

ADMINISTRATIVE PANEL DECISION

The Knowledge Academy Holdings Limited v. Ahmad Shodiqin
Case No. D2024-2675

1. The Parties

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

Respondent is Ahmad Shodiqin, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <knowledgeacademy.info> (the “Domain Name”) is registered with IONOS SE (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 Domain Name. On July 1, 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 (Not available) and contact information in the Complaint. The Center sent an email to Complainant on July 2, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 4, 2024.

On July 4 and 5, 2024, Respondent sent communications to the Center.

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 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.

On Complainant's request, the proceedings were suspended on July 10 and reinstated on August 12, 2024, informing the Parties that the Response was due on August 27, 2024. Respondent did not submit any substantive response. Accordingly, the Center notified the commencement of the Panel appointment process on September 4, 2024.

The Center appointed Robert A. Badgley as the sole panelist in this matter on September 10, 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

Complainant is the holding company of The Knowledge Academy Limited, which was incorporated in April 2009. The Panel will refer to Complainant and its subsidiary henceforth as "Complainant." Complainant describes itself as "a business and IT [information technology] training company which operates globally, providing training solutions to corporate, public sector, multinational organisations and private individuals." According to Complainant:

"Its primary focus is delivering training in a wide range of areas from IT technical, personal development, human resources and management courses to project, programme and IT service management. [...] The Complainant offers its services to the public through various channels, including through its website "www.theknowledgeacademy.com" (the "Website"), through eLearning courses, and face to face through its extensive network of highly experienced instructors. [...] The Complainant is the world's largest and most established 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."

Complainant asserts that it has used the mark THE KNOWLEDGE ACADEMY since 2009 to identify and distinguish its services. Complainant has registered the word mark THE KNOWLEDGE ACADEMY in various jurisdictions, including India, Australia, the European Union, New Zealand, United Arab Emirates, the United Kingdom, and the United States of America. For instance, Complainant holds Australian Reg. No. 1269174, registered on April 22, 2015. Among the services offered under Complainant's mark are "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 Class 41.

The Domain Name was registered on June 7, 2024. The Domain Name resolves to a website which purports to provide articles regarding educational techniques, including an article regarding parents' role in their children's education. According to Complainant, Respondent's site includes "third party copyright material."

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. According to Complainant, given the similarity of the content at Respondent's website and the services provided by Complainant, Respondent registered the Domain Name "to deceive the public into believing that the goods and services offered by the Respondent are connected to the Complainant."

B. Respondent

Respondent did not file a formal Response or otherwise respond to the allegations and evidence presented by Complainant. Respondent's only communications with the Center were three emails.

On July 4, 2024, Respondent wrote: "I don't understand what you mean. I also did not send you any emails." On July 5, 2024, Respondent wrote: "Do you want a domain knowledgeacademy.info?" Also on July 5, 2024, Respondent wrote: "If you want a domain <https://knowledgeacademy.info/> I will deactivate it and please pay for the domain for \$20."

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the mark THE KNOWLEDGE ACADEMY through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to that mark. Notwithstanding the deletion of the definite article "the," the mark is clearly recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your 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; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes, on the undisputed record and on a balance of probabilities, that Respondent lacks rights or legitimate interests in connection with the Domain Name. As noted above, Respondent has not come forward in this proceeding to refute any of the allegations made by Complainant, including the allegation that Respondent uses copyright material from third party businesses, and developed a website designed to deceive consumers into believing that Respondent and Complainant are connected.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has 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 Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. On this undisputed record, the Panel concludes that Respondent more likely than not had Complainant’s mark in mind when registering the Domain Name. The record reflects that Complainant has extensively used its THE KNOWLEDGE ACADEMY mark for 15 years, and that it has become a leader in the area of training courses. The notoriety of Complainant’s mark, the similarity between that mark and the Domain Name, the content provided at Respondent’s site, and Respondent’s failure to explain any possible bona fides it may have in connection with the Domain Name, support Complainant’s allegation that Respondent has registered and used the Domain Name in bad faith by seeking to deceive consumers into believing that Respondent’s site is somehow affiliated with Complainant. In the Panel’s view, based on this record, Respondent’s conduct constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established 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 Domain Name <knowledgeacademy.info> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: September 24, 2024