

ADMINISTRATIVE PANEL DECISION

Dareos Ltd., Dareos Inc. v. Super Privacy Service LTD c/o Dynadot /
Vladimir Petrov
Case No. D2022-0224

1. The Parties

The Complainants are Dareos Ltd., Cyprus, and Dareos Inc., Marshall Islands, represented by Mapa Global Investments SL aka Mapa Trademarks, Spain.

The Respondent is Super Privacy Service LTD c/o Dynadot, United States of America / Vladimir Petrov, Kazakhstan.

2. The Domain Names and Registrar

The disputed domain names <online-vulkan1.cc>, <online-vulkan18.cc>, <online-vulkan2.cc>, <online-vulkan20.cc>, <online-vulkan24.cc>, <online-vulkan28.cc>, <online-vulkan29.cc>, <online-vulkan3.cc>, <online-vulkan30.cc>, <online-vulkan31.cc>, <online-vulkan6.cc>, <online-vulkan7.cc>, <online-vulkan8.cc>, <vulcanmega10.com>, <vulcanmega11.com>, <vulcanmega12.com>, <vulcanmega13.com>, <vulcanmega14.com>, <vulcanmega16.com>, <vulcanmega17.com>, <vulcanmega18.com>, <vulcanmega233.com>, <vulcanmega235.com>, <vulcanmega236.com>, <vulcanmega270.com>, <vulcanmega31.com>, <vulcanmega32.com>, <vulcanmega33.com>, <vulcanmega34.com>, <vulcanmega35.com>, <vulcanmega37.com>, <vulcanmega41.com>, <vulcanmega70.com>, <vulcanmega71.com>, <vulcanmega72.com>, <vulcanmega73.com>, <vulcanmega8.com>, <vulcanmega86.com>, <vulcanmega87.com>, <vulcanmega91.com> and <vulcanmega.com> are registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2022. On January 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 26, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 26, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on January 26, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2022.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on February 23, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainants provide gaming, casino and entertainment products and services, including but not limited to the operation and management of gaming halls, betting bingo and slot machines, amongst others under the ВУЛКАН (which translates from Russian as “volcano” or “vulcan”) and VULKAN trademarks.

Dareos Ltd. (the “First Complainant”) is the owner, amongst dozens of others, of the following trademark registrations:

- International trademark registration No. 791038 for ВУЛКАН (& device), registered on September 3, 2002 and subsequently renewed, in class 41;
- International trademark registration No. 989103 for VOLCANO, registered on August 11, 2008, and subsequently renewed, in classes 9, 16, 21, 25, 28, 35, 38, 39, 41, 42, 43, and 45; and
- International trademark registration No. 984297 for VULKAN, registered on August 11, 2008 and subsequently renewed, in classes 9, 16, 21, 28, 32, 35, 38, 39, 41, 42, 43, and 45.

The disputed domain names were registered on and are presently used in connection with:

Disputed Domain Name	Registration Date	Present Use
<online-vulkan1.cc>	December 19, 2016	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan18.cc>	August 14, 2017	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan2.cc>	January 13, 2017	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan20.cc>	August 14, 2017	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan24.cc>	September 5, 2017	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan28.cc>	September 5, 2017	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan29.cc>	September 5, 2017	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan3.cc>	January 13, 2017	Redirects to gaming webpage in Russian reproducing the Complainant’s trademarks.
<online-vulkan30.cc>	September 5, 2017	Redirects to gaming webpage in Russian reproducing the

<vulcanmega73.com>	October 8, 2019	Redirects to gaming webpage in Russian reproducing the Complainant's trademarks.
<vulcanmega8.com>	August 14, 2018	Redirects to gaming webpage in Russian reproducing the Complainant's trademarks.
<vulcanmega86.com>	January 21, 2020	Redirects to gaming webpage in Russian reproducing the Complainant's trademarks.
<vulcanmega87.com>	January 21, 2020	Redirects to gaming webpage in Russian reproducing the Complainant's trademarks.
<vulcanmega91.com>	January 21, 2020	Redirects to gaming webpage in Russian reproducing the Complainant's trademarks.
<vulkanmega.com>	August 3, 2018	Redirects to gaming webpage in Russian reproducing the Complainant's trademarks.

5. Parties' Contentions

A. Complainant

The Complainants assert to provide high-quality gaming, casino and entertainment products and services, including but not limited to the operation and management of gaming halls, the design, development, provision and maintenance of games of chance, including betting bingo and slot machines, the provision of interactive real-money games through a computer network, and other related products and services under the well-known ВУЛКАН and VULKAN trademarks which have been in use since at least 1992.

According to the Complainants, there are presently more than 230 ВУЛКАН and/or VULKAN branded gaming clubs and more than 6,300 gaming machines deployed throughout Europe.

All of the disputed domain names, according to the Complainants, include either the word element "vulcan" or "vulkan" which is either an identical or a confusingly similar term to the Complainant's well-known VULKAN and ВУЛКАН trademarks (given that ВУЛКАН can be transliterated as "vulcan" or "vulkan") and are the leading elements of the disputed domain names, not adding any distinctiveness thereto the addition of the terms "online" or "mega" with the combination of the Arabic numerals, "1", "2", "3", "6", "7", "8", "10", "18", "20", "24", "28", "29", "30", "31", "11", "12", "13", "14", "16", "17", "32", "33", "34", "35", "37", "41", "70", "71", "72", "73", "86", "87", "91", "233", "235", "236", and "270".

Moreover, the Complainants assert the webpages to which Internet users are redirected when accessing the disputed domain names display the Complainants' trademarks logo, in Russian, thus misleading the Complainants' customers.

