



# Alternative dispute resolution proceeding (ADR) Accelerated proceeding

Decision  
2017-02-22

Case number  
971 PF

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## Applicant

Vestas Wind Systems A/S (org.nr 10403782)  
8200 Aarhus N  
+45 97 3000  
vestas@vestas.com

## Counsel:

Vestas Group Legal  
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mfs@vestas.com

## Domain holder

Kristoffer Ö.

## Matter

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

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## Decision

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

## Background to the dispute

On January 16, 2017, the Applicant applied to IIS for a dispute resolution for the domain name <vestas.se> desiring that the domain name 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 and its group of (VESTAS) companies is one of the world's largest producers of wind turbines and technical solutions for wind turbines. Established in Denmark in 1945 it has been designing, manufacturing and supplying electrical engineering products since then. It is located in more than 24 countries, including Sweden, having more than 22.000 employees worldwide and a revenue of more than EUR 10bn. It owns VESTAS trademarks in more than 120 countries. In support of its claim in this proceeding, it refers in particular to its Community Trade Mark No. 003923075T VESTAS, registered on November 8, 2005, for a wide range of goods in International Classes 7, 8, 37 and 42.

The domain name <vestas.se> was registered by the Domain holder on July 9, 2015. The disputed domain name was originally used by one of the Applicant's domain providers. In 2016, when the Applicant wanted to launch country specific websites in Sweden and other countries, it was discovered that no automatic renewal of its domain name registration had been made. Unable to establish contact information with the present registrant of the domain name, the Applicant raises its present claim.

The Applicant has adduced:

The disputed domain name is likely to lead to beliefs in the market that the domain name is connected to the Applicant. It resolves to a parked site linking to various VESTAS and solar energy sites. At the time of its domain name registration the registrant must have been in bad faith knowing about the Applicant and intent on pressing the Applicant by linking to solar industry competing with the Applicant. There are indications that the disputed domain name might be offered for sale, but its Holder has no rights or legitimate interests in the domain name <vestas.se>, which is not being used actively by it. The web pages operated under the domain name have no content and there is no text nor sign that the domain is under development or otherwise being used.

### **Claim**

The Applicant claims that the domain name <vestas.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.

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 IIS

Gunnar Karnell