

Alternative dispute resolution proceeding (ADR)

Accelerated proceeding

DECISION

25-06-2014

CASE NUMBER

768 PF

APPLICANT

Kate Spade, LLC (org nr 2986943)
2 Park Avenue New York
New York 10016
USA

Counsel:

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1633 Broadway, New York
New York 10019
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DOMAIN HOLDER

Kristoffer Ö.

MATTER

Alternative Dispute Resolution proceeding concerning the domain name <katespade.se>.

DECISION

The Arbitrator orders that the disputed domain name <katespade.se> shall be transferred to the Applicant.

BACKGROUND TO THE DISPUTE

The Applicant has submitted evidence that it is the owner of the following Swedish and Community Trademarks: (1) Swedish trademark KATE SPADE with registration No. 356241 registered June 14, 2002; (2) CTM No. 000813204 KATE SPADE registered April 28, 1998; (3) CTM No. 000645093 KATE SPADE registered April 29, 1999; and (4) CTM No. 010456101 KATE SPADE registered April 27, 2012.

The disputed domain name <katespade.se> was registered by the Domain Holder on January 31, 2014. The Applicant submitted evidence indicating that the Domain Holder offered to sell the disputed domain name for USD\$10,000.

The Applicant requested that the Accelerated Proceeding shall apply and .SE appointed Johan Sjöbeck as the sole Arbitrator in this matter.

CLAIMS

The Applicant requests that the disputed domain name shall be transferred. Although given the opportunity, the Domain Holder has not submitted any Response.

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.

The Applicant has proven that the domain name was registered or used by the Domain Holder in bad faith.

Circumstances in support of a right or justified interest to the domain name for the Domain Holder have not been demonstrated.

On behalf of .SE

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Johan Sjöbeck