Decision for dispute CAC-UDRP-107923

Case number	CAC-UDRP-107923
Time of filing	2025-09-05 10:25:37
Domain names	veikkausfi.com

Case administrator

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

Complainant

Organization	Veikkaus Oy

Complainant representative

Organization	Berggren Oy

Respondent

Name	Rauf Garayev

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

Veikkaus is the owner of the Finnish VEIKKAUS trademark registration no. 248158, which was filed in 2005 and registered in 2010.

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 domain veikkausfi.com corresponds directly to the registered trademarks of the Complainant VEIKKAUS. Veikkaus is the only legally operating betting and game of chance service provider in Finland. It holds a monopoly position that is based on law. As the Finnish law contains rules and processes for use of the company's profits for the benefit of the society, the games of Veikkaus enjoy goodwill.

The Finnish game of chance system is very restrictive when it comes to gaming, gambling and betting. The system was reformed in 2017, and the previous three operators Fintoto (operating toto horse racing games), RAY (casino) and Veikkaus (betting and lottery) merged into a single gambling, betting, and game of chance company Veikkaus Oy (Complainant) 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 society. 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. Today, about 40 percent of adult Finns play Veikkaus games and use their betting services weekly and for example more than 80 percent of Finnish adults have reported playing Veikkaus at least once.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant avers that

1. The Respondent (or a third party before them) has registered the domain name <veikkausfi.com> on July 18, 2025. The domain <veikkausfi.com> relates not only to their registered company name Veikkaus Oy, but also to one of the main businesses of Veikkaus, namely, betting and gambling services and also to their prior registered VEIKKAUS trademarks.

2. The domain <veikkausfi.com> leads to a landing page, which is an identical copy of the original veikkaus.fi website of the Complainant. All the information is related to Complainant's services, namely, betting or games of chance, and to third-party gambling services, which are all provided in violation of Finnish game of chance legislation.

3. The Respondent has no right or legitimate interest in respect of the disputed domain <veikkausfi.com>, and it has been registered in bad faith, and it is used in bad faith. It is not a coincidence that the Respondent has selected to register the domain <veikkausfi.com>. The information provided on the website is identical with Veikkaus.fi and it refers mainly to games and services provided by Veikkaus.

4. The disputed domain <veikkausfi.com> is highly similar to earlier VEIKKAUS trademarks of Veikkaus and also to VEIKKAUS related domains of Veikkaus, including but not limited to domains such as <veikkaus.fi>, <veikkaus.com>, and <veikkaus.eu>. In addition to the domain <veikkausfi.com> being highly similar with the trademark VEIKKAUS, the overall appearance of the domain is confusingly similar to the Complainant's prior VEIKKAUS trademarks and causes likelihood of confusion.

5. The page veikkausfi.com is Finnish and in Finnish language and it is therefore aimed only at the Finnish consumers. Given that the website is in Finnish, the target group of the advertised games are Finnish people. The online casino games cannot be provided to Finnish consumers in Finland if they are not operated by Veikkaus.

6. The disputed domain name <veikkausfi.com> comprises of Complainant's trademark VEIKKAUS and an appendix "fi", which relates directly to the universal country code of Finland, FI. VEIKKAUS is the dominant feature of the domain name <veikkausfi.com>, whereas "fi" does not have any distinctive character. With this combination of VEIKKAUS and "fi", the Internet users are likely to assume that the disputed domain <veikkausfi.com> belongs to the Complainant, since Veikkaus is the only official betting service provider in Finland. Given that Veikkaus is also the owner of similar Veikkaus domains, such as <veikkaus.com>, consumers will presume that the domain <veikkausfi.com> is also owned by the Complainant or has some other close connection to it.

7. The veikkausfi.com website is an illegal copy of the Complainant's own website Veikkaus.fi and utilizes the goodwill and reputation of Veikkaus and the awareness and intellectual property rights in the Veikkaus for the purpose of marketing various third-party betting games. There is an underlying purpose in the exploitation of the Veikkaus brand and intellectual property of Veikkaus in the marketing of online casinos, which are illegally marketed to Finnish consumers. Veikkausfi.com domain and the website cause a likelihood of confusion with the Veikkaus brand, and the domain is therefore also misleading consumers.

8. Given the monopoly status of Veikkaus in Finland, any references to the term "Veikkaus" on the website as in veikkausfi.com refer to the Complainant company and contain significant and detailed similarities between trademarks and other intellectual property rights of Veikkaus.

RESPONDENT:

The Respondent has not appeared formally or informally to controvert the evidence submitted by the Complainant.

