



CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE

DOMAIN NAME DISPUTE

ADMINISTRATIVE PANEL

DECISION

CIIDRC case number:	27063-CDRP	Decision date: June 4, 2026
Domain Name:	draftkingsontario.ca	
Panel:	Zak Muscovitch	
Complainant:	DK Crown Holdings, Inc.	
Complainant Counsel:	James Green and Sharon Chernyyak, Gowlings	
Registrant:	John Criven Batbatan	

1. PROCEDURAL HISTORY

This proceeding arises under the Canadian Internet Registration Authority ("CIRA") Domain Name Dispute Resolution Policy (the "Policy") and concerns the domain name, <draftkingsontario.ca> (the "Domain Name").

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre ("CIIDRC") to the Panel dated May 29, 2026:

(a) On April 28, 2026, a Complaint was filed with CIIDRC on behalf of the Complainant pursuant to the Policy and the Domain Name Dispute Resolution Rules (the "Rules"). CIIDRC reviewed the Complaint for administrative compliance and confirmed that it satisfied the formal requirements of the Policy and the Rules.

(b) CIRA was notified of the proceeding and subsequently transmitted its verification response to CIIDRC confirming that the Registrant of the Domain Name is John Criven Batbatan. CIRA further confirmed that the Domain Name was placed on Registrar Lock and that the Domain Name was registered on March 4, 2026 (the "Registration Date").

(c) CIRA also advised that the original Complaint had been filed in respect of two domain names. Following confirmation by CIRA that the two domain names were registered to different named registrants, the

Complainant refiled separate Complaints in respect of each domain name and continued to request consolidation of the related proceedings.

(d) Pursuant to Rule 4.4, CIIDRC notified the Registrant of this administrative proceeding and forwarded a Notice of Complaint together with the Complaint to the Registrant on May 5, 2026.

(e) The deadline for filing a Response was set by CIIDRC as May 26, 2026. No Response was filed by the Registrant.

(f) The Complainant elected to proceed before a single-member Panel and paid the required Panel fee on May 25, 2026.

(g) In accordance with Paragraph 6 of the Rules, CIIDRC appointed the undersigned, Zak Muscovitch, as the sole Panelist. The Panel submitted a Statement of Acceptance and Declaration of Impartiality and Independence in accordance with Paragraph 7 of the Rules.

The Panel has reviewed the record and finds that it was properly constituted and has jurisdiction to decide this dispute.

2. FACTS

The Complainant, DK Crown Holdings, Inc. (the "Complainant"), is a Delaware corporation headquartered in Boston, Massachusetts. Founded in 2011, the Complainant operates under the DRAFTKINGS brand and provides online sports betting, online casino gaming, fantasy sports, and related gaming and entertainment services throughout North America, including in Canada.

The record demonstrates that the Complainant has used the DRAFTKINGS mark for more than a decade. The Complainant operates its principal website at <draftkings.com> and has provided evidence of continuous use of the DRAFTKINGS mark and website dating back to at least 2012. The Complainant has also provided evidence of substantial promotion and use of the DRAFTKINGS brand through its websites, mobile applications, social media channels, and advertising activities.

The Complainant is publicly traded on the NASDAQ stock exchange under the symbol "DKNG". According to the evidence, the Complainant employs approximately 5,000 people and, together with its affiliated entities, generated revenues in excess of US\$6 billion in 2025. The record also contains evidence of substantial advertising expenditures and significant public exposure of the DRAFTKINGS brand throughout North America.

The record further demonstrates that the Complainant actively offers sports betting and online gaming services directed at Ontario consumers through its DRAFTKINGS-branded sportsbook and casino services. The Complainant has provided evidence of Ontario-specific DRAFTKINGS gaming and sportsbook services available through its official websites and applications.

The Complainant owns numerous Canadian and foreign trademark registrations consisting of or incorporating the term DRAFTKINGS. These include Canadian trademark registration no. TMA893362 for DRAFTKINGS, registered on January 7, 2015, together with additional Canadian trademark registrations and numerous foreign trademark registrations. The Complainant also owns earlier United States trademark registrations for DRAFTKINGS dating back to 2013.

The Domain Name, <draftkingsontario.ca>, was registered on March 4, 2026. According to CIRA's verification response, the Registrant is John Criven Batbatan of Calgary, Alberta. The Registrant did not file a Response in this proceeding.