In addition to that, the Complainants argue that the Respondent has no rights or legitimate interests in respect of the disputed domain names given that:

(a) the Respondent is not a licensee of the Complainants, nor has it received any permission or consent to use the Complainants' trademarks in any way;

(b) the Respondent is not commonly known by the disputed domain names; and

(c) the Respondent is not using the disputed domain names in connection with a *bona fide* offering of goods or services, given that it is seeking to trade off on the Complainants' trademarks goodwill, creating a likelihood of confusion amongst Internet users who might think that the disputed domain names are owned, related, or otherwise endorsed by the Complainants, which is not true.

As to the registration and use of the disputed domain names in bad faith, the Complainants assert that the Respondent knew or should have known of the Complainants' trademark rights at the time of the registration of the disputed domain names considering that it has acquired considerable goodwill and renown. Further,

the Respondent's intent to capitalize on the reputation of the Complainants' famous trademarks can easily be inferred from the contents of the webpages to which Internet users are redirected when accessing the disputed domain names that clearly reproduce the Complainants' trademarks seeking to profit from a falsely implied association thereof.

The Complainants further submit that the Respondent has already been named respondent in past UDRP decisions (*Dareos Ltd., Dareos Inc. v. Super Privacy Service LTD c/o Dynadot / Vladimir Petrov, Marina Fedko*, WIPO Case No. [D2021-1089](#) and *Dareos Ltd, Dareos Inc. v. Super Privacy Service LTD c/o Dynadot / Vladimir Petrov*, WIPO Case No. [D2021-3356](#)) which is a further indication of the Respondent's reiterated bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainants:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Complainants must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain names.

A. Identical or Confusingly Similar

The Complainants have established rights in the ВУЛКАН, VOLCANO, and VULKAN trademarks.

The Panel finds that the disputed domain names are confusingly similar to the Complainants' trademarks given either the reproduction of VULKAN in its entirety or of its variation with "c" instead of "k". The addition of the terms "online" or "mega" with numerals ("1", "2", "3", "6", "7", "8", "10", "18", "20", "24", "28", "29", "30", "31", "11", "12", "13", "14", "16", "17", "32", "33", "34", "35", "37", "41", "70", "71", "72", "73", "86", "87", "91", "233", "235", "236", and "270") does not avoid a finding of confusing similarity under the Policy which, as recognized by past UDRP panels, 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" (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, "[WIPO Overview 3.0](#)", section 1.7).

The first element of the Policy has therefore been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a nonexclusive list of circumstances that may indicate the Respondent's rights to or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or

(ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainants to make a *prima facie* case against the Respondent.

In that sense, the Panel notes that the Complainants have made out a *prima facie* case that the Respondent lack rights or legitimate interests in the disputed domain names, indeed stating that the Respondent is not a licensee of the Complainants, nor has it received any permission or consent to use the Complainants' trademarks in any way. Also, the lack of evidence as to whether the Respondent is commonly known by the disputed domain names or the absence of any trademarks registered by the Respondent corresponding to the disputed domain names, corroborates the indication of an absence of rights or legitimate interests in the disputed domain names.

The use being made of the disputed domain names cannot be characterized as a *bona fide* offering of goods or services, given that the Respondent's websites prominently feature the Complainants' trademark in connection with the services offered by the Complainants without any explanation of the lack of relationship between the Respondent and the Complainants, which increases the likelihood of confusion amongst Internet users who might think that the disputed domain names are owned, related, or otherwise endorsed by the Complainants, which is not true.

Therefore, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain names. The second element of the Policy has also been met.

C. Registered and Used in Bad Faith

The Policy indicates in paragraph 4(b)(iv) that bad faith registration and use can be found in respect of the disputed domain name, where a respondent has intentionally attempted to attract, for commercial gain, Internet users to the website or other online location, by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In this case, the use of the disputed domain names in connection with websites that reproduce the Complainants' trademarks, logo, and characteristics, characterizes the Respondent's intent of commercial gain by profiting from the Complainants' trademark.

Other indications of the Respondent's bad faith lie in the choice to retain a privacy protection service in the Whois data and the pattern of the Respondent targeting the Complainants' trademarks (noting the above-referenced previous UDRP disputes between the Parties, as well as the registration of 41 confusingly similar disputed domain names in the present dispute).

For the reasons above, the Panel finds that the Respondent has registered and used the disputed domain names in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The third element of the Policy has therefore been met.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names, <online-vulkan1.cc>, <online-vulkan18.cc>, <online-vulkan2.cc>, <online-vulkan20.cc>, <online-vulkan24.cc>, <online-vulkan28.cc>, <online-vulkan29.cc>, <online-vulkan3.cc>, <online-vulkan30.cc>, <online-vulkan31.cc>, <online-vulkan6.cc>, <online-vulkan7.cc>, <online-vulkan8.cc>, <vulcanmega10.com>, <vulcanmega11.com>, <vulcanmega12.com>, <vulcanmega13.com>, <vulcanmega14.com>, <vulcanmega16.com>, <vulcanmega17.com>, <vulcanmega18.com>, <vulcanmega233.com>, <vulcanmega235.com>, <vulcanmega236.com>, <vulcanmega270.com>, <vulcanmega31.com>, <vulcanmega32.com>, <vulcanmega33.com>, <vulcanmega34.com>, <vulcanmega35.com>, <vulcanmega37.com>, <vulcanmega41.com>, <vulcanmega70.com>, <vulcanmega71.com>, <vulcanmega72.com>, <vulcanmega73.com>, <vulcanmega8.com>, <vulcanmega86.com>, <vulcanmega87.com>, <vulcanmega91.com>, and <vulkanmega.com>, be transferred to the Complainants.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: March 9, 2022