Instructions governing Alternative Dispute Resolution proceedings for domain names in the top-level domain .se (the ".se Rules" or the ".se Procedural Rules")

(In the event of conflict, the Swedish version of the Instructions governing Alternative Dispute Resolution proceedings for domain names in the top-level domain .se shall prevail)

The Swedish Internet Foundation is an independent public interest foundation acting as the registry manager of the ".se" country code top-level domain regulated under the provisions of the Swedish Top-level Domains Act (2006:24).

The World Intellectual Property Organization ("WIPO") is an intergovernmental organization and a specialized agency of the United Nations, dedicated to promoting the protection of intellectual property throughout the world through cooperation among States and where appropriate with other international organizations. One such area of WIPO activity is alternative dispute resolution ("ADR") offered by the WIPO Arbitration and Mediation Center ("WIPO Center"). This includes the administration of disputes concerning domain names, such as described in section 7.2 of the Terms and Conditions of Registration for the top-level domain .se ("Terms and Conditions of Registration").

The Swedish Internet Foundation has appointed the WIPO Center as the dispute resolution organization ("the dispute resolution organization") to administer ".se" domain name disputes.

As described below in more detail, in the event of a dispute regarding a .se domain name, the petitioner shall file a written petition to the WIPO Center in accordance with the .se Terms and Conditions of Registration and the .se Procedural Rules. The Swedish Internet Foundation shall lock the disputed domain name, inform the concerned registrar, and provide the WIPO Center with the domain holder's contact details. The WIPO Center shall undertake a review of the petition and request further information if needed. If the petition is accepted and payment has been made, the WIPO Center shall notify the domain holder about the petition. The domain holder has 30 days to respond. The WIPO Center shall appoint one or three arbitrators who will decide the case. The arbitrator's decision shall be notified to the parties, The Swedish Internet Foundation and the concerned registrar.

Processing of personal data within ADR is described in the privacy policy for the alternative dispute resolution proceeding.

Decision-makers in a dispute resolution proceeding

1. An ADR proceeding for a domain name under the .se top-level domain is executed by individuals who declare to The Swedish Internet Foundation and the WIPO Center that they are willing to undertake assignments within the framework of the proceedings and are registered with The Swedish Internet Foundation and the WIPO Center.

The individual who will execute the dispute resolution proceeding is referred to as the arbitrator in these instructions.

An arbitrator must be knowledgeable, independent and impartial.

The organization that will manage the proceeding

2. The WIPO Center will accept the petition for an ADR proceeding and initially deal with the proceeding according to what is stipulated in these instructions.

The WIPO Center will be referred to as the dispute resolution organization in these instructions.

The dispute resolution organization has only an administrative function and consequently, no insight into or influence on the arbitrator's decision process.

Introduction of a proceeding

3. The party who wants to initiate an ADR proceeding for a domain name under the .se top-level domain, must submit a written petition (including annexes) via email to the dispute resolution organization.

4. The party requesting the proceeding (petitioner) must pay a petition fee when submitting a petition, according to instructions established by The Swedish Internet Foundation, which are available on The Swedish Internet Foundation's and the WIPO Center's websites. If the fee is not paid, the matter will not be processed.

5. A petition for an ADR proceeding must contain information on the petitioner's:
1. name, personal identification number or corporate identity number or similar,
2. postal address, email address and telephone number.

The petitioner must, if possible, submit the corresponding information stated in the first paragraph pertaining to the domain holder to whom the proceedings are directed (the domain holder).

6. The petition must also contain information pertaining to whether the proceeding will be handled by one or three arbitrators.

If the proceeding is to be handled by one arbitrator, the dispute resolution organization will appoint that arbitrator from the list of Arbitrators published on the WIPO Center's website.

If the petitioner wants the matter to be handled by three arbitrators, the dispute resolution organization will appoint one of these arbitrators, who will also be the chairman. The petitioner and the domain holder will each select an arbitrator from among those registered with the dispute resolution organization. Should the domain holder not respond to the petition the dispute resolution organization will appoint an arbitrator in the domain holder's place.

