ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Alternative Dispute Resolution Proceeding
Case No. DSE2026-0027

1. Petitioner

The Petitioner is Steiner AG Weggis, Switzerland, represented by Luchs & Partner AG, Switzerland.

2. Domain Holder

The Domain Holder is Konstanta AB, Sweden.

3. Domain Name and Procedural History

This Alternative Dispute Resolution proceeding relates to the domain name <thermoplan.se>.

This Petition was filed under the Terms and Conditions of Registration for the top-level domain .se (the ".se Policy") and the Instructions governing Alternative Dispute Resolution proceedings for domain names in the top-level domain .se (the ".se Rules").

The WIPO Arbitration and Mediation Center (the "WIPO 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 WIPO Center formally notified the Domain Holder of the Petition on September 3, 2026. The Domain Holder submitted a Response on September 21, 2026.

The WIPO Center appointed Jonas Gulliksson as the sole arbitrator in this matter on October 14, 2026. The arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the WIPO Center to ensure compliance with section 1 of the .se Rules.

4. Factual Background

The Petitioner is the proprietor of the international registration No 1886898 for THERMOPLAN (word). The Domain Name was registered on the date indicated below:

- <thermoplan.se>, September 18, 2008.

At the time of the decision, the Domain Name redirected Internet users to the domain name <kaffepunkten.se>.

5. Claim

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

6. Parties' Contentions

A. Petitioner

The Petitioner contends that the Domain Name is identical to the THERMOPLAN mark, in which the Petitioner holds rights through international registration No 1886898. The Petitioner submits that the THERMOPLAN mark is legally recognized in Sweden through its international registration and use, and that Thermoplan AG has been selling coffee machines and related products in Sweden for many years via established distribution partners.

The Petitioner further submits that the Domain Name has been registered and used in bad faith. According to the Petitioner, the Domain Holder is identified in the WHOIS database as "erikon5838-00001", which the Petitioner characterizes as not corresponding to an official registered address. The Petitioner argues that the Domain Name is used to direct Internet users to the website of Kaffepunkten HK, which offers and sells coffee machines and beverage dispensing machines that are identical or at least similar to the goods covered by the THERMOPLAN mark. The Petitioner contends that Kaffepunkten HK thereby takes unfair advantage of the reputation and goodwill associated with the THERMOPLAN mark, and that the use of the Domain Name creates a likelihood of confusion among consumers who expect to reach Thermoplan AG or its official distributors when entering the Domain Name.

The Petitioner argues that the Domain Holder has no rights or justified interest in the Domain Name. The Domain Holder is not Thermoplan AG, nor is it an authorized distributor or licensee of the THERMOPLAN mark. The Petitioner submits that the Domain Holder's use of the Domain Name to promote competing coffee machines constitutes unfair competition and a distortion of the market, and that the Domain Holder's continued use of the THERMOPLAN mark in the Domain Name risks damaging the reputation of Thermoplan AG and the Petitioner. The Petitioner insists that the Domain Holder cannot have any justified interest in using the well-known THERMOPLAN mark as a Domain Name for its own commercial purposes.

B. Domain Holder

In an email dated September 21, 2026, which the Center has accepted as the Domain Holder's Response, the Domain Holder opposes the Petition and submits, in summary, the following.

The Domain Holder states that it has owned the Domain Name since 2008 and that, at the time of registration, the Domain Name was checked and found to comply with applicable rules. The Domain Holder asserts that it has not infringed any trademark rights and that it does not use the THERMOPLAN trademark on its website. The Domain Holder denies acting in malice or bad faith and maintains that its actions are in full accordance with Swedish law and the rules established by the Swedish Internet Foundation.

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,
h) a name that is protected by the Regulation (EU) 2023/2411 on the protection of geographical indications for craft and industrial products, or
i) a name that is protected by the Regulation (EU) 2024/1143 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products,

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 name 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 <thermoplan.se> is identical or similar to a right that is legally protected in Sweden, to which the Petitioner can establish entitlement. It is the Petitioner's responsibility to demonstrate the existence of such a right.

In this case, the Petitioner has referred to international registration No 1886898 for the trademark THERMOPLAN, of which Steiner AG Weggis is the proprietor. The Petitioner has submitted documentary evidence of this registration and has explained that Thermoplan AG is the exclusive worldwide licensee of the THERMOPLAN mark and uses the mark on coffee machines and related products sold worldwide, including in Sweden.

The dominant element of the Domain Name, <thermoplan.se>, is identical to the Petitioner's registered trademark THERMOPLAN. The addition of the country-code Top-Level Domain ".se" does not prevent a finding of identity or similarity under the .se Policy.

Accordingly, the Arbitrator finds that the Petitioner has satisfied this first element of the .se Policy.

