# Decision for dispute CAC-UDRP-105086

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| Case number | CAC-UDRP-105086 |
| Time of filing | 2022-12-23 11:21:02 |
| Domain names | suomiveikkaus.com |

## Case administrator

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| Organization | Iveta Špiclová (Czech Arbitration Court) (Case admin) |

## Complainant

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| Organization | Veikkaus Oy |

## Complainant representative

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| Organization | Berggren Oy |

## Respondent

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| Name | laurent north |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of, among other trademarks, national Finnish word mark registration no. 248158 VEIKKAUS filed on 27/09/2005 and registered on 15/02/2010, as well as national Finnish word mark registrations no. 266351 VEIKKAUS, filed on 24/08/2015 and registered on 08/04/2016 and word and device mark no. 267852 VEIKKAUS filed on 16/06/2016 and registered on 31/10/2016. In addition to these three VEIKKAUS trademarks, the Complainant is the proprietor of several other prior wordmark and device trademark registrations including the name Veikkaus. The Complainant is also the registrant of numerous gTLD and ccTLD domain names including the name VEIKKAUS, including but not limited to domains such as Veikkaus.fi, Veikkaus.com, Veikkaus.eu, Veikkaus.games, Veikkausgames.com, liigaveikkaus.fi and vakioveikkaus.fi.

FACTUAL BACKGROUND

The Complainant is a lottery company, a provider of game of chance and betting services operating in Finland. The company was founded in 1940 for sports betting in Finland and holds a monopoly position that is based on law. The games of Veikkaus enjoy goodwill.

About 40 percent of adult Finns play Veikkaus games and use their betting services weekly. More than 80 percent of adult Finns have reported playing Veikkaus at least once. Given the monopoly status of Veikkaus in Finland, any reference to the term “Veikkaus” on a website such as that linked to the domain suomiveikkaus.com refers to the Complainant. The contested domain

name is linked to the website as SuomiVeikkaus.

The contested domain name <suomiveikkaus.com> and the website are likely to be confused with Veikkaus' brands. The website uses Veikkaus trademarks and refers Veikkaus games, such as Lotto, Keno, Vakioveikkaus and Eurojackpot, which can only be provided by Veikkaus in Finland. Using these brands in connection with other illegal lottery and gambling service providers as if they were connected or could legally co-exist is against Finnish laws. There are also several links to illegal gambling sites, such as Netbet, Mr. Green and Betiton and the correct commercial origin of the website is not evident for the consumers.

The Finnish game of chance system is very restrictive when it comes to betting. The system was reformed in 2017, and the previous three operators Fintoto, RAY and Veikkaus merged into a single gambling, betting, and game of chance company Veikkaus Oy which is the Complainant and is owned by the Finnish State. The Finnish system is based on the exclusive right principle, with the purpose of operating games responsibly and mitigating the possible risks involved in gambling and games of chance. The system secures the legal protection of those engaging in games of chance and prevents gambling-related fraud. In addition, the law stipulates rules on how to decide about distribution of the profits that are gained. The profit has to be used for the benefit of the society. The Complainant, Veikkaus, is the only company that is entitled to legally offer gambling, betting and lottery in Finland and it is under strict monitoring and control.

It has recently come to the Complainant's attention that the Respondent has registered the contested domain name <suomiveikkaus.com> on 9 March 2021. "Suomiveikkaus" translates to "Finlandbetting" or "Finnishbetting" in English. The contested domain name <suomiveikkaus.com> relates to one of the main businesses of the Complainant Veikkaus, namely betting services. The contested domain name <suomiveikkaus.com> leads to a page, where all the information is either related to Complainant's services, namely, betting or games of chance, or to third party gambling services, which are all provided in violation of Finnish game of chance legislation.

The page suomiveikkaus.com is Finnish and in Finnish language and it is therefore aimed only at the Finnish consumers. Also, the target group of the advertised casinos are Finnish consumers. The Respondent receives income and benefits commercially from the contested domain name which is used as a part of an affiliate marketing scheme. The affiliate marketing is a source of income. When people follow the links from suomiveikkaus.com to illegal gambling websites, the owner of the webpage receives compensation for the marketing of the online casino. These online casinos cannot be provided to Finnish consumers in Finland as they are not operated by the Complainant.

