

Alternative Dispute Resolution Proceeding

Case No. DSE2025-0004

1. Petitioner

The Petitioner is Emeis Cosmetics Pty Ltd, Australia, represented by Dreyfus & associés, France.

2. Domain Holder

The Domain Holder is [Name Removed], Sweden.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <aesop.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. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on February 5, 2025. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder’s default on March 10, 2025.

The Center appointed Johan Sjöbeck as the sole Arbitrator in this matter on March 14, 2025. 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 is the owner of a number of trademark registrations, including:

European Union trademark AESOP with registration number 000893248, and registration date July 31, 1998, for goods in class 3.

International trademark AESOP with registration number 1033291, and registration date March 12, 2010, for services in class 35, designating inter alia the European Union.

International trademark AESOP with registration number 1315608, and registration date July 5, 2016, for goods and services in classes 8, 21, and 44, designating inter alia the European Union.

The disputed domain name <aesop.se> was registered by the Domain Holder on April 23, 2019. The website, to which the disputed domain name resolves, displays sponsored commercial pay-per-click links, some of which are related to the Petitioner's activities.

5. Claim

The Petitioner claims that the disputed domain name shall be transferred to the Petitioner.

6. Parties' Contentions

A. Petitioner

The Petitioner, Emeis Cosmetics Pty Ltd (trading as Aesop), is an Australian industrial group specialized in the field of cosmetics and beauty, founded in Melbourne in 1987. Aesop is a renowned luxury skincare and fragrance brand and has established a notable presence in Sweden with exquisite stores, amongst its 395 stores across 27 countries. Each shop reflects the brand's signature minimalist aesthetic and commitment to quality, offering a curated selection of its high-end products. Located in Stockholm, these boutiques provide customers with personalized consultations and a unique shopping experience, embodying the timeless elegance and natural sophistication that Aesop is celebrated for worldwide.

The Petitioner operates the domain name <aesop.com> since October 12, 1998. In addition, the Petitioner owns numerous AESOP trademark registrations around the world that significantly predate the registration date of the disputed domain name <aesop.se> which reproduces the Petitioner's trademark in its entirety. Hence, the disputed domain name is identical to a right which is legally recognized in Sweden and to which the Petitioner can prove rights. A basic trademark search for "aesop" would have revealed to the Domain Holder the existence of the Petitioner and its trademark. Even supposing that the Domain Holder was not aware of the possibility of searching trademarks online before registering a domain name, a simple search via Google or any other search engine using the keyword "aesop" demonstrates that the vast majority of search results relate to the Petitioner's products and business. The fact that the Domain Holder registered the disputed domain name, which incorporates the Petitioner's trademark entirely and without any additional terms, cannot be a coincidence and clearly demonstrates that the Domain Holder was aware of the Petitioner's trademark when registering and using the disputed domain name.

The disputed domain name does not resolve to an active site other than a parking page with commercial links, some of which are related to the Petitioner's activities. Upon detecting the disputed domain name, the Petitioner made its best efforts to resolve the matter amicably. On December 6, 2024, the Petitioner sent a cease-and-desist letter to the Domain Holder requesting the transfer of the disputed domain name. Despite several reminders, the Petitioner never obtained any response, which further verifies that the Domain Holder was fully aware of, and intended to capitalize on, the Petitioner's rights through the registration and use of the disputed domain name. The Domain Holder neither tried to defend his rights nor stated any valid arguments to justify the registration of the disputed domain name in response to Petitioner's cease-and-desist letter. The Domain Holder's failure to respond to the Petitioner's cease-and-desist letter and failure to respond to the Petitioner's calls, or to otherwise to engage, further reinforces an inference of bad faith. In light of these elements, the Domain Holder could not have been unaware of the AESOP trademark and its established presence in Sweden, when registering and using the disputed domain name.