B. The domain name has been registered or used in bad faith

The second requirement under the .se Policy is that the disputed domain name has been registered or used in bad faith. In assessing whether the Domain Name has been registered or used in bad faith, a comprehensive evaluation must be made based on all relevant circumstances of the case.

The Petitioner has submitted evidence that the Domain Name resolves to, or redirects to, a website associated with Kaffepunkten HK, which offers and sells coffee machines, beverage dispensing machines and related control units. The Petitioner has explained that these goods are identical or at least similar to the goods covered by the international registration No 1886898, and that the use of the THERMOPLAN mark in the Domain Name creates a likelihood of confusion among consumers who may reasonably expect to reach Thermoplan AG or its official distributors when entering the Domain Name.

The Domain Holder, in its response of September 21, 2026, states that it has owned the Domain Name since 2008, denies any trademark infringement, and asserts that it does not use the THERMOPLAN trademark on its website and does not act in bad faith.

Under the .se Policy, bad faith may be found where a domain name is registered or used with the intent to attract Internet users for commercial gain by creating a likelihood of confusion with a trademark or other protected right, or where the domain name is used to unfairly exploit the reputation of the right holder or to disrupt the right holder's business. Therefore, unlike the Uniform Domain Name Dispute Resolution Policy ("UDRP"), it is sufficient under the .se Policy that either the registration or the subsequent use of the domain name has taken place in bad faith. Both elements do not need to be present cumulatively. In this regard, the fact that the Domain Name was registered before the Petitioner's trademark registration does not in itself exclude the finding of bad faith.

In the present case, the Arbitrator considers that the use of the Domain Name, which is identical to the THERMOPLAN mark, to direct Internet users to a website offering coffee machines and related products, constitutes use in bad faith. The Domain Holder's use of the THERMOPLAN mark in the Domain Name, without authorization and in connection with goods identical or similar to those covered by the THERMOPLAN mark, is likely to mislead consumers.

Taking into account the above factors, and following a holistic assessment of the case, the Arbitrator concludes that the Petitioner has established that the Domain Name has been used in bad faith within the meaning of the .se Policy. The second element of Section 7.2 is therefore satisfied.

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

The third requirement under the .se Policy is that the Domain Holder has no rights or justified interest in the disputed domain name. In assessing whether the Domain Holder has rights or justified interests in the Domain Name, a comprehensive evaluation of all relevant circumstances must be undertaken.

While the overall burden of proof in Alternative Dispute Resolution proceedings is on the petitioner, arbitrators have recognized that proving a domain holder lacks rights or justified interests in a domain name may result in the difficult task of "proving a negative", requiring information that is primarily within the knowledge or control of the domain holder. As such, where a petitioner makes out a prima facie case that the domain holder lacks rights or justified interests, the burden of proof on this element shifts to the domain holder to come forward with relevant evidence demonstrating rights or justified interests in the domain name. If the domain holder fails to come forward with such relevant evidence, the Petitioner is deemed to have satisfied this element.

In the present case, the Petitioner has made a prima facie showing that the Domain Holder lacks rights or justified interests in the Domain Name. The Domain Name is identical to the THERMOPLAN mark, in which the Petitioner holds rights. The Domain Holder is not Thermoplan AG, nor is it an authorized distributor or licensee of the THERMOPLAN mark. The Petitioner has submitted that the Domain Holder uses the Domain Name to promote coffee machines and related products through redirection to the domain name <kaffepunkten.se>, and that such use is not based on any independent right or justified interest in the THERMOPLAN mark.

In its response, the Domain Holder merely states that it has owned the Domain Name since 2008, that the registration was checked at the time, and that it acts in accordance with Swedish law and the rules of the Swedish Internet Foundation. The Domain Holder does not claim to be commonly known by the name "Thermoplan", does not assert any trademark or trade name rights in the term "Thermoplan", and does not provide any evidence of a bona fide offering of goods or services under the name "Thermoplan" that would confer rights or justified interests under the .se Policy.

On the contrary, the evidence suggests that the Domain Holder has used the Domain Name to attract Internet users to its own website offering coffee machines and related products. Such use does not confer

rights or justified interests in the Domain Name within the meaning of the .se Policy.

Accordingly, the Arbitrator concludes that the Domain Holder has no rights or justified interest in the domain name. The third element of Section 7.2 of the .se Policy is therefore satisfied.

8. Decision

The Domain Name shall be transferred to the Petitioner.

9. Summary

The Arbitrator finds that the Domain Name is identical to the Petitioner's THERMOPLAN mark, that the Domain Name has been used in bad faith to promote coffee machines and related products in a manner that takes unfair advantage of the Petitioner's reputation and creates a likelihood of confusion, and that the Domain Holder has not demonstrated any rights or justified interests in the Domain Name. The conditions for transfer under Section 7.2 of the .se Policy are therefore fulfilled.

/Jonas Gulliksson/
Jonas Gulliksson
Date: November 3, 2026