## PARTIES CONTENTIONS

The Complainant contends that it is a game of chance and betting service provider operating in Finland under the name "Veikkaus" since 1940 for sports betting in Finland and argues that the contested domain name which translates to "suomiveikkaus" is "Finlandbetting" or "Finnishbetting" in English is confusingly similar to the registered trademarks, the company names and the registered domain names of the Complainant.

The Complainant contends it has no relationship to the Respondent, and that the disputed domain name does not correspond to the name of the Respondent and is not used for legitimate purposes. On the contrary, the use made is argued to be illegal. The Complainant's trademark "VEIKKAUS" is argued to be distinctive and well known in Finland where the mark is said to enjoy good will. The fact that the Respondent has registered a domain name that is confusingly similar to it indicates that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name. The current use of the disputed domain name causes great damages to the Complainant, due to the misleading of its present clients and to the loss of potential new ones.

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).

## 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).

## 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).

## 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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

### RIGHTS

The Complaint has established rights in the name VEIKKAUS. The disputed domain name <SUOMIVEIKKAUS.COM > is found to be confusingly similar to the Complainant's registered trademarks, company name and domain names. This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of

a) disregarding the top-level suffix in the domain name (i.e. ".com"), and
b) finding that the addition of a geographical, generic or generally non-distinctive element to the protected trademark (in this case the word "Suomi" as the Finnish language word for "Finland") would not be considered sufficient to distinguish a domain name from a trademark. The reference to Finland can be seen as a clear reference to the consumers being targeted by the website connected to the disputed domain name which is written in the Finnish language.

The disputed domain name <SUOMIVEIKKAUS.COM> is therefore confusingly similar to the earlier rights in the name "VEIKKAUS" and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the UDRP.

### NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

The Respondent is not commonly known by the disputed domain name. The Respondent is in no way related to the Complainant. The Respondent has not been granted an authorization or license to use the disputed domain name by the Complainant. The Respondent failed to provide any information and evidence whatsoever that could have shown that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

The disputed domain name resolves to a web site purporting to offer the services provided by the Complainant without being authorized to do so by the Complainant or under the laws of Finland. Additionally, third party betting services, also illegal under Finnish law are being offered on that website.

In summary, the Panel concludes that the Respondent did not establish any right or legitimate interest to the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy) and that the Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

### BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered by the Respondent and is

being used by the Respondent in bad faith. For this purpose, the Complainant has successfully put forward prima facie evidence that the Respondent has not made use, or demonstrable preparations to use, of either the disputed domain name in connection with a bona fide offering of goods or services, or of making a legitimate non-commercial or fair use of the disputed domain name. The Respondent is also in no way commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

The Complainant's company name and trademark "VEIKKAUS" is well known in Finland. The fact that the Respondent has registered a domain name that is confusingly similar to it indicates that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name. The Respondent has linked the disputed domain name to a website purporting to offer and linked to the very game of chance and betting services only the Complainant is entitled to offer under the laws of Finland. There are also links to third party services in the very same field of game of chance and betting which are illegal under the laws of Finland. The website is in the Finnish language which clearly indicates that the services are targeted at Finnish internet users and consumers. This is not use for bona fide offerings. Instead, by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his web site. The intention is to create a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the services being offered on the web site connected to the disputed domain name.

This clear connection between the Complainant's name and trademark, the targeted Finnish consumers, and the very services only the Complainant is permitted to provide under the laws of Finland clearly not only shows that the Respondent purposefully registered the name in bad faith but also that it is being used in bad faith.

Therefore, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **suomiveikkaus.com**: Transferred

## PANELLISTS

| Name | **Udo Pfleghar B.A. (Melb.)** |
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DATE OF PANEL DECISION 2023-02-01

Publish the Decision