

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Domain Administrator, Domain is for Sale at
www.dan.com ----

Case No. D2022-0475

1. The Parties

Complainant is QlikTech International AB, Sweden, represented by Ports Group AB, Sweden.

Respondent is Domain is for Sale at www.dan.com ----, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <qlikactiveintelligence.com> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2022. On February 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on February 14, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 16, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Parties of Respondent’s default on April 4, 2022.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on April 6, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Complainant is a Swedish company operating in the field of data visualization. It is the proprietor of numerous trademark registrations for marks incorporating its QLIK mark, including the following:

- Swedish trademark registration No. 359680 for QLIK (word mark), registered on December 9, 2002 for goods and services in classes 9, 35 and 42;
- European Union trademark registration No. 018464510 for QLIK ACTIVE INTELLIGENCE (word mark), filed on April 30, 2021 and registered on August 14, 2021, for goods and services in classes 9, 35 and 42.

The disputed domain name was registered on April 30, 2021. It resolves to a commercial website on which it is being offered for sale for USD 990. The record reflects that Complainant sent a cease-and-desist letter to Respondent dated September 20, 2021. The record does not reflect Respondent's response thereto.

5. Parties' Contentions

A. Complainant

Complainant's contentions may be summarized as follows:

Under the first element, Complainant states that it was founded in 1993 and delivers intuitive platform solutions for self-service data visualization, guided analytics applications, embedded analytics and reporting to approximately 45,000 customers worldwide. The disputed domain name is identical to Complainant's QLIK ACTIVE INTELLIGENCE mark.

Under the second element, Complainant states that Respondent has no rights in the QLIK ACTIVE INTELLIGENCE mark and is not the licensee of Complainant, nor is Respondent authorized to use the mark in any way. The disputed domain name resolves to a website that reflects a clear connection to Complainant's goods and services. It was registered to profit from misleading consumers searching for information about Complainant's business.

Under the third element, Complainant states that its marks were registered and used prior to Complainant's registration of the disputed domain name. The website to which the disputed domain name resolves reflects Complainant's mark, misleading Internet users and taking advantage of Complainant's goodwill. The circumstances indicate that Respondent was aware of Complainant when registering the disputed domain name and establishing the website. Respondent has not indicated in a sufficiently obvious manner that it is not the owner of the mark. Any small disclaimer on the first page is insufficient for this purpose. Respondent did not reply to Complainant's cease-and-desist letter.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

Complainant has provided evidence establishing that it has trademark rights in the QLIK and QLIK ACTIVE INTELLIGENCE marks through registrations in several jurisdictions. Complainant thereby satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.1.

In comparing Complainant’s QLIK and QLIK ACTIVE INTELLIGENCE marks with the disputed domain name, the Panel finds that the disputed domain name is confusingly similar to the QLIK mark and identical to the QLIK ACTIVE INTELLIGENCE mark. It is the consensus view of UDRP panels that, where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark. See [WIPO Overview 3.0](#), section 1.7.

It is the well-established view of UDRP panels that a generic Top-Level Domain (“gTLD”), such as “.com”, is viewed as a standard registration requirement and as such may be disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1, and cases cited thereunder).

Accordingly, the Panel finds that Complainant has established the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Panel finds that the evidence submitted by Complainant establishes a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name. Respondent is not authorized by Complainant and has no rights in the QLIK and QLIK ACTIVE INTELLIGENCE marks. The disputed domain name reflects Complainant’s QLIK ACTIVE INTELLIGENCE mark in an unaltered form. Such use cannot confer rights or legitimate interests. See, for example, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 2.5.1.

Pursuant to [WIPO Overview 3.0](#), section 2.1, and cases thereunder, where Complainant makes out a *prima facie* case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Respondent has not provided any rebuttal of Complainant’s *prima facie* case and has therefore not proved rights or legitimate interests in the disputed domain name. There is no evidence that Respondent is commonly known by the disputed domain name, or that there are any circumstances or activities that would establish Respondent’s rights therein. The disputed domain name is identical to Complainant’s QLIK ACTIVE INTELLIGENCE mark, which carries a high risk of implied affiliation. See [WIPO Overview 3.0](#),

section 2.5.1. Moreover, the disputed domain name resolves to a website on which it is offered for sale. Such circumstances indicate a lack of rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.5.2, and cases cited thereunder.

Accordingly, the Panel finds that Complainant has established the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Complainant has demonstrated Respondent's bad faith registration and use of the disputed domain name. Complainant provides uncontroverted evidence that its rights in the QLIK mark predate the registration of the disputed domain by approximately 20 years, and that it had filed an application to register the QLIK ACTIVE INTELLIGENCE mark on the date of the registration of the disputed domain name. The disputed domain name is identical to Complainant's QLIK ACTIVE INTELLIGENCE mark. Under such circumstances, UDRP panels have consistently found that the registration of a domain name that is identical or confusingly similar to a distinctive trademark by an unaffiliated entity can by itself create a presumption of bad faith on the part of Respondent. See [WIPO Overview 3.0](#), section 3.1.4. Respondent has not provided any information that would rebut this presumption.

The evidence provided by Complainant indicates that the disputed domain name resolves to a website through which it is offered for sale for USD 990, an amount that clearly exceeds the usual out-of-pocket costs of registering a domain name. There is no information that would allow the Panel to conclude that Respondent's intent in registering the disputed domain name was for any purpose other than offering it for sale. Consistent with well-established UDRP practice, such circumstances indicate bad faith in registration and use of the disputed domain name. See [WIPO Overview 3.0](#), section 3.1.1 and cases cited thereunder, such as, for example, *Mou Limited v. IT Manager, Jack Zhang*, WIPO Case No. [D2016-2130](#); *Autodesk, Inc. v. Bayram Fatih Aksoy*, WIPO Case No. [D2016-2000](#).

The Panel therefore finds that Complainant has established the third element under paragraph 4(a) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <qlikactiveintelligence.com> be transferred to Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: April 20, 2022