Decision for dispute CAC-UDRP-106475

Case number	CAC-UDRP-106475
Time of filing	2024-04-23 13:02:17
Domain names	veikkaus.info

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Veikkaus Oy

Complainant representative

Organization	Berggren Oy

Respondent

Organization	THE BONE TERPERCAYA

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 relies on the Finnish word trademark VEIKKAUS, registration no. 248158, with a priority date of 27 September 2005, and registered on 15 October 2010.

In addition, the Complainant refers to other prior trademark registrations that include the word element “Veikkaus” and have earlier priority dates compared to the disputed domain name <veikkaus.info>.

FACTUAL BACKGROUND

The Complainant is a Finish state-owned company and the only official betting and lottery draw service provider in Finland with the exclusive right to conduct lottery, betting and games of chance in Finland.

The disputed domain name, <veikkaus.info> was registered on 20 January 2024 and resolves to an active website which incorporates links to gambling websites and promotes betting and gambling services.

No information is known about the Respondent who registered the disputed domain name under privacy service.

PARTIES CONTENTIONS

COMPLAINANT' CONTENTIONS:

Identical or confusingly similar

The Complainant argues that the disputed domain name <veikkaus.info> and the Complainant's registered trademark VEIKKAUS are confusingly similar.

Particularly, the Complainant contends that its trademark is fully contained within the disputed domain name. The Complainant points out that since Veikkaus is the only official betting service provider in Finland, Internet users are likely to assume that the disputed domain name <veikkaus.info> belongs to the Complainant due to the identity of the disputed domain name and the Complainant's registered trademark.

No rights or legitimate interests

The Complainant argues that the Respondent has no prior rights to "VEIKKAUS" or to the disputed domain name <veikkaus.info>. The Respondent is neither affiliated with the Complainant nor authorized by Veikkaus to use the trademark VEIKKAUS. The Complainant does not have any business relationship with the Respondent. On the contrary, the Respondent's website provides links to gambling sites or other inappropriate material that are in breach of Finnish law.

Registered and used in bad faith

Regarding bad faith registration, the Complainant states that the Respondent applied for the domain name <veikkaus.info> in bad faith, solely for profit, and to prevent Veikkaus from registering the domain for itself.

Moreover, the Complainant contends that the website veikkaus.info, hosted on the disputed domain name, contains information and links to different betting services, giving the impression that it is maintained by or on behalf of the Complainant, or that the pages are released with the Complainant's consent or in cooperation with the Complainant.

Given that the Complainant is the only company legally entitled to offer gambling, betting, and lottery services in Finland and operates under strict monitoring and control, the Complainant considers that the Respondent's use of the disputed domain name is not compliant with the law. Additionally, it causes harm and inconvenience to the Complainant's strictly regulated gambling business in Finland.

Therefore, in the Complainant's view, all the circumstances prove that the Respondent is well aware of the Complainant Veikkaus, its business, and its brands. The Respondent used the disputed domain name to attract Internet users to the website for commercial gain or primarily to disrupt the business of a competitor (the Complainant).

RESPONDENT'S CONTENTIONS:

The Respondent has not responded to the Complaint.

RIGHTS

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

Paragraph 15 of the Rules states that the Panel decides a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidence provided in support of them.

1.

Despite the fact that the word "VEIKKAUS" means "betting" in English and thus has a lower distinctive grade, the Panel finds that the disputed domain name <veikkaus.info> is identical to the Complainant's prior registered word trademark "VEIKKAUS". This is because the disputed domain name fully incorporates the previously registered trademark.

The gTLD ".info," which is typically disregarded as it is a technical requirement of registration, does not alter the overall identical impression produced by the disputed domain name and the registered trademark.

Accordingly, the Panel considers that the disputed domain name and the Complainant's previously registered trademark are confusingly similar and infers that paragraph 4(a)(i) of the Policy is satisfied.

2. According to the Complainant's contentions and evidence submitted within this proceeding, which were not disputed, the Respondent does not appear to be in any way related to the Complainant's business, does not act as the agent of the Complainant nor currently known and has never been known as "VEIKKAUS", or any combination of such trademark.

Consequently, and in the absence of a Response, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, so that the requirements of paragraph 4(a)(ii) of the Policy are met.

3. The Panel finds that the Complainant's trademark "VEIKKAUS" is known in Finland as the sole and exclusive authorized provider of gambling services. Therefore, it is highly unlikely that the Respondent might have registered the disputed domain name containing the Finnish word "VEIKKAUS" that is also the name of the Complainant's trademark without full knowledge of it.

Moreover, since the disputed domain name has been used to resolve to a webpage with commercial links related to gambling services, it appears to have been chosen and registered with the sole purpose of attracting Internet users to the site under the mistaken belief that they are visiting a site of or associated with the Complainant. In fact, when Internet users type the website containing the name of the official provider of gambling services, there is a strong likelihood that they will believe they are visiting the Complainant's official webpage. Such misleading behavior is indicative of bad faith within the meaning of paragraph 4(b)(iv) of the Policy on the part of the Respondent.

In other words, in the absence of sufficient evidence to the contrary and rebuttal from the Respondent, the Panel infers the Respondent's activity is indicative of registration and use of the disputed domain name in bad faith.

Accordingly, the Panel finds that the Complainant has satisfied 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. **veikkaus.info**: Transferred

PANELLISTS

Name	**Hana Císlerová**

DATE OF PANEL DECISION 2024-06-02

Publish the Decision