

## **Alternative Dispute Resolution Proceeding**

### Accelerated Proceeding

### Case No. DSE2024-0041

#### **1. Petitioner**

The Petitioner is Flint Group GmbH, Germany, internally represented.

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

The Domain Holder is [Name Removed], Australia.

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

This Alternative Dispute Resolution proceeding relates to the domain name <flint-group.se> (the "Domain Name").

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 December 16, 2024. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder's default on January 22, 2025.

The Petitioner elected to have the dispute decided by one arbitrator and as an Accelerated Proceeding if the Domain Holder did not respond to the Petition. The Domain Holder did not submit a response to the Petition and the dispute shall be decided as an Accelerated Proceeding.

The Center appointed Jon Dal as the sole Arbitrator in this matter on January 27, 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. Claim**

The Petitioner claims that the Domain Name shall be transferred to the Petitioner.

The Domain Holder did not submit a response.

## **5. The Parties' Contentions**

### **5.1. The Petitioner**

#### **A. 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**

The Domain Name is identical to the Petitioner's internationally registered trademark FLINT GROUP, registered under number 913941. The IR trademark FLINT GROUP is a legally recognized trademark under Swedish law, and the Petitioner holds the rights to this trademark. The use of the Domain Name incorporates the trademark fully, creating a likelihood of confusion among consumers and infringing upon the Petitioner's rights as the rightful owner of the trademark.

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

The Domain Name has been registered and used in bad faith, as evidenced by several key factors:

1. The website available under the Domain Name is a direct 1:1 copy of the Petitioner's official website. This deliberate duplication misleads users into believing that the Domain Name is affiliated with or authorized by the Petitioner, which it is not.
2. The Domain Holder's actions demonstrate an intent to create confusion among customers, business partners, and the general public. By presenting itself as the Petitioner, the Domain Holder is unlawfully exploiting the Petitioner's established identity for potential commercial or other illegitimate gains.
3. This misuse harms the Petitioner by tarnishing its image, eroding customer trust, and interfering with its business operations. The confusion caused by the Domain Name's operation impacts the Petitioner's ability to maintain its reputation and serve its customers effectively.
4. The act of copying the website is a strong indication of bad faith. Such actions suggest that the Domain Name was registered with the intent to deceive or disrupt the Petitioner's business rather than for any legitimate purpose.

The Petitioner became aware of the existence of the Domain Name on November 7, 2024

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

The Domain Holder has no rights or justified interest in the Domain Name for the following reasons:

1. The Domain Holder has not been granted any rights by the Petitioner to use its trademark, name, or intellectual property. There is no business or legal relationship that would justify such use.
2. The Domain Name is being used to host a website that replicates the Petitioner's official website. This demonstrates an intent to mislead rather than any bona fide offering of goods or services.
3. To the best of the Petitioner's knowledge, the Domain Holder does not hold any rights to the name "Flint Group" or related designations. The Petitioner's trademark rights precede the Domain Holder's registration and use of the Domain Name.
4. By copying the Petitioner's website, the Domain Holder creates confusion and potentially misleads visitors, further negating any claim of justified interest in the Domain Name.

The Petitioner made an effort to resolve the matter amicably by sending a cease-and-desist letter to the Domain Holder. The letter, sent to the email address provided by the Swedish Internet Foundation based on the Petitioner's legal interest, requested that the Domain Holder cease unauthorized use of the Domain Name and transfer it to the Petitioner. Despite this attempt, the Domain Holder failed to respond or comply, further demonstrating its bad faith in registering and using the Domain Name.

## **D. Evidence**

The Petitioner has, i.a. adduced the following evidence in support of its Petition: Copy of its IR trademark registration, screenshots of the Petitioners official web site, video of the Domain Holders website, copy of cease and desist letter etc.

## **5.2. The Domain Holder**

The Domain Holder did not submit any response.

## **6. Discussion and Findings**

A domain name may be transferred to the party requesting dispute resolution proceedings if the following three conditions are fulfilled:

- A. 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
- B. The domain name has been registered or used in bad faith, and
- C. The domain holder has no rights or justified interest in the domain name.

All three conditions must be met in order for the party requesting dispute resolution to succeed with a claim for transfer of 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 owner of IR registration no 913941 for "FLINT GROUP". The registration designates Sweden and the registration is legally recognized in Sweden. The Domain Name is, in all material aspects, identical to the registered trademark and the Petitioner fulfils the first condition.

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

Based on the record, the Arbitrator finds that the Domain Name has been registered and used in bad faith.

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

Based on the record, the Arbitrator finds that the Domain Holder has no rights or justified interest in the Domain Name.

## **7. Decision**

The Domain Name shall be transferred to the Petitioner.

**Jon Dal**

Date: January 30, 2025