

ADMINISTRATIVE PANEL DECISION

Elec Games C1 Limited v. Patrick Foucher
Case No. D2025-1352

1. The Parties

The Complainant is Elec Games C1 Limited, Malta, represented by Abion AB, Sweden.

The Respondent is Patrick Foucher, France.

2. The Domain Name and Registrar

The disputed domain name <netticasinos.net> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 3, 2025. On April 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 3, 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 April 4, 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 7, 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 Amended Complaint, and the proceedings commenced on April 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 30, 2025.

The Center appointed Gregory N. Albright as the sole panelist in this matter on May 7, 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 owns and operates online gambling platforms, including Netti Casino. The Complainant offers players a wide range of gambling options sourced from different game studios. The Complainant's platform is available in numerous languages including English and Finnish.

The Complainant owns the following trademark registrations (collectively referred as "NETTI CASINO"):

- European Union trademark NETTICASINO (word) registration No. 010997054, registered on December 26, 2013, in classes 9, 41, and 42.
- United Kingdom trademark NETTICASINO (word) registration No. UK00910997054, registered on December 26, 2013, in classes 9, 41, and 42.
- United Kingdom trademark NETTI CASINO (figurative) registration No. UK00910997666, registered on March 26, 2013, in classes 9, 41, and 42.

The Complainant has also owned <netticasino.com> since February 9, 2004, and uses this domain name to resolve to the Complainant's official website, which offers players a wide range of gambling options under the Netti Casino platform.

The disputed domain name <netticasinos.net> was registered on February 11, 2025. The disputed domain name resolves to a Finnish language website that makes prominent use of the Complainant's trademarks, and offers gambling options.

5. Parties' Contentions

A. Complainant

The Complainant contends it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

First, the Complainant contends the disputed domain name <netticasinos.net> is confusingly similar to the Complainant's NETTI CASINO trademark, because the entirety of the Complainant's mark is reproduced in the disputed domain name; the disputed domain name merely adds the letter "s" to the end of the Complainant's mark, and despite this minor alteration or "typosquatting" the disputed domain name is virtually identical to the Complainant's mark; the Complainant's mark is clearly recognizable in the disputed domain name; and the generic Top-Level Domain (".net") may be disregarded for purposes of the similarity analysis.

Second, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant avows that it has never granted the Respondent any rights to use the Complainant's trademark in any form, including in the disputed domain name. Complainant's searches revealed no evidence that the Respondent is commonly known by the disputed domain name, or that the Respondent has established any trademark rights in the disputed domain name.

In addition, the structure of the disputed domain name and its virtual identity with the Complainant's mark show the Respondent's intent to falsely suggest an association with the Complainant, and to exploit a likelihood of confusion, misleading Internet users into believing that the disputed domain name is connected with or authorized by the Complainant. The website to which the disputed domain name resolves also uses the Complainant's registered figurative trademark NETTI CASINO, and makes other direct references to the Complainant's business activity; for example, the Respondent's website refers to "Netti Casino – The Best Online Casinos for Finns," and contains "Log In" and "Register" buttons, which falsely suggests that Internet users can register for or log into their accounts with the Complainant through the Respondent's website. Under the Policy, Respondent's wrongful uses of the Complainant's marks, and his imitation of the Complainant's own website, do not confer any rights or legitimate interests upon the Respondent.

Third, the Complainant asserts that the Respondent registered and is using the disputed domain name in bad faith.

The disputed domain name was registered in bad faith, Complainant contends, because Complainant's trademark registrations predate the Respondent's registration of the disputed domain name, and the Respondent must have known about the Complainant, and its trademarks and its online gambling business when he registered the disputed domain name. In addition, the structure of the disputed domain name shows the Respondent had the Complainant and its business in mind when he registered the disputed domain name, and intended to create a false association with the Complainant, and benefit from consumer confusion.

Complainant asserts that the disputed domain name is also being used in bad faith because it resolves to a website that repeatedly features the Complainant's trademarks, and makes repeated references to the Complainant and its products and business, thus creating a likelihood of confusion. Bad faith use is also apparent because of the virtual identity of the disputed domain name and the Complainant's marks. The Complainant also contends that bad faith is shown because the Respondent used a privacy shield to conceal his identity, and because the Respondent has engaged in a pattern of abusive registrations of domain names that resolve to gambling platform webpages that are similar to the webpages to which the disputed domain name resolves.

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, adding only the letter "s" to the Complainant's trademark. Accordingly, the disputed domain name is virtually 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 Complainant began use of its <netticasino.com> domain name and related website in 2004, and the Complainant registered its trademarks in 2013 – long before the Respondent registered the disputed domain name in February 2025. Given this sequence of events and the virtual identity of the disputed domain name and the Complainant's trademarks, the Panel finds the Respondent must have registered the disputed domain name with knowledge of the Complainant and its marks, with the intent of attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's marks.

The Respondent's bad faith use of the disputed domain name is also apparent because the website to which the disputed domain name resolves uses the Complainant's figurative NETTI CASINO trademark, and also makes numerous references to the Complainant and imitates Complainant's website. The Respondent's website also falsely suggests that Internet users can register for and/or log in to their account with the Complainant by clicking buttons on the Respondent's website. These actions unavoidably create a likelihood of confusion and demonstrate bad faith use of the disputed domain name.

The third element of the Policy has been established.

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 <netticasinos.net> be transferred to the Complainant.

/Gregory N. Albright/

Gregory N. Albright

Sole Panelist

Date: May 21, 2025