7. A petition must also contain the following information:
1. claims in the proceeding,
2. the circumstances supporting the claims, and

3. supporting evidence and facts to be verified by each particular piece of evidence.

Written evidence shall be submitted with the petition.

7a. If a party is petitioning for a dispute resolution proceeding for several domain names simultaneously against the same domain holder, the petitions shall be handled in a single proceeding, if they are supported by the same rights which are legally recognized in Sweden.

In cases other than what is stated in the first paragraph, petitions between the same parties may be handled in one proceeding, if it benefits the proceeding.

The petitioner must state whether there may be grounds for implementing a single proceeding.

7b. A petition shall be signed by the petitioner or by the petitioner's counsel.

8. If a petition does not contain the information stated in sections 5 – 7, the petition fee has not been paid, or if the petition has not been signed by the petitioner or by the petitioner's counsel, the dispute resolution organization will grant the petitioner an opportunity to remedy the shortcomings within a certain period of time. If the petitioner does not comply with such an order, the case will not be handled.

Decisions in these issues will be made by the dispute resolution organization.

Accelerated proceeding

9. In the petition for dispute resolution proceeding, the petitioner has the opportunity to request the case to be handled as an Accelerated proceeding. An Accelerated proceeding is a dispute resolution proceeding with short decision period, where the case is tried materially with only a brief justification of the decision.

10. The case is handled as an Accelerated proceeding if:
1. the petition contains information stated in sections 5 – 7,
2. the petition fee has been paid,
3. the petition has been signed according to section 7b,
4. the petition contains a request that the case shall be handled as an Accelerated proceeding if the domain holder does not respond to the petition, and
5. the domain holder has not responded to the petition within the period stated in section 13 below.

11. Cases that are to be decided as Accelerated proceedings according to section 10, must always be handled by one arbitrator, regardless of whether the petitioner has requested in the petition the proceeding to be handled by one or three arbitrators.

Arbitrators for Accelerated proceedings are elected according to section 6, paragraph 2.

If the petitioner has requested the case to be decided by three arbitrators, but the case is handled as an Accelerated proceeding, the WIPO Center shall appoint one arbitrator for the case, in accordance with section 6, paragraph 2.

12. In other respects, Accelerated proceedings comply with the instructions, and has the same legal effect as an ADR proceeding – however, with the addition of the instructions stated in section 13, paragraph 2, section 21, paragraph 2 and section 22, paragraph 3 below.

Correspondence with the domain holder

13. If the petition contains the information stated in sections 5 – 7, the dispute resolution organization will grant the domain holder the opportunity to respond to the petition in writing via email within 30 days from the date it was dispatched to the domain holder's most recent email address. A dispatch via email will be combined with a Notice by post.

When dispatching the petition, the dispute resolution organization will inform the domain holder that the case may be decided although no response has been received from the domain holder, or if the reply is not received in time and that, if the petitioner has requested it, the petition may be handled as an Accelerated proceeding if there was no response to the petition from the domain holder received in time.

14. In the response, the domain holder must state whether the petition is accepted or disputed. If the petition is disputed, the domain holder must state the reason for this, and the evidence invoked. Written evidence must be provided in the response.

In connection with the dispatch of the petition, the dispute resolution organization must inform the domain holder about the information that must be contained in the response.

15. In the response, the domain holder may, if the petitioner requests only one arbitrator, request the proceeding to be handled by three arbitrators.

For the appointment of the other arbitrators, section 6, paragraph 3 applies. The additional fee incurred by the proceeding being handled by three arbitrators must be defrayed by the domain holder. If the fee is not paid, the proceeding will be handled by the arbitrator appointed according to section 6, paragraph 2.

16. The dispute resolution organization must submit the response from the domain holder to the petitioner for information.

The dispute resolution organization may not make any decisions pertaining to further correspondence on the proceeding.

