

Alternative Dispute Resolution Proceeding

Case No. DSE2022-0004

1. Petitioner

The Petitioner is Svea Ekonomi AB, Sweden, represented by Ports Group AB, Sweden.

2. Domain Holder

The Domain Holder is A.S., Sweden.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the disputed domain name <sveafinansltd.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. The Center invited the Petitioner to amend the Petition on February 15, 2022. The Petitioner submitted an amended Petition on February 17, 2022. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on February 22, 2022. The Domain Holder did not submit any formal response and, accordingly, the Center notified the Domain Holder’s default on March 23, 2022. The Domain Holder submitted email communications after receiving the notification of default on March 23, and April 1, 2022.

The Center appointed Bengt Eliasson as the sole Arbitrator in this matter on April 6, 2022. 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, Svea Ekonomi AB, is a Swedish independent financial company with thirty years of experience that operates in the credit market and performs financial administrative services such as financing, invoice purchases, factoring, account management, credit and debt collection. The Petitioner is authorized by the Swedish Financial Supervisory Authority and has offices in eight countries all over the

world. The company is a leading actor in northern Europe for financial and administrative services.

The disputed domain name <sveafinansltd.se> was registered by the Domain Holder on September 25, 2021. The disputed domain name resolve to an inactive website.

The Domain Holder has submitted two email communications on March 23, 2022 and April 1, 2022 in Swedish.

5. Claim

The Petitioner claims that the disputed domain name shall be transferred to the Petitioner. Furthermore, the Petitioner also requests to have the dispute decided as an Accelerated Proceeding in case the Domain Holder does not respond to the Petition.

6. Parties' Contentions

A. Petitioner

The Petitioner owns several trademark registrations for SVEA and SVEA FINANS, among others Swedish trademark registration No 317645 SVEA FINANS registered on September 27, 1996, and European Union trademark ("EUTM") registration Nos. 17398611 SVEA FINANS and 17398637 SVEA FINANS(device), both registered on February 27, 2018. The disputed domain name is composed of the verbal distinguished element "sveafinans", the generic elements "ltd" (as Ltd. is a standard abbreviation for "limited," *i.e.* a form of corporate structure) and of the country code Top-Level Domain ".se". The distinguished element "sveafinans" is identical to the above quoted registrations for the trademark SVEA FINANS. As the trademark is clearly recognizable within the disputed domain name, it should be considered confusingly similar. Thus, the disputed domain name is confusingly similar to a trademark in which the Petitioner has rights and the requirements of the Policy must therefore be considered fulfilled.

The Petitioner's trademarks were registered before the Domain Holder became the owner of the disputed domain name <sveafinansltd.se>. The Petitioner has been using the trademark SVEA FINANS before the disputed domain name was registered. It is therefore obvious that the Domain Holder was aware of the Petitioner's trademarks and business when registering the domain name. Also, the fact that the website to which the disputed domain name resolves, included the Petitioner's trademark and therefore misleads Internet users not only to believe the Domain Holder is the owner of the trademark but also take advantage of the Petitioner's goodwill. The Domain Holder has not tried to prevent confusion by making clear on the website that it is not the trademark owner. The Domain Holder is trying to take advantage of the SVEA FINANS trademark to draw traffic to its website. Therefore, the Petitioner claims that the disputed domain name has been registered for commercially profit from the likelihood of confusion between the Petitioner's trademark and the disputed domain name. All the above mentioned circumstances strongly suggest that the disputed domain name has been registered and used in bad faith by the Domain Holder. The Petitioner sent a cease and desist letter to the Domain Holder on November 11, 2021, without receiving any reply. The requirements of the Policy are therefore fulfilled.

The Domain Holder does not have any rights in the domain name, nor is the Domain Holder a licensee of the Petitioner. Furthermore, the Petitioner has not authorized the Domain Holder to register a domain name that includes its trademark. There is no evidence that the Domain Holder has been commonly known by the disputed domain name or is making a legitimate noncommercial or fair use of the disputed domain name. Considering all the above, it is obvious that the Domain Holder has no right or legitimate interest in respect of the disputed domain name.

