

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. 林雪

Case No. D2024-2673

1. The Parties

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

The Respondent is 林雪, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name, <qilik-live.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 July 1, 2024. On July 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 3, 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 July 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 31, 2024.

The Center appointed Dennis A. Foster as the sole panelist in this matter on August 5, 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 Swedish company that specializes in business data analytics and business intelligence and is active world-wide. The Complainant has been in business for at least two decades. In conjunction with its business, the Complainant has registered a number of trademarks for its "Qlik" name, including:

- European Union QLIK trademark registration no. 001115948 registered on May 16, 2000.
- United States of America QLIK trademark registration no. 2657563 registered on December 10, 2002.
- United Kingdom QLIK trademark registration no. UK00901115948 registered on May 16, 2000.
- International QLIK trademark registration no. 839118 registered on May 14, 2004 with China a designated country.

All the above trademarks include goods in Nice International Class 9, i.e., computer software.

The Complainant conducts its business at the website "www.qlik.com".

The Respondent is an individual in Hong Kong, China who registered the disputed domain name on June 25, 2024. The disputed domain name resolves to a login page where the Complainant's trademark is prominently displayed.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

- The disputed domain name is identical or confusingly similar to the Complainant's trademarks. This is likely to confuse consumers into thinking that the disputed domain name is associated with or endorsed by the Complainant.
- The Respondent registered the disputed domain name well after the Complainant registered its trademarks.
- The Complainant did not authorize the Respondent to use its QLIK trademarks in the disputed domain name.
- There is no evidence that the Respondent is commonly known by the disputed domain name.
- The website at the disputed domain name is a copycat version of the Complainant's official website.
- The Respondent's website is a fake website that takes orders and payments for goods that are never delivered to the purchasers.
- It is evident that the Respondent registered and is using the disputed domain name in bad faith with the clear intent to take a free ride on the Complainant's renown.
- The disputed domain name should be transferred to the Complainant.

B. Respondent

The Respondent did not file a response in these proceedings.

6. Discussion and Findings

In accordance with Policy paragraphs 4(a)(i) - (iii), the Panel may find for the Complainant and order the transfer of the disputed domain name, <qlik-live.life>, if the Complainant proves that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has exhibited with its Complaint a number of registrations for its QLIK trademark whose details the Panel has provided supra in the Factual Background section. As is customary in UDRP decisions, the Panel accepts these trademark registrations as proof that the Complainant has rights in the trademark QLIK. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

As to whether the disputed domain name is identical to the Complainant's trademark, the Panel observes that it is not identical because the Respondent has deliberately misspelled the Complainant's QLIK trademark, and because the term "-live" has been added. The Panel finds that the Complainant's QLIK trademark still is recognizable in the disputed domain name, and therefore the disputed domain name is confusingly similar to the Complainant's QLIK trademark. Per established Policy legal doctrine, the generic Top-Level domain ("gTLD") ".life" is not taken into consideration when checking for identity or confusing similarity. [WIPO Overview 3.0](#), sections 1.7, 1.8, 1.9, and 1.11.1.

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i) to show that the disputed domain name is confusingly similar to a mark in which the Complainant has trademark rights.

B. Rights or Legitimate Interests

It is well established under the Policy that the Complainant initially needs only to make a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name. This is because of the difficulty the Complainant would encounter trying to prove a negative case. [WIPO Overview 3.0](#), section 2.1. Once the Complainant succeeds in making at least a prima facie case, it is up to the Respondent to come forward with evidence and show that it does have rights or legitimate interests in the disputed domain name, although the overall burden of proof remains on the Complainant.

In the case under consideration, the Complainant has credibly asserted that it has not given the Respondent any authorization to use its QLIK trademark in the disputed domain name. This constitutes a prima facie case under prevailing Policy doctrine. The Respondent has not come forward to try to rebut the Complainant's prima facie case, but the Panel will nonetheless examine the record to see whether there may be evidence that the Respondent has rights or legitimate interests in the disputed domain name. In doing so, the Panel will accept the Complainant's reasonable contentions as true.

At Policy paragraph 4(c)(i, ii and iii), the Policy gives the Respondent three ways in which the Respondent can show that the Respondent does have rights and legitimate interests in the disputed domain name. Taking them in order, the Panel will first look to see whether the Respondent is using the disputed domain name to make a bona fide offering of goods or services per 4(c)(i). It is readily apparent that the Respondent is doing just the opposite: the record shows that the Respondent is using the disputed domain name to commit fraud, i.e., the Respondent is using the disputed domain name to a login page pretending to be the Complainant. See [WIPO Overview 3.0](#), section 2.13.1; and see *Wikimedia Foundation, Inc. v. Walter Gerbert*, WIPO Case No. [D2016-1346](#). Such use does not confer any rights or legitimate interests on the Respondent.

Further, the Respondent is nowhere shown to be commonly known by the disputed domain name per Policy paragraph 4(c)(ii). And finally, the record does not show that the Respondent is making a noncommercial or fair use of the disputed domain name per Policy paragraph 4(c)(iii).

The Panel is thus motivated to find that the Complainant has carried its burden of proof to show that the Respondent does not have rights or legitimate interests in the disputed domain name per Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant has shown that the disputed domain name resolves to a login page where the Complainant's trademark is prominently displayed. The Panel finds that the Respondent has violated the bad faith provisions of the Policy at paragraph 4(b)(iv) by registering a domain name confusingly similar to the Complainant's trademark in an attempt to obtain financial gain for the Respondent.

Moreover, the Respondent put this fraudulent scheme into practice within a few days after registering the disputed domain name, so there can be no doubt that the Respondent had in mind the Complainant and its QLIK trademark when registering the disputed domain name. The bad faith provisions of the Policy at paragraph 4(b) are not exhaustive and, in this particular case, the Panel finds the Respondent also is committing fraud by resolving the disputed domain name to a login page prominently displaying the Complainant's trademark. This also is a well-recognized bad faith violation under the Policy per past decisions. See [WIPO Overview 3.0](#), section 3.4; and *Accenture Global Services Limited v. Patel Holdings*, WIPO Case No. [D2016-0367](#); and also *Stichting BDO v. Contact Privacy Inc. Customer 12412517546 BDO/William Nicole, BDO USA*, WIPO Case No. [D2022-1033](#).

The Panel therefore finds that the Complainant has carried its burden of proof to show that the Respondent has registered and is using the disputed domain name in bad faith per Policy paragraph 4(a)(iii).

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 <qilik-live.life> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: August 19, 2024