

## **ADMINISTRATIVE PANEL DECISION**

Ontario Lottery and Gaming Corporation v. Makar Davidov  
Case No. D2026-1920

### **1. The Parties**

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

The Respondent is Makar Davidov, Cyprus.

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

The disputed domain name <app-olg.com> is registered with Spaceship, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 5, 2026. On May 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 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 (REDACTED FOR PRIVACY, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 6, 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 May 19, 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 May 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 10, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on June 12, 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**

According to information in the Complaint, the Complainant is a corporation owned by the Government of the Province of Ontario, Canada, which conducts and manages gaming on behalf of the Province of Ontario, Canada, including lotteries, casinos, and Internet gaming. The Complainant's activities are carried on in association with its OLG brand. Certain of the Complainant's activities are subject to review and approval by the Alcohol and Gaming Commission of Ontario (AGCO), which is the regulator of lotteries, casinos, and Internet gaming.

The Complainant is the owner of a portfolio of registered trademarks that consists of or comprise OLG, including the Canadian Trademark No. TMA737347 for OLG CASINO (word), registered on April 2, 2009 in international class 41 and the Canadian Trademark No. TMA736827 for OLG (figurative), registered on March 24, 2009 in international class 41. In addition, public notice has been given of the Complainant's Canadian Official Mark No. 919,866 for OLG under section 9(1)(n)(iii) of the Canadian Trademarks Act.

The Complainant operates its own online casino at the domain name <olg.ca>, which it registered since June 1, 2005, and has used to host a website to provide information about and promote its activities since that time. The Complainant has also registered the domain name <olg.com> since July 13, 1995 which it uses to redirect to its official website. The Complainant also operates its online casino through its mobile application available through the Google Play Store, and the Apple App Store, offering a variety of slots, table games, and other casino style games.

The disputed domain name was registered on October 4, 2025 and resolves to a website claiming to provide a "Comprehensive Guide to Ontario's Premier Gaming Destination", prominently displaying the Complainant's mark and logo, and offering link for users to "Open Account in OLG", that redirect to other online casino websites. It also displayed a copyright notice "© 2026 Olg". The disputed domain name does not resolve to an active website at the date of this Decision.

The Respondent is (presumably) an individual reportedly located in Cyprus. No information is available on the Respondent except for the information made available by the Registrar.

#### **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.

Notably, the Complainant contends that the disputed domain name misappropriates the whole of the distinctive element OLG which is itself a registered trademark and official mark of the Complainant. The addition of the common and descriptive term "app" to the beginning of the disputed domain name does not mitigate the confusing similarity between the disputed domain name and the OLG trademarks of the Complainant. A consumer faced with the disputed domain name is likely to believe that the combination of "app" and OLG will direct them to a webpage to download the Complainant's mobile application.

As regards the second element, the Complainant argues that it has not granted the Respondent any permission, right, or license to use the OLG trademarks in association with a website or otherwise. The Respondent uses the disputed domain name to host a fake website impersonating the Complainant for the

purpose of redirecting Internet traffic to various online casino websites and presumably earning referral fees or other revenue from these activities. The website at the disputed domain name prominently displays the OLG logo (or colourable imitations of same) for the purpose of posing as the Complainant. There is no evidence to suggest that the Respondent has ever been commonly known by the disputed domain name.

The Complainant further submits that the Respondent's activities give rise to serious consumer protection concerns, because the lottery, casino, and gaming industry is highly regulated in the Province of Ontario, Canada. The Respondent and its fake website at the disputed domain name are not licensed under the iGaming Ontario regulatory regime administered by the Alcohol and Gaming Commission of Ontario (AGCO). To the extent the Respondent is using the website at the disputed domain name to redirect to non-regulated online gaming services, those online gaming services are illegal under at least the laws of the Province of Ontario, Canada.

With respect to the third element, the Complainant submits that by registering and using the disputed domain name which is confusingly similar to the Complainant's well-known OLG trademarks, the Respondent has attempted to take advantage of the goodwill in those trademarks in an attempt to exploit, for commercial gain, Internet users who are likely to believe there is some connection between the Respondent's website and the Complainant. The use of the disputed domain name as described above is disruptive to the Complainant, as Internet users are likely to be confused into believing that the Respondent's activities are affiliated with, or sponsored by, the Complainant, when that is not the case.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Likewise, paragraph 10(d) of the Rules, provides that "the Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.1](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.1](#), and, where appropriate, will decide consistently with the consensus views stated therein.

### **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 3.1](#), section 1.7. It has also

long been held that generic Top-Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. See section 1.11.1 of the [WIPO Overview 3.1](#).

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 entirety of the OLG mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, “app” and a hyphen) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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.

In the present case, the Complainant has proved it holds rights over the trademarks OLG and OLG CASINO, and claims that the Respondent has no legitimate reason to register or acquire the disputed domain name. The disputed domain name is used to resolve to a website displaying the Complainant’s trademark OLG and logo and redirecting users to third party online gambling locations targeting the same services. This cannot amount in the Panel’s view to a bona fide offering of goods or services within the meaning of paragraphs 4(c)(i) of the Policy or to a legitimate noncommercial or fair use of the disputed domain name as provided by article 4(c)(iii) of the Policy.

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

Furthermore, the nature of the disputed domain names and the use of the Respondent’s website 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 websites at the dispute domain name.

The Respondent is an individual named “Makar Davidov”, as was disclosed by the Registrar, and there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

The Panel finds it highly unlikely that the disputed domain name was registered without knowledge of the Complainant and its trademarks, given the long use of the Complainant’s trademarks, the composition of the disputed domain name and also given the Respondent’s use of the disputed domain name to resolve to a website displaying the OLG mark, posing as the Complainant and including links to third party online casinos. The Panel finds on balance that the Respondent registered the disputed domain name with the expectation of taking advantage of the reputation of the Complainant’s trademark.

As regards the use, as described above, the Panel concludes on this record that the Respondent is in bad faith within the meaning of paragraph 4(b)(iv) of the Policy, by passing off the Complainant and including links to third party websites purporting to offer online gambling services, which creates the false impression that the services are somehow affiliated with or sponsored by the Complainant. Moreover, the website at the disputed domain name includes a misleading copyright notice, which tends to falsely indicate an affiliation between the Respondent and the Complainant.

The Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith in the meaning 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 <app-olg.com> be transferred to the Complainant.

*/Mihaela Maravela/*

**Mihaela Maravela**

Sole Panelist

Date: June 23, 2026