



Alternative dispute resolution proceeding (ADR) Accelerated proceeding

Decision
09-29-2015

Case number
857 PF

Applicant

Lee Baron Fashions Ltd (org/pers nr 0044204)
TST PO Box 97184 Kowbon
Hong Kong

Counsel

Plesner Law Firm
Amerika Plads 37
2100 Copenhagen
Denmark

Domain holder

Vigilerum Capital Partner AB (org/pers nr 556815-5575)
Frejgatan 13, 1 TR
114 20 Stockholm

Matter

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

Decision

The Applicant's request for transfer of the domain name <leebaron.se> is rejected.

Background to the dispute

The disputed domain name was registered on July 8, 2010. The Applicant has operated a tailoring business in Hong Kong since 1962. The Domain Holder was previously an agent for the Applicant in Sweden but currently the Domain Holder operates a competing business. The Applicant claims trademark rights to LEE BARON through use in Sweden.

Claims

The Applicant requests that the domain name <leebaron.se> shall be transferred to the Applicant.

Brief findings of the arbitrator

The Applicant has requested that the application shall be decided as an Accelerated Proceeding if the Domain Holder does not reply. Although the Domain Holder has been given the opportunity to respond to the application, the Domain Holder has not provided a response within the given deadline as described in §13 and §10 p.4 in Förfarandereglerna för alternativt tvistlösningsförfarande för domännamn i toppdomänen “.se”. Therefore, the application shall be decided as an Accelerated Proceeding.

In accordance with paragraph 7.2 of the Terms and Conditions of Registration, a disputed domain name may be transferred to an Applicant if all of the following three requirements are met:

1. The domain name is identical or similar to a right defined in paragraph 7.2.1 of the Terms and Conditions of Registration, and
2. the domain name has been registered or used in bad faith, and
3. the Domain Holder has no right or legitimate interest in the domain name.

The Applicant has not proven that it holds such entitlement as defined in paragraph 7.2.1 of the Terms and Conditions of Registration which is identical or similar to the domain name. Considering the above, there is no need to determine whether the subsequent requirements in paragraph 7.2.2 and 7.2.3 regarding bad faith and legitimate interest are met.

For the foregoing reasons, the disputed domain name <leebaron.se> shall remain with the Domain Holder.

On behalf of IIS

.....

Johan Sjöbeck