

ADMINISTRATIVE PANEL DECISION

Caesars License Company, LLC v. Oleg Robinson
Case No. D2023-1375

1. The Parties

The Complainant is Caesars License Company, LLC, United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is Oleg Robinson, Georgia.

2. The Domain Name and Registrar

The disputed domain name <caesars-social.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 29, 2023. On March 30, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 30, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 sent notification to the Respondent of the Complaint, and the proceedings commenced on April 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 25, 2023. The Respondent did not submit any response. Accordingly, the Center sent notification of the Respondent’s default.

The Center appointed Petra Pecar as the sole panelist in this matter on May 4, 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

The Complainant, Caesars License Company, LLC, affiliated with the NASDAQ-listed Caesars Entertainment Corporation owns and operates the globally renowned CAESARS PALACE casino hotel in Las Vegas, as well as other CAESARS-branded establishments in Atlantic City, Ontario, Cairo, and Dubai. Since its inauguration in 1966, the Complainant has attracted millions of visitors. Additionally, the Complainant is a leading player in online and mobile gaming, offering multiple games and apps, with the Caesars Slots mobile app downloaded by over 10 million users globally. The Complainant has solidified its global reputation and success through considerable investments in promotional activities and advertising.

The Complainant is the owner of numerous CAESARS, CAESARS ENTERTAINMENT, CAESARS PALACE and Roman Head design trademark registrations around the world of or incorporating the name "CAESARS" including:

- United States Registration No. 954,684 CAESARS (word mark) registered on March 6, 1973 in Class 7;
- United States Registration No. 954,637  (device mark) registered on March 6, 1973 in Class 42 and
- United States Registration No. 1,001,363  (device mark) registered on January 7, 1975 in Class 7.

The Complainant has operated its heavily promoted and trafficked websites at the domain names <caesars.com> and <caesarspalace.com>.

The disputed domain name was registered on October 05, 2022 and resolves to a website displaying the Complainant's famous CAESARS trademark, a variant of the Complainant's Roman Head, Laurel Design logos and purports to offer a variety of online casino-related games including one named "CAESARS SLOTS".

5. Parties' Contentions

A. Complainant

The Complainant asserts that has registered its CAESARS trademarks globally. In the disputed domain name, the Complainant's trademarks are fully incorporated. The only additions are the term "social" and the generic Top-Level domain ("gTLD") ".com". These additions do not distinguish the domain name from the Complainant's trademarks. In fact, the term "social" could potentially increase the likelihood of confusion as it directly relates to the Complainant's gaming services (*i.e.*, the social interactions individuals have when engaging in Complainant's services). Therefore, the Complainant asserts that the disputed domain name, as registered and used by the Respondent, is confusingly similar to its own trademarks and domain names.

The Complainant argues that the Respondent has no legitimate rights or interests in the disputed domain name. The Respondent registered the disputed domain name, which is either identical or confusingly similar to the Complainant's trademarks, without the Complainant's permission. The Respondent has not been recognized by the disputed domain name nor demonstrated any plans to use it for authentic product or service offerings. Furthermore, the Respondent has not been granted any authority, license, or permission by the Complainant to use or register the disputed domain name, and the Respondent's intent seems to be to profit by misdirecting Internet users.

In addition, the Respondent has not conducted any legitimate business using the disputed domain name. The Respondent has been redirecting Internet traffic to a website that prominently showcases the Complainant's trademarks and logos and offers online casino-related games, including one that bears the

Complainant's trademark. Such misuse has been determined to be indicative of fraudulent activity in various prior UDRP decisions.

The Complainant has not given permission for the Respondent to use a domain name that incorporates or is confusingly similar to the Complainant's trademarks. As far as the Complainant is aware, the Respondent has not made any prior trademark applications or registrations anywhere in the world that incorporate the Complainant's trademarks. It is therefore evident that the Respondent is not commonly recognized by the disputed domain name and has no legitimate reason to its use. Consequently, the Respondent lacks any rights or legitimate interests in the disputed domain name.

The Respondent has registered and used the disputed domain name in bad faith, as demonstrated by their clear awareness of the Complainant's trademarks. The fact that the Respondent has chosen a domain name incorporating the Complainant's renowned CAESARS trademark suggests a deliberate act of bad faith.

The Respondent's ignorance is unconvincing as a rudimentary search of the trademarks registry would have made them aware of the Complainant's CAESARS registration rights which represent a form of implied knowledge or "constructive knowledge".

Moreover, the Respondent's use of the disputed domain name is clearly in bad faith. The Respondent has misled Internet users by creating the false impression that their product is offered by, sponsored by, or affiliated with the Complainant, thereby disrupting the Complainant's business.

The Respondent's failure to respond to correspondence from the Complainant's counsel, which outlined the Complainant's rights in its trademarks, further indicates bad faith.

Considering these actions in their entirety, the Respondent's conduct undeniably constitutes registration and use of the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

Even if the Respondent did not file a Response to the Complainant's contentions, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights. A trademark registration provides a clear indication that the rights in the trademark belong to the complainant (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.2.1).

The Complainant has provided evidence about the international registrations of numerous CAESARS trademarks. The Panel has ascertained that the Complainant has convincingly asserted its right to the CAESARS trademarks, reinforced by earlier trademark registrations.

