the Complainant's rights when registering circus-be.be in November 2025. The domain name reproduces the CIRCUS mark in its entirety and associates it with "-be" at the second level, while being registered under the Belgian country-code top-level domain ".be". This double reference to Belgium targets the Complainant's core market.



As the use of the Domain Name ending with ".be" indicates its intended use in Belgium for offering online gambling activities, anyone wishing to operate such online gambling activities in Belgium should be aware that this requires a government-issued licence. Taking into account the Complainant's licence for such online gambling activities in Belgium, which can easily be verified on the regulatory authority's website, the Domain Name Holder should have been aware of the Complainant's prior existence in Belgium.

Bad faith in use:

20. The website associated with circus-be.be prominently reproduces the CIRCUS name and presents itself as "Circus Online Belgian Casino", with references to compliance with Belgian gambling regulation. It creates the clear impression of being connected to, endorsed by, or affiliated with the Complainant's licensed online casino activities.

However, when Internet users click on games, registration buttons or other calls to action on circus-be.be, they are redirected to a third-party gambling website containing multiple affiliate tracking parameters. The structure of the destination URL evidences the operation of a commercial affiliate marketing scheme. The disputed domain name is therefore used as a traffic funnel designed to monetise user confusion for commission-based commercial gain (Annex 10).

The Domain Name Holder is deliberately exploiting the reputation, goodwill and regulatory legitimacy associated with the Complainant's CIRCUS mark and Belgian A+ licence to lure Internet users to an unrelated gambling operator. The disputed domain name functions as a deceptive entry point, creating a false impression of affiliation with the Complainant's licensed Belgian online casino platform before diverting users to a third-party commercial website.

21. The Domain Name Holder's website further reproduces the same favicon as the Complainant's official websites, reinforcing the false impression of affiliation and confirming the deliberate nature of the impersonation.

The use of a domain name to host a website containing links to webpages offering goods and services directly or indirectly related to the Complainant's goods or services can be reasonably assumed to be a use in bad faith of the Domain Name to obtain financial gain by unduly profiting from the Complainant's goodwill and reputation.

The deliberate incorporation of the Complainant's distinctive mark, the impersonation of a licensed Belgian gambling operator, the use of Dutch language content directed at Belgian consumers, and the redirection of users to an unrelated casino platform are all incompatible with any claim of good-faith registration or use.



Taking into account the above, it is established with a reasonable degree of certainty that the Domain Name Holder registered the disputed Domain Name in bad faith — with knowledge of the existence and use of the CIRCUS mark by the Complainant for online casino services — and is using it in bad faith to attract, for commercial purposes, Internet users to another website, by creating confusion with the Complainant's trademarks and trade name.

22. The third condition of Article 10(b)(1) of the Policy is therefore met.

7. Decision

Consequently, pursuant to Article 10(e) of the *Terms and conditions of domain name registrations under the ".be" domain operated by DNS BE*, the Third-Party Decider hereby rules that the domain name registration for the " **circus-be.be** " domain name is to be transferred to the Complainant.

Brussels, 28 April 2026.

DocuSigned by:

Geoffrey Froidbise

5F17F712315E4B5...

Geoffrey FROIDBISE
The Third-party Decider