

## **ADMINISTRATIVE PANEL DECISION**

The Knowledge Academy Holdings Limited v. Prakash Jha  
Case No. D2024-1227

### **1. The Parties**

The Complainant is The Knowledge Academy Holdings Limited, United Kingdom (“UK”), represented by Michelmores LLP, UK.

The Respondent is Prakash Jha, India.

### **2. The Domain Name and Registrar**

The disputed domain name <myknowledgeacademy.com> (the “Domain Name”) 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 March 21, 2024. On March 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 21, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 2024, 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 April 2, 2024.

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 April 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 24, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on May 1, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a business and IT training company that provides training solutions to corporate, public sector, multinational organizations and private individuals. The Complainant is a large provider of training courses globally, with the capability to deliver over 30,000 courses in over 1,000 locations across 190 countries. To date, the Complainant has successfully trained over 1 million delegates, focusing on training in a wide range of areas from IT technical, personal development, human resources and management courses to project, program and IT service management. The Complainant offers its services to the public through various channels, including its website “www.theknowledgeacademy.com”, eLearning courses and its extensive network.

The Complainant is the owner of trademark registrations for THE KNOWLEDGE ACADEMY, including in Australia, the European Union, New Zealand, United Arab Emirates, the UK and the United States of America, for example International registration No. 1269174 registered on April 22, 2015.

The Domain Name was registered on March 9, 2024. At the time of the Complainant, and at the time of drafting the Decision, the Domain Name resolves to a website that appears to provide online learning services and current affairs and daily news digests.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and contends that the Domain Name highly similar to the Complainant's trademarks and to the Complainant's business and trading name. The Complainant's trademark and the Domain Name differ only with the use of “my” rather than word “the”. According to the Complainant, given the international presence and associated reputation of the Complainant's name, no party would choose the Domain Name unless with the intention to create a false impression of association with the Complainant in order to divert the public from the Complainant to the Respondent.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent registered the Domain Name knowing that it is likely to attract interest from Internet users who are searching for the Complainant. Given the Complainant's reputation, the Complainant considers it reasonable to conclude that the Respondent registered the Domain Name in the full knowledge of its activities and reputation, and it is not possible for the Respondent to have acquired any legitimate right to use the Domain Name.

Based on the use and reputation of the Complainant's trademarks, the Complainant argues that the Respondent must have been aware of the Complainant's trademark and business when the Respondent registered the Domain Name. Moreover, the Respondent's use of the Domain Name to offer competing services to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark, including believing that the Respondent and the Complainant are connected, is evidence of bad faith.

##### **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The first element functions primarily as a standing requirement. The standing test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has established that it has rights in the trademark THE KNOWLEDGE ACADEMY. In this case, the Domain Name is identical to the Complainant's trademark, save for the prefix "the" being replaced by "my". In the view of the Panel, this does not prevent a finding of confusing similarity between the Domain Name and the Complainant's trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD") (in this case ".com"). [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

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 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. [WIPO Overview 3.0](#), section 2.1.

Based on the evidence in the present matter, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Furthermore, the Panel finds that the composition of the Domain Name carries a risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel finds that the Respondent most likely knew of the Complainant when he registered the Domain Name. It is based on the composition and use of the Domain Name, but also the reputation of the Complainant's trademarks. The Respondent appears to have registered and used the Domain Name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark. While the Panel notes the Respondent has not argued that it has used the Domain Name in good faith. The Respondent has not replied to the Complainant's contentions at all, hereunder not filed any

evidence that it has undertaken measures to avoid collision with the Complainant's trademark; a trademark that someone in the same line of business as the Complainant would be expected to know, either by reputation or through a simple internet search. Finally, the Respondent's use of a privacy service may under the circumstances of the case be to avoid being notified of a UDRP proceeding, which in turn may be considered unrefuted support of bad faith.

Based on the available record, the Panel finds that the Complainant has established 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 the Domain Name <myknowledgeacademy.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: May 7, 2024