

Alternative Dispute Resolution Proceeding

Accelerated Proceeding

Case No. DSE2024-0003

1. Petitioner

The Petitioner is LULULEMON ATHLETICA CANADA INC., Canada, represented by SILKA AB, Sweden.

2. Domain Holder

The Domain Holder is C.L., China.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <lululemon.se> (the “Domain Name”).

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 the Petition on January 29, 2024. The Petitioner submitted an amendment to the Petition the same day. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on January 31, 2024. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder’s default on March 5, 2024.

The Center appointed Monique Wadsted as the sole Arbitrator in this matter on March 6, 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 supports its claim e.g., on its exclusively owned European Union Trade Mark (“EUTM”) LULULEMON, EUTM Registration no. 002304848 LULULEMON (word mark), registered on November 12, 2002, in international classes 18, 25 and 27, with designation in Sweden (“Trade Mark”).

The Domain Holder registered the Domain Name on January 3, 2015.

The Domain Name resolves to a pay-per-click ("PPC") website including links with the text: "Lululemon Clothing".

5. Claim

The Petitioner requests that the disputed domain name <lululemon.se> shall be transferred to the Petitioner.

6. Parties' Contentions

A. Petitioner

The Petitioner claims that the following three conditions under the .se Policy are met in relation to the Domain Name; 1) the Domain Name is identical or similar to a trademark or business name (or other name rights) which is legally recognized in Sweden and to which the party requesting dispute resolution can prove its rights; 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.

Founded in Vancouver, Canada in 1998, the Petitioner is a technical athletic apparel, footwear, and accessories company for yoga, running, training, and most other activities, creating transformational products and experiences that build meaningful connections, unlocking greater possibility and wellbeing for all.

Setting the bar in innovation of fabrics and functional designs, the Petitioner works with yogis and athletes in local communities around the world for continuous research and product feedback. The Petitioner uses high-quality materials and premium fabrics designed to be durable, resistant, and comfortable.

According to its 2022 Annual Report, the Petitioner operated 655 stores in 18 countries (including Sweden) across the globe, with approximately 34,000 employees and global revenue of over USD 8 billion.

In order to carry out its activities, the Petitioner has a number of LULULEMON-formative registered trademarks in many countries and territories worldwide, including the following trademark registrations legally recognized in Sweden.

- EUTM Registration no. 002304848 LULULEMON (word mark), registered on November 12, 2002, in international classes 18, 25 and 27.
- International Trademark Registration no. 1086102 LULULEMON (word mark), registered on June 29, 2011, in international class 35. The trademark designates the European Union.
- International Trademark Registration no. 1086103 LULULEMON ATHLETICA (word mark), registered on June 29, 2011, in international class 35. The trademark designates the European Union.
- International Trademark Registration no. 1142267 LULULEMON (word mark), registered on November 8, 2012, in international class 25. The trademark designates Sweden.

B. Domain Holder

The Domain Holder has not filed 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's EUTM LULULEMON is reproduced in its entirety in the Domain Name. The Petitioner has therefore proven that it holds such entitlement as defined in Paragraph 7.2 of the .se. Policy and that the Domain Name is similar or identical to the Petitioner's registered right.

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

The Arbitrator finds no indication on the record that might rebut the Petitioner's claims, i.e., the Domain Name has been registered and used in bad faith by the Domain Holder.

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

Based on the record, the Arbitrator finds that the Domain Holder has no right or a justified interest in the Domain Name.

8. Decision

The Domain Name <lululemon.se> shall be transferred to the Petitioner.

Monique Wadsted

Date: March 8, 2024