

Decision for dispute CAC-UDRP-105090

Case number CAC-UDRP-105090

Time of filing 2022-12-28 09:30:01

Domain names veikkausbonukset.com

Case administrator

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

Complainant

Organization Veikkaus Oy

Complainant representative

Organization Berggren Oy

Respondent

Organization Webpals Marketing Limited

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, Veikkaus Oy, is the owner of several Finnish trademark registrations for VEIKKAUS. The VEIKKAUS trademark registration no 248158 predates the registration of the disputed domain.

FACTUAL BACKGROUND

The Complainant, Veikkaus Oy is a lottery, a game of chance and betting service provider operating in Finland. Veikkaus was founded in 1940 for sports betting in Finland. The disputed domain name <veikkausbonukset.com> comprises of Complainant's trademark VEIKKAUS and the word "bonukset", which translates in English to "bonuses". The disputed domain name <veikkausbonukset.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. The page veikkausbonukset.com is in Finnish language.

PARTIES CONTENTIONS

The Complainant submits that the requirements of the Policy have been met and that the disputed domain name should be

transferred to it.

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 Complainant, Veikkaus Oy, is the owner of several Finnish trademark registrations for VEIKKAUS. The VEIKKAUS trademark registration no. 248158 (filed in 2005, registered in 2010) predates the registration of the disputed domain name (2013) by some three years. Moreover, Complainant owns several other logo marks that incorporate only the word VEIKKAUS with design elements, registered well before the domain name. According to the section 1.8 of the WIPO Overview, where the Complainant's trademark is recognizable within the disputed domain name, adding other generic elements would not prevent a finding of confusing similarity.

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 website resolving from the disputed domain contains information and links to different betting services of Complainant. Also, there are several commercial links to gambling, games of chance, and betting services that are not provided by Complainant. This constitutes exploitation of the domain for commercial purposes. There is a substantial risk that the websites linked from the disputed domain, are mistaken by consumers to be legal providers of gambling services. The websites appear as if they were maintained by or on behalf of Complainant or that the pages are released with consent or in cooperation with Veikkaus. In addition, consumers may easily think that a Finnish-language betting/gambling website has some connection to Veikkaus' regulated betting activities. Complainant has made out a sufficient prima facie case as to this element of the Policy, unrebutted by Respondent.

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 use and registration of the disputed domain by the Respondent has been done with the intention to attract Internet users to the Respondent's website by creating a likelihood of confusion with registered and well-known VEIKKAUS trademark and betting services of Complainant. The Respondent derives undue commercial profit and financial gain from its registration and use of the disputed domain, which is sufficient to demonstrate bad faith under 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

The principal reasons for the Decision are set forth above, in the discussion of the three elements of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **veikkausbonukset.com**: Transferred
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PANELLISTS

Name **Mike Rodenbaugh**

DATE OF PANEL DECISION **2023-02-10**

Publish the Decision
