

## **ADMINISTRATIVE PANEL DECISION**

Escrow Services Overseas Limited v. Lissa Angelie, La Medica Group  
Case No. D2022-3029

### **1. The Parties**

The Complainant is Escrow Services Overseas Limited, British Virgin Islands, United Kingdom, represented by Herzog, Fox & Neeman, Israel.

The Respondent is Lissa Angelie, La Medica Group, Indonesia.

### **2. The Domain Name and Registrar**

The disputed domain name <quatro.casino> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 17, 2022. On August 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 August 29, 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 August 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 19, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 23, 2022.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on October 6, 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 Complainant is one of the Intellectual Property holding companies of a group of companies, with the parent company being Internet Traffic Solutions Limited. The Complainant's group is engaged in the online gaming industry, and through its various companies holds several gambling licenses in different jurisdictions, including the United Kingdom, Canada, Malta, Denmark, and Sweden. Per the Complaint, the Complainant's group operates a number of online gaming websites under various brands, including the QUATRO CASINO brand, which is used since 2008 in connection to an online casino service.

The Complainant owns various trademark registrations for the QUATRO CASINO mark, including European Union Trademark Registration No. 010306785, QUATRO CASINO, word, registered on March 20, 2012, in classes 36 and 41; and United Kingdom Trademark Registration No. UK00910306785, QUATRO CASINO, word, registered on March 20, 2012, in classes 36 and 41, (collectively the "QUATRO CASINO mark").

The Complainant's group subsidiaries further own the domain names <quatrocasino.com> (registered on July 8, 2008) and <quatrocasino.co.uk> (registered on January 3, 2014), which resolve to online gaming websites under the QUATRO CASINO mark.

The disputed domain name was registered on November 9, 2020, and it currently resolves to a GoDaddy parking webpage that offers the disputed domain name for sale. In addition to offering it for sale the webpage includes various links to third parties' websites under the terms "Car Insurance", "Credit Cards", and "Life Insurance".

#### **5. Parties' Contentions**

##### **A. Complainant**

Key contentions of the Complaint may be summarized as follows:

Due to extensive use and promotion, the QUATRO CASINO mark has gained great reputation and success, with current annual average of 700,000 visitors and 50,000 users so far in 2022. This brand has been extensively advertised investing substantial sums for its promotion. In 2021, the relevant marketing budget in connection with the QUATRO CASINO mark was USD 2.3 million, and the projected budget for 2022 is USD 1.5 million.

Taking into consideration the generic Top-Level-Domain ("gTLD") ".casino", the disputed domain name is phonetically identical to the QUATRO CASINO mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant and has never been authorized to use the QUATRO CASINO mark. To the best of the Complainant's knowledge, neither the Respondent nor any business operated by it is commonly known by the disputed domain name, and it has not used, or made demonstrable preparations to use, the disputed domain name or any name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. The disputed domain name appears to be inactive.

The disputed domain name was registered and is being used in bad faith. At the time of registration of the disputed domain name the Complainant's trademark was (and still is) a world-famous brand that had been in existence for over 14 years, with heavy traffic and a vast number of worldwide users. Therefore, the Respondent knew, or should had known, about the Complainant's mark. Due to the identical nature of the

disputed domain name with the Complainant's trademark, it generates confusion and affiliation with the Complainant's online gambling business, and may increase the traffic of the Respondent's website. The Respondent intentionally attempted to profit from this likelihood of confusion to attract Internet users to its site. The registration of a well-known trademark as a domain name is a clear indication of opportunistic bad faith.

The Complainant has cited previous decisions under the Policy and various sections of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)") that it considers supportive of its position, and requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, *inter alia*, in paragraph 10 of the Rules.

### **A. Identical or Confusingly Similar**

The Complainant indisputably has rights in the registered trademark QUATRO CASINO, both by virtue of its trademark registrations and as a result of continuous use of this mark.

Taking into consideration the gTLD ".casino", the disputed domain name incorporates the QUATRO CASINO mark in its entirety. The disputed domain name is therefore identical to the Complainant's trademark under the Policy's standards of examination. See sections 1.7, and 1.11.3 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the disputed domain name is identical to the QUATRO CASINO mark, and the first element of the Policy under paragraph 4(a) has been satisfied.

### **B. Rights or Legitimate Interests**

Although the Complainant bears the ultimate burden of establishing all three elements of paragraph 4(a) of the Policy, UDRP 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 primarily if not exclusively within the respondent's knowledge. Thus, the consensus view is that paragraph 4(c) of the Policy shifts to the respondent the burden of production to come forward with relevant evidence of rights or legitimate interests in a disputed domain name, once the complainant has made a *prima facie* case that the respondent lacks rights or legitimate interests.

