

## **ADMINISTRATIVE PANEL DECISION**

New Zealand Lotteries Commission v. Ivan Antonov  
Case No. D2026-1617

### **1. The Parties**

The Complainant is New Zealand Lotteries Commission, New Zealand, represented by AJ Park Law Limited, New Zealand.

The Respondent is Ivan Antonov, Kazakhstan.

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

The disputed domain name <mylotto-nz.com> 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 April 16, 2026. On April 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 16, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 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 amended Complaint on April 20, 2026.

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 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 12, 2026.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on May 21, 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 a Crown entity, established in 1987, that regulates the conduct and operation of New Zealand lotteries.

The Complainant owns registrations for trademarks consisting of MY LOTTO / LOTTO NZ, including but not limited to:

Jurisdiction	Number	Mark	Registration date	Classes
New Zealand	778596	MY LOTTO	May 1, 2008	9, 16, 28, 36, 41.
New Zealand	1253457	MY LOTTO; MYLOTTO	June 14, 2024	35
New Zealand	1253451	NEW ZEALAND LOTTO; NZ LOTTO	June 14, 2024	9, 16, 28, 35, 36, 41.

The Complainant also owns the domain name <mylotto.co.nz>, registered on April 2, 2007.

The Respondent is Ivan Antonov, from Kazakhstan.

The disputed domain name was registered on January 9, 2026, and resolves to an inactive page. However, at the time of the Complaint, the disputed domain name resolved to a website that displayed the Complainant's marks, with a similar layout to the Complainant's site (Annex 8 to the Complaint). The website also included "Copyright © 2026 Lotto NZ."

#### 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 argues that the disputed domain name is confusingly similar to the trademarks MY LOTTO and NZ LOTTO.

The Complainant alleges that there is no evidence that the Respondent has made demonstrable preparations to use the disputed domain name for legitimate purposes, nor is there any evidence that the Respondent is using the disputed domain name in connection with any noncommercial or fair use. The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

That being the case, the Complainant finds that the disputed domain name is likely to make Internet users assume that the disputed domain name offers goods/services supplied by the Complainant.

According to the Complainant, it has prior rights over the trademarks MY LOTTO and NZ LOTTO and has not authorized the Respondent's registration and use of the disputed domain name.

The Complainant's intellectual property rights for MY LOTTO and NZ LOTTO trademarks predate the registration of the disputed domain name.

The Complainant argues that the registration and use of the disputed domain name have been conducted in bad faith.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the 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 has been registered and is 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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The mark MY LOTTO is reproduced within the disputed domain name, with the addition of the geographical term "NZ." Accordingly, the disputed domain name is confusingly similar to the Complainant's marks for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds that 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.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or that, before any notice of the dispute, the Respondent has made 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.

Panels have held that the use of a domain name for illegal activity here, claimed as passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel finds that 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 Panel finds that the Respondent was aware of the Complainant's trademarks as the disputed domain name incorporates MY LOTTO mark with the addition of "NZ" and reproduces the Complainant's LOTTO-formative trademarks and was almost identical to the Complainant's website. Besides, the Complainant's trademark registrations predate the registration date of the disputed domain name.

Panels have held that the use of a domain name for illegal activity, here claimed as passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under 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 <mylotto-nz.com> be transferred to the Complainant.

*/Mario Soerensen Garcia/*

**Mario Soerensen Garcia**

Sole Panelist

Date: June 3, 2026