If the petitioner wishes to withdraw the petition before an arbitrator has been appointed, but after the domain holder has been notified about the proceeding, the dispute resolution organization should obtain the domain holders' consent before terminating the case. If the domain holder does not respond the dispute resolution

organization within 7 days, the dispute resolution organization has the right to terminate the case, without the domain holders' prior consent.

Arbitrators' procedure

17. After the dispute resolution organization has concluded the correspondence in the proceeding, the petition, response and other documents that arrived pertaining to the proceedings must be submitted to the arbitrator(s). All of the communications between a party and the arbitrator shall occur through the WIPO Center. The parties are not allowed to contact the arbitrator.

The dispute resolution organization must inform the petitioner and the domain holder about the person(s) who were appointed as arbitrator(s).

18. The arbitrator(s) must ensure that the dispute issue is considered to the degree required, without involving unnecessary factors in the proceeding.

Through questions and statements, the arbitrator(s) will eliminate obscure and incomplete information in the parties' statements.

The arbitrator(s) will decide whether additional information is required in the proceeding.

If the petitioner wishes to withdraw its petition after the arbitrator has been appointed, this request should be forwarded to the arbitrator who will decide whether the domain holder's consent is needed to terminate the case.

If the arbitrator(s) believe that petitions that are handled jointly according to section 7a should be handled separately, the arbitrator(s) must make the decision. The petitions and documents in the case must then be returned to the dispute resolution organization.

19. The proceeding handled by the arbitrator(s) must be in writing.

20. A dispute may not be processed without informing a party about information provided in the proceeding by someone other than that party and that party has had the opportunity to comment on the information, should the arbitrator(s) deem it necessary for the proceeding.

21. The arbitrator(s) decision, which will be in writing, must always be based on the content of the documents and findings from the proceeding.

The reasons behind the ruling from which the arbitrator(s) determines the dispute issue must be stated. However, in Accelerated proceeding decisions, the reasons shall only briefly be stated.

22. A petition for an ADR proceeding that is examined by one arbitrator must be decided within 20 days from the date the petition, the response and other documents (if any) were submitted to the arbitrator. If there are special reasons, the arbitrator may extend the period.

A petition for an ADR proceeding that is examined by three arbitrators must be decided within 45 days from the date the petition, the response and other documents (if any) were submitted to the arbitrators. If there are special reasons, the arbitrator who is the chairman may extend the period.

A petition for an ADR proceeding that is examined according to an Accelerated proceeding must be decided within 10 days from the date the petition was submitted to the arbitrator. If there are extraordinary reasons, the arbitrator may extend the period.

23. The documents and communications received from the parties by the WIPO Center shall be transferred to the arbitrator into one case file by the WIPO Center.

The decision of the arbitrator shall be sent to the WIPO Center.

The arbitrator shall make a summary of the decision so that the disputed question and other relevant circumstances are clear, when the decision is sent to the WIPO Center. However, this is not applicable for accelerated proceedings.

Special instructions

24. The dispute resolution organization will notify the petitioner and the domain holder of the arbitrator's decision.

25. The arbitrator's decision from an ADR proceeding must be public and kept available by the dispute resolution organization. If one of the parties is a private individual, the individual's name is anonymized in the decision.

26. The petition for an ADR proceeding must be made in Swedish or English. The decision is written in the language the petition was submitted. The domain holder is free to respond to a dispute resolution petition in either Swedish or English.

27. Anyone who is party to an ADR proceeding may engage a counsel or an assistant. A written authorization is not required unless considered necessary by the arbitrator(s).

28. If a party in an ADR proceeding initiates an action in a court of law in the matter relating to the dispute resolution, the proceeding must continue if the parties do not agree that it be suspended.

29. A party in an ADR proceeding is responsible for his/her own expenses in the proceedings.

30. Neither The Swedish Internet Foundation, the dispute resolution organization or the arbitrators are responsible for damage caused a party in connection with a dispute settlement procedure unless the damage was caused by intent or gross negligence.