



Government of Uttar Pradesh



सत्यमेव जयते

e-Stamp

ACC Name- Lalita Chandra ACC Code: UP14003204
ACC Address- Sector- 14003204 Mobile: 9811205085
License No- 17112018, & Tansil & District Dargah: B.B. Nagar

Certificate No.

: IN-UP47423902207834X

Certificate Issued Date

: 20-May-2025 01:06 PM

Account Reference

: NEWIMPACC (SV)/ up14003204/ NOIDA1/ UP-GBN

Unique Doc. Reference

: SUBIN-UPUP1400320492365018452666X

Purchased by

: VARUN SINGH

Description of Document

: Article 12 Award

Property Description

: Not Applicable

Consideration Price (Rs.)

:

First Party

: VARUN SINGH

Second Party

: Not Applicable

Stamp Duty Paid By

: VARUN SINGH

Stamp Duty Amount(Rs.)

: 100
(One Hundred only)

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₹100

IN-UP47423902207834X

Please write or type below this line

BEFORE NATIONAL INTERNET EXCHANGE OF INDIA
MR. VARUN SINGH, ADVOCATE: SOLE ARBITRATOR
INDRP CASE NO. 2001

IN THE MATTER OF:-

Arbitration under the .IN Domain name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India which sets out the legal framework for resolution of dispute in connection with .IN domain name, and the INDRP Rules of Procedure

AND IN THE MATTER OF:-

Dispute relating to domain name <systembolaget.in>

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Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

AND IN THE MATTER OF:-

Systembolaget Aktiebolag

103 84 Stockholm,
Sweden

.....Complainant

Versus

Njalla Okta LLC

Arthur L. Evelyn Building
Suite 5, Main Street, Charlestown, KN0802
Email: whois+systembolaget.in@njalla.la

.....Respondent

AWARD

07.07.2025

1. The present arbitration proceedings are initiated under and in accordance with the INDRP, and the INDRP Rules of Procedure which are adopted by the National Internet Exchange of India (NIXI) which governs the dispute in connection with .IN domain name.
2. The Complainant has filed the subject Complaint against the Respondent seeking transfer of domain name <systembolaget.in> from the Respondent to the Complainant....
3. The Registrant/Respondent has registered the <systembolaget.in> (hereinafter 'disputed domain name') with the domain name Registrar duly accredited with the NIXI i.e. Tucows Inc., since 19.01.2025.

Procedural history

4. The consent of the Arbitrator was sought for in the present matter by the NIXI vide email dated 13.05.2025 and the

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Arbitrator gave his consent along with his statement of acceptance and declaration of impartiality vide his email dated 13.05.2025.

5. I was appointed as an Arbitrator by the NIXI in the present matter vide their email dated 21.05.2025 which email containing the complaint and all relevant documents was marked to the Respondent (whois+systembolaget.in@njal.la) as well. The Arbitrator issued a notice dated 22.05.2025 under Rule 5(c) of INDRP Rules of Procedure whereby the Respondent was directed to file its reply to the Complaint till 18.06.2025 and written submissions by 22.06.2025. The said notice issued by the present Arbitrator was marked via email to the Complainant and to the Respondent, which email did not bounce back. The Respondent was duly served with the complaint and documents vide email dated 21.05.2025 by NIXI. Thereafter, the notice 22.05.2025 of the Arbitrator was also duly served on the Respondent vide Arbitrator's email dated 22.05.2025.
6. In the said Notice dated 22.05.2025, the Complainant was directed to serve again on the Respondent the subject complaint and all accompanying documents, including the said Notice of the Arbitrator, so that the Respondent is provided with ample opportunity to file his reply.
7. The Complainant, through its learned counsel vide email dated 28.05.2025 to the Arbitrator which email was marked to the Respondent as well, stated that they had served the Respondent with the complaint via email and post. The email of the learned Counsel complainant dated 26.05.2025 showing the service of the complaint on the Respondent and

the notice dated 22.05.2025, was attached with the said email dated 28.05.2025. Furthermore, with the said email dated 28.05.2025, the learned counsel of the complainant has also attached a postal receipt showing the dispatch of the complaint and notice to the Respondent.

