

## **ADMINISTRATIVE PANEL DECISION**

Ontario Lottery and Gaming Corporation v. Artem Hryva  
Case No. D2025-3227

### **1. The Parties**

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

The Respondent is Artem Hryva, Ukraine.

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

The disputed domain name <olg-casino-canada.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 12, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and providing contact details. The Complainant filed an amended Complaint on August 13, 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 August 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 8, 2025.

The Center appointed David Taylor as the sole panelist in this matter on September 16, 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 is a Crown corporation owned by the Government of the Province of Ontario, Canada. The Complainant conducts and manages gaming on behalf of the Province of Ontario, including lotteries, casinos, and Internet gaming.

For use in connection with its gaming services, the Complainant is the owner of a number of trademarks, including:

- Canadian Trademark Registration No. TMA736387, OLG, registered on March 17, 2009;
- Canadian Trademark Registration No. TMA736827, OLG (figurative), registered on March 24, 2009; and
- Canadian Trademark Registration No. TMA737347, OLG CASINO, registered on April 2, 2009.

The Complainant operates its official website via the domain name <olg.ca>. The Complainant is also the registrant of the domain name <olg.com>, which redirects to the Complainant's official website at "www.olg.ca".

The disputed domain name was registered on December 23, 2024. The disputed domain name resolves to a website titled "OLG" (the "Respondent's Website") that purports to offer online casino and gaming services. The Respondent's website displays a variant of the Complainant's figurative OLG trademark in its header, refers to games offered by the Complainant, contains a section with a review of the Complainant's services, and displays links to other online gaming websites.

#### **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.

The Complainant asserts rights in the OLG and OLG CASINO trademarks. The Complainant submits that the disputed domain name is confusingly similar to its OLG and OLG CASINO trademarks.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that the Respondent is using the disputed domain name to direct Internet users to the Respondent's Website that aims to impersonate the Complainant. The Complainant submits that the Respondent is attempting to redirect Internet users to third-party online casino websites, from which the Respondent receives referral fees. The Complainant also notes that the Respondent's Website appears to promote "bonuses" that are inconsistent with the type of promotional offers offered by the Complainant for its legitimate online gaming, which gives rise to consumer protection concerns. The Complainant submits that the Respondent is not commonly known by the disputed domain name, nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant argues that it is inconceivable that the Respondent registered the disputed domain name without prior knowledge of the Complainant and its trademarks. The Complainant submits that by registering and using the disputed domain name, the Respondent has attempted to take advantage of the goodwill associated with the Complainant's trademarks in an attempt 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. The Complainant notes that the Respondent appears to be operating an illegal online casino, further demonstrating the Respondent's bad faith.

The Complainant requests transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Matters**

The Panel notes that no communications have been received from the Respondent.

Since the Respondent's postal address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. [D2024-0962](#)). Having considered all the circumstances of the case, the Panel is of the view that they should. The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for the purposes of notifying the Complaint. There is no evidence that the case notification email to this email address was not successfully delivered.

Further, the Respondent apparently registered the disputed domain name as recently as December 2024 and thus would appear to be capable of controlling the disputed domain name and the related content and, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response if it wished to do so. The Panel also notes that the website hosted at the disputed domain name is in the English language and seeks to target Canadian Internet users, which may support an inference that the Respondent is actually not located in Ukraine.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of a Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademarks.

Accordingly, the Panel considers that it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

### **6.2. Substantive Matters**

In order to prevail, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 was 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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds that the Complainant has established rights in the OLG and OLG CASINO trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name comprises the Complainant's OLG and OLG CASINO trademarks, followed by the term "canada", with hyphens separating the textual elements "olg", "casino" and "canada". The Panel finds the Complainant's trademarks to be readily recognizable in the disputed domain name. The addition of hyphens and the term "canada" does not prevent a finding of confusing similarity with the Complainant's trademarks. [WIPO Overview 3.0](#), section 1.8. See also *Rootz Ltd v. KOCH MARIUS JURGEN*, WIPO Case No. [D2025-1009](#). The generic Top-Level Domain ".com" may be disregarded as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the disputed domain name to be confusingly similar to the Complainant's OLG and OLG CASINO trademarks, and that 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.

As noted above, the Respondent's Website purports to offer online casino and gaming services. The Respondent's Website displays a variant of the Complainant's figurative OLG trademark in its header, refers to games offered by the Complainant, and displays links to other online gaming websites, from which the Panel infers that the Respondent likely receives click-through revenue. The Panel finds that the Respondent is making unauthorized use of the Complainant's trademarks in the disputed domain name and on the Respondent's Website in order to create a misleading impression of association with the Complainant for commercial gain. The Panel finds that the Respondent is not making use of the disputed domain name in connection with any bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

The Respondent's use of the disputed domain name does not support a legitimate claim of being commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name as contemplated by paragraph 4(c)(iii) of the Policy. Indeed, the nature of the disputed domain name itself, comprising the Complainant's OLG and OLG CASINO trademarks, followed by the geographical term "canada", coupled with its use, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the Respondent's Website.

For reasons set out above, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

Given the nature of the disputed domain name itself, as well as the contents of the Respondent's Website, it is clear that the Respondent knew of the Complainant and its trademarks when registering the disputed domain name. The Panel finds that the Respondent registered the disputed domain name, without authorization to use the Complainant's trademarks in a domain name or otherwise, in order to create a

misleading impression of association between the disputed domain name and the Complainant. The Panel finds that the disputed domain name was registered in bad faith.

The Panel further finds that by using the disputed domain name in the manner described above, 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 marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website, in bad faith pursuant to paragraph 4(b)(iv) of 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-canada.com> be transferred to the Complainant.

*/David Taylor/*

**David Taylor**

Sole Panelist

Date: September 30, 2025