

Alternative Dispute Resolution Proceeding

Case No. DSE2024-0034

1. Petitioner

The Petitioner is Mullbeck AB, Sweden, represented by BokföringsbyråNya Ekonomlinjen AB, Sweden.

2. Domain Holder

The Domain Holder is A5 Stockholm AB, Sweden.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <abcd.se>.

This Petition was filed under the Terms and Conditions of registration (the “.se Policy”) and the Instructions governing Alternative Dispute Resolution proceeding for domain names in the top-level domain .se (the “.se Rules”).

The WIPO Arbitration and Mediation Center (the “Center”) verified that the Petition satisfied the formal requirements of the .se Policy and the .se Rules. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on September 18, 2024. Domain Holder submitted a response on October 18, 2024.

The Center appointed Per Carlson as the sole Arbitrator in this matter on October 25, 2024. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with Section 1 of the .se Rules.

4. Factual Background

The Petitioner is a Swedish Limited Liability Company selling clothes, bags and boots.

The Domain Holder is the registered holder of the domain name <abcd.se>, registered on June 3, 2019.

5. Claims

The Petitioner has claimed that the domain name <abcd.se> be transferred to the Petitioner. The Domain Holder has contested the request.

6. Parties' Contentions

A. Petitioner

In support of its claim the Petitioner has relied on the grounds, that the disputed domain name <abcd.se>, is identical or similar to the name of the Petitioner's business and boutique ABCD, that the disputed domain name has been registered or used in bad faith, and that the Domain Holder has no rights or justified interest in the disputed domain name.

– The Petitioner has in substance submitted the following.

The Petitioner has a business and boutique named ABCD in Sweden. The disputed domain name is identical or similar to the name of the business and boutique. The Domain Holder had an obligated trust from the Petitioner to buy the domain name <abcd.se> on behalf of the Petitioner, but had no right to register the domain name in its own name. The Domain Holder has no business or connection to the sign ABCD.

B. Domain Holder

The Domain Holder has not contested that the disputed domain name <abcd.se> is identical or similar to the sign ABCD. But the Domain Holder has contested that the domain name <abcd.se> has been registered or used in bad faith, as well as that the Domain Holder has any rights or justified interest in the domain name.

– The Domain Holder has submitted inter alia the following.

The Domain Holder and the Petitioner agreed that the Domain Holder should register the disputed domain name as part of a package solution and deliver the package 2020. When the Domain Holder withdrew from the agreement, the Petitioner decided to keep the domain name. The Petitioner has not conducted any business under the domain name <abcd.se> and the entire business has closed down.

7. Discussion and Findings

In accordance with article 7.2 of the .se Policy, a domain name may be transferred to the party requesting dispute resolution proceedings, if the following three conditions are fulfilled:

1. the domain name is identical or similar to inter alia a trademark or a company name, which is legally recognized in Sweden and to which the party requesting dispute resolution can prove its rights, 2. the domain name has been registered or used in bad faith and 3. the domain holder has no rights or justified interest in the domain name.

A. The Domain Name is identical or similar to a name which is legally recognized in Sweden and to which the Petitioner can prove its rights

The Petitioner has referred to the name of the Petitioner's business and boutique, ABCD. But the Petitioner has not referred to any trademark or company name or other sign which is legally recognized in Sweden. Already for this reason, the Petitioner's claim must be rejected.

8. Decision

The Petitioner's claim for transfer of the disputed domain name is rejected.

9. Summary

The Petitioner has not referred to any trademark or company name or other sign which is legally recognized in Sweden. Therefore, the Petitioners claim shall be rejected.

Per Carlson

Date: November 14, 2024