

ADMINISTRATIVE PANEL DECISION

Dinotech Limited v. Branko Blagojevic, GoodDay
Case No. D2024-4895

1. The Parties

The Complainant is Dinotech Limited, Malta, represented by Wilmark Oy, Finland.

The Respondent is Branko Blagojevic, GoodDay, Serbia.

2. The Domain Name and Registrar

The disputed domain name <jackpotcow-se.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 November 27, 2024. On November 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 29, 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 November 30, 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 December 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 24, 2024.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on January 3, 2025. 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 following facts are undisputed.

The Complainant is an igaming company based in Malta. The Complainant is licensed and regulated by the Malta Gaming Authority. The Complainant creates platforms for casinos and owns numerous online casino brands, including an online casino under the brand JACKPOT COW. For this online casino the Complainant uses the domain name <jackpotcow.com>.

The Complainant has registered as a European Union trademark registration JACKPOT COW (word mark), No. 019008976 with a registration date of July 29, 2024, registered for goods and services in classes 9, 35, 41.

The disputed domain name was registered on October 4, 2024. At the time of filing the Complaint and the time of rendering this decision, the disputed domain name resolved to an active website in Swedish which is titled "Jackpotcow Casino", which includes a link to a competing online casino named "NEED FOR SPIN".

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 the following:

The disputed domain name is confusingly similar to the Complainant's trademark. The disputed domain name reproduces the Complainant's trademark in its entirety with the mere addition of the Swedish country code "se". The Complainant asserts that incorporating the term "se" increases the likelihood of confusion. Internet users might be under the impression the disputed domain name is connected to the Complainant's operations in Sweden. Moreover, the generic Top-Level Domain ".com" does not prevent a finding of confusing similarity, because it is a standard registration requirement and a such should be disregarded.

The Respondent has no rights in relation to the Complainant's trademark. The Respondent has not received permission nor authorization to use the Complainant's trademark. Moreover, the Respondent does not have any trademark rights to the wordings "jackpotcow". The Complainant contends that there is no evidence that the Respondent is commonly known by the disputed domain name. The disputed domain name is not being used in relation to a bona fide offering of goods and services nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name. The Complainant contends that the Respondent is using the Complainant's trademark in order to attract Internet users to its website and divert them to a competing website with an online casino.

The disputed domain name is being used in bad faith. The Respondent is using the disputed domain name with an intent to capitalize on the goodwill of the Complainant. The Respondent is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to the website to which the disputed domain name resolves by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website to which the disputed domain name resolves. This disrupts the business of the Complainant because it negatively affects the Complainant's

online presence.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

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 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "se", connected with a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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

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.

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.

Moreover, the composition of the disputed domain name, wholly incorporating the Complainant's distinctive trademark and merely adding a geographic term, carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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 the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark. The fact that the disputed domain name (wholly incorporating the Complainant's distinctive trademark with a geographic term) resolved to an active website in Swedish which is titled "Jackpotcow Casino" and which includes a link to a competing online casino, is sufficient to find that the Respondent has clearly targeted the Complainant and its activities.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 name <jackpotcow-se.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: January 10, 2025