

## ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Zsolt Bikadi  
Case No. D2024-1799

### 1. The Parties

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

The Respondent is Zsolt Bikadi, Hungary.

### 2. The Domain Name and Registrar

The disputed domain name <qlick.marketing> is registered with Domain Science Kutatási Szolgáltató Korlátolt Felelősségű Társaság (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:

- (a) confirming it is the Registrar for the disputed domain name;
- (b) disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Unknown) and contact information in the Complaint;
- (c) stating the registration agreement is in English;
- (d) confirming that the registration agreement included an acknowledgement that the disputed domain name was registered subject to the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”).

The Center sent an email communication to the Complainant on May 1, 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 May 2, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Policy, 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 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 3, 2024.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on June 7, 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 providing solutions for data analytics and business intelligence. It is a Swedish company which trades globally with offices in Brazil, Canada, Mexico, the United States of America, Europe, the Middle East, Asia and Africa.

From its website at “www.qlik.com”, it claims to have more than 40,000 customers, 1,850 “partners” and more than 235,000 “community members”.

Amongst other things, the Complainant was recognised as a Top 10 Innovative Growth Company in 2015 by Forbes. Other companies identified in Annex 5 to the Complaint in the Top 10 included Xero, NetSuite and DexCom.

The Complaint includes evidence that the Complainant owns numerous registered trademarks. For present purposes, it is sufficient to note:

(a) European Union Trademark No 001115948, QLIK, which was registered on May 16, 2000 in respect of goods and services in International Classes 9, 35 and 42 including computer programs for business intelligence (Class 9), processing, checking, storing and/or producing information in databases; management of computerized data and database files and computerized storage and processing of business information in the field of business intelligence (Class 35) and computer programming; rental of computers, computer software, maintenance, updating and software improvement services (Class 42); and

(b) United States Registered Trademark No 2,657,563, QLIK, which was registered in the Principal Register on December 10, 2002, in respect of computer software for accessing and analyzing database information in International Class 9 and claiming a first use in commerce on March 23, 1999.

Annex 7 to the Complaint includes evidence of numerous other registered trademarks for QLIK in other jurisdictions around the world.

The disputed domain name was registered on April 6, 2024.

At the time this decision is being prepared, it does not appear to resolve to an active website. Shortly before the Complaint was filed, however, it resolved to a website headed “Qlick.Marketing” which featured three pay-per-click (PPC) links for, respectively, “Qlikview”, “Email for Professionals” and “Algorithmic Trading Bot”.

## 5. Discussion and Findings

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whois details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or 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

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

There are two parts to this inquiry: the Complainant must demonstrate that it has rights in a trademark at the date the Complaint was filed and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark.

The Complainant has proven ownership of at least the registered trademarks for QLIK referred to in section 4 above.

The second stage of this inquiry simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g., [WIPO Overview 3.0](#), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the Top Level Domain (TLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".marketing" TLD, the disputed domain name consists of the Complainant's registered trademark with the addition of the letter "c" before the "k". The disputed domain name therefore sounds the same as the Complainant's trademark and looks almost identical. In that respect, the Panel notes that in

English the combination of “ck” when “k” is the last letter of the word is entirely typical. This is the kind of common, obvious, or intentional misspelling of the Complainant’s trademark which panels routinely consider to be confusingly similar and often referred to a “typosquatting”. See e.g., [WIPO Overview 3.0](#), section 1.9.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant’s trademark and the requirement under the first limb of the Policy is satisfied.

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

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is 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 trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a 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.

The Respondent registered the disputed domain name well after the Complainant began using its trademark and after the Complainant had registered its trademark.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent’s name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

From the materials before the Panel, it appears that the Respondent is, or at least before the filing of the Complaint was, using the disputed domain name to generate revenue through PPC advertising. While “qlick” sounds the same as “click”, it is not a dictionary word itself and, in addition, was not being used primarily for links associated with the dictionary meaning of “click”. As noted in Section 4 above, one of the PPC links appearing on the Respondent’s website related to one of the Complainant’s products. The other two did not

and do not appear to have any association with “qlik”, “qlick” or “click” This suggests that the disputed domain name was being used to attract users looking for “qlick”. The use of a confusingly similar domain name to capitalise on the reputation and goodwill of the Complainant's trademark in this way does not constitute a good faith offering of goods or services for the purposes of paragraph 4(c)(i) or a legitimate “fair use”. See e.g., [WIPO Overview 3.0](#), sections 2.5.3 and 2.9.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

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

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The information before the Panel indicates that the Complainant is a substantial business which has achieved a significant degree of recognition amongst at least business and technology circles. In addition, one of the PPC links on the Respondent's former website adopts the name of one of the Complainant's products which may suggest familiarity with the Complainant and its trademark. Further, the Respondent has not sought to deny the Complainant's allegation that the Respondent registered the disputed domain name intentionally to take advantage of the Complainant's reputation in its trademark. On the contrary, as noted in Section 5B above, the Respondent has not offered any explanation for his adoption and use of the disputed domain name.

Bearing in mind that the only use of the disputed domain name has been for a parking page with PPC links that capitalise on the Complainant's trademark, therefore, the Panel infers it is likely that the Respondent registered and has subsequently used the disputed domain name in bad faith.

Accordingly, the Complainant has established all three requirements under the Policy.

## **6. 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 <qlick.marketing> be transferred to the Complainant.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Sole Panelist

Date: June 21, 2024