

## **Alternative Dispute Resolution Proceeding**

### **Case No. DSE2022-0023**

#### **1. Petitioner**

The Petitioner is Roborock International B.V., Netherlands, represented by Chofn Intellectual Property (Chofn IP), China.

#### **2. Domain Holder**

The Domain Holder is N.E., Spectrafence AB, Sweden.

#### **3. Domain Name and Procedural History**

This Alternative Dispute Resolution proceeding relates to the domain name <roborock.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 the Petition on August 18, 2022. The Petitioner submitted an amended Petition on August 28, 2022. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on September 12, 2022. The Domain Holder submitted a response on September 12, 2022.

The Center appointed Bengt Eliasson as the sole Arbitrator in this matter on September 27, 2022. 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, Roborock International B.V., is an associated company of Beijing Roborock Technology Co., Ltd. and has been granted a trademark license and power of attorney by Beijing Roborock Technology Co., Ltd., which is the owner of European Union Trademark registration no. 017298035 ROBOROCK, registered on January 24, 2018. The Petitioner, established in 2019, is focused on innovation, researching, developing, and producing home cleaning devices, particularly robotic, cordless, and wet/ dry vacuum cleaners.

The disputed domain name <roborock.se> was registered by the Domain Holder on July 3, 2018. The disputed domain name has not been used and has never been connected to a website.

The notification of the Petition was sent via e-mail to the Domain Holder on September 12, 2022, and received the same day.

The Domain Holder submitted two e-mail communications on September 12, 2022, and confirmed on September 21, 2022, that he had nothing more to add.

The Center informed the Parties on September 14, 2022, of the possibilities to settle the matter. The Parties have not informed the Center of any settlement discussions. The Center informed the Parties of its commencement of appointment of an Arbitrator on September 22, 2022.

## **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.

## **6. Parties' Contentions**

### **A. Petitioner**

Based on a license from the associated company Beijing Roborock Technology Co., Ltd., the Petitioner has the prior rights to the trademark ROBOROCK within the European Union. The time of applying for the disputed domain name is much later than the time of applying and using the trademark. In order to protect the brand, the trademark owner, Beijing Roborock Technology Co., Ltd., has filed trademark applications with national and regional trademark offices around the world, including European Union Trademark registration no. 017298035 ROBOROCK, filed on October 4, 2017, and registered on January 24, 2018.

Since the establishment in 2014, the Beijing Roborock Technology Co., Ltd. (the Petitioner Roborock International B.V. was established in 2019), has grown rapidly into a world-renowned floor sweeper brand through its core patented technology and sound commercial layout. In September 2016, Beijing Roborock Technology Co., Ltd. launched its first product with Xiaomi, one of China's largest smart home appliance companies. It became the nation's best-selling robotic-cleaner, selling more than 2 million units by 2018. The product Roborock S5 launched in 2017, crowdfunding over RMB 10 million (USD 1.5 million) within 4 hours of launch. In 2018, the Petitioner officially begins its expansion overseas, recording the best performing year since its founding, selling more than double the units compared to the previous year. Today, Roborock is available in more than 40 countries, including the United States of America, Germany, France, Spain, and Sweden. Beijing Roborock Technology Co., Ltd. was officially listed on the Shanghai Stock Exchange STAR Market (688169) in February 2020. In June of the same year, the product Roborock S6 was named by the European Hardware Association as one of the best smart home products in the world. In November 2021, the product Roborock S7 was recognized by TIME as one of the best inventions of 2021. In the same year, Beijing Roborock Technology Co., Ltd. was ranked No.1 in terms of market share in the RobotVacuum Category in Germany, the Nordic countries, and in the United States of America, it is also the top 3 brand in the online market. To date, Beijing Roborock Technology Co., Ltd. has sold a total of 9.28 million units and exported its products to more than 40 countries and regions overseas. With outstanding product design and innovative product features, Beijing Roborock Technology Co., Ltd. has won many international awards. Based on the above, it can be seen that the Petitioner has a high reputation and influence.

The Petitioner claims that when comparing the disputed domain name and the Petitioner's trademark in this case, the relevant comparison should disregard the Top-Level suffix ".se". The addition of a Top-Level Domain ("TLD") suffix does not have the capacity to distinguish the disputed domain name from the Petitioner's prior rights (WIPO Case No. [D2017-0275](#) *Rexel Developpements SAS v. Zhan Yequn*). The main identifying part of the disputed domain name is "roborock", which is identical to the trademark ROBOROCK.

In light of the above, the Petitioner claims that the disputed domain name is confusingly similar to the trademark ROBOROCK.

