

ADMINISTRATIVE PANEL DECISION

Infiton Limited v. Evgeniya Tolstova
Case No. D2024-2430

1. The Parties

The Complainant is Infiton Limited, Malta, represented by Mapa Global Investments SL, Spain.

The Respondent is Evgeniya Tolstova, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <casino999-dk.com> is registered with Realtime Register B.V. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 13, 2024. On June 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 17, 2024, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 17, 2024, 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 June 20, 2024.

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 June 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 12, 2024.

The Center appointed George R. F. Souter as the sole panelist in this matter on July 24, 2024. 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 operates a Danish online casino under the trademark CASINO999, and is the proprietor of European Union trademark registration number 017904061, registered on September 5, 2018, in respect of this trademark.

In the marketing of its services, the Complainant uses a distinctive logo containing the numeral 999.

The disputed domain name was registered on August 9, 2023, and, at the time of filing of the Complaint, resolved to a website using the Complainant's "999" logo, which also redirected to a website offering the same services as those offered by the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the Respondent lacks rights or legitimate interests to the disputed domain name, and emphasises that it has never granted permission to the Respondent to use its CASINO999 trademark in connection with the registration of a domain name, or otherwise.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The addition of "-dk" to the Complainant's CASINO999 trademark in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel is convinced that the disputed domain name was copied from the Complainant's CASINO999 trademark for the purpose of competing unfairly with the Complainant, which has resulted in a registration effected in bad faith, and the Panel so finds.

It is well-established in prior decisions under the Policy that the use of a disputed domain name to compete unfairly with the services offered by a complainant under its trademark constitutes use of a domain name in bad faith. This is clearly the case in the circumstances of the present case, and the Panel finds that the disputed domain name is being used in bad faith.

The Panel finds that the Complainant has established the third element 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 <casino999-dk.com> be transferred to the Complainant.

/George R. F. Souter/

George R. F. Souter

Sole Panelist

Date: August 7, 2024