



Alternative dispute resolution proceeding (ADR) Accelerated proceeding

Decision
2017-05-27

Case number
995 PF

Applicant

Supersprint Holding S.r.l. (org.nr [IT] 02211060203)
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46100 Mantova
Italy

Counsel:

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Domain holder

Forza AB[SE]556410-6358
Verstadsgatan 2
441 57 Alingsås

Matter

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

Decision

The registration of the domain name <supersprint.se > shall be transferred to the Applicant.

Background to the dispute

On April 11, 2017, the Applicant applied to IIS for a dispute resolution for the domain name <supersprint.se> desiring that it be transferred to the Applicant and that, if there were no response by the Domain holder to the application, the matter would be determined by ADR Accelerated Proceeding.

The Domain holder has been given the opportunity to respond to the application, but has not provided any response.

IIS has appointed Gunnar Karnell as arbitrator.

The Applicant refers, in support of its claim in this proceeding, in particular to its exclusively owned Community Trade Mark SUPERSPRINT (No. 000805119, registered on November 26, 1999).

The Applicant has adduced:

In the trade of exhaust systems for high performance vehicles, the trademark SUPERSPRINT, existing since 60 years and widely registered, is well known and enjoys an excellent reputation on the market.

The Domain holder was registered for <supersprint.se> on March 9, 2009 and it uses the domain name since then. It is well acquainted with the Applicant's trademarks, having been a distributor of the Applicant's products since many years. The Domain holder never acquired a right to register, nor was it ever authorized to use the domain name <supersprint.se> to sell Supersprint products.

Now, the domain name <supersprint.se> is used by the Domain holder to sell "not original Supersprint products". The domain name is hosted in a web site, a single web page, where consumers can connect to the Domain holder's e-commerce portal "shop forza.se", where the Domain holder sells such products, thereby misleading customers in creating "an unfair link with the reputation of the distinguishing trademark" SUPERSPRINT. The Applicant is represented in Sweden by only two authorized distributors. It has recurrently written to the Domain holder asking for transfer of the domain name <supersprint.se> to the Applicant, without getting an answer. Hence, the Applicant has interrupted its commercial relations with the Domain holder.

Claim

The Applicant claims that the domain name <supersprint.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 similar to the domain name <supersprint.se>.

The Panel finds no indication on the record that might impair the Applicant's conclusion that the domain name <supersprint.se> has been registered and used 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 IIS

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Gunnar Karnell