

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Mary Trujillo, Domain Administrator, NameSilo, LLC, Scott Wright
Case No. D2024-2760

1. The Parties

The Complainant is QlikTech International AB c/o Ports Group AB, represented by Abion AB, Sweden.

The Respondents are NameSilo, LLC, Domain Administrator, United States of America, Scott Wright, United States of America, Mary Trujillo, China.

2. The Domain Names and Registrars

The disputed domain name <qlik-be.vip> is registered with NameSilo, LLC.

The disputed domain name <qlik-be.xyz> is registered with Hostinger Operations, UAB.

The disputed domain name <qlikbe.xyz> is registered with NameCheap, Inc. (altogether the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2024. On July 8, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On July 8, and July 9, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 10, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on July 10, 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 Respondents of the Complaint, and the proceedings commenced on July 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 31, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on August 1, 2024.

The Center appointed Andrea Mondini as the sole panelist in this matter on August 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 specializing in data analytics and business intelligence solutions and has a global presence with offices in various jurisdiction.

The Complainant holds several domain names containing the term “qlik”, among them <qlik.com> which hosts its main website.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
QLIK	European Trademark	001115948	May 16, 2000	9, 35, 42
QLIK	United Kingdom	UK00901115948	May 16, 2000	9, 35, 42
QLIK (Logo)	European Trademark	012215141	February 6, 2014	9, 42
QLIK	Sweden	2004-03488	April 1, 2005	9, 38, 41, 42
QLIK	United States of America	2657563	December 10, 2002	9

Because the Respondents did not file a Response, not much is known about the Respondents.

The disputed domains names were registered on the following dates:

- <qlikbe.xyz>: July 4, 2024
- <qlik-be.xyz>: July 5, 2024
- <qlik-be.vip>: July 5, 2024

According to the evidence submitted with the Complaint the disputed domain names <qlik-be.xyz> and <qlik-be.vip> resolve to a log-in website featuring the Complainant’s logo. The disputed domain name <qlikbe.xyz> currently resolves to an inactive website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends as follows:

The disputed domain names are confusingly similar to the QLIK trademark in which the Complainant has rights, because they incorporate this trademark in its entirety, and the addition of the elements "be" and/or a hyphen is not sufficient to avoid confusing similarity.

The Respondents have no rights or legitimate interests in respect of the disputed domain names. The Respondents have not been authorized by the Complainant to use this trademark and are not commonly known by the disputed domain names. The Complainant alleges that the disputed domain names resolve to a copycat page of the Complainant.

The disputed domain names were registered in bad faith because the Complainant's trademark registrations pre-date the registration of the disputed domain names. By conducting a simple search online, the Respondents would have immediately identified the Complainant and its online activity.

The Respondents are using the disputed domain names in bad faith to mislead Internet users into believing that their services are associated with the Complainant.

B. Respondents

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (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.

6.1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the disputed domain names are under common control because all three disputed domain names contain the Complainant's trademark and the element "be" and because they were all registered around the same time, i.e. on July 4 and 5, 2024. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that the above circumstances asserted by the Complainant indicate that the disputed domain names are subject to common control. In addition, the Panel also notes that the disputed domain names <qlik-be.xyz> and <qlik-be.vip> resolve to websites with identical content.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to herein as "the Respondents") in a single proceeding.

6.2. Substantive issues

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 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.

The Panel finds the entirety of the mark is reproduced within the disputed domain names.

Although the addition of other elements such as here "be" and/or a hyphen may bear on assessment of the second and third elements, the Panel finds that in the present case the addition of such elements does not prevent a finding of confusing similarity between the respective disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The addition of the generic Top-Level Domains ("gTLD") ".xyz" and ".vip" in the disputed domain names is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). See [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 Respondents 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 for a complainant to prove that 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 Respondents lack rights or legitimate interests in the disputed domain names: The Complaint has shown that the disputed domain names <qlik-be.xyz> and <qlik-be.vip> resolve to a log-in website featuring the Complainant's logo enabling Internet users to enter their credentials.

The Respondents have 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 names such as those enumerated in the Policy or otherwise.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the view of the Panel, noting that that the Complainant's trademark predates the registration of the disputed domain names and considering that the Complainant's trademark is well known, it is inconceivable that the Respondents could have registered the disputed domain names without knowledge of the Complainant's well-known trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The Complaint has shown that the disputed domain names <qlik-be.xyz> and <qlik-be.vip> resolve to log-in websites featuring the Complainant's logo and enabling Internet users to enter their credentials. The Panel finds that by using these disputed domain names, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to these websites or by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of these websites (paragraph 4(b)(iv) of the Policy).

The Complainant alleges that disputed domain name <qlikbe.xyz> currently resolves to an inactive website because the Registrar has removed the site following a cease-and-desist letter. The Complainant has not shown whether and if yes how this dispute domain name was used before the alleged removal of such website. In any event, even if this disputed domain name had never been active, this would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use and the Respondent's use of false contact details as evidenced by the inability of the courier to deliver the Center's written communication to the address disclosed by the Registrar for the Respondent. Therefore, the Panel finds that in the circumstances of this case the passive holding of these disputed domain name <qlikbe.xyz> does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain names.

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 names, <qlik-be.vip>, <qlik-be.xyz> and <qlikbe.xyz> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: August 21, 2024