

Domain Name Law and Practice

23 December 2004	Sweden	Part III: Alternative Dispute Resolution (4) Swedish ADR (“ATF”) Cases
	Type of update: Case Law	
	<p>aschberg.se/robertaschberg.se (protection of family names)</p> <p>The Swedish individual Robert Aschberg is a well-known TV-personality. His specialty is investigative journalism for entertainment purposes. In December 2003, Mr Aschberg investigated several debt-collecting agencies for his TV-show ‘Insider’. One of the agencies thereafter registered the domain names aschberg.se and robertaschberg.se and linked them to a web site informing that the purpose of the site was to ‘reveal all information about Robert Aschberg’. The holder also emailed Mr Aschberg and offered to sell him the domain names, ‘before I sell them to some other companies with more serious plans for how to use them against you’.</p> <p>Mr Aschberg filed a complaint with the Swedish Institute for Internet Infrastructure, IIS, claiming that (i) he alone had the right to his personal name, (ii) the domain names were registered in bad faith, in order to damage Mr Aschberg’s business activities as well as to cause personal damage, and that (iii) the domain names therefore should be transferred to Robert Aschberg.</p> <p>The Panellist concluded that, according to the Swedish PTO, there is only one Swedish individual named Robert Aschberg, and further that the Swedish Registry of Surnames lists 23 persons bearing the surname Aschberg, whereof the Complainant is one. The complainant had therefore established a right to the Aschberg name.</p> <p>The Panellist thereafter went on concluding that the holder had no rights to Robert Aschberg or Aschberg, and that the domain names were obviously registered and used in bad faith. Accordingly, both domain names were transferred to Mr Aschberg. (ATF, Decision No 41 of February 20, 2004)</p>	