Decision for dispute CAC-UDRP-108530

Case number	CAC-UDRP-108530
Time of filing	2026-06-01 10:04:38
Domain names	lluckyhills.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Bovive LTD

Respondent

Name	HELGA BYRNE

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 is the owner of European Union Trademark Registration No. 019215519 for the word mark “LUCKYHILLS”, applied for on July 9, 2025 and registered on December 28, 2025.

The registration covers services in Class 9 (including gaming software applications and mobile software applications), Class 35 (including advertising and marketing services), and Class 41 (including online gaming services, casino services, and online sports betting services).

The Complainant is also the owner of the domain name <luckyhills.com>, which has been registered since December 28, 2011.

FACTUAL BACKGROUND

The Complainant is a company incorporated under the laws of Cyprus.

It carries on business in the online gaming and casino industry under the “LUCKYHILLS” brand.

The disputed domain name was registered on October 20, 2025.

PARTIES CONTENTIONS

The Complainant contends 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's rights are asserted to be established by reference to the following:

First, the rights arise from the Complainant's registration of the word mark "LUCKYHILLS".

That trademark application was filed on July 9, 2025, predating the registration date of the disputed domain name on October 20, 2025. The trademark was registered on December 28, 2025.

In accordance with settled UDRP jurisprudence, trademark rights under a registration are recognised from the date the application is filed, not from the date formal registration is completed.

As such, the Complainant's trademark rights predate the disputed domain name registration, albeit, by a few months.

Secondly, independently of the Complainant's registered trademark, the Complainant has established unregistered rights in the "LUCKYHILLS" mark through continuous and extensive commercial use since March 2025, approximately 7 months prior to the registration of the disputed domain name on October 20, 2025. It launched the "LUCKYHILLS" platform at <luckyhills.com> in March 2025, operating under the Curacao Gaming Control Board.

The Complaint also adduced evidence of secondary meaning acquired prior to the disputed domain name registration. The Complainant's domain name has been registered since December 28, 2011. By October 2025, the Complainant's brand had been independently reviewed and catalogued across multiple major iGaming platforms. By January 2026, with the eCOGRA Safe and Fair certification, there is evidence of the Complainant's trademark established reputation at the time of filing of the Complaint.

The Panel observes that the disputed domain name was registered after the filing date and before the registration date of the trademark.

Given the chronology of the trademark registration and unregistered rights adduced in evidence, the Panel considers that the existence of the registration at the time of filing the present Complaint, together with the long registration of the Complainant's domain name, is sufficient to establish standing under the first element.

Having determined that the Complainant has rights, the next step is to determine whether the disputed domain name is identical or confusingly similar to a trademark. The approach to be adopted for the purposes of this element is to do a side-by-side comparison with the disputed domain name. See F. Hoffmann-La Roche AG v. P Martin, WIPO Case No. D2009-0323.

A disputed domain name is identical to a complainant's registered trademark when it is a character-for-character match. It is confusingly similar when it varies the trademark by, for example, adding generic terms to the dominant part of the trademark.

It is also well established that a domain name that wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for UDRP purposes. See WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin.

Here, the disputed domain name reproduces the Complainant's trademark in its entirety, with the addition of a single letter 'L" to produce the disputed domain name. This is a textbook instance of typo-squatting. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is, in the Panel's view, considered to be confusingly similar to the relevant mark for the purposes of this element.

The generic top-level domain suffix ".com" is disregarded for the purposes of considering this element.

Accordingly, the Panel considers that this ground is made out.

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).

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455.

Once such a prima facie case is made, the burden shifts to the respondent to demonstrate rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the Panel may draw such inferences as it considers appropriate from the materials before it.

Here, there is no evidence that the Respondent holds any trademark rights in "LUCKYHILLS" or is commonly known by that name.

The Complainant has asserted that it has not authorised, licensed or permitted the Respondent to use the "LUCKYHILLS" trademark or to register the disputed domain name.

The Complainant adduced evidence that the disputed domain name website is a reproduction of its official platform at <luckyhills.com>, including its branding, colour scheme, interface layout, promotional content, and registration mechanism. The disputed domain name website also displayed an identical favicon to that used by the Complainant.

The Panel considers that the use to which the disputed domain name was put at the time of the Complaint is not consistent with a bona fide offering of goods or services.

Redirecting internet users who are searching for the Complainant's website to a competing casino registration page is not a legitimate use of a domain name that so closely replicates the Complainant's trademark. It does not fall within any of the circumstances described in paragraph 4(c) of the Policy as giving rise to rights or legitimate interests.

