

## ADMINISTRATIVE PANEL DECISION

Klarna Bank AB v. 1&1 Internet Limited / Slawomir Markow  
Case No. D2022-1193

### 1. The Parties

The Complainant is Klarna Bank AB, Sweden, represented by SILKA AB, Sweden.

The Respondent is 1&1 Internet Limited / Slawomir Markow, United Kingdom.

### 2. The Domain Name and Registrar

The disputed domain name <klarnacustomersupport.com> is registered with IONOS SE (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 5, 2022. On April 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, followed by a reminder on April 19, 2022. On April 26, 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 the Complainant on the same day 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 amendment to the Complaint on April 27, 2022.

The Center verified that the Complaint together with the amendment to the 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 May 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 28, 2022.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on June 7, 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 was founded in Stockholm, Sweden, in 2005. It operates a banking and payments business in 45 countries with more than 5,000 employees, service more than 400 000 merchants with approximately 2 million transactions on a daily basis.

The Complainant owns several international trademark registrations consisting of the term KLARNA, such as:

- International Registration No. 1217315, registered on March 4, 2014, in classes 35, 36, 39, 42 and 45 of the Nice Classification;
- International Registration No. 1530491 (fig.), registered on January 30, 2020, with a priority date as of September 9, 2019, in classes 9, 35, 36, 39, 42 and 45 of the Nice Classification;
- International Registration No. 1066079, registered on December 21, 2010, with a priority date as of June 24, 2010, in classes 35 and 36; and
- European Union Trademark Registration No. 009199803, registered on December 6, 2010, in classes 35 and 36.

The Complainant further owns several domain names such as, in particular, <klarna.com>, that was registered on December 12, 2008, so as to inform potential customers about its products and services.

On December 7, 2021, the Respondent registered the disputed domain name <klarnacustomersupport.com>. The disputed domain name is passively held and does not lead to any active website.

On February 9, 2022, the Complainant sent a cease and desist letter to the Respondent, drawing the Respondent upon its rights and the trademark infringement resulting from the disputed domain name, further inviting the Respondent to transfer said domain name in its favor. The Respondent did not respond.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant first affirms that the disputed domain name is confusingly similar to its trademark KLARNA as it entirely incorporates said trademark and that the addition of generic words ("customer support") and a generic Top-Level Domain ("gTLD"), does not prevent a finding of confusing similarity.

The Complainant then asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has never been licensed or authorized by the Complainant to use the KLARNA trademark. The Respondent is not commonly known by the name "klarna" and does not use the disputed domain name <klarnacustomersupport.com> for a *bona fide* offering of goods and services.

The Complainant finally is of the opinion that the disputed domain name was registered and is being used in bad faith. It seems highly unlikely that the Respondent was not aware of the Complainant's trademarks. The fact that the Respondent has not put the disputed domain name into active use does not prevent a finding of bad faith use.

##### B. Respondent

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

## 6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “[...] 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.”

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) The disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights; and
- (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

According to the Policy, paragraph 4(a)(i), the Complainant has to prove that the disputed domain name is identical or confusingly similar to trademarks or service marks in which the Complainant has rights.

The Complainant is the holder of numerous trademarks throughout the world consisting of KLARNA.

UDRP panels widely agree that incorporating a trademark into a domain name can be sufficient to establish that the domain name is identical or confusingly similar to a registered trademark for purpose of the Policy (see, e.g., *Uniroyal Engineered Products, Inc. v. Nauga Network Services*, WIPO Case No. [D2000-0503](#); *Thaigem Global Marketing Limited v. Sanchai Aree*, WIPO Case No. [D2002-0358](#); and *F. Hoffmann-La Roche AG v. Relish Entreprises*, WIPO Case No. [D2007-1629](#)).

This is all the more true when the inserted trademark is the dominant part of the disputed domain name, and that the added elements would not prevent a finding of confusing similarity (see Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, “[WIPO Overview 3.0](#)”).

