

ADMINISTRATIVE PANEL DECISION

Apoteket AB v. stefan farber
Case No. DCC2025-0003

1. The Parties

The Complainant is Apoteket AB, Sweden, represented by AWA Sweden AB, Sweden.

The Respondent is stefan farber, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <apoteket.cc> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 24, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (NameCheap, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on February 25, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 27, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on April 4, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a Swedish company (Aktiebolag) incorporated on September 1, 1970, and for 40 years held what appears to be a State-granted monopoly on such services (hosting all of the then nearly 1,000 stores). According to the Complaint and Annexes, the Complainant provides outpatient pharmacy services through close to 400 pharmacies in Sweden, together with a distance sales operation, which sells via e-commerce and through 603 pharmacy agents across Sweden. The Complainant notes that it held all pharmacies in Sweden until the pharmaceutical market was deregulated in 2009, at which stage the Complainant had around 900 stores.

In 2019, the Complainant reported SEK 20,321,000,000 in sales, up from SEK 20,083,000,000 in the preceding year. The Complainant produces a 2020 report into the Swedish pharmacy market which notes that physical pharmacies remain the dominant sales channel for pharmaceuticals. The Complainant provides evidence that it has maintained high rankings in customer and brand surveys from at least 2012, placing from fifth to second place in lists of the most trusted Swedish brands. Two surveys in 2019 and 2024 respectively ranked the Complainant as the fourth most trusted Swedish brand. In the 2024 survey, it was noted as interesting that the Complainant came "top of mind" in the survey whereby it had "managed to stand out in an industry in which companies have generally had problems distinguishing themselves".

The Complainant operates under the APOTEKET trademark and owns, for example, Swedish Registered Trademark Number 622852 for the word mark APOTEKET, registered on August 18, 2022, in Classes 5, 35, and 44. This mark was referenced in the Complaint but a register extract was not produced, and the Panel took the opportunity to verify the mark and its various registration details in the Swedish national trademark database. The Panel also used an online Swedish to English machine translator in respect of some aspects of the evidence together with consulting a Swedish to English dictionary, and an online description of Swedish grammar to assist it in the present case. On the subject of such independent research, see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.8.

The Complainant is also the owner of multiple registered trademarks for figurative marks representing its logo, which also incorporates the word APOTEKET in a plain sans-serif typeface alongside a green shield on its side with a white line drawing inside, for example, European Union Registered Trademark Number 8580508, registered on June 8, 2010, in Classes 3, 5, 8, 9, 10, 16, 21, 35, 39, and 44. In a decision from the Swedish Patent and Registration Office of November 15, 2021, no. 2021/00003/01, it was established that the trademark APOTEKET has a reputation.

The disputed domain name was registered on December 12, 2024. Little is known of the Respondent, which has not participated in the administrative proceeding, other than that it appears to be a private individual with an address in the United States. According to the Complainant's screenshots dated December 30, 2024, the website associated with the disputed domain name was at that date operating an online pharmacy in the Swedish language. Said website used a logo containing the word "apoteket" in a plain lower-case sans-serif typeface, similar to that in the Complainant's figurative mark, alongside a purple shield with a white line drawing inside, overlaid with a cross or asterisk design. Said site contained the following statement, "Få din beställning på din Sverige adressera ett vanligt vadderat kuvert" which the Panel machine translates to

“Receive your order at your Swedish address in a regular padded envelope”. This, along with the language choice, indicates that the Swedish domestic market is being targeted. Said website appeared to offer for sale a wide variety of pharmaceuticals that are typically available only on a medically controlled basis, such as on prescription. The website is no longer available.

The term “apoteket” is a word in the Swedish language, being an inflection of “apotek”, meaning “pharmacy”. The inflection signals the presence of the definite article, leading to a translation of the term “apoteket” as “the pharmacy”.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name contains its trademark in its entirety whereby identity may be found.

The Complainant asserts that the Respondent has not, to its knowledge, acquired any trademark rights in the term “apoteket”, that the use of the disputed domain name indicates that the Respondent has no rights or legitimate interests in the disputed domain name, that the website associated with the disputed domain name was offering to resell drugs on an illegal basis without requiring production of a prescription, that the Respondent is using a privacy service to prevent the Complainant from knowing its identity, and that the content of the website associated with the disputed domain name capitalizes on the reputation and goodwill of the Complainant’s mark.

