ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

EXPERT DECISION
SwissFx Sarl v. R. V.
Case No. DCH2025-0017

1. The Parties

The Claimant is SwissFx Sarl, Switzerland, internally represented.

The Respondent is R. V., Switzerland, self-represented.

2. The Domain Name

The dispute concerns the domain name <swissfx.ch> (the "disputed domain name").

3. Procedural History

The Request was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 20, 2025. On December 22, 2025, the Center transmitted by email to SWITCH, the ".ch" and ".li" registry, a request for verification in connection with the disputed domain name. On December 23, 2025, SWITCH transmitted by email to the Center its verification response confirming that the Respondent is listed as the holder of the disputed domain name and providing the relevant contact details.

The Center verified that the Request satisfied the formal requirements of the Rules of procedure for dispute resolution procedures for ".ch" and ".li" domain names (the "Rules of Procedure"), adopted by SWITCH, on January 1, 2020.

In accordance with the Rules of Procedure, paragraph 14, the Center formally notified the Respondent of the Request, and the Dispute resolution procedure commenced on December 29, 2025. In accordance with the Rules of Procedure, paragraph 15(a), the due date for Response was January 18, 2026.

The Respondent filed a Response and expressed his readiness to participate in the conciliation on January 6, 2026. The Center appointed Lorenz Ehrler as a Conciliator in this matter on January 9, 2026.

In accordance with the Rules of Procedure, paragraph 17, the Conciliation conference took place by telephone on February 3, 2026. The Conciliation conference did not result in a settlement between the Parties.

On February 11, 2026, the Center notified the Claimant accordingly, who on the same day made an application for the continuation of the Dispute resolution proceedings in accordance with specified in paragraph 19 of the Rules of Procedure and paid the required fees on February 18, 2026.

On February 20, 2026, the Center appointed Tobias Zuberbühler as Expert in this case. The Expert finds that he was properly appointed. In accordance with Rules of Procedure, paragraph 4, the above Expert has declared his independence from the Parties.

4. Factual Background

The Claimant is a Swiss limited liability company (Sàrl) that was registered in the commercial registry of the Canton of Vaud on April 8, 2025. The Claimant owns the domain name <swissfx.com>, which is linked to a website purporting to offer international payment and currency exchange services.

According to WhoIs information, the disputed domain name was first registered on September 12, 2000. The Respondent claims to have owned the disputed domain name since 2012, and the Claimant asserts that the Respondent has held the disputed domain name since at least 2022.

According to the Claimant, the disputed domain name was inactive until the Respondent was approached by the Claimant and offered the disputed domain name for sale for CHF 9,000. It remains unclear when such communication between the Parties took place.

At the time the Request was filed, the corresponding website, under the title “Professional Imaging Solutions”, purported to offer “a suite of innovative imaging effects for events, photo booths and productions, made in Switzerland”.

5. Parties’ Contentions

A. The Claimant

The Claimant alleges that the use of the disputed domain name by the Respondent constitutes an unauthorized use of the Claimant’s business name under Swiss law.

B. The Respondent

The Respondent asserts priority rights since the Claimant has only been registered in April 2025, while the Respondent has owned the disputed domain name since 2012.

6. Discussion and Findings

According to paragraph 24 of the Rules of Procedure, the Expert shall grant the Request if the allocation or use of the disputed domain name constitutes a clear infringement of a right in a distinctive sign which the Claimant owns under the laws of Switzerland.

Paragraph 24(d) of the Rules of Procedure specifies that such clear infringement of an intellectual property right exists when:

- both the existence and the infringement of the claimed right in a distinctive sign clearly result from the wording of the law or from an acknowledged interpretation of the law and from the presented facts and are proven by the evidence submitted; and

- the Respondent has not conclusively pleaded and proven any relevant grounds for defense; and

- the infringement of the right justifies the transfer or revocation of the disputed domain name, depending on the remedy requested in the request.

6.1. Preliminary Issue – Language of the Decision

While the Request has been filed in English, the Respondent submitted his Response in German. Considering that the Respondent's current website provides options for both German and English, the decision shall be issued in English, a language that all Parties appear to understand.

In any event, the Expert notes that according to paragraph 7 of the Rules of Procedure, the language of the procedure shall be conducted at the Claimant's choice in English, German, French or Italian.

6.2. Substantive Issues

A. The Claimant has a right in a distinctive sign under the laws of Switzerland

As outlined above, the Claimant is a limited liability company registered since April 8, 2025.

Thus, the Expert holds that the Claimant has established rights in a distinctive sign in Switzerland.

B. The allocation or use of the disputed domain name does not constitute any clear infringement of a right in a distinctive sign which the Claimant owns under the laws of Switzerland

As correctly pointed out by the Respondent, however, he can invoke priority rights to the sign "swissfx" since the disputed domain name was already registered in 2000 and, according to the Respondent, has been owned by him since 2012. In any event, the Claimant itself acknowledges that the Respondent has owned the disputed domain name at least since 2022.

Against this background, the Claimant's rights cannot have been infringed by the Respondent.

7. Expert Decision

For the above reasons, the Request is denied.

Tobias Zuberbühler
Expert
Dated: March 6, 2026