

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Tom Shaffer
Case No. D2024-2693

1. The Parties

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

The Respondent is Tom Shaffer, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <qlik.website> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 1, 2024. On July 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 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 8, 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 date.

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 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 29, 2024.

The Center appointed Erica Aoki as the sole panelist in this matter on September 6, 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 leading technology company specializing in data analytics and business intelligence solutions. Through its innovative platform, Complainant enables businesses to consolidate and visualize data from various sources, facilitating intuitive data discovery and exploration.

The Complainant has a global presence with offices in North America, Canada, Brazil, Mexico, Europe, Middle East, Asia, and Africa, and maintains a robust network of international partners.

The primary objective of the Complainant is to provide data analytics and business intelligence solutions that empower organizations to effectively analyze, visualize, and make informed decisions based on their data. The Complainant aims to help businesses transform raw data into actionable insights, enabling them to gain a deeper understanding of their operations, customers, and market trends.

The Complainant owns numerous trademark registrations for QLIK such as but not limited to:

- European Union Trademark QLIK No. 001115948 registered on May 16, 2000;
- United Kingdom trademark registration QLIK No. UK00901115948 registered on May 16, 2000;
- European Union Trademark QLIK No. 012215141 registered on February 6, 2014;
- Swedish trademark registration QLIK No. 2004-03488 registered on April 1, 2005;
- United States trademark registration QLIK No. 2657563 registered on December 10, 2002.

The disputed domain name was registered on June 18, 2024. The disputed domain name resolved to a website where the Complainant's logos are displayed, and Internet users can enter their telephone number and password to log in and it has been identified as a fake site, with numerous reports indicating that goods purchased from it fail to arrive.

5. Parties' Contentions

A. Complainants

The Complainant contends that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant contends that the disputed domain name is almost identical and confusingly similar to the trademark and service mark in which the Complainant has rights. The only difference between the disputed domain name and the Complainant's trademark is the addition of the generic Top-Level Domain ".website" in the disputed domain name.

This small difference is not enough to distinguish the disputed domain name from the Complainant's trademark and is likely to confuse consumers by associating the disputed domain name with the Complainant.

The QLIK trademark is clearly recognizable within the disputed domain name.

The Complainant contends that the disputed domain name reproduces the Complainant's trademarks in their entirety and is a copycat version of the Complainant's official website. Furthermore, the Complainant contends that the disputed domain name has been identified as a fake site, with numerous reports indicating that goods purchased from it fail to arrive, indicating fraudulent activity.

The Complainant contends that it is evident that the disputed domain name is being used as a platform for scams, jeopardizing the reputation and trustworthiness of the Complainant's mark

The Complainants contend that the disputed domain name is inherently likely to mislead Internet users.

Moreover, the use of a domain name to impersonate the Complainant can never confer rights or legitimate interests.

The disputed domain name clearly refers to the Complainant's trademarks and services. The Complainant did not authorize the creation of such domain name nor the website. The use of the Complainant's trademark directly related to the Complainant's business, reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Complainant and its trademarks in Internet users' mind. As such, the Respondent is merely seeking, and has sought, to exploit the Complainant's trademark in which the Complainant has rights and create a commercial gain for itself on the Internet.

B. Respondent

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

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed 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 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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Here, the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The applicable Top-Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds 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 in which the respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

Having reviewed the available 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.

Panels have held that the use of a domain name for illegal activity (here, impersonation) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

There is no evidence on record that 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 Complainants' trademark.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant's QLIK trademark is long-established and well-known, as outlined. The Complainant asserts that the Respondent necessarily had the Complainant's name and trademarks in mind when registering the disputed domain name. The Respondent's choice of the disputed domain name cannot have been accidental and must have been influenced by the fame of the Complainant and its earlier trademarks.

The disputed domain name has in the Panel's view been chosen because of its identity with a name and trademarks in which the Complainant has rights. This was most likely done in the hope and expectation that Internet users searching for the Complainant's services and products would instead come across the Respondent's disputed domain name.

The previous use of the disputed domain name indicates that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark. In addition, the disputed domain name is currently not used in connection with an active site, but it resolves to an error page.

The Panel finds the Complainant has established the third element of the Policy.

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.website> be transferred to the Complainant

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: September 19, 2024