

ADMINISTRATIVE PANEL DECISION

The Knowledge Academy Holdings Limited v. Shahid Ullah
Case No. D2023-0393

1. The Parties

The Complainant is The Knowledge Academy Holdings Limited, United Kingdom, represented by Pinsent Masons LLP, United Kingdom.

The Respondent is Shahid Ullah, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <freeknowledgeacademy.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 27, 2023. On January 30, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 31, 2023, 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 (Najeeb Ullah Khan) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 1, 2023, 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 2, 2023.

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 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2023. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent's default on February 28, 2023. The Center sent the Respondent a further notice on March 3, 2023, by which it granted the Respondent a five-day period through March 8, 2023, in which to indicate whether it wished to participate to this proceeding. However, the Respondent did not reply to this notice.

The Center appointed Assen Alexiev as the sole panelist in this matter on March 15, 2023. 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 the holding company of The Knowledge Academy Limited, incorporated in 2009, which is a business and training company providing training solutions for IT technical, personal development and human resources, and management courses to project, program and IT service management. It is the world's largest provider of training courses globally, with the capability to deliver over 30,000 courses in over 1,000 locations across 190 countries, and has successfully trained over 1 million delegates.

The Complainant is the owner of the following trademark registrations for the sign "THE KNOWLEDGE ACADEMY" (the "trademark THE KNOWLEDGE ACADEMY"):

- the European Union trademark THE KNOWLEDGE ACADEMY with registration No. 018157130, registered on May 22, 2020 for goods and services in International Classes 9, 16, 35, and 41;
- the United Kingdom trademark THE KNOWLEDGE ACADEMY with registration No. UK00003104125, registered on July 17, 2015 for goods and services in International Classes 9, 16, 35, and 41; and
- the United States of America trademark THE KNOWLEDGE ACADEMY with registration No. 5398327, registered on February 6, 2018 for goods and services in International Classes 9, 16, 35, and 41.

The Complainant is also the owner of the domain name <theknowledgeacademy.com>, registered in 2009. It resolves to the Complainant's official website.

The disputed domain name was registered on January 8, 2023. It resolves to a parking webpage containing advertising links or to a blog providing training and containing a link to a YouTube page that contains video tutorials or is blocked as potential malware.

5. Parties' Contentions

A. Complainant

The Complainant states that the disputed domain name is confusingly similar to its trademark THE KNOWLEDGE ACADEMY, because the dominant, distinctive and identical element of both the trademark and the disputed domain name is "knowledge academy", and the only differences are the addition of the dictionary word "free" and the removal of the article "the". The Complainant adds that the word "free", when used as an adjective, describes something that may be used free of charge and restriction, which is likely to lead to an increased risk of confusion, as it suggests that the disputed domain name is a free of charge version of the Complainant's offerings. The Complainant concludes that because of the international presence and associated reputation of the Complainant's THE KNOWLEDGE ACADEMY trademark, no party would choose the disputed domain name unless with the intention to create a false impression of association with the Complainant in order to attract business from the Complainant or misleadingly to divert the public from the Complainant to the Respondent.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered on January 8, 2023, and the Complainant is not aware of the Respondent using the disputed domain name in connection with the offering of goods or services prior to the registration date, nor is it aware that the Respondent is commonly known by the disputed domain name. The Complainant considers that the Respondent registered the disputed domain name knowing that it is likely to attract interest from Internet users who are searching for the Complainant and that the Respondent registered the disputed domain name in the full knowledge of its activities and reputation.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. According to it, when registering the disputed domain name, the Respondent must have been aware that it was misappropriating the valuable intellectual property of the Complainant. The Complainant points out that the disputed domain name has been registered for less than a month and is currently hosting a different webpage depending on whether the www URL or non-www URL is typed into the web address bar to access the disputed domain name. The webpage displayed at the non-www URL address is a parking page containing advertising links for associated searches. According to the Complainant, it is likely to attract a significant number of visitors in comparison with the www URL given this is the top-level webpage hosted on the disputed domain name. The Complainant adds that related searches listed include “Free Online Training Courses”, “Online Learning Courses”, and “Online Training Courses”. The webpage displayed at the www URL address is a blog hosted by the Google’s Blogger service. The Complainant notes that the blog is titled “Free Knowledge Academy” and can be accessed both via a blogger-allocated domain name and the www URL version of the disputed domain name registered by the Respondent. The Complainant points out that the blog hosted on the disputed domain name contains blogposts providing training on topics such as “Basic of Computer System”. The webpage contains a link to a YouTube page that contains video tutorials on setting up Gmail accounts, bank accounts through a mobile phone application and mobile financing.

