Decision for dispute CAC-UDRP-107743

Case number	**CAC-UDRP-107743**
Time of filing	**2025-07-14 11:54:17**
Domain names	**lowenplaycasino.pro**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Löwen Play GmbH**
Organization	**Löwen Play digital GmbH**

Complainant representative

Organization	**Lorenz Seidler Gossel**

Respondent

Organization	**lowenplaycasino.pro**

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 Complaint is submitted in the name of two parties, namely Löwen Play GmbH ("Löwen Play") and Löwen Play digital GmbH ("Löwen Play digital").

Löwen Play is the owner of various trademark registrations consisting of the terms "LÖWEN PLAY", "LÖWEN CASINO" and "LÖWEN PLAY CASINO," including:

- DE Registration Number 39650299 under "LÖWEN PLAY" (word mark), registered on April 23, 1999;
- DE Registration Number 39650300 under "LÖWEN PLAY" (device mark), registered on June 22, 1998;
- DE Registration Number 302014052358 under "LÖWEN CASINO" (device mark), registered on September 23, 2014;
- EU Registration Number 12355012 under "LÖWEN PLAY" (device mark), registered on April 24, 2014;
- EU Registration Number 13061395 under "LÖWEN CASINO" (device mark), registered on December 02, 2014;
- EU Registration Number 13796404 under "LÖWEN PLAY Casino" (device mark), registered on June 22, 2015;
- EU Registration Number 13796412 under "LÖWEN PLAY Casino" (device mark), registered on June 22, 2015.

Löwen Play states that its subsidiary, Löwen Play digital is a licensee of these trademarks and is also entitled to proceed against infringements.

FACTUAL BACKGROUND

The disputed domain name <lowenplaycasino.pro> was created on February 13, 2025. The Panel has exercised its general powers under paragraph 10 of the Rules to undertake limited factual research into matters of public record by visiting the website to which the disputed domain name resolves. As of the time of preparing this decision, the disputed domain name resolves only to a blank page. However, according to the Complaint, it previously resolved to a website operating an online casino under the domain name <lowenplaycasino.pro>.

According to the information on the case file, the Registrar confirmed that the Respondent is the current registrant of the disputed domain name and that the language of the registration agreement is English.

On July 14, 2025, the instant Complaint was filed.

The facts asserted in the Complaint are not contested by the Respondent because no Response was filed.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant claims to comprise collectively of Löwen Play GmbH, along with its subsidiary, Löwen Play digital GmbH. Löwen Play GmbH was established in 1949 and operates as a gambling business in Germany with over 350 locations and more than 2,000 employees. The Complainant collectively manages the websites https://www.loewen-play-unternehmen.de/ and https://www.loewen-play.de/.

The Complainant holds rights in the company names "Löwen Play GmbH" and "Löwen Play digital GmbH," and argues that the public refers to the company simply as "Löwen Play," as the element "GmbH" is non-distinctive. Furthermore, the Complainant holds numerous trademark registrations for the term "Löwen Play" related to gambling and gaming machines and associated services.

The Complainant asserts that the disputed domain name, <lowenplaycasino.pro>, is used for a fraudulent website that misleads consumers by claiming to be the "offizielle Website" (“official website”) of the Complainant. The Complainant claims this use is a "grossly misleading" attempt to commit fraud and causes the loss of customers who either play on the website or are disgusted by its lack of quality and standard compared to the Complainant’s legitimate website.

The Complainant states that it sent a warning letter to the domain owner and a letter to the registrar. In response, the Complainant received an automated reply from the domain owner stating: “Your request has been received and the support team will respond within 24 hours”, but no further communication. The registrar similarly provided initially a standard notification but eventually disconnected the website associated with the disputed domain name.

The Complainant thus urges that the disputed domain name be transferred to it.

RESPONDENT:

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

PRELIMINARY ISSUE – CONSOLIDATION OF MULTIPLE COMPLAINANTS

The present proceeding involves two complainants bringing a single complaint against one respondent. In such cases, the complainants bear the onus of establishing that a consolidation is justified.

Section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), provides that consolidation is appropriate where complainants share a common grievance and it is equitable and efficient to do so. Here, the two complainants are related entities with a common interest in defending the "LÖWEN PLAY", "LÖWEN CASINO" and "LÖWEN PLAY CASINO," marks. The Panel therefore grants consolidation and refers to the complainants in the singular form - Complainant - where appropriate.

THREE ELEMENTS THE COMPLAINANT MUST ESTABLISH UNDER THE POLICY

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 a 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 conclusions concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS

The first element of the Policy requires the Complainant to have rights to a trademark or service mark which is identical or confusingly similar to the disputed domain name.

Sufficient evidence has been submitted by the Complainant of its registered trademark rights in the terms "LÖWEN PLAY", "LÖWEN CASINO" and "LÖWEN PLAY CASINO," in numerous countries. Such trademark rights were created and registered prior to February 13, 2025, the creation date of the <lowenplaycasino.pro> disputed domain name. It is well established that a nationally or regionally registered trademark confers on its owner sufficient rights to satisfy the requirement of having trademark rights for the purposes of standing to file a UDRP case.

The disputed domain name, <lowenplaycasino.pro>, incorporates the Complainant's marks in their entirety. The Panel considers the replacement of the German umlaut 'ö' with 'o' to be a standard transliteration and a minor variation that does not prevent a finding of confusing similarity. The disputed domain name is simply a replica of the Complainant's marks "LÖWEN PLAY", "LÖWEN CASINO" AND "LÖWEN PLAY CASINO."

