

## **ADMINISTRATIVE PANEL DECISION**

Veikkaus Oy v. Privacy service provided by Withheld for Privacy ehf /  
Christopher Hammer  
Case No. DIO2022-0023

### **1. The Parties**

The Complainant is Veikkaus Oy, Finland, represented Berggren Oy, Finland.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Christopher Hammer, Denmark.

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

The disputed domain name <veikkaussovellus.io> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 14, 2022. On June 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 2022, 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 June 27, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 June 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 21, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on August 10, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is the Finnish national betting, lottery, and gambling service provider. It was founded in 1940 for sports betting. It is the only service provider with authorization by law to operate betting, lottery and gambling services in Finland. Advertising of betting and gambling services aimed at Finnish audience cannot be carried out by any other company than the Complainant.

The Complainant is the owner of several Finnish trademark registrations for VEIKKAUS, such as Finish trademark registration nos. 248158 and 266351. Both predate the registration of the Domain Name.

According to the available Whois record, the Domain Name was registered on March 23, 2021. At the time of Complaint, the Domain Name resolved to a website in the Finnish language that advertises a mobile application for gambling and betting services by the Complainant, but also services from third parties. The website uses the Complainant's trademarks.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations for VEIKKAUS and argues that the Domain Name is confusingly similar to its trademark. The Domain Name incorporates the Complainant's trademark, with the addition of the generic term "sovellus" which is Finnish for "application". The addition does not reduce the risk of confusion.

The Complainant asserts that the Respondent is neither affiliated with the Complainant nor authorized by it in any way to use the Complainant's trademark. The Complainant does not carry out any activity for, nor has any business with the Respondent. On the contrary, the Respondent's website links the visitor to betting and gambling applications that are in breach of Finnish law.

The Complainant argues that the Respondents was aware of the Complainant and its trademark when the Respondent registered the Domain Name, as the Respondent has made unauthorized use of the Complainant's trademark on the Respondent's webpage. The use of the Domain Name proves that the Respondent has intentionally attempted to attract Internet users, for commercial gain, by creating confusion with the Complainant's trademark. The Respondent receives financial benefit and compensation from traffic through the Respondent's website. The Respondent's conduct causes harm and inconvenience to the Complainant's business.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The Complainant has established that it has rights in the trademark VEIKKAUS. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark, with the addition of the term "sovellus" (Finnish word for

“application”). The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the Top-Level Domain (“TLD”), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.<sup>1</sup>

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of the Domain Name in connection with a *bona fide* offering. The Respondent’s use of the Domain Name is not *bona fide*, but rather evidence of bad faith. The Respondent presumably receives revenue by virtue of the misled Internet users because of the confusingly similar Domain Name. Further, the composition of the Domain Name carries a risk of implied affiliation and cannot be considered fair use as it “effectively impersonates or suggests sponsorship or endorsement by the trademark owner” (see [WIPO Overview 3.0](#), section 2.5.1).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

## **C. Registered or Used in Bad Faith**

Based on the composition of the Domain Name and the Respondent’s use of the Complainant’s trademark, the Panel concludes that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name.

The use of the Domain Name proves that the Respondent has intentionally attempted to attract Internet users, for commercial gain, by creating confusion with the Complainant’s trademark. The Respondent has incorporated the Complainant’s trademark in the Domain Name along with an additional term, without the Complainant’s authorization, to capitalize on the reputation of the Complainant’s trademark.

For the reasons set out above, the Panel concludes that the Domain Name was registered or is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <veikkaussovellus.io> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: August 22, 2022

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<sup>1</sup> Although [WIPO Overview 3.0](#) is directed to the Uniform Domain Name Dispute Resolution Policy (“UDRP”), given the similarities between the UDRP and the Policy, it is appropriate to have regard to these principles except to the extent that the Policy diverges from the UDRP.