

Filing guidelines for the Response

Before submitting your Response, please read carefully Paragraph 7 of the Terms and Conditions of registration (the “.SE Policy”)

<https://internetstiftelsen.se/app/uploads/2019/02/registreringsvillkor-se-enq.pdf>

and the Instructions governing Alternative Dispute Resolution proceedings for domain names in the top-level domain .se (the “.SE Procedural Rules”)

<https://internetstiftelsen.se/app/uploads/2019/02/procedural-rules-adr.pdf>.

Is the filing of a Response mandatory?

Under the Terms and Conditions of registration which the Domain holder entered into when registering the .se domain name, the Domain holder must submit to the ADR proceeding. The Domain holder has 30 days to submit a Response. The submission of a response is not mandatory. The matter will be decided even if the Domain holder fails to respond to the Petition.

What happens if a Response is not filed or not filed on time?

If the Response is not received in time and, if the Petitioner has requested it, the Petition may be handled as an Accelerated proceeding.

In what language should the Response be made?

The Response must be in English or Swedish.

Do any fees have to be paid when filing a Response?

The only time a fee has to be paid by the Domain holder is when the Petitioner chooses to have the case decided by a single Arbitrator, but the Domain holder prefers to have the case decided by three Arbitrators. In such cases, an applicable fee should be paid by the Domain holder (SEK 8 000 exl. VAT for companies and inc. VAT for private individuals). The Domain holder must submit its payment together with its Response.

Does the Response have to be submitted by a lawyer?

While the assistance of a lawyer may be helpful, there is no requirement that the Response be prepared or submitted by a lawyer. If you wish to appoint a representative, you must cover this cost yourself.

What information should be included in the Response?

The information that must be included in the Response is described in Paragraph 14 of the .SE Procedural Rules.

In addition, the WIPO Center has prepared a Model Response and the below checklist of the elements to include in the Response.

The use of the Model Response as a basis for the preparation of a party's Response does not guarantee a Respondent's success on the merits.

Check list for the Model Response:

- Complete the information about the parties.

- Select the number of arbitrators. You have two alternatives: you can accept that the petition is decided by one arbitrator, or, if the petitioner has elected to have the dispute decided by one arbitrator, you can request for it to be decided by three arbitrators. In this case, you select an arbitrator from the list and pay the fee listed. If the petitioner has elected to have the decision decided by three arbitrators, you must select one arbitrator from the list. The list of arbitrators is available at <https://www.wipo.int/amc/en/domains/panel/panelists.jsp?code=seDRP>. The schedule of fees is available at <https://internetstiftelsen.se/en/dispute-resolution/arbitrators-and-costs/>.

- Enter your claim (i.e. whether you consent or object to the remedy requested by the petitioner).

- Enter the facts and legal grounds invoked to object the petition. Describe the actions taken by you and the petitioner. It is important that you address the arguments and evidence presented by the petitioner in its petition, and it is important that you provide information that is as detailed as possible since the argument presented in your response is what the arbitrator will take into consideration and base its decision upon. Examples of bad faith, right or justified interest are available at <https://internetstiftelsen.se/app/uploads/2019/02/instructions-pertaining-to-adr-paragraph-7.pdf>.

- Enclose evidence. It is important that your response includes information about the evidence that is being presented and what you intend to prove by presenting it. Remember that the evidence presented in your response is what the arbitrator will take into consideration and base its decision upon. Examples of evidence can be printed screen shots from your website and evidence of any communication with the petitioner. Make sure all evidence is in written form. Links, sounds or movies are not permitted.

- Sign your Response and enter the date, location, title and name in block letters.

In preparing my Response, how do I demonstrate my rights to and justified interests in the domain name that is the subject of the Petition?

Examples of right or justified interest are provided in the “Instructions of bad faith and right or justified interest definitions”:

<https://internetstiftelsen.se/app/uploads/2019/02/instructions-pertaining-to-adr-paragraph-7.pdf>

The Domain Holder owns a registered brand (or other right) that is identical or similar to the Domain Name;

- The Domain Name is being used or has been registered to be used in its linguistic meaning;
- The Domain Name is being used or has been registered to be used in commercial or private operations that do not infringe on the Petitioner’s rights;
- The Domain Name is older than the brand (or other right) on which the Petitioner bases the application.

How do I submit the Response?

In order to facilitate the electronic submission of a response, please download and complete the [Model Response](#) as a Word document to submit as an email attachment (together with annexes) to domain.disputes@wipo.int.

For ADR queries, please contact the WIPO Arbitration and Mediation Center at +41 (0)22 338 8247 or email arbiter.mail@wipo.int.