

Alternative Dispute Resolution Proceeding

Accelerated Proceeding

Case No. DSE2025-0005

1. Petitioner

The Petitioner is Solutionator AB, Sweden, internally represented.

2. Domain Holder

The Domain Holder is Solutionator AB, Sweden.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <solutionator.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 a request to the Petitioner to amend the Petition on February 10, 2025. The Petitioner submitted an amended the Petition on February 12, 2025. In accordance with Section 13 of the .se Rules, the Center formally notified the Domain Holder of the Petition on March 7, 2025. The Domain Holder did not submit any response and, accordingly, the Center notified the Domain Holder’s default on April 7, 2025.

The Center appointed Jonas Gulliksson as the sole Arbitrator in this matter on April 10, 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 proprietor of the trade name Solutioner AB. The Domain Name was registered on the date indicated below:

- <solutionator.se>, August 15, 2024

5. Claim

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

6. Parties' Contentions

A. Petitioner

The Petitioner asserts that it has met all the necessary elements under the Policy for the transfer of the Domain Name.

The Petitioner owns the company Solutionator AB, as well as the registered trade name for Solutionator AB. The Domain Holder is using the Domain Name to fraudulently impersonate a connection with the Petitioner. Following this, the Petitioner has filed several police reports as the Domain Holder is not authorized by the Petitioner to register or use the Domain Name.

B. Domain Holder

The Domain Holder did not reply to the Petitioner's contentions.

7. Discussion and Findings

A Domain Name may be deregistered or Transferred to the party requesting dispute resolution proceedings if the following three conditions are fulfilled:

1. The Domain Name is identical or similar to
 - a. a trade symbol (trademark or service mark),
 - b. a trade name or secondary business name,
 - c. a surname,
 - d. an artist's name (if the name is not associated with someone who deceased a long time ago),
 - e. a title of another party's copyrighted literary or artistic work,
 - f. a name that is protected by the Regulation concerning Certain Official Designations (2019:167), or
 - g. The name of a government authority that is listed in the registry that Statistics Sweden must maintain under the Swedish Code of Statutes SFS 2007:755 (Government Agencies Register Ordinance), or its generally accepted abbreviation, 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.

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 has demonstrated that it holds rights for Solutionator in Sweden, as this is registered as a trade name. The Domain Name clearly includes the Solutionator trade name in its entirety; therefore, the Panel finds that the Domain Name is identical to the Petitioners trade name Solutionator AB.

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

There are several instances in which a Domain Holder can be considered to have registered or used a domain name in bad faith in accordance with section 7.2 (2) of the .se Policy.

Some of these examples are listed in the Instructions concerning the bad faith condition:

- The Domain Holder is utilizing or plans to utilize the good reputation, market position or characteristic feature of the Petitioner to attract traffic to its own website or to increase revenue in this manner;
- The Domain Holder's registration of the Domain Name prevents or makes it difficult for the Petitioner to register the brand (or other right on which the Petitioner bases the petition) as Domain Name;
- The Domain Name is being used or planned to be used to disrupt the Petitioner's operations;

In this case the Petitioner argues that the Domain Holder is using the Domain Name in a fraudulent scheme. The applicable standard of proof in .se Policy cases is the "balance of probabilities" or "preponderance of the evidence," although some arbitrators have also expressed this as an "on balance" standard. Under this standard, a party must prove to the Arbitrator's satisfaction that it is more likely than not that a fact alleged is true. Petitions alleging the types of conduct described in section 7.2 (2) of the .se Policy should be supported by argument and available evidence, such as dated screenshots of the website to which the disputed domain name resolves or correspondence between the parties. Even in cases where the domain holder is in default, panels have held that wholly unsupported conclusory allegations may not be sufficient to support a Petitioner's case.

In this case, the Petitioner has provided substantial amounts of evidence which shows that the Domain Holder has purportedly carried out fraudulent activity. The Panel therefore concludes that the Petitioner has established the second element of the Policy.

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

The overall burden of proof on this element rests with the Petitioner. However, it is well established that once a Petitioner has established a prima facie case that a Domain Holder has no rights or justified interests in a domain name, the burden of production shifts to the Domain Holder.

The Domain Holder has not responded to the application for resolution proceedings. Nor has anything emerged in the case that shows that the Domain Holder would have any rights or legitimate interest in the Domain Name.

The Arbitrator finds that the Petitioner has met its burden and in the absence of evidence to the contrary established the third element of the .se Policy.

8. Decision

The Domain Name <solutionator.se> shall be transferred to the Petitioner.

Jonas Gulliksson

Date: April 20, 2025