

## **Alternative Dispute Resolution Proceeding**

### **Case No. DSE2025-0026**

#### **1. Petitioner**

The Petitioner is HUFS AS, Norway, internally represented.

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

The Domain Holder is [Name Removed], Sweden.

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

This Alternative Dispute Resolution proceeding relates to the domain name <hufs.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 September 23, 2025. The Domain Holder submitted a response on October 23, 2025.

The Center appointed Jonas Gulliksson as the sole Arbitrator in this matter on October 29, 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 a Norwegian company specializing in hair and skin care products developed in Scandinavia, specifically tailored for Nordic conditions. These products have been available in Sweden through distributors since 2023.

The Petitioner holds Norwegian trademark registration No. 303256 for the word mark HUFS, registered with the Norwegian Patent Office (Patentstyret) on April 8, 2019. Additionally, the Petitioner filed an EU trademark application No. 019237757 for HUFS with the EUIPO on August 26, 2025. Both the Norwegian registration and the EU application cover, among other things, *cosmetics* and *skin care products* in Nice Class 3.

The Petitioner also operates through its Swedish subsidiary HUFS AB, which owns and operates all relevant HUFS domain names in other Nordic and Northern European markets.

The Domain Holder is an educator and Partner at Grönberg & Partners AB, which previously acted as a distributor of the Petitioner's products. The business relationship between the Petitioner and Grönberg & Partners AB has since been terminated.

Currently, the Domain Name refers to an empty page.

## **5. Claim**

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

The Domain Holder disputes the transfer.

## **6. Parties' Contentions**

### **A. Petitioner**

The Domain Name is identical to the trademark HUFS, for which the Petitioner holds registered rights in Norway and has filed an EU trademark application. Moreover, the HUFS trademark has been used in Sweden since August 2023, creating a likelihood of confusion with the Petitioner's trademarks, including a likelihood of association.

The Domain Holder registered the Domain Name on March 14, 2024, several months after the HUFS mark had been launched in Sweden. The Domain Holder is a co-owner of the Petitioner's former distributor, Grönberg & Partners AB, but registered the Domain Name in a private capacity. The Domain Name has never been used, and the Domain Holder has demanded 75,000 SEK (later reduced to 50,000 SEK) for its transfer, explicitly stating that its value derives from the Petitioner's expansion in Sweden. This conduct constitutes bad faith under the applicable ADR principles.

The Domain Holder is neither the trademark owner nor an authorized licensee. The former distributor, Grönberg & Partners AB, was never granted rights to register or manage domain names on behalf of the Petitioner. The Domain Name was registered privately, outside the scope of the distribution arrangement, and has remained unused for over 1.5 years. Accordingly, there is no evidence of any legitimate interest in the Domain Name.

### **B. Domain Holder**

At the time the Domain Name was registered, the Domain Holder was actively involved in the distribution of HUFS products in Sweden through Grönberg & Partners AB. Internally, it was understood that Grönberg & Partners AB would continue to serve as the primary distributor for HUFS in the Swedish market and potentially contribute to building the brand's local presence, including digital assets.

The Domain Name was acquired privately by the Domain Holder using a personal payment method, and not through Grönberg & Partners AB. It has at all times been owned and controlled by the Domain Holder in a personal capacity.

The Domain Holder initially attempted to register the Domain Name in August 2023, when it was still held by a small local heritage association. Upon learning that the Domain Name would be released, the Domain Holder registered it promptly once it became available. This demonstrates a pre-existing and legitimate interest in the Domain Name, and that the registration was not made in bad faith or in reaction to the Petitioner's commercial expansion. Rather, it formed part of preparations related to the Domain Holder's role as distributor of HUFS in Sweden.

The Domain Name has never been used to compete with or impersonate the HUFS brand. It was intended to serve as a professional web address in the event that Grönberg & Partners AB's distribution role expanded.

Regarding the discussions about the sale of the Domain Name, these should be viewed as a business-oriented response to an inquiry initiated by the Petitioner, rather than an act of domain squatting or speculative resale. The registration was made in good faith, with a clear and legitimate business rationale.