The Domain Name resolves to a website prominently displaying the DRAFTKINGS name and presenting itself as "DraftKings Casino". The website contains casino-themed imagery, bonus offers, game tiles, repeated calls to action, and navigation headings including "Bonuses", "How to Register", "Payments", "Betting", "Casino App", "Login", and "Register". The website presents itself as a source of information relating to online casino and gaming services and encourages visitors to register and participate in gaming activities.

According to the evidence, the website associated with the Domain Name contains links and redirections to third-party online gaming services, including a gaming platform identified as "Slot Mafia". The Complainant alleges that Internet users seeking the Complainant's services may be redirected to competing gaming services through the website associated with the Domain Name.

The Complainant states that it has never authorized the Registrant to use the DRAFTKINGS mark, register a domain name incorporating the DRAFTKINGS mark, or otherwise represent any affiliation with the Complainant.

3. ELIGIBILITY - CANADIAN PRESENCE REQUIREMENTS

Paragraph 1.4 of the Policy requires that a complainant satisfy the Canadian Presence Requirements for Registrants (the "CPR") at the time of filing the Complaint unless the Complaint relates to a trademark registered in the Canadian Intellectual Property Office ("CIPO") and the complainant is the owner of that trademark.

The Complainant relies upon Canadian trademark registration no. TMA893362 for DRAFTKINGS, registered on January 7, 2015, together with additional Canadian trademark registrations for DRAFTKINGS. The evidence establishes that the Complainant is the owner of these registrations.

Paragraph 2(q) of the CPR provides that a person who does not otherwise satisfy the CPR may nevertheless qualify where it is the owner of a trademark registered in Canada, provided that the domain name consists of or includes the exact word component of the registered trademark.

The Domain Name incorporates the exact word component the DRAFTKINGS trademark. The Panel is therefore satisfied that the Complaint relates to trademarks registered in CIPO of which the Complainant is the owner and that the Complainant qualifies under Paragraph 2(q) of the CPR.

Accordingly, the Complainant is an eligible complainant under Paragraph 1.4 of the Policy.

4. PRELIMINARY ISSUE - REQUESTED CONSOLIDATION

The Complainant requests that this proceeding be consolidated with two related CDRP proceedings concerning the domain names <draftkings-ontario.ca> and <ca-draftkings.ca>. The Complainant submits that the three domain names, although registered in different names, were obtained and controlled by the same underlying person or persons and form part of a common registration scheme targeting the Complainant's DRAFTKINGS mark and other gaming-related brands.

The Complainant originally attempted to file a single complaint in respect of the domain names <draftkings-ontario.ca> and <draftkingsontario.ca>. Following disclosure from CIRA indicating that the two domain names were registered in different names, the Complainant commenced separate proceedings in respect of each domain name. The Complainant subsequently commenced a separate proceeding concerning the domain name <ca-draftkings.ca> and similarly sought consolidation of all three proceedings.

In support of its request, the Complainant relies upon several categories of circumstantial evidence.

First, the Complainant points to the close similarity between the domain names. Each of the three domain names incorporates the DRAFTKINGS mark and combines it with either "Ontario" or "ca", both of which have geographic significance in Canada. The Complainant submits that the naming pattern is consistent with a single registration strategy targeting Canadian users seeking the Complainant's services.

Second, the Complainant relies upon the fact that the domain names were registered through the same registrar, Go Get Canada Domain Registrar Ltd., and within a relatively close period of time. The domain name <draftkings-ontario.ca> was registered on January 22, 2026, <draftkingsontario.ca> was registered on March 4, 2026, and <ca-draftkings.ca> was registered on March 11, 2026. The Complainant submits that the use of the same registrar and the timing of the registrations support an inference of coordination.

Third, the Complainant relies upon the similarity of the websites associated with the domain names. In particular, the Complainant submits that the websites associated with <draftkings-ontario.ca> and <draftkingsontario.ca> share similar layouts, navigation menus, promotional content, bonus structures, gaming-related themes, and overall presentation. The Complainant notes that the websites use headings such as "Bonuses", "How to Register", "Payments", "Betting", "Casino App", and "Login", contain gaming-related content and calls to action encouraging users to register, claim bonuses, or participate in online gaming activities, and appear designed to direct Internet users to third-party gaming services.

Fourth, the Complainant relies upon domain name portfolio evidence obtained from CIRA. The Complainant requested from CIRA lists of domain names associated with the registrant information connected to <draftkings-ontario.ca> and <draftkingsontario.ca>. Those lists contain numerous domain names incorporating the trademarks or brands of third-party gaming and betting operators. According to the Complainant, the disclosed portfolios exhibit a recurring and formulaic registration pattern involving Ontario-focused domain names that incorporate well-known gaming and betting brands, including BET365, BETANO, BETSAFE, BETRIVERS, BETWAY, BETVICTOR, BWIN, COMEON, POINTSBET, TONYBET, NEOBET and other gaming-related marks.