The Complainant states that the trademark THE KNOWLEDGE ACADEMY is registered in respect of “providing courses of training”, “provision of training courses”, “training courses”, “educational services relating to information technology”, “computer education training”, “computer education training services”, “audio and/or video information”, and “computer assisted teaching services” in International Class 41. It maintains that the Respondent’s use of a parking webpage for the non-www URL version of the disputed domain name to host advertising links related to goods and services registered in respect of the Complainant’s trademark is evidence that the Respondent has registered the disputed domain name in bad faith with a view to profiteering from web users landing on the disputed domain name. The Complainant adds that the Respondent’s use of the www URL version of the disputed domain name to host a blog offering educational services relating to computers and information technology containing the Complainant’s trademark and related services is evidence that the Respondent has registered the disputed domain name in bad faith with a view to generating interest and user traffic from consumers seeking to use and find the Complainant’s services. According to the Complainant, the Respondent is targeting consumers with a view to selling the disputed domain name and/or obtaining advertising revenue from users accessing the parking webpage through display of the “related searches” and associated links.

The Complainant concludes that the disputed domain name has been registered in bad faith for illegitimate purposes in order to infringe the Complainant’s trademark, to deceive the public into believing that the goods and services offered by the Respondent are connected to the Complainant, and to use the website hosted at the disputed domain name as a means to deceive consumers into believing that the Respondent and the Complainant are connected.

B. Respondent

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

6. Discussion and Findings

Pursuant to the Policy, paragraph 4(a), the Complainant must prove each of the following to justify the transfer of the disputed domain name:

- (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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has provided information about its registrations of the trademark THE KNOWLEDGE ACADEMY and has established its trademark rights for the purposes of the Policy.

The Panel notes that a common practice has emerged under the Policy to disregard in appropriate circumstances the generic Top-Level Domain (“gTLD”) section of domain names for the purposes of the comparison under the Policy, paragraph 4(a)(i). See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). The Panel sees no reason not to follow the same approach here, so it will disregard the “.com” gTLD section of the disputed domain name.

The relevant part of the disputed domain name is therefore the sequence “freeknowledgeacademy”, in which the elements “free”, “knowledge”, and “academy” can easily be distinguished. The second and third together represent the distinctive element “knowledge academy” of the trademark THE KNOWLEDGE ACADEMY with the article “the” omitted. The trademark is easily recognizable in the disputed domain name. As discussed in sections 1.7 and 1.8 of the [WIPO Overview 3.0](#), where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the trademark THE KNOWLEDGE ACADEMY in which the Complainant has rights.

B. Rights or Legitimate Interests

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production of evidence on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See section 2.1 of the [WIPO Overview 3.0](#).

The Complainant has contended that the Respondent has no rights or legitimate interests in the disputed domain name, as it was not authorized by the Complainant to use its trademarks, and is not using the disputed domain name in connection with a *bona fide* offering of goods or services. Rather, the Respondent is using the disputed domain name for a parking webpage containing advertising links for associated searches, including “Free Online Training Courses”, “Online Learning Courses”, and “Online Training Courses”, or for a blog titled “Free Knowledge Academy” containing blogposts providing training on topics such as “Basic of Computer System”, which services are included in the scope of protection of the trademark THE KNOWLEDGE ACADEMY. According to the Complainant, this shows that the Respondent has registered the disputed domain name with a view to generate interest and user traffic from consumers seeking the Complainant’s services. Thus, the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent does not deny any of the statements of the Complainant, and does not claim having rights or legitimate interests in the disputed domain name or submit any evidence to rebut the *prima facie* case made by the Complainant.

As discussed above, the disputed domain name is confusingly similar to the trademark THE KNOWLEDGE ACADEMY of the Complainant, and the evidence submitted by the Complainant confirms that the disputed domain name has indeed been used to refer to a parking webpage containing advertising links for various

training courses or to a blog providing training. Such services are similar to the services offered by the Complainant and included in the scope of protection of its trademark THE KNOWLEDGE ACADEMY. The above leads the Panel to the conclusion that it is more likely than not that the Respondent, using the popularity of the Complainant's trademark, attempts to mislead and attract Internet users to the disputed domain name and to the associated website where to offer them services similar to the services offered by the Complainant. The Panel does not regard such conduct as legitimate and giving rise to rights or legitimate interests of the Respondent in the disputed domain name.

Therefore, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists four illustrative alternative circumstances that shall be evidence of the registration and use of a domain name in bad faith by a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The disputed domain name is confusingly similar to the Complainant's trademark THE KNOWLEDGE ACADEMY, which was registered eight years earlier. The evidence submitted by the Complainant and undisputed by the Respondent shows that the disputed domain name has been used to refer to a parking webpage containing advertising links for various training courses or to a blog providing training. These services are similar to the services offered by the Complainant and included in the scope of protection of its trademark THE KNOWLEDGE ACADEMY. The above leads the Panel to the conclusion that it is more likely than not that the Respondent, using the popularity of the Complainant's trademark, attempts to mislead Internet users that the disputed domain name is associated with the Complainant, and thus to attract them to the associated website where to offer them services similar to the services offered by the Complainant.

In view of the above, the Panel accepts as more likely than not that the Respondent is likely to have registered and used the disputed domain name with knowledge of the Complainant and targeting its trademark THE KNOWLEDGE ACADEMY, in an intentional attempt to attract, for commercial gain, Internet users to its website or to other online locations by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and of the products or services featured on it.

Therefore, the Panel finds that the disputed domain name has been registered and used in bad faith.

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 <freeknowledgeacademy.com> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: March 29, 2023