

## **ADMINISTRATIVE PANEL DECISION**

Sociedad Estatal Loterías y Apuestas del Estado, S.M.E., S.A. v.  
Fernando Duarte Medina  
Case No. D2025-4572

### **1. The Parties**

The Complainant is Sociedad Estatal Loterías y Apuestas del Estado, S.M.E., S.A., Spain, represented by PONS IP, Spain.

The Respondent is Fernando Duarte Medina, Chile.

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

The disputed domain name <loteríasyapuestas.site> (xn--loterasyapuestas-dsb.site) is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2025. On November 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 12, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 13, 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 November 17, 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 November 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 10, 2025.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on December 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 Complainant is a Spanish state-owned commercial entity that holds an exclusive legal monopoly over the management, operation, and commercialization of lotteries and betting in Spain.

The Complainant's existence dates back to 1763, and it currently operates exclusive weekly and special lottery draws, including the traditional Christmas Draw, whose origins trace back to 1812 and has been known by its current name since 1897, the El Niño Draw, which originated in the 1880s, and the Red Cross Draw, which began in 1924. The lotteries and betting games organized by the Complainant, along with their results, receive extensive national coverage across all media outlets.

The Complainant operates its own audiovisual channel, Loterías Televisión, which attracts more than 4.7 million weekly viewers, and maintains approximately 11,000 physical retail points throughout Spain. Additionally, the Complainant operates a corporate website at "www.loteriasypuestas.es", through which it provides access to its online lottery and betting services and products.

The Complainant identifies its activities and products through various trademarks including LA QUINIELA, LA PRIMITIVA, EUROMILLONES, EL GORDO, LOTERÍA NACIONAL, BONOLOTO, SORTEO DEL NIÑO, and SORTEO DE NAVIDAD. The Complainant has also protected the marks LOTERÍAS Y APUESTAS DEL ESTADO and LOTERÍAS Y APUESTAS through numerous trademark registrations.

The Complainant is the owner of the trademark LOTERÍAS Y APUESTAS DEL ESTADO under Spanish registry No. 1681476 (mixed mark, registered Nov 5, 1992, Class 41) and the trademark LOTERÍAS Y APUESTAS with the following registrations:

- Spanish TM No. 2311397 (mixed mark, registered Oct 20, 2000, Class 9);
- Spanish TM No. 2311399 (mixed mark, registered Oct 20, 2000, Class 28);
- Spanish TM No. 2311400 (mixed mark, registered Dec 5, 2000, Class 35);
- Spanish TM No. 2311402 (mixed mark, registered Dec 5, 2000, Class 38);
- Spanish TM No. 2311403 (mixed mark, registered Dec 5, 2000, Class 41); and
- European Union ("EU") TM No. 4354461 (figurative mark, registered Jun 2, 2006, Classes 9, 16, 28, 35, 36, 38, 41).

The Complainant is also the registrant of several domain names related to its trademarks, including <loteriasypuestas.es>, which was registered on April 27, 2000, and hosts its corporate website where it offers its various lottery and betting products.

The disputed domain name was registered on July 20, 2025, and it reverts to a website parking site.

#### **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.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists three elements, which a complainant must satisfy in order to succeed. The Complainant must satisfy that:

(i) the 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 such domain name; and

(iii) the domain name has been registered and is being used in bad faith.

The Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must establish and prove each of the three elements required by paragraph 4(a) of the UDRP. Although a panel may draw appropriate inferences from a respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in a UDRP proceeding (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3).

### **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 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 is aware of section 1.10 of the [WIPO Overview 3.0](#), regarding trademark registrations with design elements, but the Panel considers that this matter will be better addressed in the section on bad faith for the purposes of the present proceeding.

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.

In light of the Panel's finding with respect to bad faith registration and use under paragraph 4(a)(iii) of the Policy, it is unnecessary to address whether the Respondent has rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii).

### 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.

Each of the circumstances mentioned in paragraph 4(b) of the Policy requires, or implies, that a Respondent must have known, or ought to have known, of a Complainant's rights. The Panel finds that there is not sufficient evidence to conclude that the Respondent had such knowledge.

The disputed domain name <loteríasyapuestas.site> (xn--loterasyapuestas-dsb.site) consists entirely of two dictionary terms (and the letter "y" meaning "and") that identify a category of services rather than a specific trademark or entity. In Spanish the term "loterías y apuestas" has the meaning of lottery and betting activities. An Internet user would not necessarily associate the disputed domain name with the Complainant, its trademark, or its specific product or service. The mere registration of a domain name containing two dictionary terms, without evidence of targeting the Complainant or its trademark, does not constitute bad faith under the Policy.

