ADMINISTRATIVE PANEL DECISION

Ontario Lottery and Gaming Corporation v. Kieran Holmes
Case No. D2026-0318

1. The Parties

The Complainant is Ontario Lottery and Gaming Corporation, Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Kieran Holmes, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <olg-casino.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 January 26, 2026. On January 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 27, 2026, 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 January 28, 2026, 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 amended Complaint on January 30, 2026.

The Center verified that the Complaint together with the amended 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 February 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 4, 2026.

The Center appointed Gill Mansfield as the sole panelist in this matter on March 10, 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 Crown corporation owned by the Government of the Province of Ontario, Canada. It conducts and manages gaming on behalf of the Province of Ontario including lotteries, casinos, and internet gaming under the OLG brand. These activities include the operation of an online casino and a mobile application (which is available on the Google Play and Apple AppStore platforms) where customers can purchase lottery tickets and play casino games.

The Complainant is the owner of a portfolio of OLG registered trademarks, official marks (a category of marks available to public authorities in Canada) and unregistered trademark rights. Its registered OLG and OLG formative trademarks include (inter alia) the following:

Canadian trademark registration number TMA736387 for OLG (word mark) registered on March 17, 2009, in class 41.

Canadian trademark registration number TMA736827 for OLG (figurative mark) registered on March 24, 2009, in class 41.

Canadian trademark registration number TMA737347 for OLG CASINO (work mark) registered on April 2, 2009, in class 41.

The Complainant is the registered owner of the domain name <olg.com> which is currently used by the Complainant to redirect Internet users to the Complainant's main website which is hosted at the domain name <olg.ca>.

The disputed domain name was registered on September 1, 2025, and at the time of the complaint the disputed domain name resolved to a website that uses a variant of the Complainant's OLG figurative mark and the OLG name, and purported to offer a mobile application called "OLG Casino Online" providing casino and online gaming services.

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 the disputed domain name uses the whole of the distinctive element of its OLG trademark and its OLG CASINO mark, and as such is confusingly similar to the Complainant's trademarks.

It states that its rights in the OLG marks existed before the date of registration of the disputed domain name and submits that use which intentionally trades on the goodwill and reputation of its trademark cannot constitute a bona fide offering of goods or services. It submits that the disputed domain name is being used to impersonate OLG and to offer a fake OLG mobile application and that, given this, it must be concluded that the Respondent had knowledge of OLG and the OLG trademarks at the time that the disputed domain name was registered. The Complainant states that there has never been any relationship between the Complainant and the Respondent, and that the Respondent is not licensed or authorised to use any of the OLG marks in any manner whatsoever, including in, or as part of, a domain name. The Complainant submits that the use of the OLG marks in the disputed domain name, and the use of the OLG marks and logo on the website itself, serve to attract and redirect consumers and give them the impression that the Respondent's website is a genuine website associated or affiliated with OLG when that is not the case. It also argues that the Respondent's website is used to offer what appears to be an OLG mobile application for the purpose of redirecting internet traffic and prompting users to download and sign up to a third-party online casino at another domain name. It details the consumer protection concerns which this raises given the highly regulated nature of these services in Ontario and also argues that it can be inferred that the Respondent earns referral fees or revenue from these activities. The Complainant submits that there is no evidence that the Respondent has ever been commonly known by the disputed domain name, nor that the Respondent's use of the disputed domain name constitutes a legitimate noncommercial or fair use. The Complainant contends that, on the contrary, the Respondent's actions are manifestly commercial in nature and are not fair use.

Finally, the Complainant contends that the disputed domain name has been registered and used in bad faith and is an attempt to profit from the reputation in the OLG trademarks. It asserts that by registering and using the dispute domain name the Respondent is attempting to exploit, for commercial gain, Internet users who are likely to believe that there is some connection between the Respondent's website and the Complainant, and it cites paragraph 4(b)(iv) of the Policy in support of its arguments that the registration and use of the disputed domain name were in bad faith.

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 carries the burden of proving:

(i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, and
(ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and
(iii) that the disputed 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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the OLG mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.
Although the addition of other terms (here, the addition of the term "-casino") 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 3.1, section 1.8.

The Panel also notes that the disputed domain name reproduces the Complainant's OLG CASINO mark in full with only the addition of a hyphen between the terms "olg" and "casino" and as such the disputed domain name is almost identical to the Complainant's OLG CASINO mark.

The applicable Top-Level Domain (TLD) in a domain name is a standard registration requirement and as such is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

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 that 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 3.1, 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.

In particular, there is no relationship between the Complainant and the Respondent. The Respondent is not licensed, or otherwise authorised (whether directly or indirectly) to register or use any of the OLG marks in any way whatsoever, including in, or as part of, a domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. There is also no evidence of use, or demonstrable preparations to use, the disputed domain name for a bona fide offering of goods and services, or of any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers.

The disputed domain name consists of the Complainant's OLG trademark in its entirety with the addition of the term "-casino" after "olg", and is almost identical to the Complainant's OLG CASINO mark save for the addition of a hyphen between the terms "olg" and "casino". As such, the Panel finds that the composition of the disputed domain name is such as to carry a risk of implied affiliation with the Complainant's trademark which cannot constitute fair use, as it effectively impersonates the Complainant, or suggests affiliation with or sponsorship or endorsement by the Complainant (WIPO Overview 3.1, section 2.5.1).

Further, the record shows that at the time of the Complaint the disputed domain name resolved to an active website that prominently featured the Complainant's registered OLG trademark and logo and purported to offer a mobile application entitled "OLG Casino Online". The website hosted at the disputed domain name also references the Complainant's Lotto 6/49 and Lotto Max games and other OLG games and uses the Complainant's marks. The Panel finds that this falsely creates the impression that the disputed domain name, and the website that it resolves to, is that of the Complainant and seeks to impersonate the Complainant.

Panels have held that the use of a domain name for illegitimate or illegal activity, such as impersonation / passing off or other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

According to paragraph 14(b) of the rules, the Panel may draw from the lack of response of the Respondent such inferences as it considers appropriate. The Panel is of the view that the lack of response from the Respondent further corroborates the absence of any rights or legitimate interests of the Respondent in the disputed domain name.

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 disputed domain name was registered more than 15 years after the Respondent registered the OLG trademark. As discussed above, at the time of the Complaint the disputed domain name resolved to an active website that used the OLG trademark and logo, as well as the marks associated with various OLG lotteries and slot games, to promote what purports to be "OLG Casino Online". Thereby impersonating the Complainant and creating the false impression that the website at the dispute domain name is a website associated with and offered by OLG. In the circumstances, it is implausible that the Respondent did not have knowledge of the Complainant's trademark at the time that the disputed domain name was registered, and the Panel finds that Respondent's actions demonstrate the Respondent's knowledge and targeting of the Complainant's OLG trademark.

The Panel also notes that the record shows that the website which the disputed domain name resolved to contains a hyperlink which redirects Internet users to another domain where they are prompted to install another casino application and provide personal details via a Sign Up page. That application appears to offer online casino and gaming services to users.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 or products or services on the Respondent's website under paragraph 4(b)(iv) of the Policy.

Further, Panels have held that the use of a domain name for illegal or illegitimate activity (such as, in this case, impersonation / passing off and other fraudulent activity) constitutes bad faith. WIPO Overview 3.1, section 3.4.

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 <olg-casino.com> be transferred to the Complainant.

/Gill Mansfield/
Gill Mansfield
Sole Panelist
Date: March 24, 2026