

ADMINISTRATIVE PANEL DECISION

LTWHP, LLC v. Renaissance Sports Pty Ltd., Andrew Novaro
Case No. DAU2025-0048

1. The Parties

The Complainant is LTWHP, LLC, United States of America ("United States"), represented by FB Rice, Australia.

The Respondent is Renaissance Sports Pty Ltd, Andrew Novaro, Australia.

2. The Domain Name and Registrar

The disputed domain name <lottosport.au> is registered with GoDaddy.com, LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 21, 2025. On October 21, 2025, the Center transmitted by email to GoDaddy.com, LLC a request for registrar verification in connection with the disputed domain name. On October 21, 2025, GoDaddy.com, LLC transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amended Complaint on October 28, 2025.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the "Policy"), the Rules for .au Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceeding commenced on October 31, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was November 20, 2025. The Response was filed with the Center on November 17, 2025.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on November 26, 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.

On December 5, 2025, the Complainant submitted an unsolicited supplemental filing to the Center.

4. Factual Background

A. Complainant

The Complainant is a company incorporated in the United States, carrying on business since 1973 as a developer and distributor of clothing, accessories, footwear and sporting goods, operating globally (including in Australia) under the word and device trade marks LOTTO and LOTTO SPORT (the “Trade Mark(s)”).

The Complainant is the owner of numerous registrations in jurisdictions worldwide for the Trade Marks. Its registrations in Australia include registration No. 276946, for the Trade Mark LOTTO, with a registration date of March 19, 1974; registration No. 413461, for the Trade Mark LOTTO, with a registration date of August 14, 1984; registration No. 866937, for the Trade Mark LOTTO, with a registration date of February 21, 2001; and registration No. 955230, for the Trade Mark LOTTO, with a registration date of May 23, 2003.

The Complainant is also the applicant in Australia for registration of the LOTTO SPORT and LOTTO SPORT AUSTRALIA marks, under pending application Nos. 2571671 and 2571672, both filed on July 30, 2025 (the “Pending Applications”).

In addition to its registrations for the Trade Mark, the Complainant is the owner of 355 domain names comprising the Trade Marks, including <lottosport.com>.

B. Respondent

The Respondent Renaissance Sports Pty Ltd is a company incorporated in Australia, carrying on business in Australia since 1998 as a supplier and distributor of sporting apparel, uniforms and equipment, under the trade mark BESTEAM, including via the Respondent's website at “www.besteamssport.com.au”.

C. The Disputed Domain Name

The disputed domain name was registered on August 22, 2023.

D. Use of the Disputed Domain Name

The disputed domain name is alleged to have been inactive at the time of filing of the Complaint. It is currently resolved to a domain name brokerage website hosted by GoDaddy.com, LLC and offering the disputed domain name for sale.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar or identical to the Trade Marks, the Respondent has no rights or legitimate interests in respect of the disputed domain name, and the disputed domain name has been registered or subsequently used in bad faith.

Notably, the Complainant contends that the Respondent has not made any use of the disputed domain name; that the Respondent, which operates in the same industry as the Complainant, is aware of the Complainant and its Trade Marks; and that the Respondent intentionally acquired the disputed domain name for the purpose of selling the disputed domain name to the Complainant for valuable consideration.

B. Respondent

The Respondent contends that it registered the disputed domain name during the course of its discussions with the Complainant regarding potential distribution of the Complainant's goods under the Trade Marks in

Australia; that, at the time of registration, the Respondent had a genuine business reason to secure the disputed domain name as part of possible brand representation and local marketing preparations; that, following the conclusion of the discussions, and after the partnership opportunity did not proceed, the Respondent retained ownership of the disputed domain name; that the Respondent has not used the disputed domain name to mislead, impersonate or compete with the Complainant; that the disputed domain name was only listed for sale after it became clear that the potential partnership would not proceed; that the disputed domain name was registered on August 22, 2023 – before the Complainant filed its Pending Applications, that this timing demonstrates the Respondent did not act in anticipation of those trade mark applications; and that, in light of the above, “[a]t no time has the Respondent engaged in conduct amounting to bad faith”.

6. Discussion and Findings

Complainant’s Supplemental Filing

Unsolicited supplemental filings filed after panel appointment are usually only allowed in exceptional circumstances.