## **7. Discussion and Findings**

According to Section 7.2 of the .se Policy, a domain name shall be transferred to the party requesting dispute resolution if:

(i) The domain name is identical or similar to:

- a) a trademark;
- b) a trade name;
- c) a surname;
- d) an artist's name (provided the name does not refer to someone long deceased);
- e) the title of a protected literary or artistic work belonging to another;
- f) a name protected under the Regulation (2019:167) on Certain Official Designations; or
- g) the name of a government authority listed in the register maintained by Statistics Sweden in accordance with the Ordinance (2007:755) on the General Register of Public Authorities, or its well-established abbreviation,

which is legally protected in Sweden and to which the party requesting dispute resolution can demonstrate a right; and

(ii) The domain name has been registered or used in bad faith; and

(iii) The Domain Holder has no rights or justified interest in the domain name.

In order for the Petitioner to succeed in having the domain names transferred, all three conditions set out above must be fulfilled.

### **A. The Domain Name is identical or similar to a right which is legally recognized in Sweden and to which the Petitioner can prove its rights**

The first requirement under the .se Policy is that the Domain Name must be identical or confusingly similar to a right that is legally protected in Sweden, to which the Petitioner can demonstrate ownership. It is the Petitioner's responsibility to establish the existence of such a right.

In this case, the Petitioner refers to:

- national Norwegian trademark registration with No 303256 for HUFS (word),
- EU trademark application No 019237757 for HUFS (word) and
- their Swedish subsidiary HUFS AB, which registered the business name "HUFS AB" on February 28, 2025.

Under Section 7.2 of the .se Policy, the right invoked must be legally protected in Sweden at the time the petition is filed. The Policy recognizes the following rights:

- a) a trademark;
- b) a trade name;
- c) a surname;
- d) an artist's name (provided the name does not refer to someone long deceased);
- e) the title of a protected literary or artistic work belonging to another;
- f) a name protected under the Regulation (2019:167) on Certain Official Designations; or
- g) the name of a government authority listed in the register maintained by Statistics Sweden in accordance with the Ordinance (2007:755) on the General Register of Public Authorities, or its well-established abbreviation,

In the present matter, the Petitioner asserts trademark rights in Sweden based on the HUFS mark. However, under the Swedish Trademark Act (2010:1877), Norwegian trademark registrations are not recognized as legally protected trademarks in Sweden.

Regarding the EU trademark application, while registered EU trademarks are recognized under Swedish law pursuant to Council Regulation (EC) No 207/2009, this recognition applies only to registered marks. As the Petitioner's EU trademark is still an application, it does not constitute a legally protected right under the .se Policy.

The Petitioner also claims use of the HUFS trademark in Sweden since August 2023. However, the Arbitrator finds that the evidence submitted is insufficient to establish that the mark has acquired well-known status in Sweden, which would be required to claim protection as a non-registered trademark under the Swedish Trademark Act.

Finally, the Petitioner refers to its subsidiary, HUFS AB (company registration number 559511-5196), which registered its current business name, HUFS AB, on February 28, 2025. The requirement in Section 7.2 of the .se policy requires that the domain name be identical or similar to a trade name which is legally protected in Sweden and to which the party requesting dispute resolution can *demonstrate a right*. These words do not require that the Petitioner be the owner of the trade name, so long the Petitioner is able to establish a right to the trade name. Given the circumstances of the case, the Arbitrator subsequently concludes that the Petitioner has demonstrated rights in the trade name "HUFS AB".

Furthermore, the Arbitrator finds that the Domain Name is confusingly similar to the trade name HUFS AB. As established in numerous prior decisions, a top-level domain suffix (e.g., ".se") is not considered when assessing identity or confusing similarity. The Domain Name is nearly identical to the trade name, with the only differences being the company designation "AB" and the top-level domain.

The first condition required to be satisfied under Section 7.2 of the .se Policy is therefore fulfilled.

## **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;

-The Domain Name has been registered with a purpose to sell to the Petitioner."

In evaluating bad faith, the Arbitrator must consider all relevant circumstances. The applicable standard of proof is the balance of probabilities (also referred to as "preponderance of the evidence" or "on balance"), meaning that the Petitioner must demonstrate that it is more likely than not that the alleged facts are true. Allegations must be supported by evidence, such as dated screenshots or correspondence. Even in default cases, unsupported conclusory statements may be insufficient.

