

## **ADMINISTRATIVE PANEL DECISION**

Escrow Services Overseas Limited v. Alexander Tarakanov  
Case No. D2022-4644

### **1. The Parties**

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

Respondent is Alexander Tarakanov, Russian Federation.

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

The Disputed Domain Name <quattrocasino.com> is registered with URL Solutions, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 5, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. Also on December 5, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on December 7, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint also on December 7, 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 Respondent of the Complaint, and the proceedings commenced on December 8, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on January 4, 2023.

The Center appointed Richard W. Page as the sole panelist in this matter on January 11, 2023. 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

Complainant is one of the IP holding companies of a group of companies, with the parent company being Internet Traffic Solutions Limited (collectively “Complainant”). Complainant 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 Ontario, Canada.

Complainant operates a number of online gaming websites under various brands, including the well-known online casino brand QUATRO CASINO. The QUATRO CASINO brand, and the online casino services provided thereunder, have been operated by Complainant since 2008, when Complainant, via its subsidiaries, had also registered the domain name <quatrocasino.com> and later on, in 2014, it registered the domain name <quatrocasino.co.uk>, and recently the domain name <quatro.casino>.

In addition, as part of the operation of the QUATRO CASINO brand, Complainant maintains, amongst others, trademark registrations in the European Union and the United Kingdom for the QUATRO CASINO (registration Nos. 010306785 and 00910306785, respectively), both filed on November 15, 2011, and registered on March 20, 2012 (the “QUATRO CASINO Marks”).

Complainant has and continues to extensively advertise the QUATRO CASINO brand and has invested and continues to invest substantial sums in order to promote the QUATRO CASINO Marks and the Complainant’s offerings on the Complainant’s websites. In 2021, the relevant marketing budget in connection with the QUATRO CASINO brand was USD 2.3 million and the projected budget for 2022 was USD 1.5 million. The QUATRO CASINO brand has gained great reputation and success, with a current annual average of 700,000 visitors and 50,000 visitors for a partial year in 2022.

The Disputed Domain Name was registered on August 6, 2021, and resolves to a website offering gambling services.

#### 5. Parties’ Contentions

##### A. Complainant

Complainant contends that the Disputed Domain Name is phonetically identical and confusingly similar to the QUATRO CASINO Marks, as it consists of the virtually exact words “quattro” and “casino”, which do not create an overall different impression.

Complainant further contends that, with respect to the lack of space between the words in the Disputed Domain Name, Complainant cites *Owens Corning v. NA*, WIPO Case No. [D2007-1143](#) for the proposition that it is common practice when representing more than one word in a domain name either to omit the spaces or to replace them with some other suitable character.

Complainant asserts that Respondent is not affiliated with Complainant and has never been licensed or otherwise authorized to use the QUATRO CASINO Marks.

Complainant further asserts that Respondent has never been commonly known by the Disputed Domain Name.

Complainant further asserts that Respondent 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.

Complainant further asserts that the website which operates under the Disputed Domain Name offers services identical to the services offered by Complainant. Complainant further asserts that Respondent is attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion

with the QUATRO CASINO Marks as to the source, sponsorship, affiliation or endorsement of the website. This action is an indication that the Disputed Domain Name is being used in bad faith.

Complainant cites *OneTwoTrip Ltd. v. Karpau Anatoli*, WIPO Case No. [D2013-0730](#) for the proposition that offering services competitive with Complainant is not considered a *bona fide* use.

Complainant alleges that it owned and used the QUATRO CASINO Marks long before Respondent registered the Disputed Domain Name and at the time of its registration the QUATRO CASINO brand was (and still is) a world-famous brand that had been in existence for over fourteen years, with heavy traffic and a vast number of worldwide users.

Complainant further alleges that Respondent knew, or should have known, about the QUATRO CASINO Marks and about Complainant's operations. Complainant further alleges that, based upon these facts, the registration and use of the Disputed Domain Name were in bad faith.

Complainant further alleges that the use of the Disputed Domain Name, which is confusingly similar to the QUATRO CASINO Marks, is further evidence that Respondent intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the QUATRO CASINO Marks as to the source of that website.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall 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".

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the essential elements of the claims are met. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and,
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and,
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

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

Complainant contends that the Disputed Domain Name is identical with and confusingly similar to the QUATRO CASINO Marks in which Complainant has trademark rights, pursuant to paragraph 4(a)(i) of the Policy.

Section 1.2.1 of the [WIPO Overview 3.0](#) states that registration of a trademark is *prima facie* evidence of Complainant having enforceable rights in the QUATRO CASINO Marks.

Complainant claims trademark registrations in the European Union and the United Kingdom for the words QUATRO CASINO Marks (registration Nos. 010306785 and 00910306785), both registered on March 20, 2012.

Respondent has not contested these claims. The Panel finds that Complainant has enforceable rights in the QUATRO CASINO Marks, for purposes of this proceeding.