In the present proceeding, the Complainant has failed to demonstrate any such exceptional circumstances.

Accordingly, the Panel refuses to allow the Complainant’s supplemental filing.

Substantive Elements of the Policy

The Complainant must prove each of the three elements in paragraph 4(a) of the Policy in order to prevail.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has rights in the Trade Marks.

Disregarding the country code Top-Level Domain, the entirety of the LOTTO Trade Mark is reproduced within the disputed domain name.

The Panel finds the addition of the term “sport” does not prevent a finding of confusing similarity between the disputed domain name and the LOTTO Trade Mark for the purposes of the Policy

The Panel therefore finds that the disputed domain name is confusingly similar to the LOTTO Trade Mark.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to the respondent of the dispute, the respondent’s 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; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name even if the respondent has acquired no trade mark or service mark rights; or
- (iii) the respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Panel finds on the record that there is a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and the burden of production is thus on the Respondent to produce evidence to rebut this presumption.

According to the evidence submitted by the Respondent, the Respondent first contacted the Complainant by email on August 22, 2023, to request the opportunity to “take on a distributorship for the Lotto brand here in Australia if there is an opportunity”. Negotiations continued between the Respondent and the Complainant until at least November 2023, but the Parties were seemingly unable to finalize any distributorship or licensing deal.

The Panel is a little surprised that the Complainant failed to make any mention in the Complaint of its prior negotiations with the Respondent, such negotiations clearly being highly relevant to the determination of this dispute.

Nonetheless, the Panel finds that the Respondent has failed to show that it has acquired any trade mark rights in respect of the disputed domain name or that the disputed domain name has been used in connection with a bona fide offering of goods or services. To the contrary, the disputed domain name has not been used. Furthermore, the Respondent has offered the disputed domain name for sale, via the domain name brokerage website hosted by GoDaddy.com, LLC.

The Panel is unable to agree with the Respondent’s contention that its registration (but subsequent non-use) of the disputed domain name “during bona fide commercial discussions with the Complainant” gives rise to any rights or legitimate interests in the disputed domain name for the purposes of the Policy.

There has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain name; and there has been no evidence adduced to show that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

In addition, the nature of the disputed domain name (which contains the Complainant’s LOTTO Trade Mark and the additional term “sport”, which is part of the Complainant’s area of business) carries a risk of implied affiliation with the Complainant (see Overview of Panel Views on Selected auDRP Questions, Second Edition, section 2.5).

In light of the above matters, the Panel finds that the Respondent has failed to produce any evidence to establish genuine rights or legitimate interests in the disputed domain name.

C. Registered or Used in Bad Faith

According to the information provided by the Registrar, the disputed domain name was registered on August 22, 2023. According to the emails submitted by the Respondent, on the same day the Respondent first approached the Complainant by email seeking a potential distributorship. The Complainant replied to the Respondent’s email on August 23, 2023.

The Respondent does not dispute the fact that, having failed to secure the requested distributorship, it has not made any use of the disputed domain name, and, instead, it has since offered the disputed domain name for sale.

It is possible that, had the distributorship been concluded, the Complainant might have agreed, retrospectively, to authorise, licence or approve the Respondent’s registration and use of the disputed domain name in accordance with the anticipated distributorship. However, absent any relevant rights in the Trade Marks at the time of registration of the disputed domain name, the Panel finds the Respondent’s opportunistic registration of the disputed domain name, before it had secured any authorisation, approval or licence to do so, amounts to bad faith registration for the purposes of the Policy.

The Panel is however unable to agree with the Complainant that the Respondent intentionally acquired the disputed domain name for the purpose of selling the disputed domain name to the Complainant for valuable consideration. The facts demonstrate that, at least at the time of registration of the disputed domain name, the Respondent registered the disputed domain name not for the purpose of selling it to the Complainant, but in the hope that it would obtain the requested distributorship in the Australian marketplace.

The fact that, having failed to secure the requested distributorship, the Respondent chose to retain its registration of the disputed domain name, whilst at the same time offering it for sale to third parties via the website hosted by GoDaddy.com, LLC, demonstrates that the Respondent has also, subsequent to its registration, used the disputed domain name in bad faith.

For all the foregoing reasons, the Panel concludes that the disputed domain name has been registered and used in bad faith.

7. Decision

For all 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 <lottosport.au> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: December 10, 2025