

## **ADMINISTRATIVE PANEL DECISION**

Rootz LTD v. Khrystyna Kravets  
Case No. D2024-3992

### **1. The Parties**

The Complainant is Rootz LTD, Malta, represented by Wilmark Oy, Finland.

The Respondent is Khrystyna Kravets, Ukraine.

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

The disputed domain name <spinz-fi.com> (the “Domain Name”) is registered with Internet Domain Service BS Corp (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 28, 2024. On September 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 2, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the 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 October 2, 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 amendment to the Complaint on October 3, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on October 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 31, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 8, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on November 14, 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 is an established online gaming company based in Malta. It is licensed and regulated by the Malta Gaming Authority. It operates several online casinos offering various online games of chance; one such casino is SPINZ. The Complainant won the award for Malta's Best Online Operator of the Year in 2020 and 2022 at Malta's Gaming Excellence Awards (MiGEA). The Complainant uses their SPINZ brand in connection with online casino services. SPINZ ("www.spinz.com") is a successful international online casino that won the award for both Best Online Casino Product of the Year and Best Online Gaming Product of the Year at MiGEA Awards in 2022.

The Complainant is the proprietor of a substantial number of registered trademarks for the SPINZ, including European Union trademark number 018401262 SPINZ registered on June 12, 2021; and International trademark number 1620806 SPINZ registered on August 9, 2021.

The Domain Name was registered on December 5, 2023. It does not currently resolve to an active website but to a webpage stating that access to the Domain Name has been blocked by a security service used by the website at the Domain Name to protect itself from online attacks. This was the result whether the Panel used a United Kingdom web browser or a VPN in Australia where access to the "www.luckydreams.com" website (referred to below) is permitted.

At the time of preparation of the Complaint, the Complainant alleges that the Domain Name resolved to a website at "www.spinz-fi.com" that had links to a competing online casino at "www.luckydreams.com".

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

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

The Complainant contends that the Domain Name is confusingly similar to its SPINZ trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

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

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

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

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name, the Complainant must prove that:

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

##### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has uncontested rights in the trademark SPINZ (the “Mark”) by virtue of its trademark registrations and its use of the Mark for online gambling services over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the Mark together with an apostrophe and the term “fi”. In the Panel’s view, this addition does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s mark for the purposes of the first element under the Policy. Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights.

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. Accordingly, 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.

The Respondent has not used the Domain Name for a bona fide offering of goods or services. There is no evidence of the Respondent being known by the Domain Name or of the Complainant having given permission to the Respondent to register or use the Domain Name. The use of a domain name to provide links to the website of an online casino competing with the Complainant does not give rise to rights or legitimate interests in the Domain Name and the passive holding of the Domain Name cannot in the Panel’s view indicate rights or legitimate interests in the circumstances of this case.

In addition, the nature of the Domain Name comprising the entirety of the Complainant’s SPINZ mark carries a risk of implied affiliation with the Complainant’s Mark. [WIPO Overview 3.0](#), section 2.5.1.

Although the Complainant has not adduced any evidence of the nature of the website at the Domain Name at the time of preparation of the Complaint, having reviewed the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 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**

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.

The Domain Name comprises the entirety of the Complainant’s SPINZ mark together with the term “fi”, likely to signal the country code for Finland. In the absence of any Response, the Panel is prepared to accept, on balance that the Domain Name did provide links to a competing online casino. In light also of the nature of the Domain Name, the Panel is therefore satisfied on balance that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

The use of a Domain Name to provide links to the online casino of a competitor of the Complainant amounts to paradigm bad faith use. Inasmuch as the current inaccessibility of any website at the Domain Name indicates non-use, panels have also 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 evidence, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the Domain Name, and finds that in the circumstances of this case the passive holding of the Domain Name 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 Domain Name <spinz-fi.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: November 27, 2024