

Alternative Dispute Resolution Proceeding

Accelerated Proceeding

Case No. DSE2023-0012

1. Petitioner

The Petitioner is Fédération française de tennis, France, represented by Nameshield, France.

2. Domain Holder

The Domain Holder is D.S., Sweden.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <rolandgarrosstringer.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 sent an invitation to the Petitioner to amend its Petition on May 4, 2023. The Petitioner submitted an amended Petition on May 4, 2023. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on May 5, 2023. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder’s default on June 6, 2023.

The Center appointed Bengt Eliasson as the sole Arbitrator in this matter on June 11, 2023. 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

Founded in 1920, the Petitioner promotes, organizes and develops tennis in France. It counts more than 1 million licensees in 2022. The Petitioner also provides representation of France in international meetings and organizes major tournaments such as the International of France at Roland Garros. The International of France of Roland Garros, also called “French Open”, is the biggest tournament of the tennis season on clay and the only Grand Slam still competing on that surface.

The Petitioner is the owner of numerous trademarks including ROLAND GARROS which covers Sweden, such as European Union trademark registration No. 003498276 ROLAND GARROS FRENCH OPEN, registered on January 12, 2006 International trademark registration No. 1178267 ROLAND GARROS CLAY, registered on July 9, 2013, and International trademark registration No. 1370730 RG ROLAND GARROS, registered on January 24, 2017. The Petitioner has also registered numerous domain names including the trademark ROLAND GARROS, such as <rolandgarros.com> registered since April 21, 1999, and <rolandgarros.com> registered since April 22, 1997.

The disputed domain name <rolandgarrosstringer.se> was registered on July 13, 2017, and redirects to a website advertising the tennis racket stringing services provided by a company operating under the name "Roland Garros stringers".

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 trademarks comprising ROLAND GARROS which cover Sweden. The Petitioner contends that the disputed domain name <rolandgarrosstringer.se> is confusingly similar to their prior trademark RG ROLAND GARROS. The domain name contains the distinctive part of the Petitioner's trademark RG ROLAND GARROS. The Petitioner contends that the addition of the country code Top-Level Domain ("ccTLD") ".se" does not change the overall impression of the designation as being connected to the trademark ROLAND GARROS.

The Petitioner quotes *FUJIFILM Europe B.V. v. I.M., Nordic Cleen Invest SRL*, <instaxstore.se> WIPO Case No. [DSE2022-0019](#), <instaxstore.se> ("The disputed domain name <instaxstore.se> contains the said trademark INSTAX entirely and the term 'store' and is similar to the trademark."). On those facts, the Petitioner contends the disputed domain name <rolandgarrosstringer.se> is confusingly similar to its prior trademark RG ROLAND GARROS.

The Petitioner asserts that their trademarks are well-known and recognized all over the world. The trademark has been used for so many years that the Domain Holder must have been aware of the Petitioner at the time of registration of the disputed domain name <rolandgarrosstringer.se>. In addition, the disputed domain name resolves to a website advertising the tennis racket stringing services provided by a company operating under the name "Roland Garros stringers".

Moreover, there is several references to the Roland Garros tournament, especially in website's photos, where it is shown that Technifibre is "Roland Garros official stringer since 1988", and to its other name "French Open".

The Petitioner claims that the Domain Holder leads traffic to its own website by using the Petitioner's trademark, in order to capitalize on the Petitioner's goodwill for its own commercial gain and promote services that are closely related to the Petitioner's activities. Based on those facts, the Petitioner contends that the Domain Holder has registered and is using the disputed domain name <rolandgarrosstringer.se> in bad faith.

The Petitioner contends that the Domain Holder has no rights or justified interests in respect of the disputed domain name <rolandgarrosstringer.se> and it is not related in any way with the Petitioner. The Petitioner does not carry out any activity for, nor has any business with the Domain Holder. Neither license nor authorization has been granted to the Domain Holder to make any use of the trademark RG ROLAND GARROS, or apply for registration of the disputed domain name by the Petitioner. In consequence, the Domain Holder has no rights or justified interests in respect of the disputed domain name <rolandgarrosstringer.se>.

B. Domain Holder

The Domain Holder has not filed any reply or comments to the Petition for Alternative Dispute Resolution.

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. a trade symbol (trademark or service mark),
 - b. a trade name or secondary business name,
 - c. a surname,
 - d. an artist's name (if the name is not associated with someone who deceased a long time ago),
 - e. a title of another party's copyrighted literary or artistic work,
 - f. a name that is protected by the Regulation concerning Certain Official Designations (2019:167),
or
 - g. The name of a government authority that is listed in the registry that Statistics Sweden must maintain under the Swedish Code of Statutes SFS 2007:755 (Government Agencies Register Ordinance), or its generally accepted abbreviation, 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 right which is legally recognized in Sweden and to which the Petitioner can prove its rights

The Arbitrator considers the Petitioner's trademark RG ROLAND GARROS as well-known. In addition, the Petitioner holds International and European Union trademark registrations comprising the denomination ROLAND GARROS, such as ROLAND GARROS FRENCH OPEN (European Union Trade Mark No. 003498276), ROLAND GARROS CLAY (International Registration No. 1178267) and RG ROLAND GARROS (International Registration No. 1370730), that covers Sweden.

The disputed domain name <rolandgarrosstringer.se> consists, in addition to the Petitioner's trademark ROLAND GARROS, of the word "stringer" that must be considered as descriptive in relation to the Petitioner's as well as the Domain Holder's business activities. The Arbitrator therefore agrees with the Petitioner that the disputed domain name is similar to the Petitioner's trademark rights.

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

The Arbitrator concludes, based on the above, that the disputed domain name <rolandgarrosstringer.se> has been registered and used in bad faith.

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

The Domain Holder has not submitted any reply or comments to the Petition and there is nothing else in the case stating that the Domain Holder has a right or justified interest in the disputed domain name. The Arbitrator therefore, based on the above, concludes that the Domain Holder has no rights or justified interest in the disputed domain name <rolandgarrosstringer.se>.

8. Decision

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

Bengt Eliasson

Date: June 18, 2023