

Alternative dispute resolution proceeding (ADR)

Accelerated proceeding

DECISION

08-26-2014

CASE NUMBER

778 PF

APPLICANT

COMUTO (Company Number FR 76 491904546)

84, avenue de la République

75011 Paris

France

Counsel:

Nameshield

Att: Anne M.

27, rue des Arènes

49100 Angers

France

DOMAIN HOLDER

Bai X.

MATTER

Alternative dispute resolution proceeding concerning the domain name <blablacar.se>.

DECISION

The Applicant's claim that the domain name <blablacar.se> shall be transferred to the Applicant is rejected.

BACKGROUND TO THE DISPUTE

On July 7, 2014 the Applicant filed an application regarding dispute resolution for the domain name <blablacar.se>. The Applicant desires that the application shall be determined by ADR

Accelerated Proceeding in case the Domain Holder does not reply. The Domain Holder has not replied. The application shall be determined by ADR Accelerated Proceeding.

Jon Dal was appointed as arbitrator by .SE.

An application for an ADR can be in Swedish or English. Some of the documents submitted by the Applicant is in French. The Applicant has been given the opportunity to complement its application. The Applicant has refrained from submitting additional documents.

The Applicant is the holder of EU trademark registration for BLABLACAR, registration number 010812485, filed on April 17, 2012 and registered on August 31, 2012.

The disputed domain name was registered on May 15, 2013.

CLAIMS

The Applicant claim that the disputed domain name <blablacar.se> shall be transferred to the Applicant.

BRIEF FINDINGS OF THE ARBITRATOR

The Applicant has proven that it holds such entitlement as defined in point 7.2.1 of the Terms and Conditions of Registration which is identical or similar to the domain name.

According to the Applicant the Domain Holder has registered the domain name and is using the domain name in bad faith. The evidence submitted by the Applicant in support hereof is however in French and not admissible in the dispute. The Applicant has not proven that the Domain Holder has registered or uses the domain name in bad faith.

The Applicant's application shall therefore be rejected.

On behalf of .SE

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Jon Dal