

## **Alternative Dispute Resolution Proceeding**

### Accelerated Proceeding

### Case No. DSE2024-0037

#### **1. Petitioner**

The Petitioner is Porcelanosa S.A., Spain, represented by Elzaburu SLP, Spain.

#### **2. Domain Holder**

The Domain Holder is Name Removed, China.

#### **3. Domain Name and Procedural History**

This Alternative Dispute Resolution proceeding relates to the domain name <porcelanosa.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”) sent an invitation to the Petitioner to amend the Petition on September 30, 2024. The Petitioner filed an amendment to the Petition on September 30, 2024.

The Center verified that the Petition and the amendment to 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 October 4, 2024. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder's default on November 4, 2024.

The Center appointed Monique Wadsted as the sole Arbitrator in this matter on November 12, 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 the holder of e.g. EUTM No. 011812534 PORCELANOSA SA.

## **5. Claim**

The Domain Name shall be transferred to the Petitioner.

## **6. Parties' Contentions**

### **A. Petitioner**

The Petitioner is the holder of e.g. EUTM No. 011812534 PORCELANOSA SA.

*The Domain Name has been registered in bad faith*

The Domain Name is identical to the Petitioner's trademarks that was registered before the Domain Name. The Domain Holder has on numerous occasions offered the Petitioner to purchase the Domain Name for EUR 1,999. The Domain Holder has registered the Domain Name for the purpose of selling it to the Petitioner. The Domain Holder has no legitimate interest in the Domain Name and the registration has been made in bad faith.

*The Domain Holder has no right or justified interest in the Domain Name*

The Domain Holder is using the Domain Name to redirect traffic to web sites that conduct business similar to the Petitioner's business.

### **B. Domain Holder**

The Domain Holder has not provided any response.

## **7. Discussion and Findings**

### **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 is the holder of the EUTM PORCELSNOSA SA that is legally recognized in Sweden. The Domain Name is sufficiently identical or similar to the Petitioner's trademark. The requisites in this Section 7.A. are thus met.

### **B. The Domain Name has been registered or used in bad faith**

The Petitioner has provided evidence that the Domain Holder several times has offered the Domain Name for sale to the Petitioner. This has also been made after the Petitioner has demanded the Domain Holder to cease and desist from using the Domain Name and to transfer it to the Petitioner. This is sufficient evidence to establish that the Domain Holder has registered the Domain Name in bad faith.

### **C. The Domain Holder has no rights or justified interest in the Domain Name.**

The Petitioner has provided evidence that the Domain Holder uses the Domain Name to redirect traffic to websites that conduct business similar to the Petitioner's business. This together with the evidenced facts mentioned above in Section 7.B demonstrates that the Domain Holder has no rights or justified interest in the Domain Name.

**8. Decision**

The Domain Name shall be transferred to the Petitioner.

**Monique Wadsted**

Date: November 26, 2024