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

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Pursuant 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 domain name should be cancelled or transferred:

(i) the domain name registered by respondent is identical or confusingly similar to a trademark or service mark in which complainant has rights; and
(ii) respondent has no rights or legitimate interests in respect of the domain name; and
(iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations and adduced proof pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint and annexes as true unless the evidence is clearly contradictory. See Talk City, Inc. v. Robertson, D2000-0009 (WIPO February 29, 2000) (In the absence of a response the Panel “is left to render its decision on the basis of the uncontroverted contentions made, and the evidence supplied, by complainant.”).

1. Identical or confusingly similar, paragraph 4(a)(i) of the Policy.

To succeed under the first element, a complainant must pass a two-part test, to establish first that it has rights, and thereafter that the disputed domain name is either identical or confusingly similar to the mark. The first element of a UDRP complaint “serves essentially as a standing requirement.” See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“WIPO Overview 3.0”), section 1.7.

Here, the Complainant has established that it has rights in the word mark VEIKKAUS. by providing the Panel with the evidence that it has registered trademarks. The consensus view which the Panel adopts is that a national or an international trademark registration is sufficient to establish rights in that mark. As such, the Panel finds that the Complainant has established that it has a right in the word mark VEIKKAUS.

The second part of the test calls for comparing the Complainant’s mark with the disputed domain name. It entails “a straightforward visual or aural comparison of the trademark with the alphanumeric string in the domain name. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark." WIPO Overview 3.0 at section 1.8. The dominant feature in this dispute is the Complainant's mark VEIKKAUS.

That the relevant trademark is recognizable within the disputed domain name is sufficient to establish confusing similarity. In this case, the Respondent includes a two-letter addition of “fi” that signifies a geographical location in Finland. If the “relevant trademark is recognisable within a disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element,” Bloomberg Finance L.P. v. Nexperian Holding Limited, Forum Case No. FA1804001782013.

The gTLD, here .com, does not have any impact on the overall impression of the dominant portion of the disputed domain name and is therefore irrelevant in determining the confusing similarity with VEIKKAUS. See A&S Holdings (AUS) Pty Ltd v. Sam Nelson, Sam Nelson, WIPO Case No. D2025-0720 (A “generic Top-Level Domain ('gTLD') is viewed as a standard registration requirement and is generally disregarded under the first element of the confusing similarity test, as set forth in section 1.11.1 of WIPO Overview 3.0.’).

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

Accordingly, the Complainant has satisfied Paragraph 4(a)(i) of the Policy.

2. Rights and legitimate interests, paragraph 4(a)(ii) of the Policy.

To establish the second of the three elements, the Complainant must first demonstrate that the Respondent lacks rights and legitimate interests in the disputed domain name. See Advanced International Marketing Corporation v. AA-1 Corp, FA 780200 (Forum November 2, 2011) (finding that a complainant must offer some evidence to make its prima facie case and satisfy Policy paragraph 4(a)(ii). However, recognizing that the proof for establishing this element is under the Respondent's control, the Complainant's may satisfy this burden by offering a prima facie case based on such evidence as there is thus shifting the burden of persuasion to the Respondent to produce evidence sufficient to overcome the presumption that it lacks rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it did not authorize the Respondent to register the disputed domain name, that Respondent is not using the domain name for any bona fide use, nor can it claim to be commonly known by the name "VEIKKAUS." as it has been identified in the Whois directory as Rauf Garayev. See Emerson Electric Co. v. golden humble /golden globals, FA 1787128 (Forum June 11, 2018) ("lack of evidence in the record to indicate a respondent is authorized to use [the] complainant's mark may support a finding that [the] respondent does not have rights or legitimate interests in the disputed domain name per Policy ¶ 4(c)(ii)").

The Complainant has also demonstrated that the Respondent is not using the disputed domain name for any non-commercial or fair use. See Croatia Airlines d. d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455 (Once such prima facie case is made, the Respondent carries the burden of 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).

Complainant has satisfied the Panel that it has set forth a prima facie case and the burden thereupon shifts to the Respondent. The Policy sets forth the following nonexclusive list of factors any one of which, if proved, would satisfy Respondent’s burden, but the absence of any evidence supports a complainant's contention that the respondent lacks rights or legitimate interests in the disputed domain name:

(i) "[B]efore 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."
(ii) "[Y]ou (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights."
(iii) "[Y]ou are making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

The failure of a party to submit evidence on facts in its possession and under its control may permit the Panel to draw an adverse inference regarding those facts. See Mary-Lynn Mondich and American Vintage Wine Biscuits, Inc. v. Shane Brown, doing business as Big Daddy's Antiques, WIPO Case No. D2000-0004.

As the Respondent has not controverted the evidence that it lacks right or legitimate interests in the disputed domain name, and there is no other evidence from which to draw an inference otherwise, the Panel finds that the Complainant has satisfied Paragraph 4(a)(ii) of the Policy.

