

## Instructions pertaining to ADR (paragraph 7.2)

*(The Swedish version shall prevail)*

### **Instructions concerning the condition of rights which is legally recognized in Sweden (condition 1)**

The right on which the Petitioner bases the petition must exist at the time of the filing of the petition for dispute resolution, but such right need not exist at the time of registration of the Domain Name. However, if the Domain Name was registered before the Petitioner's right, this may be regarded as significant during the assessment of the other two conditions.

When comparing the Domain Name and the right on which the Petitioner bases the petition, the textual similarity between the Domain Name and the Petitioner's right will act as the basis.

If the right on which the Petitioner bases the petition is a characteristic feature or other protected right according to section 7.2 of the Registration Terms, the assessment will also be affected by the similarities that exist between the Domain Name and the distinguishing features of the Petitioner's rights. However, the use of the Domain Name will not be taken into account during this assessment. Nevertheless, the use of the Domain Name may be regarded as significant during the 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.

A. 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 its 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 petition) 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 purpose to sell 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.

B. Examples of circumstances that may support claims that the Domain Name has not been registered or used in bad faith 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 was registered before the Petitioner's' brand (or other right) on which the Petitioner bases the petition.

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

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

When determining whether the Domain Holder does not have a right or justified interest in the Domain Name, all relevant circumstances are assessed.

A. Examples of circumstances that may support that the Domain Holder does not have a right or justified interest in the Domain Name 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 its 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 petition) 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 purpose to sell to the Petitioner.

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

B. 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 was registered before the Petitioner's brand (or other right) on which the Petitioner bases the petition.

The list of circumstances that may support that the Domain Holder has a 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 a right or justified interest in the Domain Name.