

## **ADMINISTRATIVE PANEL DECISION**

Pinnacle Entertainment, Inc. v. Joe Kizlauskas  
Case No. D2025-1046

### **1. The Parties**

The Complainant is Pinnacle Entertainment, Inc., United States of America ("United States"), represented by Cantor Colburn LLP, United States.

The Respondent is Joe Kizlauskas, United Kingdom.

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

The disputed domain name <boomtown.bingo> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 13, 2025. On March 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 17, 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 amended Complaint on March 21, 2025.

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 March 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 15, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on April 22, 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 a casino entertainment company. The Complainant owns and operates 16 gaming entertainment properties located in the United States and has almost 16,000 employees. The BOOMTOWN brand has been used in connection with its services since 1970.

The Complainant owns various trademarks consisting of and/or including the element BOOMTOWN, including but not limited to the United States trademark registration no. 1866988 for the word mark BOOMTOWN, applied for on December 17, 1993, and registered on December 13, 1994, registered for services in classes 37, 41, and 42.

These trademark registrations predate the registration of the disputed domain name.

The Complainant also owns multiple domain names containing the BOOMTOWN trademark and operates different websites with offerings related to the casino, restaurant and hospitality industries.

The disputed domain name was registered on May 9, 2024. The disputed domain name resolves to a web page which includes the notice: "© 2025 BoomtownBingo • Built with GeneratePress" and that mentions that nothing can be found.

#### **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 Complainant has been using its trademark since 1970. The BOOMTOWN trademark is well known and enjoys wide customer recognition. Moreover, the BOOMTOWN trademark is used across the Complainant's websites, in relation to its beforementioned services and related goods and services.

The disputed domain name is identical and/or confusingly similar to the Complainant's trademark. The disputed domain name incorporates the BOOMTOWN trademark in its entirety. Moreover, the disputed domain name incorporates the Top-Level Domain ("TLD") ".bingo" which is descriptive as a term for a type of game commonly offered in connection with casino services. Moreover, this term is indicative of the services offered under the BOOMTOWN trademark. The disputed domain name conveys a confusing impression of the BOOMTOWN trademark.

Furthermore, the Respondent has no rights or legitimate interests with respect to the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Respondent has no license, permission, or authorization to use the disputed domain name.

The disputed domain name has been registered in bad faith. The disputed domain name was registered by the Respondent solely to create an impression of association with the Complainant and their reputable

services to mislead and divert consumers. Moreover, the Respondent has registered the disputed domain name to disrupt the Complainant's business and/or to attract Internet users to its website by creating a likelihood of confusion with the BOOMTOWN trademark.

## **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.

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.

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 finds that, more likely than not, the Respondent has been aware of the existence of the Complainant and its trademark when registering the disputed domain name, in particular as the disputed domain name is registered with the “.bingo” TLD. “Bingo” is a term for a type of game commonly offered in connection with casino services which the Complainant offers. Additionally, the website at the disputed domain name includes a copyright notice “© 2025 BoomtownBingo • Built with GeneratePress”. The Panel notes that the Respondent has been notified of the Complaint and that the delivery to the Respondent of the Center’s written communication at the address provided in the registration details of the disputed domain name has been confirmed to the Center by the courier used. Nonetheless, the Respondent has apparently chosen not to file a Response and thus has not provided any reasonable explanation as to its actual intention towards the disputed domain name, or why there was a template containing a copyright notice that included the Complainant’s trademark.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) 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 or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the 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 <boomtown.bingo> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: April 30, 2025.