

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Lin Qingyang
Case No. D2022-0480

1. The Parties

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

The Respondent is Lin Qingyang, United States of America.

2. The Domain Name and Registrar

The disputed domain name <qlikview.cloud> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2022. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. Also on February 11, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on February 15, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The 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 the Respondent of the Complaint, and the proceedings commenced on February 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 11, 2022.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on March 15, 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

The Complainant is QlikTech International AB, a Swedish limited liability company created in 1993, delivering intuitive platform solutions for self-service data visualization, guided analytics applications, embedded analytics, and reporting to approximately 45,000 customers worldwide.

The Complainant operates an extended ecosystem that encompasses more than 100,000 global participants, having an extensive network of 1,700 partners around the world.

The Complainant owns several registrations for the QLIK trademark, as well as for variations thereof, such as QLIKVIEW and QLIKCLOUD. Proofs of these registrations, all predating the registration of the disputed domain name, include international trademark registration No. 839118 for QLIK, registered on May 14, 2004, for several jurisdictions, including Switzerland, China, Germany, Spain, and the United States of America; as well as international trademark registration No. 960117 for QLIKVIEW, registered on December 5, 2007, for several jurisdictions, including Australia, China, Switzerland, Japan, and Viet Nam.

The disputed domain name was registered on March 09, 2021. The disputed domain name does not resolve to an active website, but redirects to a page that offers it for sale.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's marks QLIK and QLIKVIEW registered and used worldwide. In fact, the only distinctive word integrating the disputed domain name is "qlikview", which is identical to the Complainant's registered mark, with no dictionary signification.

The disputed domain name adopted by the Respondent is confusingly similar to the Complainant's registered rights. The Respondent is trying to take advantage of the QLIK and QLIKVIEW trademarks to draw traffic to the website, which shows a clear intention of misleading the Internet users.

The disputed domain name redirects in a third-party website that offered the disputed domain name for sale.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be presented and duly proven by a complainant to obtain relief. These elements are:

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

A. Identical or Confusingly Similar

The disputed domain name is, indeed, confusingly similar to the QLIK and QLIKVIEW trademarks, as they are entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademarks QLIK and QLIKVIEW in jurisdictions throughout the world.

The incorporation of the trademark QLIKVIEW in its entirety with the addition of the generic Top-Level Domain (“gTLD”) “.cloud” renders the disputed domain name identical with the QLIKVIEW trademark, the gTLD being typically disregarded for purposes of the first element as a standard registration requirement. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

Given the above, the Panel concludes that the disputed domain name is identical or confusingly similar to the registered trademarks of the Complainant.

B. Rights or Legitimate Interests

The Panel understands that the marks QLIK and QLIKVIEW are naturally associated with the Complainant, since they have been registered and used to identify the services rendered by the Complainant worldwide.

Further, the Complainant provided sufficient evidence of the renown of the marks QLIK and QLIKVIEW and the full range of services rendered under these marks all over the world. Hence, the Panel considers that the Respondent, in all likelihood, could not be unaware of the marks QLIK and QLIKVIEW, and their direct relation to the Complainant. Moreover, the identical replication of the QLIKVIEW mark in the disputed domain name, without addition or alteration, carries a high risk of implied affiliation to the Complainant, which cannot constitute fair use. See section 2.5.1 of the [WIPO Overview 3.0](#).

The Panel is satisfied that the Complainant has made a *prima facie* showing of the Respondent’s lack of rights and legitimate interests in the disputed domain name. This has not been rebutted by the Respondent.

Thus, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. For this reason, the Panel believes that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Given the circumstances of this case, the facts outlined in sections A and B above can also support a finding of the Respondent’s bad faith in the registration and use of the disputed domain name.

The disputed domain name was registered for the purpose of selling, renting, or otherwise transferring the domain name for valuable consideration, pursuant to paragraph 4(b)(i) of the Policy. The Complainant has submitted evidence of the redirection of the disputed domain name to “Dan.com”, where the disputed domain name was offered for sale for USD 200. Also, the disputed domain name is identical to the Complainant’s QLIKVIEW mark, which is a distinctive mark without common meaning, evidencing the Respondent’s awareness of, and intent to target, the Complainant. Accordingly, the Panel accepts that the disputed domain name is being used for purposes contrary to the Policy.

Moreover, the fact that the disputed domain name does not currently resolve to an active website does not prevent a finding of bad faith under the circumstances of this case. See section 3.3 of the [WIPO Overview 3.0](#).

In addition, proof has been made of an attempt of contacting the Respondent. The Respondent never answered the communication. Also, the Respondent has not come forward to deny the Complainant’s

assertions of bad faith, let alone to put forward any legitimate reason for registering and using the disputed domain name.

All the points above lead to the conclusion by this Panel that the Respondent was fully aware of the Complainant when registering the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith.

The Panel finds that the Complainant has also proved the third element 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, <qlikview.cloud> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/
Alvaro Loureiro Oliveira
Sole Panelist
Date: March 29, 2022