



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-1901261
Complainant:	Wynn Resorts Holdings, LLC
Respondent:	Super Privacy Service LTD c/o Dynadot
Disputed Domain Name(s):	<wynnlab.com>

1. The Parties and Contested Domain Name

The Complainant is Wynn Resorts Holdings, LLC, of 3131 Las Vegas Boulevard South Las Vegas, Nevada 89109, U.S.A., represented by Mayer Brown.

The Respondent is Super Privacy Service LTD c/o Dynadot, of, PO Box 701, San Mateo, California, 94401, US.

The domain name at issue is <wynnlab.com>, registered by Respondent with DYNADOT, LLC <http://www.dynadot.com>.

2. Procedural History

On 12 July 2019, the Complainant submitted a Complaint to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“ADNDRC”), pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) adopted by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October 1999. On 12 July 2019, the ADNDRC confirmed receipt of the Complaint. The Complainant elected that this case to be dealt with by a single member Panel.

On 12 July 2019, the ADNDRC transmitted by email to the Registrar, DYNADOT, LLC, a request for registrar verification in connection with the disputed domain name. On 15 July 2019, the Registrar transmitted by email to the ADNDRC its verification response, confirming that the Respondent, Super Privacy Service LTD c/o Dynadot, is the holder of the domain name <wynnlab.com> and that the language of the registration agreements is the English language.

The ADNDRC noted the information of the Respondent in the Complaint is different from the Whois information provided by the Registrar. On 8 August 2019 the ADNDRC transmitted by email to the Complainant asking the Complainant to update the information of the Respondent in the Complaint Form with reference to the Whois information provided by the Registrar. On 9 August 2019 the Complainant submitted the amended

Complaint to the ADNDRC. On 9 August 2019, the ADNDRC confirmed the administrative compliance of the Complaint.

On 13 August 2019, the ADNDRC transmitted a Written Notice of Complaint, forwarding the Complaint along with annexures to the Respondent, requesting that the Respondents submit their Responses within 20 calendar days. The Notice specified the due date for the Response as being on or before 2 September 2019.

On 6 September 2019, the ADNDRC confirmed in an email to the parties that it had not received a Response from the Respondent within the required period of time.

The ADNDRC, having received on 19 September 2019, Declaration of Impartiality and Independence and Statements of Acceptance, from Mr. Douglas Clark, notified the parties on 19 September 2019 that the panel in this case had been selected, with Mr. Douglas Clark as the Panelist. The Panel determines that the appointments were made in accordance with Rules 6 and Articles 8 and 9 of the Supplemental Rules.

3. Factual background

The Complainant, established in Nevada USA, is a company that owns Wynn Resorts, Limited. Together with Wynn Resorts, Limited, they are designers, developers, operators of integrated resorts. Wynn Resorts, Limited has been listed on Nasdaq Stock Exchange since 2002 and included as part of the NASDAQ-100 Index since 2004. The Complainant operates its resorts in the USA, Macau and China.

The Complainant is also the owner of various “WYNN” trademarks in different jurisdictions, including particularly in Asia: China trademark registration No. 561194, registered on 21 October 2009; Hong Kong trademark registration No. 30249406, registered on with effect from 14 January 2013; Cambodia trademark registration No. SM69979 registered on 22 May 2012, Thailand trademark registration No. 847251 registered on 22 May 2012, Vietnam trademark registration No. 193111 registered on 14 February 2011, Singapore trademark registration T1207332J registered on 23 May 2012.

The Complainant also owns various domain names, including wynnresorts.com, created on 2 May 2000; wynnlasvegas.com, created on 23 July 2000; wynn poker.com, created on 14 February 2001; wynn palace.com, created on 6 April 2001 and wynnmacau.com, created on 11 July 2002.

The Respondent is unknown and has registered the Disputed Domain Name through the privacy service of Dynadot.

The disputed domain name was registered on 26 April 2019 and resolves to a page with various Chinese gambling advertisements which promote online gambling in Macau.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

Identical or Confusingly Similar

The Complainant contends that the disputed domain name <wynnlab.com> and the trademark WYNN are confusingly similar. The disputed domain name contains WYNN in its entirety as the distinctive part of the disputed domain name. The additional word “lab” included has no distinctiveness and does not lessen or eliminate the degree of confusingly similarity of the disputed domain name to the WYNN trademark.

No rights or legitimate interests

The Respondent has no connection with the Complainant or any of its affiliates and has never sought or obtained any trademark registrations for WYNN. It, therefore, has no rights or legitimate interests in the disputed domain name.

Registered and used in bad faith

The Complainant submits that there is no doubt that before registration of the disputed domain name the Respondent knew of the Complainant’s rights in the WYNN trademark given its worldwide reputation and the Respondent acquired the disputed domain name to prevent the Complainant from reflecting its mark in a corresponding domain name and/or to disrupt the Complainant’s business and/or for commercial gain by directing the Complainant’s customers or potential customers to other websites.

B. Respondent

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

5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

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

A) Identical / Confusingly Similar

The disputed domain name <wynnlab.com> is confusingly similar to the Complainant’s trademark. The disputed domain name incorporates the Complainant’s WYNN mark in full with the additional word “lab”. The disputed domain name is therefore confusingly similar to the Complainant’s registered trademark.

The first element of paragraph 4(a) of the Policy is therefore satisfied.

B) Rights and Legitimate Interests

The Respondent has not responded to the Compliant to assert any rights or legitimate interests.

The Complainant is internationally well known and owns several WYNN trademarks in the world. The Respondent has no business or any kind of relationships (licensor, distributor) with the Complainant.

The Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. See *Croatia Airlines d.d. v Modern Empire Internet Ltd.*, WIPO Case No. D2003 0455.

Considering the absence of a response by the Respondent and the fact that the Respondent was granted neither a license nor an authorization to make any use of the Complainant's trademark, the Panel finds the Respondent has failed to demonstrate any rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy is therefore satisfied.

C) Bad Faith

The Panel finds that the disputed domain name <wynnlab.com> was registered in bad faith and is being used in bad faith.

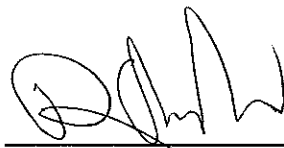
Based on the evidence, the Panel has no hesitation in finding that the disputed domain name <wynnlab.com> was registered in bad faith and is being used in bad faith. The current advertisements for online gambling on the site of the disputed domain name resolves to establish the Respondent is making a commercial gain from the site by attracting users to generate revenue.

The third part of the paragraph 4(a) of the Policy is therefore satisfied.

6. Decision

Complainant having established all three elements under the ICANN Policy.

Accordingly, the Panel orders that the disputed domain name, <wynnlab.com> be transferred to the Complainant.



Douglas Clark
Sole Panelist

Dated: 4 October 2019