Complainant further contends that the Disputed Domain Name is phonetically identical and confusingly similar to the QUATRO CASINO Marks, as it consists of the virtually exact words “quattro” and “casino”, which do not create an overall different impression.

Complainant further contends that, with respect to the lack of space between the words in the Disputed Domain Name, Complainant cites *Owens Corning v. NA*, WIPO Case No. [D2007-1143](#) for the proposition that it is common practice when representing more than one word in a domain name either to omit the spaces or to replace them with some other suitable character.

Section 1.7 of the [WIPO Overview 3.0](#) says that inclusion of the entire trademark in a domain name will be considered confusingly similar. Section 1.9 of the [WIPO Overview 3.0](#) instructs that a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. Section 1.11.1 of the [WIPO Overview 3.0](#) instructs that gTLDs such as “.com” may be disregarded for purposes of assessing confusing similarity.

The Panel finds that the entirety of the QUATRO CASINO Marks is included in the Disputed Domain Name, with the mere deletion of a space and addition of an extra “t” in “quattro”. The Panel further finds that the deletion of the space and the extra “t” do not prevent a finding of confusing similarity, and that the gTLD “.com” can be ignored.

Therefore, the Panel finds that Complainant has met the requirements of paragraph 4(a)(i) of the Policy.

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

Complainant contends that Respondent has no rights or legitimate interests in the Disputed Domain Name pursuant to paragraph 4(a)(ii) of the Policy.

Section 2.1 of the [WIPO Overview 3.0](#) states that once Complainant makes a *prima facie* case in respect of the lack of rights or legitimate interests of Respondent, Respondent carries the burden of demonstrating it has rights or legitimate interests in the Disputed Domain Name. Where Respondent fails to do so, Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Respondent has no relationship with or permission from Complainant for the use of the QUATRO CASINO Marks.

The Policy paragraph 4(c) allows three nonexclusive methods for the Sole Panelist to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

- (i) before any notice to you [Respondent] 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; or
- (ii) you [Respondent] (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; or
- (iii) you [Respondent] are making a legitimate noncommercial 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.

Complainant asserts that Respondent is not affiliated with Complainant and has never been licensed or otherwise authorized to use the QUATRO CASINO Marks.

Complainant further asserts that Respondent has never been commonly known by the Disputed Domain Name.

Complainant further asserts that Respondent 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. Complainant cites *OneTwoTrip Ltd. v. Karpau Anatoli*, WIPO Case No. [D2013-0730](#) for the proposition that offering services competitive with Complainant is not considered a *bona fide* or legitimate use.

The Panel finds that Complainant has made a *prima facie* case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Panel further finds that Respondent has not contested this *prima facie* case.

Therefore, the Panel finds that Complainant has met the requirements of paragraph 4(a)(ii) of the Policy.

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

Complainant contends that Respondent registered and is using the Disputed Domain Name in bad faith in violation of paragraph 4(a)(iii) of the Policy.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the QUATRO CASINO Marks or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or
- (ii) you [Respondent] have registered the Disputed Domain Name in order to prevent Complainant from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the QUATRO CASINO Marks as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

The four criteria set forth in paragraph 4(b) of the Policy are nonexclusive. See, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). In addition to these criteria, other factors alone or in combination can support a finding of bad faith. Section 3.2.2 of the [WIPO Overview 3.0](#) states that one such factor is that Respondent knew or should have known of Complainant's trademark rights in the QUATRO CASINO Marks.

Complainant alleges that it owned and used the QUATRO CASINO Marks long before Respondent registered the Disputed Domain Name and at the time of its registration the QUATRO CASINO brand was (and still is) a world-famous brand that had been in existence for over fourteen years, with heavy traffic and a vast number of worldwide users.

Complainant further alleges that Respondent knew, or should have known, about the QUATRO CASINO Marks and about Complainant's operations. Complainant further alleges that, based upon these facts, the registration and use of the Disputed Domain Name were in bad faith.

Complainant further alleges that the use of the Disputed Domain Name, which is confusingly similar to the QUATRO CASINO Marks, is further evidence that Respondent intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the QUATRO CASINO Marks as to the source of that website.

Respondent has not contested these allegations.

The Panel finds that Complainant has shown the factors in paragraph 4(b)(iv) of the Policy and has shown the additional element that Respondent knew or should have known of Complainant's trademark rights in the QUATRO CASINO Marks. Moreover, in these circumstances, the Panel notes that the addition of an extra letter "t" to the Complainant's QUATRO CASINO Marks in the Disputed Domain Name appears to be an intentional typosquatting practice designed to confuse Internet users, and as such is further evidence of bad faith.

Therefore, Complainant has met the requirements of paragraph 4(a)(iii) of the Policy.

## **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 <quattrocasino.com> be transferred to Complainant.

*/Richard W. Page/*

**Richard W. Page**

Sole Panelist

Date: January 17, 2023