The Complainant points in particular to what it says is a paired hyphenated and non-hyphenated pattern. According to the Complainant, one portfolio contains a hyphenated Ontario variant of a gaming brand while another portfolio contains the corresponding non-hyphenated Ontario variant of the same third-party mark. The Complainant submits that this pattern is unlikely to be coincidental and is consistent with a single underlying actor dividing registrations across different nominal registrant identities in order to obscure control.

The question before the Panel is whether Rule 3.4 of the Resolution Rules permits consolidation in these circumstances and, if so, whether the evidence establishes that the legal standard for consolidation has been met.

Consolidation serves important objectives, including procedural efficiency, consistency of outcomes, and the avoidance of duplicative proceedings. At the same time, consolidation can have substantive consequences. A finding that multiple registrations are controlled by the same person may result in evidence relating to one registration influencing the determination of another and may expose a registrant to findings based partly upon conduct associated with domain names that are not formally registered in that registrant's name. Accordingly, the question of consolidation should be approached with care.

Rule 3.4 provides:

"A Complaint may relate to more than one Registration provided that the Registration Information for all such Registrations indicates the same Registrant for all the Registrations. For greater certainty, a Proceeding may be between only one Complainant and one Registrant regardless of the number of such Registrations."

Rule 1.1(g) defines "Registration Information" as the information of record regarding a Registration in the Registry's WHOIS database. Paragraph 1.2 of the Policy defines a "Registrant" as the person who has obtained the registration of a domain name in the Registry.

The text of Rule 3.4 is not as clear as it could be. It does not expressly state whether consolidation is limited to circumstances where the registration records identify the same named registrant or whether a panel may look beyond different names appearing in registration records to determine whether the same person in fact obtained the registrations. Nor does it articulate the evidentiary standard to be applied where a complainant alleges that different named registrants are aliases, nominees, privacy shields, or otherwise nominal registrants for a common underlying actor.

This lack of clarity is unfortunate. The next iteration of the Policy and Resolution Rules would benefit from expressly addressing whether, when, and on what evidentiary basis consolidation may be granted in circumstances involving different registration information. Doing so would provide greater certainty to complainants, registrants, and panels alike and reduce the need for panels to infer the intended scope of Rule 3.4 through interpretation alone.

The existing CDRP jurisprudence nevertheless provides useful guidance.

The first relevant decision is CIIDRC Case No. 14556-CDRP, in which panelist Michael Erdle considered a complaint involving multiple BIRKENSTOCK-formative domain names registered in different names. As later summarized in *Birkenstock Sales GmbH v. canadabirkenstock.ca et al.*, Case No. 15225-CDRP, Mr. Erdle held that the onus is on a complainant to show that all of the domain names in issue are held or controlled by the same registrant in order to proceed with a single complaint. He dismissed the complaint without prejudice because the registration information did not indicate the same registrant, the names, addresses and other contact information were different, the only common element appeared to be the registrar, and the complainant had not submitted evidence showing that the registration information was false on its face.

The second relevant decision is *Calvin Klein Trademark Trust v. Helen Crawley and Erin Dickson*, CIIDRC Case No. 14677-CDRP. In that case, panelist R. John Rogers concluded that Rule 3.4 should not necessarily be confined to circumstances where identical names appear in the registration records. Examining the definitions of "Registrant" and "Registration Information", the panel concluded that consolidation may be

available in exceptional circumstances where the evidence demonstrates that the same person obtained the registrations notwithstanding different names appearing in the registration records.

The third relevant decision is *Birkenstock Sales GmbH v. canadabirkenstock.ca et al.*, Case No. 15225-CDRP. There, panelist Barry Effler expressly considered both the earlier Erdle and Rogers decisions. He adopted the reasoning in *Calvin Klein* and held that a panel may look at the totality of the evidence to determine whether there is a common controlling registrant. The panel stated that the names appearing in WHOIS records are merely potential evidence of ownership and that a complainant may satisfy Rule 3.4 by providing sufficient evidence regarding the registrants, the domain names, and the associated websites to permit an inference of common control.

The Panel finds the reasoning in *Calvin Klein* and *Birkenstock* persuasive.