8. In view of foregoing, it is apparent that the Respondent was served with domain complaint along with all other documents firstly by NIXI vide their email dated 21.05.2025, secondly by the Complainant vide their email dated 26.05.2025. The Notice dated 22.05.2025, via email dated 22.05.2025, by the Arbitrator was also served on the Respondent. The said email of the Arbitrator did not bounce back. Furthermore, the communication (email) of the Complainant dated 28.05.2025 to the Arbitrator stating that the Respondent was duly served with the complaint was also marked to the Respondent as well.
9. All possible attempts were made to serve the Respondent. Therefore, I can safely hold that the Respondent was duly served with the domain complaint along with documents thereto and is aware of the present proceedings. This Tribunal has not received any communication/reply from the Respondent till date. The Respondent has avoided any participation in the present proceedings.
10. Rule 5(d) of the INDRP Rules of Procedure states that the date of commencement of the arbitration proceeding shall be the date on which the arbitrator issues notice to the Respondent. Therefore, the date of commencement of arbitration in the present case is 22.05.2025. Rule 5(e) of the INDRP Rules of Procedure states that an Arbitrator shall pass

an award within a period of 60 days from the date of commencement of the arbitration proceeding and in exceptional circumstances, the timeline may be extended by a maximum period of 30 days by the Arbitrator subject to a reasonable justification in writing. The present award is passed within the timelines prescribed under the INDRP Rules of Procedure.

Issues for consideration

11. Paragraph 4 of the INDRP provides the grounds on which a complaint can be filed by the aggrieved Complainant who considers that a registered domain name conflicts with his/her legitimate rights or interests on the following grounds:

- (a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.

Contention of the Parties

12. The Complainant in its complaint, *inter alia*, states the following:-

- a. The Complainant was formed in the year 1954 and specializes in the sale of beer, wine, spirits and alcoholic beverage like preparations to the public in Sweden.



- b. The Complainant bonafidely adopted the trade mark 'SYSTEMBOLAGET' in the year 1968. The said trade mark also forms the part of Complainant's corporate name. The Complainant has filed a e-certificate of registration of Limited Company to show that the said trade mark forms part of its corporate name and is in use since 1968.
- c. The Complainant has registered domain names <Systembolaget.com> and <Systembolaget.se> which were in use since 1997 which is much prior to the registration of the disputed domain name.
- d. The trade marks 'systembolaget', device of 'systembolaget' and 'BOLAGET' (hereinafter the registered trade marks of the Complainant') are registered trade marks of the Complainant and are registered in various classes and in various jurisdictions including in European Union, and UK. The Complainant has filed proof of registrations of the registered said trade marks of the Complainant.
- e. The Complaint was named as Sweden's strongest brand in the year 2024 by the Evimetrix Swedish Brand Awards and has annexed a copy of the press release thereof.
- f. The Complainant's trade mark 'systembolaget' is in top ten Sweden's strongest brands as per YouGov Index of 2025. The Complainant's trade mark finds fourth place in Sustainable Brand Index for 2024.
- g. The Complainant was featured in international magazines and reports which are accessible from India. The Complainant has stated that it has digital presence through facebook, linkedin, Wikipedia, YouTube, Instagram wherein

the trade mark of the Complainant 'systembolaget' has been showcased extensively.

- h. The presence of the trade mark and domain names of the complainant are prior to the registration of the disputed domain name. The Complainant states that the Respondent has through the disputed domain name hosted a website which imitates the design, layout, and color scheme of the Complainant's website.
- 13. The Respondent has not filed any reply to the Complaint filed by the Complainant, despite ample opportunity granted, as mentioned above.

Respondent's disputed domain name confusingly similar to Complainant's trade mark

- 14. The registered trade marks of the Complainant along with the domain names <Systembolaget.com> and <Systembolaget.se>, awards and press releases, digital footprints, in variably show that the registered trade marks of the Complainant including 'systembolaget' are in use much prior to the registration of the disputed domain name. The presence in the market of the registered trade marks of the Complainant stands established.
- 15. The certificate of registration of the Complainant invariably show that its corporate name bears the trade mark/name 'systembolaget' since 1968.
- 16. As reflected from the extracts mentioned in the complaint, the look and feel of the website of the Respondent hosted on the disputed domain name is similar to the websites of the Complainant. However, when the Arbitrator tried to visit the

website hosted by the disputed domain name, the website did not open and a message 'This site can't be reached' are shown on the computer screen.


