Decision for dispute CAC-UDRP-107319

Case number	CAC-UDRP-107319
Time of filing	2025-03-17 12:37:54
Domain names	apollocasino.com

Case administrator

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

Complainant

Organization	Eagleline Limited

Complainant representative

Organization	barta.legal s.r.o., advokátní kancelář

Respondent

Organization	Ogooga Services SRL

Respondent representative

Organization	Ticu Jianu & Asociatii SCA

OTHER LEGAL PROCEEDINGS

Trademark Opposition Proceedings in Romania: The Respondent filed an application for the figurative mark "Apollo Casino" on 18 April 2024. The Romanian State Office for Inventions and Trademarks (OSIM) accepted this application on 24 October 2024. Subsequently, the Complainant filed an opposition against this trademark on 19 November 2024. The Respondent has until 25 April 2025, to submit their response.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the following trademarks:

1. EU word trademark “Apollo”, application no. 018381667, with the priority date of 22 January 2021; and
2. EU word trademark “APOLLO GAMES”, application no. 015630569, with the priority date of 8 July 2016;

("**Complainant's Trademarks**"), both registered in classes 9, 28, 35, 37, 41 and 42 of the Nice Classification.

The disputed domain name <apollocasino.com> was registered on 31 August 2019, however, the Respondent purchased it on 9 June 2023.

FACTUAL BACKGROUND

From the evidence submitted by both parties along with their statements in these proceedings and from the Panel's own investigation related to the content of the website operated under the disputed domain name, the Panel took into account the following facts:

1. From the trademark certificates submitted by the Complainant, the Panel found that the Complainant owns the Complainant's Trademarks. These trademarks are effective in the entire European Union, including Romania, where the Respondent has its registered office and are registered, inter alia, for lotteries and gambling in Nice class 41;

2. From the extracts from the Czech Commercial Register submitted by the Complainant it follows that the Complainant is the shareholder of two Czech limited liability companies, APOLLO SOFT s.r.o. and Apollo Line s.r.o.;

3. From the domain name registry extract submitted by the Complainant and from the Registrar Verification, it ensues that the disputed domain name was registered on 31 August 2019;

4. From the screenshots of the website operated under the disputed domain name presented by the Complainant, as well as the Panel's own investigation into the contents of such website using the archive.org service, the Panel found that as of 15 December 2021, there was only a parking page stating that the disputed domain name was for sale. In the period between 15 December 2023 and November 2024, there appears to have been more content on such website related to lotteries and gambling. Since January 2025, there was only a homepage with the name and logo Apollo Casino, which, after selecting the language version, redirected to the website https://casinocrew.com, and no other content was present on such website;

5. From the correspondence with the hosting provider of the Respondent's website provided by the Complainant, the Panel found that in September 2024, the Complainant unsuccessfully attempted to take down such website by a request under the EU Digital Services Act.;

6. From the purchase invoice submitted by the Respondent, the Panel learned that the Respondent purchased the disputed domain name on 9 June 2023;

7. From the website logs provided by the Respondent, it follows that the Respondent launched the website under the disputed domain name on 24 October 2023, with lottery and gambling-related content featured on that website;

8. From the extract from the trademark registry presented by the Respondent, the Panel found that on 18 April 2024, the company LAGOOGA MARKETING S.R.L., a subsidiary of the Respondent, filed an application for the figurative trademark "Apollo Casino," which has been opposed by the Complainant;

9. From the correspondence between the Complainant and the Respondent submitted by the Respondent, it follows that the Complainant sent a cease and desist letter to the company LAGOOGA MARKETING S.R.L. in relation to the above trademark application, and such company replied on 28 June 2024 that it does not believe its trademark application is confusingly similar to the Complainant's Trademarks, although it agreed to some limitations of the goods and services for which protection was sought by the application;

10. From the decision of the Government of Romania - National Gambling Office No. 1879, dated 20 October 2016, the Panel found that the Respondent received a gambling license in Romania.