Rule 3.4 does not require that the names appearing in registration records be identical. Rather, it requires that the Registration Information indicate the same Registrant. Since "Registrant" is a defined term referring to the person who obtained the registration, the inquiry is ultimately directed at the identity of the person who obtained the registrations rather than merely the names appearing in the registration records. Accordingly, the Panel accepts that Rule 3.4 may permit consolidation notwithstanding differences in the names appearing in the registration records where the evidence establishes that the same person obtained the registrations.

At the same time, the Panel agrees with Michael Erdle that the onus remains on the complainant to establish that the registrations are held or controlled by the same registrant. Because consolidation requires a panel to attribute multiple registrations to the same person notwithstanding different registration records, the Panel considers that the evidentiary burden should be substantial. Where a complainant seeks to establish that different named registrants are in fact the same Registrant, the Panel considers that the evidence should be clear, cogent, and sufficiently persuasive to establish that conclusion on a balance of probabilities. This is particularly so where, as here, the registrants have not participated in the proceedings and therefore have not had an opportunity to address allegations that they are acting in concert with other persons.

The Panel therefore accepts the legal availability of consolidation in appropriate circumstances but considers that a complainant must establish, through clear, cogent, and persuasive evidence, that it is more likely than not that the registrations were obtained by the same person.

The Panel is also mindful of the danger of what might be described as profile-based consolidation. If similarity of conduct alone were sufficient, unrelated cybersquatters who target the same industry, use the same registrar, employ similar website templates, and pursue similar monetization strategies could routinely be treated as the same person despite the absence of evidence directly connecting them. The Panel does not believe that Rule 3.4 permits such a result.

Applying that standard, the Panel finds that the Complainant has assembled a thoughtful and carefully developed circumstantial case in support of its request for consolidation. The Complainant has identified numerous facts which, viewed collectively, raise a legitimate question as to whether the registrations may be connected. Nevertheless, the Panel is not persuaded that the evidence establishes, on a balance of probabilities, that the registrations were obtained by the same Registrant.

The similarity of the domain names supports the Complainant's position, but only to a limited extent. All three domain names incorporate the DRAFTKINGS mark and add obvious Canadian geographic modifiers.

This may be consistent with a coordinated registration strategy. However, it is equally consistent with separate actors independently targeting a distinctive and well-known online gaming brand in Canada. The DRAFTKINGS mark is highly recognizable in the online gaming industry. Multiple cybersquatters could independently arrive at combinations such as "DraftKings Ontario", "DraftKings-Ontario", or "CA DraftKings" without any coordination among them.

The use of the same registrar is similarly of limited evidentiary value. The registrar involved is Go Get Canada Domain Registrar Ltd., which is associated with Namecheap. It is one of the most commonly used registrars for low-cost domain registrations. While the common registrar is a relevant fact, it does not materially advance the question of common registrant identity. Many unrelated registrants use the same registrar.

The timing of the registrations is relevant but not determinative. The registrations occurred within a period of approximately seven weeks. This fact supports the possibility of a common registration strategy. It is also consistent with unrelated actors responding to the same commercial opportunity or targeting the same well-known brand within a relatively short period of time. The timing evidence raises legitimate questions but does not meaningfully distinguish between those competing explanations.

The similarity of the websites is one of the more significant facts relied upon by the Complainant. The websites associated with <draftkings-ontario.ca> and <draftkingsontario.ca> exhibit substantial visual and structural similarities. Both employ a casino-themed presentation, similar navigation headings, bonus-oriented marketing language, promotional tables, repeated calls to action, featured game tiles, and long-form informational content relating to online gaming and casino services. The overall architecture and user experience of the websites are sufficiently similar that the Panel accepts that they raise a legitimate question as to whether the sites were created, operated, or derived from a common source. The Panel has reviewed the screenshots submitted by the Complainant and accepts that the similarities are more substantial than might ordinarily be expected between unrelated websites.

The Panel nevertheless does not consider the website evidence sufficient to establish common registrant identity on a balance of probabilities. Although the websites share a number of common characteristics and, in the case of <draftkings-ontario.ca> and <draftkingsontario.ca>, exhibit substantial visual and structural similarities, they are not identical. There are differences in colour schemes, wording, bonus offers, game selections, and presentation. More importantly, the online gaming and affiliate-marketing industries make extensive use of standardized website templates, landing-page generators, affiliate software, and copied promotional content. Similar layouts, navigation structures, promotional tables, and bonus language may therefore arise from the use of common tools, common source materials, or imitation among unrelated actors.

The Panel also notes that the Complainant's evidence focused primarily on the visual similarities between the websites rather than technical similarities.