B. Domain Holder

The Domain Holder objects to the Petitioner's claim. Domain Holder is the director of a company under the name Svea Finans Limited registered in Ireland and provides a certificate.

According to the certificate, the company Svea Finnans Limited was incorporated by the Domain Holder in Ireland on September 8, 2021. The Domain Holder argues that according to Swedish civil law, this company is the legal owner of the disputed domain name <sveafinansltd.se>.

The Domain Holder claims that the Registrar one.com did not accept a company without a Swedish company-id number as the registrant of the disputed domain name and the disputed domain name is therefore registered under the Domain Holder's name.

Furthermore, the Domain Holder disputes the claims presented by the Petitioner and argues that there are several companies in Sweden that have the word "svea" as part of the company name, for example: Svea Fireworks, Svea Apartments, Svea Distribution AB, Svea H AB, Svea Cater AB, Svea Vaccin AB, Svea Kött i Malmö AB etc. A quick Internet search of the word "svea" resulted in 1191 companies, of which the vast majority have nothing to do with the Petitioner.

In addition, there is also a court called Svea Court of Appeal in Sweden.

In the present case, the disputed domain name accurately reflects the entire name of the company: Svea Finans Limited. Thus, there is no risk of confusion with any other company, such as the Petitioner.

Finally, the Petitioner has not contested the information presented by the Domain Holder in its Response. Therefore, the starting point in the present proceeding should be based on the assumption that the Petitioner does not use or has used the name "Svea Finans" in Sweden, but only registered it as a trademark.

A registered company within the EU whose company name has been registered by the relevant registration authority should be allowed to register a domain name corresponding to that name.

In the light of the above, there are no reasons to transfer the ownership of the disputed domain name to the Petitioner and the Petitioner's claim should be rejected.

7. Discussion and Findings

A domain name may, in accordance with the .se Policy paragraph 7.2, be deregistered or transferred to the party requesting dispute resolution proceedings if all of the following three conditions are fulfilled:

1. The Domain Name is identical or similar to a name which is legally recognized in Sweden and to which the party requesting dispute resolution can prove its rights, and
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.

All three conditions must be met in order for a petitioner to succeed in its action.

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 owner of the following registrations for the trademark SVEA FINANS, Swedish registration No. 317645 SVEA FINANS (word) dated 1996 as well as EUTM registrations Nos. 17398611 SVEA FINANS (word) and 17398637 SVEA FINANS (device), both dated 2018, which are all highly similar to the disputed domain name <sveafinansltd.se>

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

The Petitioner's trademark has been used for several years and ' t is therefore not likely that the Domain Holder was unaware of the Petitioner when registering the disputed domain name <sveafinansltd.se>. The fact that the Domain Holder has registered an Irish company with the name Svea Finans Limited in 2021 and that there are other companies with the word "svea" as the dominant part of the company name does not change the Arbitrator's assessment in this respect. The Arbitrator notes that the disputed domain name resolves to an inactive website and the Domain Holder is not using the domain name in relation to its company. The Arbitrator therefore, based on the above, concludes that the disputed domain name has been registered and used in bad faith.

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

The fact that the Domain Holder has registered an Irish company with the name Svea Finans Limited in 2021 does not entail in itself any rights or justified interest in the disputed domain name <sveafinansltd.se> under the .SE Policy. The Arbitrator that the Domain Holder has no rights or justified interest in the disputed domain name.

8. Decision

The disputed domain name <sveafinansltd.se> shall be transferred to the Petitioner.

9. Summary

The disputed domain name <sveafinansltd.se> is highly similar to the Petitioner's registered trademarks SVEA FINANS. The domain name has been registered and used in bad faith. The fact that the Domain Holder has registered an Irish company under the name Svea Finans Limited does not in itself give the Domain Holder any rights or justified interest in the disputed domain name.

/Bengt Eliasson/

Bengt Eliasson

Date: April 20, 2022