The Complainant's above-noted assertions and evidence in this case effectively shift the burden of production to the Respondent of producing evidence of rights or legitimate interests in the disputed domain name, providing the circumstances of paragraph 4(c) of the Policy, without limitation, in order to rebut the Complainant's *prima facie* case. However, the Respondent has not replied to the Complainant's contentions, not providing any explanation and evidence of rights or legitimate interests in the disputed domain name.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", meaning that the panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the [WIPO Overview 3.0](#).

The Panel notes that the disputed domain name (considering the gTLD) incorporates in its entirety the QUATRO CASINO mark, being identical to this mark, which generates an implied affiliation (and risk of confusion) with the Complainant and its trademark. The disputed domain name may give the impression that it is associated to the Complainant's business – when it is not. See section 2.5.1 of the [WIPO Overview 3.0](#).

The Panel further notes that, according to the evidence provided by the Complainant, the disputed domain name has been used in connection to a parking website that offers the disputed domain name for sale, and has additionally displayed promotional Pay-Per-Click (“PPC”) links to third parties' websites in the field of insurances and credit cards. The Panel considers that using a domain name identical to a third party's trademark for commercial purposes may generate a likelihood of confusion and affiliation that cannot be considered a *bona fide* use under the Policy and suggests opportunistic bad faith.

The Panel further considers that the Complainant has made out a strong *prima facie* case that the Respondent could not have rights or legitimate interests in the disputed domain name, not being authorized to use the QUATRO CASINO mark, and there is no evidence that suggests that the Respondent is commonly known by the disputed domain name. In this respect, the Panel notes that the Respondent's name and the company name has no resemblance with the terms “quatro” or “quarto casino”, and the Respondent has not replied to the Complainant's contentions and has not provided any evidence of having applied for or registered any trademark containing these terms, or of any other rights or legitimate interests.

Under these circumstances, the Panel concludes that the Respondent has not rebutted the Complainant's *prima facie* case, and nothing in the record gives reason to believe that the Respondent has or has had any rights or legitimate interests in respect of the disputed domain name. Therefore, the second element of the Policy under paragraph 4(a) has been established.

### **C. Registered and Used in Bad Faith**

The Policy, paragraph 4(a)(iii), requires that the Complainant establishes that the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof is, likewise, the “balance of probabilities” or “preponderance of the evidence”. See section 4.2 of the [WIPO Overview 3.0](#).

The Panel notes the extensive use of the QUATRO CASINO mark and presence over the Internet, and considers that all cumulative circumstances of this case point to bad faith registration and use of the disputed domain name:

- (i) the disputed domain name (considering the gTLD) is identical to the Complainant's trademark, generating an intrinsic likelihood of confusion and implication of affiliation as a site related to the Complainant's business;
- (ii) the QUATRO CASINO mark is extensively used within its sector and the Complainant operates online, being its online casinos available and extensively used worldwide;
- (iii) the disputed domain name resolves to a parking website that offers it for sale and has displayed promotional PPC links to third parties' websites; and
- (iv) the Respondent has not responded to the Complaint, not alleging any rights or legitimate interests in the disputed domain name, and not contesting the Complainant's contentions of bad faith.

In light of the above, taking into consideration all cumulative circumstances of this case, on the balance of probabilities, the Panel considers that the disputed domain name was registered and is being used in bad faith, targeting the QUATRO CASINO mark with opportunistic bad faith. The circumstances of this case show, on a balance of probabilities, the Respondent acquired the disputed domain name primarily for the

purpose of selling it to the Complainant or to its competitors for valuable consideration in excess of its documented out-of-pocket costs of registration, within the meaning of paragraph 4(b)(i) of the Policy.

The Panel further finds on the evidence that, within the meaning of paragraph 4(b)(iv) of the Policy, the Respondent acquired the disputed domain name for the purpose of creating confusion with the Complainant's trademark to increase the traffic of the parking site linked to the disputed domain name for a commercial purpose. In this respect, the Panel notes that the parking site linked to the disputed domain name has displayed promotional PPC links that may have generated some sort of revenue to the Respondent.

Accordingly, the Panel concludes that the Complainant has met its burden of establishing that the disputed domain name has been registered and is being used in bad faith.

## **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 name, <uatro.casino>, be transferred to the Complainant.

*/Reyes Campello Estebarez/*

**Reyes Campello Estebarez**

Sole Panelist

Date: October 20, 2022