The Panel also notes that the website associated with <ca-draftkings.ca> exhibits a materially different visual presentation, content structure, and overall user experience from the websites associated with <draftkings-ontario.ca> and <draftkingsontario.ca>. While this difference does not preclude common ownership or operation, neither does it support a finding that all three websites necessarily originate from the same source. To the contrary, the differing presentation of the <ca-draftkings.ca> website underscores the difficulty in determining whether the similarities identified by the Complainant arise from common ownership, common templates, common affiliate-marketing tools, imitation, or some other explanation.

The Panel further notes that the Complainant's evidence concerning other gaming-brand domain names disclosed through the CIRA portfolio records demonstrates that similarly structured websites appear to exist across multiple gaming brands. This evidence may support the Complainant's theory of a common operator. However, it may also suggest the use of common website templates, common affiliate-marketing tools, common content-generation methods, or other shared resources that are not necessarily indicative of common registrant identity.

The difficulty for the Panel is not that the websites lack similarity. Rather, it is that the evidence does not establish the reason for that similarity. The Complainant did not provide evidence concerning the underlying source code of the websites, common analytics identifiers, common affiliate identifiers, common advertising identifiers, common tracking codes, common monetization mechanisms, or other technical evidence that might more directly connect the websites to the same operator. Nor did the Complainant demonstrate that the websites shared unique characteristics that would be unlikely to arise from the use of common templates or common affiliate-marketing practices. Such evidence could have materially strengthened the inference of common control. In its absence, the Panel considers the similarities suggestive but not determinative. The Panel therefore accepts that the website evidence is capable of supporting an inference of common control. The issue is that it is equally capable of supporting other explanations. On the present record, the Panel is unable to conclude that common ownership is the more probable explanation.

The strongest aspect of the Complainant's case is the portfolio evidence. The CIRA disclosure materials show portfolios containing numerous Ontario-focused domain names incorporating gaming and betting brands. The Complainant identifies a pattern whereby one portfolio includes a hyphenated Ontario version of a gaming brand while another portfolio includes the corresponding non-hyphenated version. This evidence is more compelling than the common registrar or timing evidence because it suggests a broader structural pattern rather than isolated similarity. Unlike the other categories of evidence, the portfolio evidence does not merely show that the registrants engaged in similar conduct; it tends to suggest that the conduct may have been organized according to a common registration strategy.

Nevertheless, the Panel is not persuaded that the portfolio evidence establishes common registrant identity on a balance of probabilities. The pattern may be consistent with a single actor dividing hyphenated and non-hyphenated variants among different nominal registrants. But it may also be consistent with separate cybersquatters targeting the same group of valuable gaming brands and adopting obvious variations of those brands with "Ontario". Indeed, where a cybersquatter observes that a particular gaming brand has already been targeted through one Ontario variant, it is entirely plausible that another cybersquatter would target the corresponding obvious variant. The pattern is capable of supporting an inference of common control, but the Panel is not satisfied that it is sufficient, without more, to establish that inference on a balance of probabilities.

The Panel also notes that the portfolio evidence demonstrates similarity of strategy rather than direct overlap of the same domain names or direct identifying information. The Complainant has not identified common email addresses, common telephone numbers, common postal addresses, common analytics identifiers, common affiliate identifiers, common payment mechanisms, common server configurations, or other direct hallmarks of common ownership or operation.

The absence of responses from the registrants is also a factor, but a limited one. While the absence of responses may permit a panel to draw appropriate inferences where the evidence otherwise supports them, non-participation does not itself establish that different named registrants are the same person. The absence

of responses is equally consistent with multiple unrelated cybersquatters electing not to participate in CDRP proceedings.

The Panel also notes the absence of certain evidence that might have materially assisted the consolidation request. The Complainant obtained and relied upon CIRA disclosure materials identifying the names, addresses, telephone numbers, email addresses, and associated domain-name portfolios connected with the relevant registrations. That was an appropriate and useful step.

However, the record does not disclose any attempt by the Complainant to investigate or verify the disclosed registrant information. For example, the record does not contain evidence of searches concerning the disclosed names, addresses, telephone numbers, or email addresses; searches of corporate or business registries; searches of social-media platforms such as LinkedIn; searches to determine whether the email addresses appeared elsewhere online; or other inquiries directed toward determining whether the disclosed registrants were genuine and distinct individuals or merely aliases for a common underlying registrant.