3. Registration and Use in Bad faith:

It is the Complainant's burden under Paragraph 4(a)(iii) of the Policy to prove that the Respondent both registered and is using the disputed domain name in bad faith. It is not sufficient for a complainant to rest its case on the finding under Paragraph 4(a)(ii) of the Policy, although the fact that the Respondent lacks rights or legitimate interests in the disputed domain name will be a factor in assessing its motivation for registering a domain name which in this case is virtually identical to the Complainant's mark.

The Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. The preamble to Paragraph 4(b) states: "For the purposes of Paragraph 4(a)(iii) [the finding of any of the circumstances] shall be evidence of the registration [...] of a domain name in bad faith":

(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 the 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 its website or other online 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 respondent's website or location.

The Complainant's proof in this case focuses the Panel's attention on the fourth factor. As there is no proof that would support the other factors, the Panel will not address them.

The Complainant contends that the Respondent has targeted the Complainant's mark for the purpose of taking advantage of its

goodwill and reputation to attract Internet users to its website accessible at <veikkausfi.com>. The disputed domain name resolves to an active website that impersonates the Complainant. This impersonation "creat[es] a likelihood of confusion [...] as to the source, sponsorship, affiliation, or endorsement of [its] website".

As the evidence in this case supports the conclusion that the Respondent is impersonating the Complainant, this falls in the category of illegal activity and can confer neither rights nor legitimate interests (as already explained) or good faith registration and use. See WIPO Case No. D2004-1019, <wwwprada.com> (“In paragraph 9(d) of the Complaint, the Complainant contends, as the ground for asserting the Respondent’s bad faith in the use of the Domain Name, that the Respondent capitalizes on the worldwide fame of PRADA to attract users which are then redirected to a number of commercial Websites, most of them not associated with Prada, and some of them competing with Prada or even selling counterfeit Prada products”.) The same can no less be said of the registration and use of the term VEIKKAUS in <veikkausfi.com>.

In the absence of a response by a respondent to justify its registration and use of a domain name corresponding to a famous or well-known mark, a panel is compelled to examine the limited record for any exonerative evidence of good faith. Here, the Panel finds none. The Respondent has appropriated a well-known, indeed in its niche, a famous mark to serve an infringing purpose. See Royal Bank of Canada - Banque Royale Du Canada v. Registration Private, Domains By Proxy, LLC / Randy Cass, WIPO Claim No, D2019-2803 the Panel noted: "It is clear that where the facts of the case establish that the respondent's intent in registering or acquiring a domain name was to unfairly capitalize on the complainant's [...] trademark, panels have been prepared to find the respondent acted in bad faith."

In this case, it is plain that the Respondent is intentionally attempting to attract, for commercial gain, Internet users to the Respondent’s websites by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s websites. Initially, Internet users would be likely to be drawn to the Respondent’s website because of the confusing similarity between the disputed domain name and the Complainant’s Manguun trademark. See Associazione Radio Maria v. Mary Martinez / Domains by Proxy, Inc., WIPO Case No. D2010-2181 (“It is sufficient for the purposes of paragraph 4(b)(iv) of the Policy that there is an intent on the part of the Complainant to rely upon a confusion between the Domain Name and another’s mark to draw Internet users to the relevant page....“).

The Respondent’s intentional registration of a domain name incorporating the Complainant’s well-known mark, being fully aware of the Complainant’s rights in the mark, without any right or legitimate interest in doing so is registration in bad faith. See, e.g., The Gap, Inc., Gap (Apparel), LLC, and Gap (ITM) Inc. v. Privacy service provided by Withheld for Privacy ehf / Trinh Hoang, WIPO Case No. DME2022-0018 (“The evidence and allegations submitted by the Complainant support a finding that the Respondent was engaged in an attempt to pass himself off as the Complainant by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of his website for his own commercial benefit..”).

Finally, what is material here is that the Respondent has registered and is using the disputed domain name adversely to the Complainant's statutory rights and giving consumers a clear impression that it is a website sponsored by the Complainant. As the domain name could not conceivably be used without infringing on those rights, its registration was also in bad faith. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Claim No. D2000-0003. The Panel in Singapore Airlines Ltd. v. European Travel Network, WIPO Claim No. D2000-0641 held that "[t]he registration of domain names obviously relating to the Complainant is a major pointer to the Respondent's bad faith and desire to 'cash in' on the Complainant's reputation."). See also Justice for Children v. R neetso / Robert W. O'Steen, WIPO Case No. D2004-0175 (holding that "harm results from the confusion caused by the initial attraction to the site by means of borrowing complainant's mark. And that is exactly the harm the Policy was adopted to address.").

For these reasons, the Panel finds that the Respondent is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **veikkausfi.com**: Transferred

PANELLISTS

Name	**Gerald Levine Ph.D, Esq.**

DATE OF PANEL DECISION 2025-10-06

Publish the Decision