Alternative Dispute Resolution Proceeding
Case No. DSE2026-0033

1. Petitioner

The Petitioner is Helrot Oy, Finland.

2. Domain Holder

The Domain Holder is SYNIGO AS, Norway.

3. Domain Name and Procedural History

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

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 Petition was filed with the WIPO Arbitration and Mediation Center (the "WIPO Center") on September 8, 2026. The WIPO Center verified that the Petition satisfies 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 9, 2026. The response deadline was October 9, 2026. The Domain Holder did not submit a response within that period, and the WIPO Center notified the Domain Holder's default on October 12, 2026. On October 15, 2026, the Domain Holder submitted an email communication, which the WIPO Center acknowledged and copied to the Petitioner on the same day.

The WIPO Center appointed Jonas Gulliksson as the sole arbitrator in this matter on October 19, 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 a Finnish company trading under the name Helrot Oy. It relies on its use of "HELROT" in connection with commercial activities directed at Sweden and on European Union trademark application No 019417821 for the figurative sign "Helrot – Smarter Digital Imaging", filed on September 4, 2026. The Domain Name was registered on the date indicated below:

- <helrot.se>, March 18, 2026.

5. Claim

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

6. Parties' Contentions

A. Petitioner

The Petitioner submits that it has rights in "HELROT" through its commercial activities directed at Sweden and relies on its European Union trademark application and unregistered trademark rights in Sweden. In support of its claimed protection through use, it invokes material concerning Swedish sales, advertising and participation in photographic trade fairs. The Petitioner further contends that the Domain Holder knew of the Petitioner through commercial dealings, registered the Domain Name in bad faith, and has no rights or justified interest in it.

B. Domain Holder

The Domain Holder did not submit a response within the prescribed period. In its email of October 15, 2026, it stated that it had only then noticed the notification because it received substantial spam. It asserted that the Petitioner had never asked it for the Domain Name and offered to sell the Domain Name to the Petitioner for EUR 3,000.

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 has been 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 right which is legally recognized in Sweden and to which the Petitioner can prove its rights

The Petitioner must first demonstrate a qualifying right legally recognized in Sweden.

The EUIPO material relied upon establishes that the Petitioner has filed European Union trademark application No 019417821 for the figurative sign “Helrot – Smarter Digital Imaging”. It does not establish that the application has proceeded to registration. A trademark application is not equivalent to a registered trademark and does not, by itself, establish the trademark rights required for the first element of the .se Policy. This distinction is also reflected in section 1.1.4 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions, which provides guidance by analogy but does not displace the applicable .se Policy.

The Arbitrator has therefore also considered whether the Petitioner has established unregistered rights in “HELROT” in Sweden. Under Chapter 1, section 7 of the Swedish Trade Marks Act (2010:1877), protection through acquired recognition (*inarbetning*) requires the sign in question to be known, within a significant part of the relevant public in the territory concerned, as a designation for the goods or services supplied under it. Commercial use and acquired recognition are distinct questions: evidence that a sign has been used does not necessarily establish that it has attained the degree of recognition required for protection.

The material invoked concerning sales to Swedish customers, advertising and participation in trade fairs is relevant to the Petitioner’s use of “HELROT”. However, it does not sufficiently establish that “HELROT” has become known as a designation of the Petitioner’s goods or services within a significant part of the relevant public in Sweden, whether nationally or within a particular part of the country. On the record in this proceeding, the Petitioner has therefore not demonstrated protection through *inarbetning*. This is a finding of insufficient proof in this proceeding, rather than a finding that the Petitioner has never used “HELROT” in Sweden.

Nor does the Petitioner’s Finnish company name registration independently establish a qualifying Swedish right on the present record. Taken as a whole, the evidence does not sufficiently demonstrate registered trademark rights, unregistered rights, or another right legally recognized in Sweden within the meaning of the .se Policy. Accordingly, the first element has not been satisfied. Since the Petitioner has not established a right legally recognized in Sweden, the Arbitrator finds no reason to take the Domain Holder’s email communication of October 15, 2026, into account. That communication cannot affect the conclusion that the first condition under the .se Policy has not been satisfied.

In light of these findings, no final determination regarding bad faith or rights or justified interest under the second and third elements of the .se Policy is required.

8. Decision

For the foregoing reasons, in accordance with the .se Policy and the .se Rules, the Petition is denied.

9. Summary

The Petitioner requested transfer of <helrot.se> based on “HELROT”. The Petitioner has demonstrated a European Union trademark application, not a registration, and has not sufficiently established unregistered rights through acquired recognition in Sweden or another qualifying right under the .se Policy. As the first element has not been satisfied, the Petition is denied without a determination of the second and third elements.

/Jonas Gulliksson/
Jonas Gulliksson
Date: October 22, 2026