

## **ADMINISTRATIVE PANEL DECISION**

**Elec Games C1 Limited v. teemu Salminen, Mediainvesting ou**  
**Case No. D2024-3181**

### **1. The Parties**

Complainant is Elec Games C1 Limited, Malta, represented by Abion AB, Sweden.

Respondent is teemu Salminen, Mediainvesting ou, Estonia.

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

The disputed domain names <nettikasinot.ai> and <nettikasinot.bot> are registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 1, 2024. On August 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 2, 2024, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on August 9, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. On the same date, Respondent sent an informal email communication to the Center. Complainant filed an amendment to the Complaint on August 12, 2024. On August 14, 2024, the Respondent sent another informal email communication to the Center.

The Center verified that the Complaint together with the amendment to 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 notified Respondent of the Complaint, and the proceedings commenced on August 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2024. On September 16, 2024, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on September 27, 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**

Complainant is an online gaming company offering online games at the domain name <netticasino.com>, which was registered February 9, 2004.

Complainant owns the following registrations for the trademark NETTI CASINO:

European Union Intellectual Property Office (“EUIPO”) Registration No. 010997666 (figurative) registered March 26, 2013,

EUIPO Registration No. 010997054 registered December 26, 2013

United Kingdom Intellectual Property Office (“UKIPO”) UK00910997666 registered March 26, 2013

UKIPO Registration No. UK00910997054 for NETTICASINO, registered December 26, 2013.

The disputed domain names were registered on December 19, 2023 (<nettikasinot.bot>) and December 19, 2023 (<nettikassinot.ai>); the disputed domain name <nettikassinot.ai> resolves to parked page displaying pay-per-click links and the disputed domain name <nettikasinot.bot> resolves to page indicating that the account has been suspended pending verification of the contact details by the Registrar

On April 11, 2024, Complainant sent cease and desist letters to Respondent demanding transfer of the disputed domain names.

Respondent did not respond to the cease and desist letters, despite several reminders.

#### **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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to Complainant’s trademark, differing only in the misspelling of the word “casino” with a “k” at beginning and “t” at the end, that Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the disputed domain names have been registered and are being used in bad faith.

##### **B. Respondent**

Respondent did not substantively reply to Complainant’s contentions. In the Respondent’s informal communication to the Center of August 9, 2024, the Respondent stated in part, “we have no bad faith how we going to use these domains. And at the moment domains are not even on use”. The Respondent’s communication of August 14, 2024, included expletives directed at the Center, which are of no consideration to the Panel.

#### **6. Discussion and Findings**

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names are subject to common control. In an email dated August 2, 2024, the Registrar confirmed that Respondent is the registered owner of both disputed domain names.

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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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 names. Accordingly, the disputed domain names are confusingly similar to Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The disputed domain names contain a misspelling of Complainant's mark NETTI CASINO with a "k" and "t" at the end. Such misspellings are examples of "typosquatting" and do not avoid a finding of confusing similarity.

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

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Respondent is not an authorized licensee of Complainant. Complainant has not given Respondent any permission to register its trademark as a domain name. There is no evidence that Respondent has been commonly known by the disputed domain names. Respondent has not used or prepared to use the disputed domain names in connection with a bona fide offering of goods or services or for any legitimate noncommercial or fair purpose. The disputed domain names resolve to websites which do not show any activity or business.

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 names. 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 names such as those enumerated in the Policy or otherwise. Given the typosquatting nature of the disputed domain name, it is clear that the Respondent most likely sought to mislead Internet users via the inherently misleading disputed domain names, a contention that the Respondent could have rebutted in its informal communication but chose not to

do so. The use of one of the disputed domain names for pay-per-click links also reflects the Respondent intent to commercially benefit from the misdirection of Internet users expecting to find the Complainant at the disputed domain name, which cannot constitute fair use.

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

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Complainant has been using its trademark in connection with online gaming services since 2004, and has been the registered owner of the trademark since at least 2013. It is likely that Respondent was aware of Complainant's trademark at the time of registering the disputed domain names. Respondent has not made use of the typosquatting disputed domain names in connection with any bona fide offering of goods or services, but is passively holding the disputed domain name <nettikasinot.bot> and the disputed domain name <nettikasinot.ai> is parked with pay-per-click links. Thus, the record indicates that Respondent has registered and is holding the disputed domain names with the intent of misleading the public into believing that the disputed domain names are associated with Complainant's trademark, which is false.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the typosquatting composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

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 names <nettikasinot.ai> and <nettikasinot.bot> be transferred to the Complainant.

*/Lynda J. Zadra-Symes/*

**Lynda J. Zadra-Symes**

Sole Panelist

Date: October 11, 2024