

ADMINISTRATIVE PANEL DECISION

Lotteriegesellschaft der Ostdeutschen Sparkassen mbH v. Gabriela Espressi
Case No. D2026-1512

1. The Parties

The Complainant is Lotteriegesellschaft der Ostdeutschen Sparkassen mbH, Germany, represented by Nordemann Czychowski & Partner Rechtsanwältinnen und Rechtsanwälte mbB, Germany.

The Respondent is Gabriela Espressi, Italy.

2. The Domain Name and Registrar

The disputed domain name <ps-lotterie-sparen.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2026. On April 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 2026 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 (Dynadot Privacy Service Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 2026, 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 amendment to the Complaint on April 16, 2026.

The Center verified that the Complaint together with the amendment to the 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 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2026.

The Center appointed Marina Perraki as the sole panelist in this matter on May 22, 2026. 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 part of the German Savings Bank Financial Group (Sparkassen-Finanzgruppe), which is a network of public savings banks that form a large financial services group in Germany and Europe by assets. The term “Sparkassen” refers to local government-controlled savings banks that exist in Germany since the 18th century. Per the Complainant, with a combined business volume of EUR 3,320 billion, the savings banks and their partners form one of Europe’s largest financial services providers. The Complainant was founded to organize combined lottery and savings offers on behalf of the savings banks of the federal states of Brandenburg, Mecklenburg-Western Pomerania, Saxony, and Saxony-Anhalt, Germany. Its services combine lottery and savings in a way where part of the contribution of the participants is saved and the remaining part is used as a ticket contribution for a monthly lottery draw. Part of the lottery proceeds flow back into the region as earmarked income to support associations, cultural institutions, and social projects. The service is aimed at customers who want to save moderately while also having a chance to win and promote the common good. The Complainant’s revenues in 2025 rose at EUR 45,8 million, while the Complainant’s advertising expenses in 2025 rose to EUR 916,425. Since its foundation in 1995, the Complainant has been continuously offering its services under the mark PS-LOTTERIE-SPAREN, also through the Internet and its own website at “www.ps-lotterie.de”.

The Complainant has been using the mark PS-LOTTERIE-SPAREN for nearly 30 years continuously and exclusively in the relevant market, with substantial advertising and widespread market presence. As a result, the mark PS-LOTTERIE-SPAREN has become exclusively associated with the Complainant and its specific product offering.

The disputed domain name was registered on December 11, 2025 and leads to an inactive website.

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 the three elements which the Complainant must satisfy with respect to the disputed domain name:

- (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

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

According to the [WIPO Overview 3.1](#), section 1.1.1 the term "trademark or service mark" as used in UDRP paragraph 4(a)(i) encompasses both registered and unregistered (sometimes referred to as common law) marks. Per the Complaint and as not disputed by the Respondent, the Complainant's PS-LOTTERIE-SPAREN mark is associated with the Complainant's services such that, as the Panel finds on balance, the Complainant has common law rights in PS-LOTTERIE-SPAREN for the purposes of the Policy.

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 3.1](#), section 1.7.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 that 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 3.1](#), 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 Respondent has not submitted any response and has not claimed any such rights or legitimate interests with respect to the disputed domain name. As per the Complainant, the Respondent was not authorized to register the disputed domain name and does not appear to be commonly known by the disputed domain name.

The Respondent did not demonstrate prior to the notice of the dispute any use of the disputed domain name or a trademark corresponding to the disputed domain name in connection with a bona fide offering of goods or services.

On the contrary, the disputed domain name was asserted to have resolved to an inactive website.

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.

Considering that the Complainant's mark had been widely used at the time of the disputed domain name's registration, the Panel finds it more likely than not that the Respondent had the Complainant's mark in mind when registering the disputed domain name, which incorporates the entirety of the Complainant's mark (*Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)), even its hyphens.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's mark, and the composition of the disputed domain name, which is identical to it, 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 also notes that the Respondent had hidden its identity through a privacy service, which further supports a finding of bad faith.

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 <ps-lotterie-sparen.com> be transferred to the Complainant.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: June 5, 2026