

## **ADMINISTRATIVE PANEL DECISION**

Novomatic AG v. Tarmo Kalev  
Case No. D2025-5132

### **1. The Parties**

The Complainant is Novomatic AG, Austria, represented by Salomonowitz Attorneys-at-Law, Austria.

The Respondent is Tarmo Kalev, Estonia.

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

The disputed domain name <novomaticspin.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2025. On December 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 10, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 15, 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 December 15, 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 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 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 19, 2026.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on January 23, 2026. 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 a gaming technology company which offers high-tech gaming equipment.

The Complainant owns various trademarks for the NOVOMATIC mark in multiple jurisdictions. The relevant trademark registrations include, inter alia, the European Union Trademark Registration No. 4135273 for NOVOMATIC in Classes 9, 16, 28, 36, 37, 41, 42, and 43 registered on March 2, 2006, and the Estonia Trademark Registration No. 16333 for NOVOMATIC in Classes 9, 28, 37, 41, and 42 registered on July 5, 1995 (collectively, the “Complainant’s Trademark”). The Complainant promotes its business at “www.novomatic.com”.

The Disputed Domain Name was registered on July 1, 2025, many years after the Complainant registered the Complainant’s Trademark. At the time of the filing of the Complaint, the Disputed Domain Name purportedly resolved to an active website offering slot games and games of chances through an APP called Lottoland. At the time of the rendering of this Decision, the Disputed Domain Name resolved to inactive website (collectively, the “Respondent’s Website”).

#### **5. Parties’ Contentions**

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

The Complainant contends that it has satisfied each of the three elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainant contends that:

- (a) The Disputed Domain Name is identical (in the distinctive part) or at least confusingly similar to the Complainant’s Trademark as the Disputed Domain Name incorporates the Complainant’s Trademark in its entirety. The term “spin” is purely descriptive for the designated goods and services.
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent has no relationship with the Complainant or permission from the Complainant to use the Complainant’s Trademark. The Respondent has neither been commonly known by the Disputed Domain Name or the Complainant’s Trademark nor has it acquired any relevant trademark rights. The Respondent used the Disputed Domain Name to offer slot games and games of chance, pretending to have been licensed as “Lottoland” connected to the Google Play platform.
- (c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Respondent registered the Disputed Domain Name long after the Complainant registered the Complainant’s Trademark and its website. The Complainant’s Trademark and the goods and services provided by the Complainant are so well known that the Respondent must have been aware of the Complainant’s rights in the Complainant’s Trademark when registering the Disputed Domain Name. The Respondent used the Respondent’s Website to mislead the Complainant’s customers by offering counterfeited versions of the Complainant’s goods and services. The Respondent uses the Disputed Domain Name to attract Internet users to the Respondent’s Website by creating a likelihood of confusion with the Complainant’s Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s Website.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 by the Respondent 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 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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the generic Top-Level Domain in this case ".com" may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of another term (here, "spin") may bear on the 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 Complainant's Trademark 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favour of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAJM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark. There is also no evidence to suggest that the Respondent's use of, or demonstrable preparation to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name, is in connection with a bona fide offering of goods or services or constitutes legitimate noncommercial or fair use.

Moreover, the reproduction of the Complainant's Trademark and the use of the term "spin" within the Disputed Domain Name, and the use of the Respondent's Website to purportedly offer content also relating to online gambling, leads to a risk of implied affiliation as the Disputed Domain Name effectively suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#). The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant.

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 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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the Respondent who is not affiliated with the Complainant, that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety together with the descriptive term "spin", and the Respondent's Website purportedly offered online gambling content similar to that of the Complainant. The Respondent must have been aware of the Complainant's business and trademark when registering and using the Disputed Domain Name. The Respondent has also registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

The Panel further notes that the Disputed Domain Name now resolves to an inactive website. 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 of the Complainant's Trademark, the composition of the Disputed Domain Name, the Respondent's prior use of the Disputed Domain Name to resolve to a website that displayed gambling content similar to that of the Complainant, and the Respondent's failure to respond to the Complainant's

contentions and finds that in the circumstances of this case the current passive holding of the Disputed 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 Disputed Domain Name <novomaticspin.com> be transferred to the Complainant.

*/Gabriela Kennedy/*

**Gabriela Kennedy**

Sole Panelist

Date: February 9, 2026