

## **ADMINISTRATIVE PANEL DECISION**

QlikTech International AB v. 林雪 18118372

Case No. D2024-2676

### **1. The Parties**

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

The Respondent is 林雪 18118372, China.

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

The disputed domain name, <qlik-grow.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 5, 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 8, 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 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 2, 2024.

The Center appointed Dennis A. Foster as the sole panelist in this matter on August 9, 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 No. 001115948 registered on May 16, 2000.
- United States of America QLIK trademark No. 2657563 registered on December 10, 2002.
- United Kingdom QLIK trademark No. UK00901115948 registered on May 16, 2000.
- International QLIK trademark 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 domain name <qlik.com>.

The Respondent is an individual apparently in China who registered the disputed domain name on June 14, 2024. The disputed domain name does not resolve to a website.

#### **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 Respondent was in bad faith when choosing to register a domain name that contained the Complainant's internationally known trademark.
- The Respondent is passively holding the disputed domain name in bad faith.
- The disputed domain name should be transferred to the Complainant.

## B. Respondent

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

## 6. Discussion and Findings

In accordance with Policy paragraphs 4(a)(i) to (iii), the Panel may find for the Complainant and order the transfer of the disputed domain name, <qlik-grow.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;
- 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 trademark rights in the name QLIK. [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 added the term "-grow". The Panel finds that the Complainant's QLIK trademark still plainly 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 general Top-Level-Domain ("gtld") ".life" is not taken into consideration when checking for identity or confusing similarity. [WIPO Overview 3.0](#), sections 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 name 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 in trying to prove a negative case (WIPO 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 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 paragraph 4(c), the Policy gives the Respondent three ways to 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 not doing so because the disputed domain

name does not resolve to a website and there is no other evidence that the Respondent plans to offer goods or services at the disputed domain name. In fact, the Respondent is merely passively holding the disputed domain name, about which more in the Bad Faith section below. ([WIPO Overview 3.0](#), section 3.3; and see *British Airways Plc. v. David Moor*, WIPO Case No. [D2006-1224](#).)

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 thus finds that the Complainant has carried out 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 Policy, at paragraph 4(b), gives four non-exhaustive grounds on which a Respondent may be found to have registered and to be using a disputed domain name in bad faith and while none of these apply verbatim, the Panel notes that per [WIPO Overview 3.0](#), section 3.1.4, the very registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity may carry a presumption of bad faith. This is an apt description of what the Respondent has done in this case.

Moreover, as the Complainant contends, the Respondent's passive holding of the disputed domain name indicates a lack of legitimate rights or interests and is a clear example of bad faith. In point of fact, the Respondent's behavior in this case comprises all the factors listed in [WIPO Overview 3.0](#), section 3.3 as contributing to a finding of passive holding as bad faith use of a disputed domain name; these include:

- (i) degree of distinctiveness (in our case the Complainant has shown that its QLIK trademark is well-known in the data software field);
- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use;
- (iii) Respondent concealing its identity; and
- (iv) the implausibility of any good-faith use to which the domain name may be put.

And see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

Having found that the above factors are all present in this case, the Panel finds that the Complainant has dispatched 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, <qlik-grow.life>, be transferred to the Complainant.

*/Dennis A. Foster/*

**Dennis A. Foster**

Sole Panelist

Date: August 23, 2024