Decision for dispute CAC-UDRP-102623

Case number	CAC-UDRP-102623
Time of filing	2019-08-15 12:01:16
Domain names	atgv75.com

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	Aktiebolaget Trav och Galopp (ATG)

Complainant representative

Organization	BRANDIT GmbH

Respondent

Organization	Super Privacy Service LTD c/o Dynadot

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

EU trademark No. 007428907 registered on 14 October 2010 for ATG;
EU trademark No. 007428774 registered on 16 June 2009 for V75;
US trademark No. 2976512 registered on 6 March 1998 for V75;
EU trademark No. 007429228 registered on 16 June 2009 for a device containing V75 ATG.

FACTUAL BACKGROUND

The Complainant is the Swedish Horse Racing Totalisator Board. It was established in 1974 by the Swedish state with the aim of guaranteeing long-term financial stability for trotting and thoroughbred racing in Sweden. Its business activity is regulated by a contract between the Swedish state and its owners, the Swedish Trotting Association and the Swedish Jockey Club. The Swedish state appoints half of its board of directors including the Chairman.

Launched in 1993, V75 is one of the largest horse racing pools in the world. V75 is held every Saturday on various racetracks throughout Sweden. Players aim to pick the winning horse in seven predetermined races. Consolation payouts are paid to betters who select six or five winners.

The Complainant holds trademark registrations for the marks ATG and V75 in numerous countries, including:

Trademark: ATG
Registration no: 007428907
Classes: 36,41
Registration Date: 14 October 2010
Territory: EU

Trademark: ATG (Device)
Registration No: 007429319
Classes: 36, 41
Registration Date: 16 June 2009
Territory: EU

Trademark: V75
Registration No: 2976512
Classes: 36, 41
Registration Date: 06 March 1998
Territory: US

Trademark: V75
Registration No: 007428774
Classes: 36, 41
Registration Date: 16 June 2009
Territory: EU

Trademark: V75 ATG (Device)
Registration No: 007429228
Classes: 25, 36, 41
Registration Date: 16 June 2009
Territory: EU

All of these trademark registrations predate the creation of the Disputed Domain Name.

The Complainant has also registered a number of domain names containing the terms ATG and V75, for example <atg.se> (created on 18 January 1994), <v75.com> (created on 6 November 2001), <atg.bet> (created on 3 March 2016), <betv75.com> (created 7 January 2013), <v75tillsammans.com> (created on 20 February 2014) and <v75tipset.com> (created 6 October 2011). The Complainant uses the domain names to connect to websites through which it informs potential customers about its products and services.

The disputed domain name is registered with a privacy service and resolves to a page offering it for sale for $990.00.

The Complainant became aware of the disputed domain name and tried to contact Respondent on 4 June 2019 via a cease and desist letter. Reminder emails were sent on 18 June 2019 and 3 July 2019. The Complainant did not receive any reply.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to

a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

The Panel finds that the Complainant has registered and unregistered rights in the marks ATG, V75 and a device containing V75 ATG. The disputed domain name is confusingly similar to each of these marks.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

The Panel regards the Respondent as the real registrant of the disputed domain name rather than the privacy service named in the Complaint, and references below to the Respondent refer to the real registrant accordingly.

The Respondent has not used the disputed domain name for a bona fide offering of goods or services nor for a legitimate non-commercial or fair use. It is not commonly known by the disputed domain name and it has not been authorised by the Complainant to use the disputed domain name or any corresponding name.

There is no basis on which the Respondent can claim to have a right or legitimate interest in the disputed domain name.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

The Panel notes that the domain name is being offered for sale at a price which is likely to exceed its costs of registering it, without having been used for any bona fide business. Accordingly, the Panel finds circumstances indicating that the Respondent registered the disputed domain name primarily for the purpose of selling it to the complainant or a competitor of the complainant for valuable consideration exceeding its costs.

In accordance with paragraph 4(b)(i) of the Policy these circumstances are evidence of registration and use in bad faith. There is no evidence displacing that presumption. The Panel therefore finds that the disputed domain name was registered and is being used in bad faith.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Domain name obviously confusingly similar and targeted at Complainant. No use for any bona fide offering or legitimate purpose. Offer for sale at price in excess of cost.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **ATGV75.COM**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2019-09-29