

ADMINISTRATIVE PANEL DECISION

LTWHP, LLC v. Name Redacted
Case No. D2025-2041

1. The Parties

The Complainant is LTWHP, LLC, United States of America (“United States”), represented by Bates & Bates LLC, United States.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <lottoshoesindia.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 22, 2025. On May 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 25, 2025, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 2025, 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 May 30, 2025.

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

¹The Respondent appears to have used the name and physical address of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2025. The Respondent did not submit any response. On June 3, 2025, the Center received an email communication from the third party. The Center proceeded to Panel Appointment on June 23, 2025.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on June 27, 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 Complainant is an Italian sportswear company that has been engaged in the development, manufacturing, and global distribution of footwear, apparel, and accessories under the well-known LOTTO trademark for over five decades. The Complainant’s rights in the LOTTO trademark date back to at least 1973; and its trademark has been registered in numerous jurisdictions, including in the United States (registration number 1023806, registered on October 28, 1975, in International Class 25 for sporting footwear).

In addition to its registered trademarks, the Complainant operates its official websites under the domain names <lotto.it> (created on May 13, 1996) and <lottosport.com> (created on May 31, 1996), among other domain names incorporating the LOTTO trademark.

The disputed domain name was registered on July 31, 2024. At the time of filing the Complaint, the disputed domain name resolved to an active website that displayed the Complainant’s trademark and logo and purportedly offered for sale footwear products under the LOTTO brand.

The identity of the Respondent was hidden through a privacy protection service at the time of filing the Complaint.

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:

- (1) the disputed domain name is confusingly similar to its registered LOTTO trademark. The disputed domain name incorporates the LOTTO mark in its entirety, along with the descriptive elements “shoes” and “india”, which do not eliminate the confusing similarity;
- (2) the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name, has no affiliation with the Complainant, and is not using the disputed domain name for a bona fide offering of goods or services. Rather, the Respondent is using the disputed domain name to attract Internet users by creating a false impression of association with the Complainant; and

(3) the disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent must have been aware of the LOTTO trademark at the time of registration, given its longstanding international reputation. The Respondent's use of the disputed domain name to sell products under the LOTTO brand, without authorization, indicates an intentional attempt to mislead consumers for commercial gain. The Respondent's use of privacy shielding and the possibility of the website being a phishing or counterfeit operation is an additional indicator of bad faith.

The Complainant requests that the disputed domain name be transferred.

B. Respondent

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

On June 3, 2025, the Center received an email communication from a third party stating it had received the Written Notice sent by courier, however, it had "never registered the domain name <lottoshoesindia.com>" and it had "absolutely no knowledge of this domain, its registration, or any activities associated with it". It further stated that its personal information (name and address) had been used fraudulently without its consent to register the disputed domain name.

6. Discussion and Findings

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint.

However, even if the Respondent has not formally replied to the Complainant's contentions, the Complainant still bears the burden of proving that all these requirements are fulfilled. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

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 mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of its LOTTO mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name incorporates the Complainant's LOTTO trademark in its entirety as the dominant and distinctive element. The addition of the terms "shoes" and "india" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain name is confusingly similar to the Complainant's marks under the Policy, as further supported by [WIPO Overview 3.0](#), section 1.7.

The Panel also notes that the generic Top-Level Domain ("gTLD") ".com" is a standard technical requirement and should be disregarded when assessing confusing similarity under the first element. See [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and the first element under paragraph 4(a)(i) of the Policy is satisfied.

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.

In this case, the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The disputed domain name incorporates the Complainant's LOTTO trademark in its entirety and adds the descriptive and geographical terms "shoes" and "india" respectively, which are closely related to the Complainant's business and suggest an official or authorized presence in the region. The Complainant has submitted evidence of its longstanding use and registration of the LOTTO trademark predating the Respondent's registration of the disputed domain name by about five decades.

The Respondent is neither affiliated with the Complainant nor authorized to use the LOTTO trademark in any manner. There is no evidence indicating that the Respondent is commonly known by the disputed domain name. Nor is there any indication that the Respondent is using the disputed domain name for a bona fide offering of goods or services, or for any legitimate noncommercial or fair use.

To the contrary, the use of the disputed domain name to offer goods that appear to be related to the Complainant's business suggests an intent to mislead Internet users by implying an affiliation with the Complainant. Panels have consistently held that such use does not give rise to rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.5.

The composition of the disputed domain name, fully incorporating the Complainant's LOTTO trademark along with the descriptive and geographical terms that directly reference the Complainant's core products and geographical market, further supports the finding that the Respondent is attempting to trade on the goodwill associated with the Complainant's trademark. There is no indication of any independent rights or legitimate interests on the part of the Respondent.

Accordingly, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

To establish the third element under the Policy, the Complainant must demonstrate that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In this case, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. The disputed domain name incorporates the Complainant's well-known LOTTO trademark in its entirety, combined with the descriptive and geographical words "shoes" and "india" respectively, which are directly relevant to the Complainant's core business and regional commercial presence. The Complainant submits that the Respondent knew or should have known of the Complainant's prior trademark rights and has no plausible explanation for adopting the disputed domain name other than to target the Complainant's brand, and the Panel agrees.

Paragraph 4(b)(iv) of the Policy provides that bad faith exists where the respondent, by using the domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or products. In the present case, the Respondent has linked the disputed domain name to a website that prominently features the Complainant's LOTTO mark and logo and appears to offer LOTTO-branded products for sale without authorization. Such conduct is likely to mislead consumers into believing that the Respondent is affiliated with or authorized by the Complainant. [WIPO Overview 3.0](#), section 3.1.4.

There is no disclaimer on the Respondent's website to dispel the confusion created by the disputed domain name or the associated content. On the contrary, the use of the Complainant's branding, stylized mark and logo, and potentially infringing product imagery reinforces the likelihood of confusion. Panels have consistently found such behavior constitutes bad faith use. See *Gibson Brands, Inc. v. Super Privacy Service LTD c/o Dynadot*. / *Wills Eldren*, WIPO Case No. [D2021-3656](#).

Furthermore, the Respondent has used a privacy service to obscure its identity, a factor which panels may consider as supporting an inference of bad faith, especially when coupled with other indicia such as unauthorized use of a well-known mark. As set forth in section 3.6 of the [WIPO Overview 3.0](#), panels tend to view a respondent's use of a privacy or proxy registration service as an inference of bad faith, particularly where there is no plausible explanation and where other indicia of bad faith exist. Here, the Respondent has not only concealed its identity but has also seemingly used the identity of a third party at the time of registration, which, together with its conduct, supports an inference of bad faith.

The Complainant also raises the possibility that the goods offered on the Respondent's website may be counterfeit products, which has not been rebutted by the Respondent, further supporting a bad faith attempt to exploit the LOTTO mark's commercial goodwill.

Given the totality of circumstances, including the Respondent's incorporation of a famous trademark in its entirety, lack of any authorization, use of the disputed domain name to promote possibly infringing products, absence of any rights or legitimate interests, and its concealment of identity, the Panel finds it more likely than not that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

Accordingly, the Complainant has satisfied 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 <lottoshoesindia.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: July 4, 2025