Such happens to be the case here. The addition of a term such as “customer support” does not prevent a finding of confusing similarity (see, among others: *Playboy Entreprises International, Inc. v. Zeynel Demirtas*, WIPO Case No. [D2007-0768](#); *Inter-IKEA Systems B.V. v. Evezon Co. Ltd.*, WIPO Case No. [D2000-0437](#); and *Dell Computer Corporation v. MTO C.A. and Diabetes Education Long Life*, WIPO Case No. [D2002-0363](#)).

As a result, the Panel considers paragraph 4(a)(i) of the Policy to be satisfied.

### B. Rights or Legitimate Interests

According to the Policy, paragraph 4(a)(ii), the Complainant has to demonstrate that the Respondent has no rights or legitimate interests in the disputed domain name.

As the UDRP panel stated in *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#), demonstrating that a respondent has no rights or legitimate interests in a domain name “[...] would require complainant to prove a negative, a difficult, if not impossible, task”. Thus, in that decision, the panel opined that “[w]here a complainant has asserted that the respondent has no rights or legitimate interests in respect of the domain name, it is incumbent upon the respondent to come forward with concrete evidence rebutting this assertion.”

Following that decision, subsequent UDRP panels developed a consensus view that it is deemed sufficient for a complainant to make a *prima facie* case that the respondent lacks rights or legitimate interests in a

domain name. Once a *prima facie* case has been made, the burden of production shifts to the respondent to come forward with evidence to demonstrate its rights or legitimate interests. If it fails to do so, the complainant is deemed to have satisfied to paragraph 4(a)(ii) of the Policy (see, e.g., section 2.1 [WIPO Overview 3.0](#)).

In the present case, the Complainant is the owner of numerous KLARNA trademarks. The Complainant has no business or other relationships with the Respondent. The Complainant thus has made a *prima facie* case showing that the Respondent has no rights or legitimate interests in the disputed domain name.

On its side, the Respondent has not answered the Complaint, or to the cease and desist letter that was sent to it on February 9, 2022.

Considering the absence of a Response and the fact that the Respondent is neither commonly known by the disputed domain name, nor has made a legitimate noncommercial or fair use of the disputed domain name, the Panel finds that the Respondent has failed to demonstrate any rights or legitimate interests in the disputed domain name, all the more than, as ruled by prior UDRP panels, the well-known character of the Complainant's trademark makes it difficult to conceive any plausible legitimate use of the disputed domain name (*Klarna AB v. Pan Shuai Lou*, WIPO Case No. [D2016-2369](#)).

Consequently, in light of the above, the Panel considers paragraph 4(a)(ii) of the Policy to be fulfilled.

### **C. Registered and Used in Bad Faith**

For a complaint to succeed, a panel must be satisfied that a domain name has been registered and is being used in bad faith (Policy, paragraph 4(a)(iii)).

Bad faith requires a respondent to be aware of the goodwill of a complainant's trademarks. In the present case, the Complainant is the owner of numerous KLARNA trademarks. There is no doubt in the Panel's opinion that these marks enjoy a wide reputation and can be considered as a well-known trademark in the industry as ruled by prior UDRP panels (*Klarna AB v. Pan Shuai Lou*, *supra*).

Considering the worldwide reputation of the KLARNA marks in the financial industry, one finds it hard to conceive that the Respondent would have chosen and registered the disputed domain name without having been aware of the Complainant's trademarks.

From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding (section 3.3 [WIPO Overview 3.0](#)).

While UDRP panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put (section 3.3 [WIPO Overview 3.0](#)).

The Respondent, having neglected to participate in these proceedings, did not bring any evidence to support any good faith reason for having chosen to register <klarnacustomersupport.com>; such evidence is not apparent from the record, and the Respondent has to bear the consequences of its default in that regard.

Consequently, the Panel finds that the disputed domain name has been registered and is being used in bad faith under the paragraph 4(a)(iii) 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 <klarnacustomersupport.com> be transferred to the Complainant.

*/Philippe Gilliéron/*  
**Philippe Gilliéron**  
Sole Panelist  
Date: June 21, 2022