PARTIES CONTENTIONS

THE COMPLAINANT

The Complainant contends the following:

1. The Complainant is the registered owner of a wide range of trademarks protecting its well-known “Apollo” brand and duly uses such trademarks for the respective goods and services for which they are registered, in particular in the field of gaming and gambling. Furthermore, the Complainant takes advantage of its "Apollo" brand through its subsidiaries, namely two Czech limited liability companies APOLLO SOFT s.r.o. and Apollo Line s.r.o.. The Complainant also owns many domain names

including the denomination "Apollo" such as <apollogames.com>, <apollogames.cz>, <apollocasino.eu> or <apollocasino.cz>.

2. The disputed domain name was acquired by the Respondent in 2023, although the domain name was originally registered in 2019. Prior to October 2023, the website merely indicated the domain name was for sale, but the Complainant asserts their "Apollo" trademark rights in gambling services predate the Respondent's acquisition of the domain name.

3. The disputed domain name currently functions as a simple redirect mechanism. When visitors arrive, they're presented only with a language selection menu (Bulgarian, English, or Spanish), after which they're automatically redirected to an unrelated website, www.casinocrew.com, which offers competing gambling and casino services. Any attempts to navigate within the www.apollocasino.com website result in error pages.

4. The disputed domain name is confusingly similar to Complainant's Trademarks, incorporating such trademarks entirely with the addition of the descriptive term "casino".

5. The Respondent has no rights or legitimate interests in respect of the disputed domain name, as Complainant never authorized the Respondent to use Complainant's Trademarks and the Respondent has no relation to the Complainant. There is also no meaningful website operated under the disputed domain name but only redirect to different website which is entirely unrelated to the Apollo brand.

6. The Respondent's apparent strategy is to attract internet users through brand confusion only to redirect them to a competing service which is clear example of bad faith in registration and use of the disputed domain name. Additional indications of bad faith include the Respondent's use of a privacy service ("Domains By Proxy") to conceal its identity and its failure to respond to Complainant's communication regarding the dispute.

7. Based on the above arguments, the Complainant seeks transfer of the disputed domain name to the Complainant.

THE RESPONDENT

The Respondent asserts the following:

1. The disputed domain name is not confusingly similar to Complainant's Trademarks as there are visual and conceptual distinctions in design and color schemes. The denomination "Apollo" is commonly used in trademarks without strong distinctive character, and the Respondent services focus on marketing and promotion, while the Complainant's involve gaming and casino operations.
2. The Respondent has legitimate interest in the disputed domain name as it reflects their trademark application and branding strategy. The Respondent operates a lawful online marketing platform distinct from games, with a fundamentally different business model than the Complainant's gambling services, functioning instead as a service provider in casino marketing.
3. The Respondent points to their well-established history in the online casino marketing industry predating this dispute. They operate several legitimate online platforms dedicated to marketing casino services, demonstrating their bona fide offering of services in this sector.
4. An ongoing trademark opposition procedure initiated by the Complainant exists in Romania. The Respondent argues this dispute should be resolved under national trademark law before invoking ICANN's domain name procedures, with all legal remedies exhausted before any bad faith claim can be substantiated.
5. The Complainant has allegedly failed to meet the required standard of proof under UDRP Policy, providing no specific evidence that the Respondent targeted their trademark specifically or intended to take advantage of the Complainant's rights or reputation. The Respondent's independent development of the Apollo Casino brand and trademark protection efforts prior to notification of any dispute by the Complainant rebut presumptions of bad faith.
6. For these reasons the Respondent moves to reject 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 or service mark in which the Complainant has rights, within the meaning of paragraph 4(a)(i) of the Uniform Domain Name Dispute Resolution Policy ("**UDRP**" or "**Policy**").