17. The Complainant is successful in showing the prior use of its registered trade mark 'systembolaget'.
18. It is well established law that the specific top-level domain such as '.com', '.net', '.in' etc does not affect the domain name for the purpose of determining whether it is identical or confusingly similar (*Relevant decision:- Rollerblade, Inc. v. Chris McCrady*¹). Therefore, TLD '.in' is to be disregarded while comparing the disputed domain name with the trademark of the Complainant. When the trade mark of the Complainant 'systembolaget' and the disputed domain name are considered, there is no doubt that the disputed domain name is confusingly similar to the registered trade mark 'systembolaget', the trade name and domain names of the Complainant.
19. Furthermore, the Respondent has used the whole of the registered trade mark of the Complainant in disputed domain name.
20. In view of foregoing, it is apparent that the disputed domain name is confusingly similar to the registered trade mark 'systembolaget' of the Complainant, the domain names <Systembolaget.com> and <Systembolaget.se> and trade name of the Complainant. Therefore, The Complainant has established its case under paragraph 4 (a) of the INDRP.

¹ WIPO Case No. D2000-0429

Umesh Singh

Respondent has no rights or legitimate interests in disputed domain name

21. The Respondent has used the entire trade mark 'systembolaget' of the Complainant, in the disputed domain name. The Respondent is not known by the domain name. Furthermore, the registration of the disputed domain name is created and used without any consent of the Complainant.
22. The disputed domain name also makes a hopeless attempt to make an association with the Complainant's trade mark and domain name which can never be termed as legitimate use of the disputed domain name. The disputed domain name uses in its entirety the word 'systembolaget' which is the registered trade mark of the Complainant, to divert the users from the Complainant's platform.
23. The Respondent cannot be said to have any legitimate right or interest in the disputed domain name which is confusingly similar to a registered trade mark of the Complainant.
24. The disputed domain name incorporates a trade mark which is neither owned by the Respondent nor the Respondent is known by the name 'systembolaget'.
25. The Complainant has been using its domain names <Systembolaget.com> and <Systembolaget.se> which were registered much prior to the registration of the disputed domain name.
26. Therefore, the Respondent/Registrant has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established its case under paragraph 4 (b) of the INDRP.



Baid Faith

27. The registration of the disputed domain name affects the rights of the Complainant vis-à-vis its registered trade marks 'systembolaget' which finds its place prominently in its domain names i.e. <Systembolaget.com> and <Systembolaget.se> and its trade name as well. Therefore, the Complainant's right to exclusively use its registered trade mark 'systembolaget' is affected by the registration of the disputed domain name.
28. The disputed domain name will negatively affect the goodwill and reputation of the Complainant thereby disrupting business of the Complainant. The disputed domain name which diverts the internet users to itself who otherwise would have visited the websites of the Complainant acts in disrupting the business of the Complainant. Therefore, the registration of the disputed domain name is in bad faith according to paragraph 7(d) of the INDRP.
29. The Respondent registered the disputed domain name recently and the same is registered much subsequent to the registration of the domain names of the Complainant. The said registration of the disputed domain name is in bad faith to confuse internet users as to a possible association between the disputed domain name and the Complainant. The registration of the disputed domain name is in bad faith according to paragraph 7(c) of the INDRP.
30. In view of foregoing, it is apparent that the registration of the disputed domain name is in bad faith to hurt the commercial activity of the Complainant. The Complainant has established its case under paragraph 4 (c) of the INDRP.

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Decision

31. In view of the foregoing, it is ordered that the disputed domain name <systembolaget.in> be transferred to the Complainant from the Respondent. Parties are ordered to bear the cost of the present proceedings.



(VARUN SINGH)
Sole Arbitrator