

ADMINISTRATIVE PANEL DECISION

Omaze, Inc. v. Marcin Prusinowski
Case No. D2026-3546

1. The Parties

The Complainant is Omaze, Inc., United Kingdom, represented by Wargo French Singer, United States of America (or “United States”).

The Respondent is Marcin Prusinowski, Poland.

2. The Domain Name and Registrar

The disputed domain name <omaze-lotterie.net> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 10, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 13, 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 August 19, 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 August 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 11, 2026.

The Center appointed Stefan Bojovic as the sole panelist in this matter on September 18, 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 was founded in 2012 and is an operator of charitable prize promotions and sweepstakes that offer participants the opportunity to win luxury homes, cash prizes, vehicles, and other high-value prizes.

The Complainant is the owner of the OMAZE trademark, which is protected by trademark registrations in several jurisdictions, including the following:

- United States trademark registration No. 4320140 for OMAZE, registered on April 16, 2013; and
- European Union trademark registration No. 019060925 for OMAZE, registered on February 15, 2025.

The Complainant also owns domain names reflecting its OMAZE trademark, such as <omaze.com>, registered on December 23, 2006.

The disputed domain name was registered on May 4, 2026, and it resolves to a website under the name “Omaze” that offers online gambling and gaming services.

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 is confusingly similar to the Complainant’s OMAZE trademark because it wholly incorporates this trademark, adding only the descriptive term “lotterie” and the generic Top-Level Domain (“gTLD”) “.net”, neither of which distinguishes the disputed domain name from the Complainant’s trademark. To the contrary, the addition of the term “lotterie” exacerbates the likelihood of confusion because it directly relates to the Complainant’s charitable prize draw and sweepstakes services.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that the Respondent has no established rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorized, licensed, or otherwise permitted any individual or entity to use its OMAZE trademark in the manner used by the Respondent. The Respondent is not commonly known by the disputed domain name and is not making a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. Rather, the Respondent is using the disputed domain name to operate a website that falsely suggests an affiliation with, sponsorship by, or endorsement from the Complainant by impersonating the Complainant and offering purported prize draw or lottery-related services under the Complainant’s trademark. Such use is inherently misleading and cannot confer any rights or legitimate interests in the disputed domain name under the Policy.

With reference to the circumstances evidencing bad faith, the Complainant contends that its OMAZE trademark has been used extensively in connection with the Complainant’s charitable prize promotions and sweepstakes services for many years and has acquired substantial goodwill and recognition among consumers. The Respondent’s registration of the disputed domain name wholly incorporates the Complainant’s trademark together with the descriptive term “lotterie” and the Respondent’s use of the Complainant’s trademark for online gambling and gaming services evidence the Respondent’s actual

knowledge of the Complainant and its trademark rights, as well as the Respondent's intent to capitalize on the Complainant's reputation and goodwill by creating a false association between the disputed domain name and the Complainant's business. The Respondent's use of the Complainant's OMAZE trademark also dilutes and tarnishes the Complainant's reputation and goodwill by associating the Complainant's trademarks with gambling, which the Complainant has consciously avoided in conducting sweepstakes draws to raise money for charity. Such conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy because 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 trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered thereon.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall 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". Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- (i) that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that 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 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 Complainant's OMAZE trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, the term "lotterie", meaning "lottery" in German) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

In addition, it is well established that ".net", as a gTLD, is disregarded in the assessment of the confusing similarity between the disputed domain name and the trademark. [WIPO Overview 3.1](#), section 1.11.1.

The Panel, therefore, finds 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.

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 Panel notes that according to the record there is no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s OMAZE trademark. There appears to be no element from which the Panel could infer the Respondent’s rights or legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The disputed domain name resolves to a website under the name “Omaze” that offers online gambling and gaming services. Such use of the disputed domain name, which contains the Complainant’s OMAZE trademark in combination with the term “lotterie” (meaning “lottery” in German), does not constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy.

The Panel also finds that the composition of the disputed domain name, which contains the Complainant’s OMAZE trademark in combination with the term “lotterie”, carries a risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1. Namely, the additional term “lotterie” (meaning “lottery” in German) in the disputed domain name directly corresponds to the business activity of the Complainant, having in mind that its OMAZE trademark is used for charitable prize promotions and sweepstakes.

Having in mind the above, 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.

In the present case, the Panel notes that the Respondent was likely aware of the Complainant and its OMAZE trademark at the time of the registration of the disputed domain name. Namely, the first registration and use of OMAZE trademark predate the registration of the disputed domain name by years, making it unlikely that the Respondent was not aware of the Complainant’s trademark at the time of registration of the disputed domain name. Furthermore, the composition of the disputed domain name that includes the

Complainant's OMAZE trademark in combination with the term "lotterie" (meaning "lottery" in German) directly corresponds to the business activity of the Complainant and indicates that the Respondent had the Complainant and its trademark in mind when registering the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As indicated above, the disputed domain name resolves to a website under the name "Omaze" that offers online gambling and gaming services. The Panel finds that such use of the disputed domain name, which contains the Complainant's OMAZE trademark in combination with the term "lotterie" (meaning "lottery" in German), indicates that the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's OMAZE trademark as to the source, sponsorship, affiliation, or endorsement of the website, within the meaning of paragraph 4(b)(iv) of the Policy.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Therefore, 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 <omaze-lotterie.net> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: October 2, 2026