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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 4(a) of the Policy requires that a complainant proves 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 (first UDRP element); and

(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name (second UDRP element); and

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

The Panel will proceed to analyze whether these three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

RIGHTS

The test of identity or confusing similarity of the disputed domain name with the Complainant's Trademark under the first UDRP element is a relatively straightforward comparison. UDRP panels typically consider this to be a threshold test concerning a trademark owner's standing to file a UDRP complaint, i.e. to ascertain whether there is a sufficient nexus to assess the principles captured in the second and third UDRP elements. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Issues such as the strength of the complainant's mark or the respondent's intent to provide its own legitimate offering of goods or services without trading off the complainant's reputation, are decided under the second and third elements (please see WIPO Jurisprudential Overview 3.0, section 1.7).

The Panel stresses that the purpose of UDRP proceedings is not to resolve complex trademark disputes between the parties. Therefore, the test under the first UDRP element is not comparable, for example, to the global assessment of likelihood of confusion used by EUIPO when examining oppositions against trademark applications.

From this perspective, the Panel concurs with the Complainant that the disputed domain name is confusingly similar to Complainant's Trademarks. The disputed domain name contains the distinctive term of such trademarks "Apollo" and the descriptive term "Casino" is added. However, such addition of descriptive term does not diminish confusing similarity between the disputed domain name and Complainant's Trademarks.

For the sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a 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 Policy (please see, for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

The Complainant asserted that the Respondent has no rights or legitimate interests in respect of the disputed domain name, as the Complainant never authorized the Respondent to use the Complainant's Trademarks and the Respondent has no relation to the Complainant. There is also no meaningful website operated under the disputed domain name, but the website merely redirects to a different website, which is entirely unrelated to the Apollo brand. The Respondent replied that it operates a lawful online marketing platform under the disputed domain name that reflects the Respondent's trademark application and branding strategy and thus it uses the disputed domain name for a bona fide offering of goods and services in accordance with paragraph 4(c)(i) of the Policy.

The Panel concurs with the Complainant. The content found at the website operated under the disputed domain name at present does not establish a legitimate interest of the Respondent in the disputed domain name, as the entire content of such website consists of a landing page which, after the user selects a language version from the menu, redirects to another website of the Respondent. Although the Panel found that there was a certain period of time when the website operated under the disputed domain name included more than that—several sections with lottery and gambling content were present—even such extended content fails to establish a legitimate interest of the Respondent in the disputed domain name in the situation where the disputed domain name and the name of the website are confusingly similar to the Complainant's Trademark. Under such circumstances, internet users may be confused into believing that the website is operated by or is associated with the Complainant. Such use does not constitute a bona fide offering of goods and services pursuant to paragraph 4(c)(i) of the Policy. Also, the trademark application filed by the Respondent does not constitute Respondent's rights or legitimate interest in the disputed domain name, particularly in the situation when such application is opposed by the Complainant and such opposition is not prima facie meritless - there is apparently high degree of similarity of signs and considerable degree of similarity of goods and services.

Therefore, the Panel concludes that the Respondent does not have 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 Respondent created a website with content related to goods and services similar to those of the Complainant, using a disputed domain name that is confusingly similar to the Complainant’s Trademarks. The Complainant’s Trademarks were already registered when the Respondent acquired the disputed domain name, and they are effective in Romania, where the Respondent resides. When the Respondent selected the name for its website and domain name, out of all possible options, it chose one confusingly similar to the registered trademark of the Complainant, who is engaged in a similar business and can thus be regarded as a competitor of the Respondent. By this conduct, the Respondent intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s Trademark, which constitutes bad faith in registration and use of the disputed domain name under paragraph 4(b)(iv) of the Policy. The Panel also refers to paragraph 2 of the Policy, which states that it is the Respondent’s responsibility to determine whether the registration of the disputed domain name infringes or violates someone else’s rights. The Panel finds inconceivable that the Respondent, a professional active in the area of lotteries and gambling, holding a gambling license in Romania, could have been unaware of the Complainant and Complainant's Trademarks when acquiring the disputed domain name and establishing its Apollo Casino brand.

As a result, the Panel finds that 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).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **apollocasino.com**: Transferred

PANELLISTS

Name	Michal Matějka

DATE OF PANEL DECISION 2025-04-19

Publish the Decision