Similarly, the record does not contain technical evidence connecting the websites through common analytics identifiers, tracking codes, affiliate identifiers, advertising accounts, monetization mechanisms, or other hallmarks of common operation. Nor does the record contain evidence that the disclosed addresses are invalid, that the disclosed individuals do not exist, or that the disclosed contact information is fictitious.

To the contrary, the registrant names, addresses, telephone numbers, and email addresses disclosed by CIRA appear, on their face, to be genuine and distinct. The Panel has not been presented with evidence suggesting that any of the disclosed identities is fictitious, that the contact information is facially implausible, or that the respective registrant details overlap in any meaningful way. While the Panel makes no finding that the disclosed information is accurate, the absence of evidence calling its reliability into question distinguishes the present case from those cases in which consolidation has previously been granted.

The Panel does not suggest that the Complainant was required to undertake every conceivable investigative step. Nor does the absence of such evidence imply that the registrants are in fact distinct persons. The difficulty is simply that the evidence presently before the Panel leaves open both possibilities. It is possible that the registrations were obtained by the same underlying person. It is also possible that they were obtained by separate actors engaged in similar conduct. Additional evidence of the kind discussed above may have assisted the Panel in determining which of these competing inferences was more likely.

The Panel wishes to emphasize that its denial of consolidation should not be understood as a rejection of the Complainant's theory or as a finding that the alleged connection among the registrations is implausible. To the contrary, the evidence raises a legitimate question as to whether the registrations may be connected. The difficulty is that the evidence does not permit the Panel to move from possibility to probability.

The applicable standard is not certainty. Nor is the Panel required to conclusively determine whether the registrants are the same person. The issue is whether the Panel is satisfied, on a balance of probabilities, that the registrations were obtained by the same Registrant. On the present record, the Panel is unable to make that finding.

The Panel therefore makes no finding as to whether the registrants are in fact the same person or different persons. The Panel's conclusion is simply that the evidence does not permit the Panel to determine, on a

balance of probabilities, that the registrations were obtained by the same Registrant. The Complainant has therefore not met its burden under Rule 3.4.

Accordingly, the Panel declines to consolidate this proceeding with the proceedings concerning <draftkings-ontario.ca> and <ca-draftkings.ca>. This Decision therefore concerns only the domain name <draftkingsontario.ca>.

For completeness, the Panel notes that the related proceedings concerning the domain names <draftkings-ontario.ca> and <ca-draftkings.ca> were also assigned to the undersigned Panelist. Separate decisions have been issued in *DK Crown Holdings, Inc. v. Artin Kantarjian* (CIIDRC File 26988-CDRP) concerning <draftkings-ontario.ca> and *DK Crown Holdings, Inc. v. Ferto Garrero* (CIIDRC File 27062-CDRP) concerning <ca-draftkings.ca>. The present Decision concerns only the domain name <draftkingsontario.ca> and CIIDRC File 27063-CDRP. While the Panel has considered the evidence and submissions advanced in connection with the Complainant's request for consolidation, each proceeding has been determined independently on its own record and in accordance with the Policy and the Resolution Rules.

5. CONTENTIONS OF THE PARTIES

Complainant

The Complainant submits that the Domain Name is confusingly similar to its DRAFTKINGS trademarks within the meaning of paragraphs 3.1(a) and 3.3 of the Policy. According to the Complainant, the Domain Name wholly incorporates the DRAFTKINGS mark and merely adds the geographic term "Ontario". The Complainant submits that the addition of a geographic term does not dispel confusion and instead reinforces the impression that the Domain Name is associated with the Complainant's Ontario-facing sportsbook and online gaming services.

The Complainant further submits that it has extensive rights in the DRAFTKINGS mark that significantly predate the Registration Date of the Domain Name. The Complainant relies upon its Canadian trademark registrations, its long-standing use of the DRAFTKINGS mark, its substantial reputation and goodwill associated with the mark, and its operation of online gaming and sportsbook services in Ontario.

The Complainant submits that the Registrant has no legitimate interest in the Domain Name within the meaning of paragraph 3.1(b) of the Policy and that none of the circumstances set out in paragraph 3.4 of the Policy is applicable. The Complainant contends that it has never authorized the Registrant to use the DRAFTKINGS mark, that the Registrant is not commonly known by the Domain Name, and that the Registrant is not making any legitimate non-commercial or fair use of the Domain Name.

The Complainant further submits that the Registrant is using the Domain Name to attract Internet users seeking the Complainant's services and to direct such users to third-party gaming services. According to the Complainant, such use does not constitute a legitimate interest and instead represents an attempt to capitalize upon the goodwill associated with the DRAFTKINGS mark.

