

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. 林藏 (Lin Zang)
Case No. D2024-1789

1. The Parties

The Complainant is QlikTech International AB, Sweden, represented by Abion AB, Sweden.

The Respondent is 林藏 (Lin Zang), Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <qlikapps.life> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2024. On April 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 1, 2024, 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 (Unknown, Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 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 the same day.

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 May 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 6, 2024.

The Center appointed Antony Gold as the sole panelist in this matter on June 13, 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a technology company based in Sweden, specializing in data analytics and business intelligence solutions. The Complainant has offices in many countries, including in North America, the Middle East, Europe and Africa. In 2015, the Complainant was recognized by Forbes as a Top 10 Innovative Growth Company.

The Complainant's principal trading style is Qlik and it has registered trade marks for QLIK in many countries, including by way of example only, European Union Trade Mark No. 001115948 for QLIK, registered on May 16, 2000 in classes 9, 35, and 42. The Complainant promotes its business through the website at "www.qlik.com".

The disputed domain name was registered on February 25, 2024. As at the date of this decision and as at the date of filing the Complaint, it does not/did not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, the Complainant contends that:

- the disputed domain name is identical or confusingly similar to a trade mark in which it has rights. The only difference is the addition of the word "apps" within the disputed domain name. This small variation is not enough to distinguish the disputed domain name from the Complainant's trade mark and is likely to confuse consumers into thinking that the disputed domain name is associated with, or endorsed by, the Complainant;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed or authorized the Respondent to use its trade marks or to register or use the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name or owns any trade marks which comprise the term "qlikapps.life";
- the disputed domain name was registered and is being used in bad faith. The registration of the Complainant's QLIK trade marks pre-dates the registration of the disputed domain name and by conducting a simple online search for the term "qlik" the Respondent would inevitably have learned about the Complainant, its trade marks and business. It is very likely that the Respondent incorporated the Complainant's trade mark within the disputed domain name in order to take advantage of it and free-ride on the Complainant's reputation. By intentionally choosing a domain name that closely resembles the Complainant's well-known trade mark, the Respondent seeks to exploit and potentially mislead Internet users for commercial gain. The passive holding of the disputed domain name suggests an attempt to extract undue monetary benefit from the Complainant's established reputation and disrupt its business activities.

B. Respondent

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

6. Discussion and Findings

Dealing, first, with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under, these Rules, the Panel shall be entitled to draw such inferences from this omission as it considers appropriate.

Paragraph 4(a) of the Policy provides that a complainant proves each of the following three elements in relation to a domain name in order to succeed in its complaint:

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

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trade mark and the disputed domain name; see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has provided details of its trade mark registrations for QLIK, an example having been provided above. The Panel therefore finds the Complainant has shown rights in respect of its QLIK marks for the purposes of the Policy; see the [WIPO Overview 3.0](#), section 1.2.1. As a technical requirement of registration, the generic Top-Level Domain ("gTLD"), that is ".life" in respect of the disputed domain name, is usually disregarded when assessing confusing similarity. The Complainant's QLIK mark is reproduced in its entirety within the disputed domain name and is clearly recognizable within it. The addition of the term "apps" to the disputed domain name does not prevent a finding of confusing similarity between it and the Complainant's QLIK mark for the purposes of the Policy. In this respect, see the [WIPO Overview 3.0](#), section 1.8; "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".

For the above reasons, based on the available record, the Panel finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances by which a respondent may demonstrate rights or legitimate interests in a domain name. Whilst 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 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; see the [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name, such as those enumerated in the Policy or otherwise. In particular, the Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. In this case, the disputed domain name does not resolve to an active website, and the non-use of it self-evidently does not comprise use in connection with a bona fide offering of goods and services; see paragraph 4(c)(i) of the Policy and the [WIPO Overview 3.0](#), section 2.2;

- there is no evidence in the record that the Respondent has been commonly known by the disputed domain name. In this respect, see paragraph 4(c)(ii) of the Policy and the [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue; see paragraph 4(c)(iii) of the Policy and the [WIPO Overview 3.0](#), section 2.4;
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

For the above reasons, based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that the Complainant's QLIK mark was registered well before the registration date of the disputed domain name, and the term "apps" added after the QLIK mark in the disputed domain name which may be seen as referring to the Complainant's Apps. Further, the Complainant's evidence shows that by search "qlik online", the top results are all related to the Complainant including suggestions for its Apps. Therefore, the Panel finds that it is more likely than not that the Respondent registered the disputed domain name with the Complainant and its trademark in mind. The Respondent's registration of the disputed domain name is accordingly in bad faith.

So far as the current, inactive status of the disputed domain name is concerned, paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith; see the [WIPO Overview 3.0](#), section 3.2.1.

Prior UDRP panels 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. Having reviewed the record, the Panel finds its non-use of the disputed domain name comprises bad faith passive holding. While 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; see [WIPO Overview 3.0](#), section 3.3 and also *beIN Media Group LLC v. Ahmed Khattab*, WIPO Case No. [D2022-2300](#).

Applying these factors to the circumstances of these proceedings: (i) the Complainant has provided evidence which establishes, for the purpose of the Policy, that its QLIK trade mark is distinctive in the context of the services for which it is registered; (ii) the Respondent has not replied to the Complaint nor is there any other evidence in the record of any actual or contemplated good faith use of the disputed domain name; (iii) the Respondent appears to have used the false postal address when registering the disputed domain name noting the Written Notice was not delivered to the Respondent by courier; and (iv) there is no evidence of any plausible good faith use to which the disputed domain name can be put by the Respondent, particularly noting the composition of the disputed domain name makes it clear that the Complainant's mark is being targeted. In the circumstances of this case, therefore, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. See, for example, *Gallery Department, LLC v. ahmad Akram*, WIPO Case No. [D2023-3455](#).

Having reviewed the record, and for the reasons set out above, the Panel finds the Respondent's registration and use of the disputed domain name has been 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 <qlikapps.life> be transferred to the Complainant.

/Antony Gold/

Antony Gold

Sole Panelist

Date: June 27, 2024