Accordingly, the Panel finds that the Complainant possesses rights in its "LÖWEN PLAY", "LÖWEN CASINO'' AND "LÖWEN PLAY CASINO" trademarks such that it has standing under the Policy.

The top-level domain ("TLD") may usually be ignored for the purpose of determining identity or confusing similarity between a domain name and the Complainant's trademark as it is technical requirement of registration (see Paragraph 1.11.1 WIPO Overview 3.0). Hence the TLD ".pro" may be disregarded for the purpose of determining this first element, and only the "lowenplaycasino" portion included in the disputed domain name shall be considered.

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the disputed domain name is confusingly similar to the Complainant's "LÖWEN PLAY", "LÖWEN CASINO AND "LÖWEN PLAY CASINO" marks.

Accordingly, the Complainant has satisfied the first element of the Policy.

(B) RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

The second element of the Policy requires that the Complainant establish that the Respondent has no rights or legitimate interests

in the disputed domain name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it; see, s2.1 WIPO Overview 3.0 ("...panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name."). If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

However, the burden of proof still remains with the Complainant to make out its prima facie case on a balance of probabilities. Moreover, the wording of paragraph 4(a)(ii) of the Policy requires a complainant to establish that the respondent has no rights or legitimate interests in the domain name in issue. Simply establishing that the Complainant also has rights in the domain name in issue is insufficient.

Paragraph 4(a)(ii) of the Policy contemplates an examination of the available facts to determine whether a respondent has rights or a legitimate interest in the domain name. Paragraph 4(c) sets out a list of circumstances through which a respondent may demonstrate that it does have such rights or interests.

The first circumstance, under Paragraph 4(c)(i), is where "before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services". Here, the evidence submitted by the Complainant shows that the website at the disputed domain name was being used to mislead consumers by impersonating the Complainant's official online casino. Although the website does not identically copy the Complainant's official website, it prominently uses the Complainant's mark in a manner likely to mislead consumers into believing that the site is operated, sponsored, or otherwise endorsed by the Complainant including stating on the website that the business was established in 1949, the same year as the Complainant, such that a visitor would likely assume the site belonged to the Complainant. Further, the website associated with the disputed domain name included text in the German language, the language of the Complainant's official site. Accordingly, the Panel finds no evidence of a bona fide offering or goods or services or demonstrable preparations to use per Policy 4(c)(i) and Respondent does not have rights or legitimate interests with respect to the domain name thereunder.

The second circumstance, under Paragraph 4(c)(ii), concerns cases where the respondent is commonly known by the domain name. Here, according to the registrar verification, the Respondent's name is "Mykola Kovtun" from Ukraine and has no similarity or connection to the disputed domain name. The Complainant has presented evidence of its own well-established status, and there is no evidence that the Respondent is commonly known by the disputed domain name. As such, this second circumstance of legitimate rights or interests under the Policy is not applicable to the Respondent.

Regarding the third circumstance, under Paragraph 4(c)(iii) of the Policy, there is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's "LÖWEN PLAY", "LÖWEN CASINO AND "LÖWEN PLAY CASINO" trademarks. According to the evidence submitted, the disputed domain name resolved to an online casino that used Complainant's trademark and imagery and features the statement "Löwen play - offizielle Website" ("Löwen play – official website"). Additionally, none of the accepted categories of fair use - such as news reporting, commentary, political speech, education etc. – are found to apply and the Panel concludes there is no legitimate non-commercial or fair use on the part of the Respondent.

Accordingly, the Complainant has sufficiently made out its prima-facie case on the second element of the Policy. Thus, the burden of proof is shifted to the Respondent to rebut the Complainant's case. Here, because the Respondent has not participated in these proceedings, there is no such rebuttal to consider, and the Complainant prevails.

The Panel therefore concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest in the disputed domain name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME

The third element requires Complainant to show that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. Further, Paragraph 4(b) of the Policy sets out four circumstances, in particular but without limitation, any one of which may be evidence of the registration and use of a domain name in bad faith. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source,

sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the disputed domain name in bad faith under paragraph 4(a)(iv) of the Policy for the reasons as set out below.

The Complainant’s "LÖWEN PLAY", "LÖWEN CASINO’’ AND "LÖWEN PLAY CASINO" trademarks are distinctive and enjoy a considerable reputation in its industry – particularly in Germany. Such a reputation is indicated by the substantial size and reach of the Complainant’s business, as one of the largest gambling establishments in Germany with over 350 locations and more than 2,000 employees.

Because of the well-established status of the Complainant, it is more probable than not that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant’s trademarks and thus registered the disputed domain name with the Complainant in mind. This is even more compelling when one considers the nature of the disputed domain name and its use for an online casino mimicking the Complainant’s legitimate website. Therefore, it is apparent the Respondent had the Complainant and its marks in mind at the time the disputed domain name was registered.

Further, the Panel finds that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the website (see paragraph 4(b)(iv) of the Policy). The website's claim to be the "official website" of the Complainant and its direct attempt to mislead consumers constitute clear evidence of bad faith use. The Respondent's failure to provide any substantive response to the Complainants' warning letter, and lack of participation in these proceedings, further supports a finding of bad faith.

In these circumstances, the Panel finds the disputed domain has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lowenplaycasino.pro**: Transferred

PANELLISTS

Name	**Claire Kowarsky**

DATE OF PANEL DECISION 2025-08-20

Publish the Decision