The disputed domain name is now passively held and returns a DNS resolution error. That development does not assist the Respondent. The prior redirect establishes that the domain name was not dormant from the outset, and the passive holding that followed does nothing, in the Panel's view, to cure the absence of any legitimate basis for the original registration.

The Respondent has not filed any response and has not offered any explanation, whether of a prior right, a legitimate commercial purpose, or any other basis upon which a right or legitimate interest in the disputed domain name might be founded.

Given the circumstances, the Panel considers that the Complainant has made out a prima facie case, and the Respondent has, by its failure to file an administratively compliant response, failed to demonstrate rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds this ground made out.

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 Complainant must demonstrate that the disputed domain name was registered and is being used in bad faith. Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that, if present, shall be evidence of registration and use of a domain name in bad faith. The Panel is not limited to those enumerated circumstances and may consider any other conduct that supports a finding of bad faith in the particular circumstances of the case.

The chronology of this matter is important.

The Complainant filed its trademark application on July 9, 2025. From that date, the application was a matter of public record, searchable in the EUIPO database. The disputed domain name was registered on October 20, 2025, more than three months after the trademark application had been filed and published.

The Panel regards it as inherently implausible that the Respondent registered a domain name that replicates the Complainant's mark character by character, adding only a second letter 'l', without any awareness of the Complainant's trademark application and of the brand it represented.

That inference is reinforced by the Complainant's long-standing commercial presence in the iGaming industry. The domain name <luckyhills.com> has been registered since at least December 2011.

The Panel considers that anyone active in the online gambling and casino sector at the time of the disputed domain registration in October 2025 would, on the balance of probabilities, have been aware of "LUCKYHILLS" as a brand in that market.

The evidence of independent industry recognition, while not establishing that "LUCKYHILLS" was a famous mark, is consistent with the brand having a known presence in the iGaming space at the relevant time.

The typosquatting pattern is also itself compelling evidence of bad faith registration.

A domain name that adds a single additional letter to a trademark such that the result is visually indistinguishable from the mark to a casual reader, and which resolves to a competing gambling platform, cannot plausibly be described as an innocent or coincidental choice.

The Panel is, therefore, satisfied that the registration was made with the Complainant's mark specifically in mind and with the intention of exploiting the typographic similarity.

The use to which the disputed domain name was put also confirms that conclusion.

Redirecting internet users who mistype the Complainant's mark to a competing casino registration page is a form of bad faith use under paragraph 4(b)(iv) of the Policy. It involves the intentional exploitation of a likelihood of confusion with the Complainant's mark for commercial gain, by diverting traffic that would otherwise have reached the Complainant's own website.

The subsequent passive holding of the disputed domain name does not, in the Panel's view, displace the finding of bad faith. The

domain name remains unavailable to the Complainant without a proceeding of this kind. The prior redirect use establishes that the registration was not made for any legitimate purpose, and the passive holding that followed the commencement of these proceedings does not create one.

The Respondent has not filed any response and has offered no explanation for the registration of a domain name so obviously replicating the Complainant's mark, nor for its use to redirect internet traffic to a competing gambling platform.

The Panel is, therefore, prepared to draw the adverse inference that no innocent explanation is available.

Accordingly, the Panel accepts that the disputed domain name was registered by the Respondent and used in bad faith.

PROCEDURAL FACTORS

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondent.

On June 23, 2026 the CAC, by its non-standard communication, stated as follows (omitting irrelevant parts):

"CAC notified the Respondent about the administrative proceeding via available means of communication: email notification and written notice.

Please be aware that neither the written notice of the Complaint nor the advice of delivery thereof was returned to the Czech Arbitration Court. The CAC is therefore unaware whether written notice was received by the Respondent or not.

No other address for correspondence was found on the disputed domain name.

The e-mail notice was also sent to <helgabmail@gmail.com> and to <postmaster@lluckyhills.com>, but we never received any proof of delivery or notification of non-delivery.

No further e-mail address could be found on the disputed site.

The Respondent never accessed the online platform."

Given the reasonable measures employed by CAC as set out in the above non-standard communication, 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 Complainant owns the international trademark "LUCKYHILLS", for which the application for registration was filed on July 9, 2025 and registered on December 28, 2025. It also owns the domain name <luckyhills.com> registered on December 28, 2011.

The Respondent registered the disputed domain name on October 20, 2025.

The Complainant challenges the registration of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy, seeking transfer of the disputed domain name.

The Respondent failed to file any administrative compliant response.

For the reasons articulated in the Panel's findings above, the Panel is satisfied that:

- The disputed domain name is confusingly similar to the Complainant's trademark "LUCKYHILLS".
- The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- The disputed domain name 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. **lluckyhills.com**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2026-06-25

Publish the Decision