

Instructions pertaining to ADR (paragraph 7)

Instructions concerning the condition of rights with a legal base in Sweden (condition 1)

The right on which the petitioner bases the application must exist at the time of application for dispute resolution, but need not exist at the time of registration of the Domain Name. However, if the Domain Name is older than the petitioner's right, this may be regarded as significant during an assessment of the other two conditions.

When comparing the Domain Name and the right on which the petitioner bases the application, the linguistic similarity between the Domain Name and the petitioner's right will primarily be taken into account. However, the operation for which the Domain Name will be used will not be taken into account during this assessment. Nevertheless, the operation for which the Domain Name is to be used may be regarded as significant during an assessment of the other two conditions.

Instructions concerning the bad faith condition (condition 2)

When determining whether the Domain Name has been registered or used in bad faith, all relevant circumstances are assessed. It is sufficient that bad faith can be proven to exist either in connection with registration or with the use of the Domain Name for the condition to be fulfilled.

Examples of circumstances supporting claims that the Domain Name has been registered or used in bad faith are:

- The Domain Holder is utilizing or plans to utilize the good reputation, market position or characteristic feature of the petitioner to attract traffic to the own website or to increase revenue in this manner;
- The Domain Holder's registration of the Domain Name prevents or makes it difficult for the petitioner to register the brand (or other right on which the petitioner bases the application) as Domain Name;
- The Domain Name is being used or planned to be used to disrupt the petitioner's operations;
- The Domain Name has been registered with a view to a sale to the petitioner.

The list of circumstances that may support claims that the Domain Name has been registered or used in bad faith comprises only examples. In the same manner as the existence of the circumstances listed may support bad faith, the lack of these circumstances could imply that bad faith does not exist.

When determining whether the Domain Name has been registered or used in bad faith, all relevant circumstances are assessed. The circumstances that may speak for or against bad faith could also be relevant when assessing whether the Domain Holder has a right or justified interest in the Domain Name.

Instructions concerning the right or justified interest condition (condition 3)

When determining whether the Domain Holder has no right or justified interest in the Domain Name, all relevant circumstances are assessed.

Examples of circumstances that may support that the Domain Holder has a right or justified interest in the Domain Name are:

- The Domain Holder owns a registered brand (or other right) that is identical or similar to the Domain Name;
- The Domain Name is being used or has been registered to be used in its linguistic meaning;
- The Domain Name is being used or has been registered to be used in commercial or private operations that do not infringe on the petitioner's rights;
- The Domain Name is older than the brand (or other right) on which the petitioner bases the application.

The list of circumstances that may support the Domain Holder's right or justified interest in the Domain Name comprises only examples. In the same manner as the existence of the circumstances listed may support the Domain Holder's right or justified interest in the Domain Name, the lack of these circumstances may imply that the Domain Holder does not have any right or justified interest in it.

When determining whether the Domain Holder has a right or justified interest in the Domain Name, all relevant circumstances are assessed. The circumstances that may speak for or against the Domain Holder's right or justified interest in the Domain Name may also be relevant when assessing whether the Domain Holder has registered or used the Domain Name in bad faith.