The incorporation of a Complainant’s trademark within a disputed domain name might substantiate a degree of confusing similarity in accordance with the Policy, even when other terms are concurrently used. In this particular situation, the hyphen and supplementary term “social”, does not prevent the determination of confusing similarity. The inclusion of additional terms, regardless of their descriptive, geographical, pejorative, or meaningless nature, does not preclude a determination of confusing similarity, as set forth in section 1.8 of the [WIPO Overview 3.0](#).

Furthermore, it is well accepted practice by UDRP panels that a gTLD, such as “.com”, is typically disregarded when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11.1 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take the gTLD “.com” into account when assessing confusing similarity of the disputed domain name.

The Complainant’s CAESARS trademark is clearly recognizable within the disputed domain name and accordingly, the Panel finds that the Complainant has satisfied the first element that the disputed domain name is confusingly similar to the Complainants’ registered trademark, under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element of the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such *prima facie* case is made, the burden of production shifts to the respondent to come forward with relevant evidence to rebut that presumption. If the respondent fails to do so, a complainant is generally deemed to have satisfied the second element, as set out in paragraph 4(a)(ii) of the Policy (see also [WIPO Overview 3.0](#), section 2.1).

Upon evaluation of the Complainant’s contentions, it appears that the Respondent does not maintain any relevant connection or association with the Complainant, nor has the Respondent been granted any license or authorization to register or use of the domain name incorporating the Complainant’s CAESARS trademark. Furthermore, the Respondent has not submitted any counterargument to the Complaint, thereby depriving the Respondent of any opportunity to present potential justifications for prior rights or legitimate interests in the disputed domain name. There is also no evidence of the Respondent any *bona fide* or noncommercial activities related to the disputed domain name, which implies an absence of authentic or legitimate usage.

The Panel acknowledges that the structure of the disputed domain name, comprising of the Complainant’s CAESARS trademark, an additional hyphen, and the term “social” pertaining to the Complainant’s activities, strongly indicates affiliation with the Complainant. Therefore, the disputed domain name cannot constitute fair use as indicates an affiliation with the Complainant (section 2.5.1 of the [WIPO Overview 3.0](#)).

Based on the aforementioned evaluation, the Panel concludes that the Complainant has successfully fulfilled the second element of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires a complainant to demonstrate that the respondent registered and is using the disputed domain name in bad faith. [WIPO Overview 3.0](#), section 3.1, states that “bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark”.

Paragraph 4(b) of the Policy stipulates that any of the following circumstances, *inter alia*, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent 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 complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent 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) circumstances indicating that the respondent registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt 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 its website or location.

The Complainant’s CAESARS trademark is fully integrated within the disputed domain name. The disputed domain name combination of the CAESARS trademark, in addition to the hyphen and term “social”, which is intrinsically linked to the Complainant’s operations, implies the Respondent’s awareness of the Complainant, its activities, and its CAESARS trademark.

Regarding bad faith at the point of registration, the Panel considers it improbable that the Respondent was not aware of the Complainant and its CAESARS trademark, given that this trademark had been registered at least 49 years prior to the registration of the disputed domain name. Instead, the Panel states that it is likely the Respondent was aware of the Complainant, its rights, and the association with the CAESARS trademark at the time of registering the disputed domain name. A brief Internet inquiry the Respondent would have unveiled the pre-existing CAESARS trademark. The Panel’s finds that the Respondent intentionally incorporated the CAESARS trademark, combined with a hyphen and the term “social”, with the intent to misguide consumers and/or for commercial profit. Thus, the Panel concludes that the disputed domain name was registered in bad faith.

The disputed domain name directs to a site prominently featuring the Complainant’s renowned CAESARS trademark alongside a version of the Complainant’s Roman Head and Laurel Design logos. It asserts to provide a range of online casino-related games, including “CAESARS SLOTS”, creating a false impression that the Respondent’s product is endorsed by, affiliated with, or offered by the Complainant. This, at its worst, can lead to the extraction of consumers’ personal or company information, or charging consumers for products or services they will never receive. The Panel infers from this that the Respondent’s registration of a domain name, which directs to a website impersonating the Complainant’s legitimate website, activity and trademarks, constitutes use of the disputed domain name in bad faith.

The intentional use of a domain name to direct Internet users to a Respondent’s website or online location by fostering confusion with a Complainant’s trademark, implying sponsorship, affiliation, or endorsement of the

Respondent's website or online location for commercial gain, additionally confirms registration and use in bad faith.

As articulated under paragraph 4(b)(iv) of the Policy, the Respondent is accordingly using the disputed domain name to purposely draw Internet users to its site for commercial gain, by establishing a likelihood of confusion with the Complainant's CAESARS trademark.

On March 17, 2023, the Complainant's legal representatives sent an email to the Respondent, to both the email address documented in the Whois record and the one at the base of the Respondent's webpage, informing the Respondent about the Complainant's rights concerning its CAESARS trademark and that the disputed domain name constituted an infringement on the Complainant's trademarks. The Respondent's ignorance of the Complainant's request is also an indication of bad faith.

Moreover, the Complainant's CAESARS trademark should be recognized as being significantly distinctive and reputable. The Respondent has not offered any counter-response to the Complaint and has thereby failed to provide any argument for the registration and use of the disputed domain name. Taking into account the aforementioned reasons, the Panel determines that the disputed domain name can be deemed as being used in bad faith.

The Panel concludes that the disputed domain name was registered and used in bad faith and that consequently, the Complainant has satisfied the requirement under 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 <caesars-social.com> be transferred to the Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: May 18, 2023