In this case, it is established that the Domain Holder registered the Domain Name on March 14, 2024, prior to the Petitioner's registration of its trade name. The Domain Holder is an educator and Partner at Grönberg & Partners AB, a company that previously served as the main distributor of the Petitioner's products in Sweden.

The Petitioner contends that the Domain Name was registered speculatively in connection with the distribution of its products. The Domain Holder, however, asserts that the registration was made in the context of their work at Grönberg & Partners AB, with the purpose of facilitating distribution under the then-existing agreement. Based on the available evidence, the Arbitrator does not find it sufficiently proven that the Domain Name was registered in bad faith.

However, according to section 7.2 (2) of the .se Policy, the requisite for establishing bad faith is alternative, meaning that it is sufficient that the Domain Holder has simply used the Domain Name in bad faith.

In this regard, the Arbitrator notes that the Domain Holder later contacted the Petitioner with an offer to sell the Domain Name for a substantial sum. This undisputed correspondence includes statements indicating that the Domain Holder was aware of the strategic importance of the Domain Name to the Petitioner's expansion in Sweden. The high asking price and the nature of the offer support the inference that the Domain Holder sought to exploit the Petitioner's rights, rather than use the Domain Name for legitimate purposes.

Although the Domain Name does not currently resolve to an active website, prior decisions have established that passive holding, including blank or "coming soon" pages, does not preclude a finding of bad faith.

In determining whether the Domain Holder has acted in bad faith, the Arbitrator must take into account all relevant circumstances of the case. In this matter, the Arbitrator is satisfied that the overall context strongly indicates that the Domain Holder's passive holding of the Domain Name constitutes use in bad faith. This conclusion is reached despite the absence of active use and the uncertainty regarding which party initiated the settlement discussions.

Several factors contribute to this finding. The Domain Holder was clearly aware of the Petitioner's business activities. No evidence has been provided to demonstrate any legitimate intended use of the Domain Name. The proposed transfer price was notably high, and the nature of the settlement negotiations suggests an intent to leverage the Petitioner's rights rather than a bona fide use of the Domain Name. Taken together, these circumstances make it more likely than not that the Domain Holder's conduct amounts to bad faith under the .se Policy.

Accordingly, the Arbitrator finds that the Domain Name has been used in bad faith.

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

The overall burden of proof for this element rests with the Petitioner. However, it is well established that once the Petitioner presents a prima facie case demonstrating that the Domain Holder lacks rights or legitimate interests in the domain name, the burden of proof shifts to the Domain Holder.

In this case, the Petitioner has submitted prima facie evidence showing that the Domain Holder has not used the Domain Name since its registration, and that there is no relationship between the parties nor any authorization from the Petitioner for the Domain Holder to use the HUFS trade name.

The .se Policy outlines several ways in which a Domain Holder may rebut such a prima facie case and demonstrate rights or legitimate interests. Here, however, the Domain Holder has merely referred to internal plans to continue distributing the Petitioner's products following the termination of the distribution agreement with Grönberg & Partners AB. It is worth noting that previous panels have held that a distributor loses any justified interest in a domain name once the underlying agreement has ended (see ATF matter No. 305, <persolog.se>).

In the absence of any supporting evidence of rights or legitimate interests, the Arbitrator finds that the Domain Holder's use of the trade name in the Domain Name does not constitute legitimate use, particularly in light of the Petitioner's lack of consent.

Accordingly, the Arbitrator concludes that the Petitioner has met its burden and, in the absence of any contrary evidence, has established the third element under the .SE Policy.

## **8. Decision**

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

## **9. Summary**

The Petitioner has rights in the trade name HUFS AB. This trade name has legal effect in Sweden. The Domain Name is highly similar to the Petitioner's trade name and the first condition is fulfilled. Based on the record, the Arbitrator finds that the Domain Name has been used in bad faith. Based on the record, the Arbitrator finds that the Domain Holder has no rights or justified interest in the Domain Name.

**Jonas Gulliksson**

Date: November 14, 2025