

ADMINISTRATIVE PANEL DECISION

Lottoland Holdings Limited v. Sacha Kappeler
Case No. D2025-1234

1. The Parties

The Complainant is Lottoland Holdings Limited, United Kingdom, represented by Brimondo AB, Sweden.

The Respondent is Sacha Kappeler, Switzerland.

2. The Domain Name and Registrar

The disputed domain name <lottolands.biz> 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 26, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 28, 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 April 2, 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 April 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 5, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on May 12, 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 was established in 2013. It is the holding company of a group which offers online betting services on the outcomes of over 30 international lottery draws in 15 markets.

The services are provided from websites via a number of domain names including <lottoland.com>, <lottoland.se>, <lottoland.com.ua>, <lottoland.co>, <lottoland.us> and <lottoland.bet>. According to the Complaint, there are “many more”. Also according to the Complaint, through these websites, the Complainant’s group has over 18 million customers worldwide.

The Complaint includes evidence that the Complainant has a number of registered trademarks including:

- (1) European Union Trademark No 011369981, LOTTOLAND, which has been registered since April 20, 2017, in respect services in International Class 42 including Education; Providing of training; Sporting and cultural activities;
- (2) International Registration No 1679409, LOTTOLAND; and
- (3) International Registration No 1679559:



Both International Registrations have been registered since March 1, 2022 in respect of a wide range of goods and services in International Classes 9, 35, 41 and 42 including, amongst other things, betting services, gambling services, wagering services and information and education services relating to those services and designating various jurisdictions including Switzerland.

- (4) Mexican Registered Trademark No 2466259 for the figurative mark shown above which has been registered since October 20, 2022 in respect of a range of services in International Class 42.

Both International Registration No 1679559 and the Mexican registered trademark were based on UK00003712451 which was filed in the United Kingdom on October 20, 2021 and entered on the Register on January 28, 2022.

According to the Whois Record, the disputed domain name was registered on January 30, 2025.

When the Complaint was filed, it resolved to a website which featured as a heading the word LOTTOLAND. Underneath this was some text relating to an expansion of the Mexican gaming industry and then the statement “A new online casino under the Lottoland brand will soon open [...]” Underneath that text, in large bright green lettering appeared the Complainant’s figurative mark as shown above and a “button” labelled “YOUR BONUS”.

5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, therefore, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 proven ownership of registered trademarks for LOTTOLAND as both a plain word mark and the figurative version shown above.

The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g. [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain ("gTLD") component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".biz" gTLD, the disputed domain name consists of the Complainant's registered trademark with the letter "s" added at the end making a plural.

As this requirement under the Policy is essentially a standing requirement, this addition does not preclude a finding of confusing similarity. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name. See e.g. [WIPO Overview 3.0](#), section 1.9 in relation to "typosquatting".

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is identical with the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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.

The Respondent registered the disputed domain name after the Complainant began using the trademark and also after the Complainant had registered its trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

The use of the disputed domain name apparently to promote a forthcoming online casino website in the manner shown by the screenshot included in the Complaint does not constitute legitimate noncommercial or fair use under the Policy.

Further, it does not qualify as use, or demonstrable preparations to use, in good faith under the Policy in the circumstances of this case. If nothing else, the prominent representation on the Respondent's website of the Complainant's figurative mark is likely to be taken by viewers of the website as a representation that the website is the Complainant's website or associated with the Complainant in some way. As that is false, targeting the Complainant's trademark in that way does not constitute good faith use under the Policy.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement.

Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g. *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

If nothing else, the display of a “logo” so closely resembling the Complainant’s figurative trademark provides a very strong inference that the Respondent was well aware of the Complainant and its trademarks when the Respondent registered the disputed domain name.

In addition, the use of the disputed domain name in connection with the promotion of a website using the Complainant’s trademarks with that knowledge provides a strong inference that the Respondent registered the disputed domain name in the circumstances indicated in paragraph 4(b)(iv):

“by using the [disputed] domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent’s] web site or other on-line location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent’s] website or location or of a product or service on [the Respondent’s] web site or location.”

Accordingly, the Complainant has established all three requirements under the Policy.

6. 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 <lottolands.biz> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: May 26, 2025