

## **ADMINISTRATIVE PANEL DECISION**

Veikkaus Oy v. John Doe  
Case No. DIO2023-0020

### **1. The Parties**

Complainant is Veikkaus Oy, Finland, represented by Berggren Oy Ab, Finland.

Respondent is John Doe, Denmark.

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

The disputed domain name <veikkausvihjeet.io> 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 21, 2023. On June 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 21, 2023, 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, Withheld for Privacy ehf, Iceland) and contact information in the Complaint. The Center sent an email communication to Complainant on June 27, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 28, 2023.

The Center verified that the Complaint together with the amended 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 Respondent of the Complaint, and the proceedings commenced on July 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2023. Respondent did not submit any response. On June 27, 2023, the Center received an informal email from an email address with the same domain name as Respondent. Accordingly, the Center notified the Parties on July 28, 2023, that it would proceed to panel appointment.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on August 17, 2023. 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**

Complainant is a company organized under the laws of Finland that is active in the betting, lottery and gambling industry.

Complainant has provided evidenced that it is the registered owner of several trademarks relating to its company name and brand VEIKKAUS, including, but not limited to the following:

- word mark VEIKKAUS, National Registration Finland, registration number: 248158, registration date: February 15, 2010, status: active.

Moreover, Complainant has evidenced to own numerous domain names relating to Complainant's VEIKKAUS trademark, *inter alia*, the domain name <veikkaus.fi> which resolves to Complainant's main website at "www.veikkaus.fi", promoting Complainant's services in the betting, lottery and gambling industry.

Respondent, according to the disclosed Whois information for the disputed domain name, is a resident of Denmark who registered the disputed domain name on October 20, 2021, which resolves to a website at "www.veikkausvihjeet.io", showing texts in the Finnish language as well as pictures that relate to betting and gambling and also offering links to casino and gambling games by other service providers, thereby violating Finnish gaming legislation.

Complainant requests that the disputed domain name be transferred to Complainant.

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

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it was founded in 1940 for sports betting and that it is meanwhile owned by the Finnish State being the only legally operating betting, lottery and gambling service provider in Finland.

Complainant submits that the disputed domain name is confusingly similar to Complainant's VEIKKAUS trademark as the latter is the dominant feature of the disputed domain name together with the Finnish term "vihjeet" (which is "tips" in English). Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Respondent is neither affiliated with Complainant nor authorized by it in any way to use the VEIKKAUS trademark, (2) Complainant is the only company that is entitled to legally offer betting, lottery and gambling games in Finland, and (3) the sole purpose of Respondent to have registered the disputed domain name is to profit commercially from Complainant's heavily regulated and well-known business. Finally, Complainant argues that Respondent is using the disputed domain name in bad faith since (1) based on the facts to this case, Respondent has clearly been aware of Complainant's business and intended to target Complainant's trademark rights for commercial purposes when registering the disputed domain name, and (2) Respondent's conduct also causes harm and inconvenience to Complainant's strictly regulated business and Respondent derives undue commercial and financial gain because of users visiting Respondent's website.

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

Respondent did not reply to Complainant's contentions. On June 27, 2023, the Center received a communication from an email address which was identified to be the domain holder's email address by the Registrar, asking "[w]here can we see this complaint? And how do we reply to it?" Despite the Center's acknowledgment of the email and accompanying procedural instructions, no further communication was received from this individual.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered or is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

### 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 Complainant's VEIKKAUS trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.<sup>1</sup>

Based on the available record, the Panel finds Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the VEIKKAUS trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to this trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms (here, the Finnish term "vihjeet" which is "tips" in English) 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 VEIKKAUS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

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<sup>1</sup> Given the similarities between the ioDRP and the Uniform Domain Name Resolution Policy ("UDRP"), the Panel finds it appropriate to refer to UDRP jurisprudence, including reference to the [WIPO Overview 3.0](#).

Having reviewed the record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Notably, panels have held that the use of a domain name for illegal activity (here, operating a website under the disputed domain name at "www.veikkausvihjeet.io", showing texts in the Finnish language as well as pictures that relate to betting and gambling and also offering links to casino and gambling games by other service providers, thereby violating Finnish gaming legislation) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

### **C. Registered or 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 notes that, on the basis of the facts brought before it, Respondent obviously was well aware of Complainant and its VEIKKAUS trademark when registering the disputed domain name and that the latter is directly targeting such trademark.

Moreover, panels have held that the use of a domain name for illegal activity (*e.g.*, here, operating a website under the disputed domain name at "www.veikkausvihjeet.io", showing texts in the Finnish language as well as pictures that relate to betting and gambling and also offering links to casino and gambling games by other service providers, thereby violating Finnish gaming legislation) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false, namely invented contact information in the Whois register for the disputed domain name (*e.g.* "John Doe", "Nowhere Lane", "Fantasy/P", "Phone: +35612345678"). The Panel finds it very likely that the domain holder has also used a third party email address while registering the disputed domain name. These circumstances further support the Panel's bad faith finding.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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, <veikkausvihjeet.io>, be transferred to Complainant.

*/Stephanie G. Hartung/*

**Stephanie G. Hartung**

Sole Panelist

Date: August 28, 2023