

Alternative Dispute Resolution Proceeding

Accelerated Proceeding

Case No. DSE2023-0010

1. Petitioner

The Petitioner is Karolinska Universitetssjukhuset, Sweden, represented by SILKA AB, Sweden.

2. Domain Holder

The Domain Holder is I.C., Bulgaria.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <karolinskatrialliance.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 April 25, 2023. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder’s default on May 30, 2023.

The Center appointed Per Carlson as the sole Arbitrator in this matter on June 6, 2023. 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 a health facility, with special responsibility for secondary and tertiary healthcare. The Petitioner is the holder of e.g. the European Union Trademark KAROLINSKA (registration no. 003886661), registered on August 30, 2005, for *inter alia* medical care in class 44 and education and training in class 41.

The Domain Holder is the holder of the domain name <karolinskatrialliance.se>, registered on November 20, 2021. The domain name resolves to a website with pay-per-click links.

5. Claim

The Petitioner has requested that the domain name <karolinskatrialliance.se> be transferred to the Petitioner.

The Domain Holder has been given the opportunity to respond to the Petition, but has not submitted any response.

6. Parties' Contentions

Petitioner

In support of its claims, the Petitioner argues that the disputed domain name <karolinskatrialliance.se> is identical or similar to its registered European Union trademark KAROLINSKA, that the disputed domain name has been registered or used in bad faith, and that the Domain Holder has no rights or justified interest in the disputed domain name.

In substance, the Petitioner has submitted, *inter alia*, the following.

The Petitioner operates the "Karolinska Trial Alliance", which is a specialized, regulatory unit that provides services and courses in the planning, execution and completion of clinical studies at cost price, with the mission to support both academia and industry.

It is impossible to believe that the Domain Holder would have chosen the disputed domain name <karolinskatrialliance.se> if it did not have the Petitioner and its activities in mind.

7. Discussion and Findings

In accordance with article 7.2 of the .se Policy, a domain name may be transferred to the party requesting dispute resolution proceedings, if the following three conditions are fulfilled:

1. the domain name is identical or similar to *inter alia* a trademark, 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.

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 is the holder of the European Union trademark KAROLINSKA, which is legally recognized in Sweden. The disputed domain name <karolinskatrialliance.se> contains the said trademark KAROLINSKA and the trademark KAROLINSKA has an independent role and is clearly recognizable in the domain name <karolinskatrialliance.se>.

Therefore, the domain name <karolinskatrialliance.se> is similar to the Petitioner's trademark KAROLINSKA.

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

The Petitioner's trademark KAROLINSKA is generally known in Sweden for medical care and medical research. Accordingly, KAROLINSKA is, from a trademark point of view, well known (*notoirement connues*)

for medical care and medical research. The mere fact that the disputed domain name contains the well known trademark KAROLINSKA indicates that the domain name was registered with the Petitioner's trademark in mind. The fact that the domain name includes the expression "trial alliance", which is used by the Petitioner for a specialized regulatory unit, makes it clear that the domain name has been registered with the Petitioner's trademark KAROLINSKA in mind. For these reasons, the domain name must be considered to have been registered in bad faith in the meaning of the .se Policy.

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

The Domain Holder has not made any submission in the present proceeding. Thus, the Domain Holder has not stated any facts that would constitute a right to or a justified interest in the disputed domain name.

8. Decision

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

Per Carlson

Date: June 16, 2023