The Domain Holder is neither affiliated with the Petitioner in any way nor has it been authorized by the Petitioner to use its trademark, or to seek registration of any domain name incorporating said trademark. Furthermore, the Domain Holder cannot claim prior rights or legitimate interest in the disputed domain name as the AESOP trademark precedes the registration of the disputed domain name for years. There is no

evidence that the Domain Holder is commonly known by the disputed domain name or the name “aesop”. The Domain Holder has not demonstrated any intention of non-commercial or fair use of the disputed domain name. The fact that the Domain Holder has ignored the Petitioner’s cease-and-desist letter and reminders further indicate that the Domain Holder has no rights or justified interest in the disputed domain name.

B. Domain Holder

The Domain Holder did not file a Response to the Petition.

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 disputed 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 disputed domain name has been registered or used in bad faith, and
3. The Domain Holder has no rights or justified interest in the disputed 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

According to the submitted evidence in the case, the Petitioner is the owner of the registered trademark AESOP which is legally recognized in Sweden. The disputed domain name <aesop.se> incorporates the trademark in its entirety. It is common practice to disregard the ccTLD “.se” when comparing a domain name and a trademark.

Having the above in mind, the Arbitrator concludes that the disputed domain name <aesop.se> is identical to the Petitioner’s trademark AESOP and that the Petitioner has proven the first requirement under Paragraph 7.2 of the .se Policy.

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

The Petitioner’s trademark registrations for AESOP predate the registration of the disputed domain name <aesop.se> by many years. The Petitioner has not licensed, approved or in any way consented to the Domain Holder’s registration or use of the trademark in the disputed domain name. A simple search on the internet prior to registering the disputed domain name would have provided information that the Petitioner’s trademark registration is valid in Sweden.

From the evidence submitted in the case, it is clear that the disputed domain name, which is identical to the Petitioner’s registered trademark, resolves to a parking website displaying sponsored commercial pay-per-click links, some of which are capitalizing on the Petitioner’s trademark. Hence, the evidence indicates that the disputed domain name is being used in an attempt to take advantage of the Petitioner’s trademark. Furthermore, the Domain Holder’s registration of the disputed domain name hinders the Petitioner from reflecting its trademark in a corresponding domain name in the Swedish ccTLD “.se”. In addition to the above, the Domain Holder ignored a number of cease-and-desist letters sent by the Petitioner, leaving the Petitioner no option but to initiate this administrative proceeding.

In the absence of any evidence to the contrary, the Arbitrator is persuaded on the balance of probabilities that the Domain Holder knew or should have known of the Petitioner's business and trademark when registering and using the disputed domain name. A factor to weigh in the balance is the fact that the Domain Holder has not responded to the Petitioner's contentions in this proceeding.

There is no evidence in the case file that refutes the Petitioner's submissions and the Arbitrator concludes that the Petitioner has also proven the second requirement under Paragraph 7.2 of the .se Policy and 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 Petitioner maintains that the Domain Holder lacks rights or justified interest in the disputed domain name <aesop.se> and that the Petitioner has not licensed or consented to the Domain Holder's registration and use of the AESOP trademark in the disputed domain name.

Although given the opportunity, the Domain Holder has not submitted any evidence in this case to demonstrate that the Domain Holder is the owner of a trademark, or any other right, similar to the disputed domain name or that the Domain Holder is or has been commonly known by the disputed domain name.

By not submitting a formal response, the Domain Holder has failed to invoke any circumstances, which could demonstrate pursuant to Section 7.2 of the .se Policy, any rights or justified interests in respect of the disputed domain name. Thus, there is no evidence in the case that refutes the Petitioner's submissions, and the Arbitrator concludes that the Petitioner has also proved the third requirement under Section 7.2 of the .se Policy.

8. Decision

For the foregoing reasons, in accordance with Section 7.2 of the .se Policy, the Arbitrator orders that the disputed domain name <aesop.se> shall be transferred to the Petitioner.

9. Summary

The Arbitrator concludes that the disputed domain name <aesop.se> is identical to the Petitioner's trademark AESOP. Furthermore, the Arbitrator concludes that the Petitioner has proved that the disputed domain name has been registered and used in bad faith in accordance with the second requirement of the .se Policy. Finally, the Arbitrator finds that the Domain Holder has failed to invoke any circumstances, which could demonstrate pursuant to the .se Policy, any rights or justified interests in respect of the disputed domain name.

Johan Sjöbeck

Date: March 16, 2025