

## **ADMINISTRATIVE PANEL DECISION**

Skandia Brands AB v. Martin Simon

Case No. D2025-0077

### **1. The Parties**

The Complainant is Skandia Brands AB, Sweden, represented by Abion AB, Sweden.

The Respondent is Martin Simon, Sweden.

### **2. The Domain Name and Registrar**

The disputed domain name <skandia-fonder.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 9, 2025. On January 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 10, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 10, 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 January 15, 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 January 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 8, 2025.

The Center appointed Petter Rindforth as the sole panelist in this matter on February 14, 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 subsidiary of the Swedish insurance company Skandia Group that was founded in 1855. The Complainant is the owner of the trademark SKANDIA, registered in a number of jurisdictions around the world, including but not limited to:

European Union Trade Mark No. 018626215 SKANDIA (word), registered on June 23, 2022 for services in International Classes 35, 36, 37, 39, 40, 42, 43, 44, and 45;

Norwegian Registration No. 0901525 SKANDIA (word), registered on August 22, 2008 for services in International Class 36; and

United States Registration No. 6039240 SKANDIA (word), registered on April 28, 2020 for services in International Class 36.

The Complainant also holds several domain names incorporating the SKANDIA trademark, such as <skandia.se>, registered on October 13, 1994 and <skandia.com>, registered on April 20, 1995.

The disputed domain name <skandia-fonder.com> was registered on November 14, 2024.

At the time the Complainant found the disputed domain name, it redirected to the Complainant's own website at "www.skandia.se". At the time the Complainant filed the Complaint, the disputed domain name had changed to resolve to an inactive website.

On December 16, 2024, the Complainant sent a cease-and-desist letter to the Respondent, with no reply.

#### **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 incorporates in its second-level portion the Complainant's trademark SKANDIA. Further, the Complainant states that the Respondent has no rights to "skandia" or "fonder" (Swedish word for "funds") or combination thereof, and has not replied to the Complainant's warning letter. The Respondent resides in Sweden and the SKANDIA trademark is well known in Sweden.

##### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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.

Although the addition of other terms, here, a hyphen followed by the descriptive word "fonder", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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. Moreover, the composition of the disputed domain name, incorporating the Complainant's trademark with the Swedish word "fonder", meaning "funds", which is closely related to the Complainant's services, carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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 is based in Sweden, the home country of the Complainant, and that the Complainant's trademark is well known on the Swedish market. The initial use of the disputed domain name to link it to the Complainant's own website is an indication that the Respondent may have intended to use the disputed domain name to communicate with false emails, especially considering the associated active MX records and composition of the dispute domain name, or simply to

force the Complainant to buy the disputed domain name and thereby make an undue profit off the same. In any event, in these circumstances it is clear that the Respondent was aware of the Complainant and its trademark when registering the disputed domain name, and most likely sought to create some form of false association or otherwise unfairly profit from the Complainant's trademark. The present non-active use of the disputed domain name does not give the Panel any grounds for different conclusions.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <skandia-fonder.com> be transferred to the Complainant.

*/Petter Rindforth/*

**Petter Rindforth**

Sole Panelist

Date: February 25, 2025