Under the Policy, bad faith requires demonstrable evidence that the Respondent registered the disputed domain name targeting the Complainant. The record contains no evidence whatsoever of such opportunistic conduct.

In the present case the Complainant argues the following with respect to bad faith:

- the Complainant owns four trademarks' registrations in Chile, which is the domicile of the Respondent (the trademark registration numbers are 1157984, 1057441, 1046737 and 1082387, all of them with registration dates between 2013 and 2015).
- Said trademarks are being used, as it may be seen from a link provided in the Complaint.
- Given the well-known character and renown of the Complainant, together with the fact that it deploys also its services in Chile, these leaves no room to think that the Respondent was not aware of the Complainant's identity, nor to its trademark registrations, and more specifically, "LOTERÍAS Y APUESTAS".
- In *Sociedad Estatal Loterías y Apuestas del Estado, S.M.E., S.A v. Daniel Fernandez Paredes*, WIPO Case No. [D2023-3002](#), the Complainant recovered the domain name <loteríasyapuestas.com>. In that case, the referred domain name was put on sale for a price clearly out of the rational market.
- The addition of a single letter, as it happens in the current case with the adding of the stress in the letter "í" in the word "lotería", constitutes typosquatting designed to confuse Internet users.

Regarding the four registrations that the Complainant alleges to hold in Chile, the Panel conducted a search using the website of the Chilean Trademark Office ("INAPI") and was able to verify that these registrations are not for the trademark LOTERÍAS Y APUESTAS at issue in the present dispute. Rather, they consist of four distinct marks<sup>1</sup> that bear no relationship whatsoever to the disputed domain name of this case.

The Panel visited the publication<sup>2</sup> offered as evidence by the Complainant and concludes that it makes no reference whatsoever to Chile, but rather to the Dominican Republic, a Latin American country located in the

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<sup>1</sup> Specifically, the four marks registered in Chile are:

- 1157984 EL GORDITO IBEROAMERICANO
- 1057441 IBERMILLONES
- 1046737 EL MEDIANO IBEROAMERICANO
- 1082387 EL GORDO IBEROAMERICANO.

<sup>2</sup> Located at <https://caribbeandigital.net/arranco-el-gordo-iberoamericano-de-la-loteria-nacional/>

Caribbean. Therefore, the Panel finds that this news article about a 2013 “Gordo Iberoamericano” lottery draw in no way supports the conclusion that the mark LOTERÍAS Y APUESTAS is known in Chile. The Respondent, domiciled in Chile, had no geographic proximity to or apparent targeting of the Complainant's market for the trademark LOTERÍAS Y APUESTAS, further undermining any inference of calculated bad faith.

With respect to the typosquatting claim, the Panel reviewed the Complainant's trademarks granted in certain jurisdictions (EU, United Kingdom, Spain) and was able to verify that the Complainant's mixed marks does include an accent on the letter “i” in the word “loterías” as part of the graphic component of the mixed mark. Accordingly, there can be no typosquatting where the domain name is identical to the registered mark, but also when the composition of the disputed domain name reproduces two dictionary terms in the correct linguistic form (that is as “loterías”).

The disputed domain name incorporates the words “loterías” and “apuestas”. The Complaint mentions no evidence that the Respondent has specifically targeted the Complainant in relation to its registration and use of the disputed domain name. Further, the Complainant has failed to establish that “loteríasyapuestas” is uniquely associated with the Complainant in Chile, such that the Respondent located in Chile must have had the Complainant and the LOTERÍAS Y APUESTAS trademark in mind at the time it registered the disputed domain name.

The consensus view is that the general standard of proof under the UDRP is “on balance” - often expressed as the “balance of probabilities” or “preponderance of the evidence” standard. Under this standard, an asserting party would typically need to establish that it is more likely than not that the claimed fact is true. Conclusory statements unsupported by evidence which merely repeat or paraphrase the criteria or scenarios under paragraphs 4(b) of the UDRP would typically be insufficient (see, paragraph 4.2, [WIPO Overview 3.0](#)).

The Complainant has failed to prove its case because there is no compelling evidence showing the Respondent's bad faith registration of the disputed domain name.

## 7. Decision

For the foregoing reasons, the Complaint is denied.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: January 9, 2026