With respect to paragraph 3.1(c) of the Policy, the Complainant submits that the Domain Name was registered in bad faith. The Complainant contends that the DRAFTKINGS mark was well known at the time of registration and that the Registrant necessarily had knowledge of the Complainant and its trademarks when selecting the Domain Name. According to the Complainant, the Registrant intentionally chose a domain name incorporating the DRAFTKINGS mark in order to attract Internet users seeking the Complainant's services.

The Complainant submits that the website associated with the Domain Name prominently uses the DRAFTKINGS mark and presents itself as a source of information concerning online casino and gaming services. According to the Complainant, the website is designed to create the impression of an association with the Complainant and to divert Internet users to third-party gaming platforms for commercial gain.

The Complainant further submits that the Registrant deliberately targeted the Complainant's Ontario-facing gaming business by combining the DRAFTKINGS mark with the geographic term "Ontario". According to the Complainant, the Domain Name is calculated to capture Internet users seeking the Complainant's Ontario gaming and sportsbook services and to divert those users to competing gaming platforms.

The Complainant further submits that the Registrant's conduct falls within paragraph 3.5(d) of the Policy because the Registrant has intentionally attempted to attract Internet users to the associated website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement for commercial gain.

The Complainant additionally relies upon evidence concerning the domain names <draftkingsontario.ca> and <ca-draftkings.ca>, together with evidence concerning associated domain-name portfolios incorporating the trademarks and brands of numerous third-party gaming operators. According to the Complainant, the evidence demonstrates a broader pattern of registrations targeting well-known gaming brands and supports an inference that the Domain Name forms part of a coordinated registration scheme.

The Complainant further submits that the domain-name portfolios disclosed by CIRA reveal a recurring pattern involving Ontario-focused registrations corresponding to well-known gaming brands, including both hyphenated and non-hyphenated variants of the same third-party marks. The Complainant contends that this pattern supports a finding that the Domain Name was registered as part of a broader effort to target established gaming brands and divert Internet traffic intended for legitimate operators.

Accordingly, the Complainant submits that the Domain Name is confusingly similar to a mark in which it has rights, that the Registrant lacks a legitimate interest in the Domain Name, and that the Domain Name was registered in bad faith. The Complainant therefore submits that it has satisfied each of the requirements set out in paragraph 3.1 of the Policy and requests transfer of the Domain Name.

Registrant

The Registrant did not file a Response and has not otherwise participated in this proceeding.

6. REQUIREMENTS

In accordance with paragraph 3.1 of the Policy, the onus is on the Complainant to establish, on a balance of probabilities:

- (a) that the Domain Name is Confusingly Similar to a Mark in which the Complainant had Rights as of the Registration Date and continues to have such Rights;
- (b) that the Registrant has no legitimate interest in the Domain Name; and
- (c) that the Domain Name was registered in bad faith.

The Panel will consider each of these requirements in turn.

7. ANALYSIS

7.1 Confusing Similarity

Paragraph 3.1(a) of the Policy requires the Complainant to establish that the Domain Name is Confusingly Similar to a Mark in which the Complainant had Rights prior to the Registration Date and continues to have such Rights.

The Complainant owns Canadian trademark registrations for DRAFTKINGS, including Canadian registration no. TMA893362, registered on January 7, 2015. The Panel is satisfied that the Complainant had Rights in the DRAFTKINGS Mark prior to the Registration Date and continues to have such Rights.

Paragraph 3.3 of the Policy provides that a domain name is Confusingly Similar to a Mark if the domain name so nearly resembles the Mark in appearance, sound or the ideas suggested by the Mark as to be likely to be mistaken for the Mark.

The Domain Name wholly incorporates the Complainant's DRAFTKINGS Mark without alteration. The DRAFTKINGS Mark is clearly recognizable within the Domain Name and remains its dominant and distinctive element. The addition of the geographic term "Ontario" does not avoid confusing similarity. To the contrary, in the circumstances of this case, the addition of "Ontario" reinforces the likelihood of confusion because the Complainant provides DRAFTKINGS-branded sportsbook and online gaming services directed to consumers in Ontario.

The Panel finds that the Domain Name is Confusingly Similar to the Complainant's DRAFTKINGS Mark. The Complainant has therefore satisfied Paragraph 3.1(a) of the Policy.

7.2 Legitimate Interest

Paragraph 3.1(b) of the Policy requires the Complainant to establish that the Registrant has no legitimate interest in the Domain Name. Paragraph 3.4 of the Policy sets out circumstances in which a registrant may have a legitimate interest in a domain name.

