

## **ADMINISTRATIVE PANEL DECISION**

Swedbank AB v. dave darrent

Case No. D2022-4238

### **1. The Parties**

Complainant is Swedbank AB, Sweden, represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is dave darrent, Ireland.

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

The disputed domain name <swedbanksaugumas-prisijunges.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 8, 2022. On November 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 9, 2022, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to Complainant on November 10, 2022, 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 November 14, 2022.

The Center verified that the Complaint, together with the amended Complaint, satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform 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 November 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 14, 2022.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on December 28, 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 by the Center to ensure compliance with the Rules, paragraph 7.

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

Complainant is a multinational company based in Sweden. For decades prior to the registration of the disputed domain name, Complainant has offered banking and related services under the SWEDBANK mark. Complainant is the owner of several trademark registrations for its SWEDBANK mark. These include, among others, Swedish Registration No. 188279 (registered September 23, 1983) and European Union Registration No. 004897567 (registered March 5, 2007). Complainant also owns several registrations for domain names, including <swedbank.com> (registered September 22, 1998) and <swedbank.se> (registered November 20, 2002), which Complainant uses to connect with prospective consumers online.

The disputed domain name was registered on August 10, 2022. At the time the complaint was filed and currently the disputed domain name is not linked to an active website.

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

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

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns registrations for the SWEDBANK mark, for which Complainant has established "fame" with over 500,000 corporate customers and over 75 branches in the Baltic region alone. Complainant contends that Respondent has incorporated the SWEDBANK mark into the disputed domain name with only the addition of the term "saugumas-prisijunges" which translates from Lithuanian to English as "security-connections", and which is descriptive of Complainant's banking services offered, among other places, in Lithuania.

Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name with the intent to cause confusion among Internet users as to the source of the disputed domain name with no good faith use possible.

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

Respondent did not reply to Complainant's contentions.

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

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

The Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that it is. The disputed domain name incorporates in full Complainant's registered mark SWEDBANK, and adds the term "saugumas-prisijunges", which translates from Lithuanian to English as "security-connections".

Numerous UDRP panels have agreed that supplementing or modifying a trademark with descriptive words and where the trademark is recognizable, do not prevent a finding of confusing similarity for purposes of satisfying this first prong of paragraph 4(a)(i) of the Policy. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))

The Panel therefore finds that the disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights for purposes of paragraph (4)(a)(i) of the Policy.

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

The Panel next considers whether Complainant has shown that Respondent has no “rights or legitimate interests”, as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name “in connection with a *bona fide* offering of goods or services”; (ii) demonstration that respondent has been “commonly known by the domain name”; or (iii) “legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue”.

No evidence has been presented to the Panel that might support a claim of Respondent's rights or legitimate interests in the disputed domain name, and Respondent has no license from, or other affiliation with, Complainant.

Therefore, the Panel finds that Complainant has provided sufficient evidence of Respondent's lack of “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy which Respondent has not rebutted.

### **D. Registered and Used in Bad Faith**

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel's decision, the disputed domain name is not currently linked to an active website. It is nevertheless well established that having passive holding does not necessarily shield a respondent from a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3, which notes that the “non-use of a domain name” does not necessarily negate a finding of bad faith. Rather, a panel must examine “the totality of the circumstances”, including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals its identity and/or replies to the complaint. Respondent here did not formally respond to the Complaint nor to prior attempts at correspondence from Complainant. Respondent further provided an undeliverable address to the Registrar. Given Complainant's multinational presence, including in Lithuania, the Panel finds that Respondent was likely aware of Complainant's trademark rights at the time of registering the disputed domain name.

Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain names in bad faith for purposes 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 disputed domain name <swedbanksaugumas-prisijunges.com> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Date: January 5, 2023