The Complainant notes that its trademarks date back to 2006, significantly predating the registration of the disputed domain name. The Complainant asserts that it has longstanding and well-established rights to the mark APOTEKET dating back to its exclusive provision of all pharmacies in Sweden, and extending to its present-day use across 400 pharmacies in that country. The Complainant notes that it has maintained a substantial reputation as one of the most trusted Swedish brands, including via those surveys which ask Swedish consumers for a spontaneous answer as to which companies they think have a high reputation. The Complainant asserts that consumers perceive its mark as associated with the Complainant rather than referring to any pharmacy in the linguistic meaning.

The Complainant submits that the content of the website associated with the disputed domain name is targeted towards Sweden and Swedish consumers, such that it is damaging to the Complainant which holds an identical trademark, conducts its primary business activities in Sweden, and holds a high reputation there, asserting that the Respondent deliberately incorporated such mark into the disputed domain name to mislead Internet users as to the origin and authenticity of the website associated with the disputed domain name, causing confusion and potential harm to the Complainant’s brand and reputation. The Complainant submits that, to its knowledge, the Respondent lacks permission to sell prescription medicines to Swedish consumers and is therefore engaged in illegal activities.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The country-code Top-Level Domain suffix ".cc" in respect of the disputed domain name is typically disregarded under the first element test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Notably, the Complainant has established that it has a very substantial reputation in its name and mark APOTEKET. In the context of a supply of pharmacy services, the term appears to be widely used in Sweden to refer to the Complainant and its mark, frequently held to be one of the most trusted Swedish brands, rather than necessarily in reference to the general linguistic meaning. The context here is important, in that the Respondent has used the disputed domain name to operate an online pharmacy in the Swedish language, targeting Swedish consumers, in competition with the Complainant's online pharmacy.¹ In that context, the evidence before the Panel establishes that Swedish consumers (to whom the site is addressed) would see the term in the disputed domain name as referencing the Complainant and its prominent, long-

¹The Complainant's screenshot suggests that other languages might be available on the Respondent's website, based upon the presence of three 'flag' logos, but Swedish appears to be the primary language.

established, Swedish pharmacy business, and would not understand it to be making a simple non-specific reference to “the pharmacy” in linguistic terms. Furthermore, the website connected to the disputed domain name features a logo containing the word “apoteket” in a lower-case sans-serif typeface virtually identical to that used in the Complainant’s figurative trademark, with the only difference being that the device to the left of the word is a different color and contains a different line-drawn design (albeit also in white) with a superimposed cross or asterisk. In the absence of any explanation from the Respondent, and especially noting the fact that the Complainant was the only purveyor of such services for 40 years and that it was adjudicated as being famous in the relevant market, these similarities suggest an attempt on the Respondent’s part to mimic sufficient aspects of the Complainant’s figurative mark in order to confuse consumers, indicating that the Respondent could not be making a bona fide offering of goods or services.

Finally, the Complainant makes the uncontested assertion that the website associated with the disputed domain name offers to supply certain legal and illegal pharmaceutical products, notably without a legally required (in Sweden) prescription. The Complainant’s allegation is a serious one, which calls for an explanation from the Respondent, but none has been forthcoming.

Panels have held that the use of a domain name for illegal activity here, claimed sale of illegal pharmaceuticals, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered the disputed domain name long after the Complainant was founded and began to operate pharmacies under the corresponding name, and after the Complainant’s registered trademark rights came into being. It is notable that at one time the Complainant was the only pharmacy business which operated in Sweden, and it seems to the Panel to be unlikely almost to the point of impossibility that the Respondent, a person targeting Sweden for pharmaceutical sales and having a command of the Swedish language, might have registered the disputed domain name without any knowledge of the Complainant.

The Panel accepts the Complainant’s assertion that, given its substantial reputation in Sweden, and the use of the website associated with the disputed domain name in connection with an online pharmacy in Swedish, it is more probable than not that the Respondent is intentionally making reference to the Complainant’s brand in the disputed domain name and not to the general linguistic meaning of the term “apoteket”. This is also supported by the evident similarities between the Respondent’s logo and the Complainant’s figurative mark.

The Complainant has asserted that the disputed domain name was used, before being taken down, for activities concerning the supply of illegal medicines and pharmaceuticals without a legally required prescription. As noted in the preceding section, this is an allegation that calls for a response from the Respondent, and in particular a credible explanation. The Respondent has, however, chosen to remain silent in the face of the Complainant’s contentions, leading the Panel to the view that the Respondent has no reasonable explanation to give that might have been accepted by the Panel as supporting its registration and use of the disputed domain name in good faith.

Panels have held that the use of a domain name for illegal activity, here, claimed sale of illegal pharmaceuticals, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <apoteket.cc> be transferred to the Complainant.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: April 18, 2025