There is no evidence that any of the circumstances set out in Paragraph 3.4 of the Policy applies. The Registrant is not affiliated with the Complainant, has not been authorized to use the DRAFTKINGS Mark, and is not commonly known by the Domain Name.

The evidence shows that the Domain Name resolves to a website prominently using the DRAFTKINGS Mark in connection with online casino and gaming content. The website appears designed to attract Internet users seeking the Complainant's DRAFTKINGS-branded services and to direct such users to third-party gaming services. Such use is not bona fide, legitimate, non-commercial, or fair. It is instead a use calculated to capitalize upon the reputation and goodwill of the Complainant's Mark.

The use of a domain name confusingly similar to a complainant's mark to divert Internet users to third-party commercial websites does not constitute a legitimate interest within the meaning of Paragraph 3.4 of the Policy.

The Registrant did not file a Response and has not provided any explanation for its registration or use of the Domain Name. On the record before the Panel, there is no basis upon which to find that the Registrant has any legitimate interest in the Domain Name.

The Panel finds that the Registrant has no legitimate interest in the Domain Name. The Complainant has therefore satisfied Paragraph 3.1(b) of the Policy.

7.3 Bad Faith

Paragraph 3.1(c) of the Policy requires the Complainant to establish that the Domain Name was registered in bad faith. Paragraph 3.5 of the Policy sets out non-exhaustive circumstances that may constitute evidence of bad faith registration.

The Panel finds that the Domain Name was registered in bad faith.

The Complainant's DRAFTKINGS Mark was registered in Canada long before the Registration Date and, on the evidence, was well known in connection with online sportsbook, casino, fantasy sports, and related gaming services. The Domain Name incorporates the Complainant's Mark in its entirety and adds only the geographic term "Ontario". The Panel is satisfied that the Registrant was aware of the Complainant and its Mark when registering the Domain Name.

The website associated with the Domain Name confirms that conclusion. The website prominently uses the DRAFTKINGS name and presents content relating to online casino and gaming services - the same general field in which the Complainant operates. The use of the Domain Name was not incidental or descriptive. It was a deliberate targeting of the Complainant's Mark and Ontario-facing gaming business.

Paragraph 3.5(d) of the Policy provides that bad faith may be established where the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant's website or other online location by creating a likelihood of confusion with the Complainant's Mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

That is precisely what occurred here. The Registrant registered a domain name that is confusingly similar to the Complainant's DRAFTKINGS Mark, used the Domain Name for a website displaying the DRAFTKINGS name and gaming-related content, and created the impression that the website was associated with or endorsed by the Complainant. The evidence further shows that the website contains links or redirections to third-party gaming services, including the gaming platform identified as "Slot Mafia". The Panel is satisfied that the Registrant's purpose was to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's Mark.

The broader surrounding circumstances further support the finding of bad faith. The Domain Name was not registered for any apparent legitimate purpose. It combines a well-known gaming brand with a geographic term directly relevant to the Complainant's services in Ontario. The associated website trades upon the Complainant's Mark in the same commercial field and directs users toward third-party gaming services. The Registrant has not come forward with any explanation or evidence of good-faith use.

The totality of the evidence supports only one reasonable inference: that the Domain Name was registered because of its association with the Complainant and its DRAFTKINGS Mark.

This is a classic case of cybersquatting. The Registrant selected a domain name confusingly similar to the Complainant's Mark, used it to create an apparent association with the Complainant, and sought to divert Internet users for commercial gain.

The Panel finds that the Domain Name was registered in bad faith within the meaning of Paragraphs 3.1(c) and 3.5(d) of the Policy. The Complainant has therefore satisfied Paragraph 3.1(c) of the Policy.

8. DECISION AND ORDER

For the foregoing reasons, the Panel finds that:

- (a) the Domain Name is Confusingly Similar to a Mark in which the Complainant had Rights as of the Registration Date and continues to have such Rights;
- (b) the Registrant has no legitimate interest in the Domain Name; and
- (c) the Domain Name was registered in bad faith.

The Complainant has therefore satisfied the requirements of Paragraph 3.1 of the Policy.

Accordingly, pursuant to Paragraph 4.3 of the Policy and Paragraph 14 of the Rules, the Panel orders that the registration of the Domain Name, <draftkingsontario.ca>, be transferred to the Complainant.

Dated: June 4, 2026

“Zak Muscovitch”

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Zak Muscovitch
Sole Panelist