The date of registration of the disputed domain name was July 3, 2018, which is far later than the time when the Petitioner applied for and started using the trademark ROBOROCK in Sweden. The Petitioner claims that the Domain Holder applied for the domain name with malicious intent. The trademark owner, Beijing Roborock Technology Co., Ltd. is one of the world's largest manufacturers of cleaning appliances and has a high global profile. According to Annex 10 of the Petition, it can be demonstrated that the trademark owner, Beijing Roborock Technology Co., Ltd. had commercial activities in Sweden prior to the registration of the disputed domain name and that it is highly likely that the Domain Holder had knowledge of the trademark owner, Beijing Roborock Technology Co., Ltd.'s business name and trademark when registering the disputed domain name. The Petitioner claims that the Domain Holder's motive for registering the disputed domain name was not a coincidence and that the Domain Holder registered the disputed domain name in bad faith. There is also bad faith in the fact that the Domain Holder has not used the disputed domain name since its registration. In general, a domain name is registered for the purpose of using the domain name, either by the registrant or by allowing others to use it in the normal course or by reasonable transfer. The direct effect of passive use is to prevent the Petitioner from registering the same domain name using the same combination of letters. The Petitioner claims that under the passive possession doctrine, the non-use of a domain name (including blank or "coming soon" pages) does not eliminate the existence of bad faith.

The Petitioner has registered prior trademark rights in Sweden and a search of the trademark database in the European Union has confirmed that no trademark applications or registrations were found under the name of the Domain Holder. The Domain Holder is not a distributor or partner of the Petitioner and the Petitioner has never directly or indirectly authorized the Domain Holder to use the ROBOROCK trademark and domain name in any form. In summary, the Domain Holder does not have any rights or legitimate interest in the disputed domain name.

## **B. Domain Holder**

The Domain Holder objects to the Petitioner's claim and states the following.

"The domain name was available at that time, they can buy it from me if they want too. I have not done anything wrong since it was available and I was thinking of selling these items."

"I got really worried and thought I done something really wrong, had no idea about this. Have checked the files and company. The reason for the domain was of course NOT to do any harm. Me and my son would at that time start a project to try to build our own radio controlled Robot, like Robocop. But we would like a similar name and some suggestions was Robocop, Rococock and Roborock. He likes "the rock" actor and Robocock was just a fun name we laughed about and thought it would not fit. This was a pre-school project and since I am into radio controlled toys we started the project. And to be able to share this with his friends my idea was to make a website. But unfortunate time goes on and he lost interest, he got caught up in football, but we thought we can do this in the future if he gets the interest back. Then I forgot this domain actually as time went on. Really caught off guard with this e-mail, just paid the bills and did not think so much about it. I am very sorry if this made any harm, that was never my meaning. I have never used it because of his lack of interest to finish this RC robot. Had no idea there was a company named Roborock in China or where it is, but now I know. My hopes are that we can finish our project and since we decided this name for it - it have a certain value for me and my son. But of course if you want this domain, we can find a way and transfer the domain if it's very important to you. I can try explain to him but since it have an emotional value

and memories and future hopes I cannot just let it go, can you accept to pay for it? I can ask him and try to explain, and we can consider this together. He is not that old, he is 8 years now and 4 at the moment we started this project. The plan was to try build these robots and maybe sell them to his friends, I thought there was nothing wrong with this since it was possible to register, sorry for any inconvenience. I would like to solve this of course for you, my son and me. How can we do? Any suggestion for easy solution can we agree on something?"

## **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 name 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 name which is legally recognized in Sweden and to which the Petitioner can prove its rights**

The Petitioner, and has been granted a trademark license and power of attorney by Beijing Roborock Technology Co., Ltd., owner of European Union Trademark registration no. 017298035 ROBOROCK, registered on January 24, 2018, which is identical to the disputed domain name <roborock.se>.

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

The trademark referred to by the Petitioner has been used in Sweden and registered before the disputed domain name <roborock.se>. The Domain Holder has stated that "the files and company" have been checked. In addition the Domain Holder has also confirmed that it is "into radio controlled toys", which is a technical field that is close to the Petitioner's line of business. It is therefore not likely that the Domain Holder was unaware of the Petitioner and the trademark rights referred to by the Petitioner when registering the disputed domain name <roborock.se>. Furthermore, the Arbitrator has also noted that the Domain Holder obviously has considered other similar names that are close to the trademark referred to by the Petitioner. The Arbitrator therefore, based on the above circumstances, concludes that the disputed domain name has been registered in bad faith.

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

The Domain Holder has not presented any evidence of legitimate use of the disputed domain name <roborock.se>. The Domain Holder's claim of a project "to try to build our own radio controlled Robot" is not credible and has not been supported by relevant evidence. In addition 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 finds that the Domain Holder has no rights or justified interest in the disputed domain name.

## **8. Decision**

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

## **9. Summary**

The Petitioner has been granted a license and power of attorney by the owner of the trademark ROBOROCK, which is identical to the disputed domain name <roborock.se>. The disputed domain name has been registered in bad faith and the Domain Holder has no rights or justified interest in it.

**Bengt Eliasson**

Date: October 17, 2022