

## ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. hidemichi nouno, nouno hidemichi  
Case No. D2024-2789

### 1. The Parties

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

The Respondent is hidemichi nouno, nouno hidemichi, Japan.

### 2. The Domain Name and Registrar

The disputed domain name <qlik.site> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 9, 2024. On July 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 10, 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 11, 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 15, 2024.

On July 11, 2024, the Center informed the parties in Japanese and English, that the language of the registration agreement for the disputed domain name is Japanese. On July 15, 2024, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Japanese on July 19, 2024. In accordance with

the Rules, paragraph 5, the due date for Response was August 8, 2024. The Respondent sent email communications to the Center on July 22, 2024, July 23, 2024, July 26, 2024, and July 29, 2024.

The Center appointed Douglas Clark as the sole panelist in this matter on August 29, 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, having thousands of customers worldwide with offices in North America, Canada, Brazil, Mexico, Europe, Middle East, Asia, and Africa.

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

Trademark	Jurisdiction	Registration Number	Registration Date
QLIK	European Union	001115948	May 16, 2000
QLIK	United Kingdom	UK00901115948	May 16, 2000
	European Union	012215141	February 6, 2014
QLIK	Sweden	2004-03488	April 1, 2005
QLIK	United States of America	2657563	December 10, 2002

The Respondent is based in Japan. The Respondent registered the disputed domain name <qlik.site> on June 15, 2023. The disputed domain name directs to a page featuring Pay-Per-Click (“PPC”) links.

#### 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 name.

Notably, the Complainant contends that:

The disputed domain name is identical or confusingly similar to the Complainant’s trademarks or service mark in which the Complainant has rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The disputed domain name was registered and is being used in bad faith.

##### B. Respondent

The Respondent stated in an email that he was willing to transfer the disputed domain name to the Complainant. A settlement was not reached, so the Panel was appointed.

The Respondent did not reply to the Complainant’s contentions substantively.

## 6. Discussion and Findings

### A. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Japanese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons:

- (a) The Complainant would be unfairly disadvantaged in terms of time and costs if it were to bear the burden of translating the Complaint into a different language;
- (b) Conducting the proceedings in English would promote efficiency and a timely resolution, as both parties are likely to be familiar with the language owing to its widespread usage in international business and communication.

The Respondent did not make any specific submissions with respect to the language of the proceeding and had sent email communications in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, and in particular that the website under the disputed domain name is wholly in English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### B. Consent to Transfer

Paragraph 4.10 of the [WIPO Overview 3.0](#) sets out the current views of UDRP panelists when a respondent consents to transfer or cancel the disputed domain name. This provides:

"Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the "standard settlement process" described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(iii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision, (iv) where there is ambiguity as to the scope of the respondent's consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights."

This Panel considered this issue in detail in *Rockwool International A/S v. Lin Chengxiong*, WIPO Case No. [D2012-0472](#), and the Panel will not repeat its reasoning here. The Panel finds the circumstances which

previous panels found appropriate to proceed to a substantive decision on the merits are not present in this proceeding. The Panel finds the Respondent's consent on record is sufficient to order transfer of the disputed domain name.

In this case, the Respondent has stated unequivocally that he is willing to transfer the disputed domain name and accordingly the Panel will order that the disputed domain name be transferred.

## **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.site> be transferred to the Complainant.

*/Douglas Clark/*

**Douglas Clark**

Sole Panelist

Date: September 13, 2024