

## **ADMINISTRATIVE PANEL DECISION**

The Knowledge Academy Holdings Limited v. Lukasz Peczar, My Store  
Case No. D2024-3520

### **1. The Parties**

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

Respondent is Lukasz Peczar, My Store, Poland.

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

The disputed domain name <europeknowledgeacademy.com> (the “Domain Name”) is registered with Tucows Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 30, 2024. On August 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 30, 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 (Contact Privacy Inc. Customer 0171958102) and contact information in the Complaint. The Center sent an email communication to Complainant on September 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 September 3, 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 Respondent of the Complaint, and the proceedings commenced on September 4, 2024. In accordance with the Rules, paragraph 5, the due date for the Response was September 24, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 1, 2024.

The Center appointed John C. McElwaine as the sole panelist in this matter on October 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**

Complainant, The Knowledge Academy Holdings Limited, is a company registered in England and Wales and incorporated on July 4, 2013. It is the holding company of The Knowledge Academy Limited, which was incorporated on April 1, 2009. Complainant is a business and IT training company operating globally, providing training solutions to corporate, public sector, multinational organizations, and private individuals.

Complainant owns various trademark registrations worldwide for the word mark THE KNOWLEDGE ACADEMY, including the following registrations relevant to this matter:

- European Union, THE KNOWLEDGE ACADEMY, EUTM 018157130, International Classes 9, 16, 35, and 41, registered on May 22, 2020;
- United Kingdom, THE KNOWLEDGE ACADEMY, Reg. No. UK00918157130, International Classes 9, 16, 35, and 41, registered on May 22, 2020.

Collectively, these trademark rights are referred to herein as “THE KNOWLEDGE ACADEMY Mark”.

The Domain Name was registered on August 1, 2024. According to Annex 4 of the Complaint, the Domain Name resolves to a website that purports to provide online learning services by offering paid online courses. The website’s “Catalog” page, as translated, displays various courses such as “Content Marketing Course”, “Course: Affiliate Marketing”, and “E-commerce course and online sales”.

#### **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.

As background, Complainant describes itself as a business and IT training company that operates globally, providing training solutions to corporate, public sector, multinational organizations, and private individuals. Complainant states that it 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 and that to date, Complainant claims to have successfully trained over 1 million delegates.

Complainant contends it offers its services to the public through various channels, including through its website located at <theknowledgeacademy.com>, through eLearning courses, and face-to-face through its extensive network of highly experienced instructors. Complainant asserts that it has used THE KNOWLEDGE ACADEMY Mark continuously across a range of education-related goods and services since 2009. In addition, Complainant states that it has advertised goods and services bearing THE KNOWLEDGE ACADEMY Mark both online through its websites and offline in a variety of publications. As a result of these activities, Complainant contends that it has built up substantial goodwill and gained a valuable reputation in THE KNOWLEDGE ACADEMY Mark in relation to the goods and services to which they are registered, with which Complainant and no other is associated.

As to the first element of the Policy, Complainant contends that the Domain Name is identical or confusingly similar to its THE KNOWLEDGE ACADEMY Mark. It argues that the Domain Name incorporates the distinctive part of its Mark, with the only difference being the removal of “THE” at the beginning and its replacement with the geographic term “Europe”.

With respect to the second element of the Policy, Complainant asserts that Respondent has no rights or legitimate interests in the Domain Name. It claims that Respondent was never authorized to use Complainant’s trademarks and that there is no evidence of any bona fide offering of goods or services associated with the Domain Name.

Regarding the last element of bad faith, Complainant alleges that Respondent registered and is using the Domain Name primarily to profit from and exploit Complainant’s well-known THE KNOWLEDGE ACADEMY Mark. It points out that the Domain Name resolves to a website offering competing online courses and that the Domain Name redirects to an alternative domain name, <shopsmarketings.com>.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (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.

Because of Respondent’s default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); and *Bjorn Kasso Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules (“If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint”). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules and applicable principles of law, the Panel’s findings on each of the above-cited elements are as follows.

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires Complainant show that the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights. Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.2. On this point, Complainant has provided evidence that it is the owner of several trademark registrations for THE KNOWLEDGE ACADEMY Mark.

The Domain Name incorporates the distinctive part of Complainant’s mark, “KNOWLEDGE ACADEMY”, with the addition of the geographic term “Europe” at the beginning. As stated in section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element.

Therefore, the Panel concludes that the Domain Name is confusingly similar to Complainant's THE KNOWLEDGE ACADEMY Mark, and Complainant has satisfied the first element of the Policy

## **B. Rights or Legitimate Interests**

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.

In this matter, Complainant contends that Respondent is not authorized to register the Domain Name, nor does Respondent have any affiliation, association or connection with Complainant. Rather, Complainant contends Respondent is using the Domain Name to resolve to a website entitled “My Store” selling similar and competing educational content. Although properly notified by the Center, Respondent failed to submit any response to counter this point. The silence of a respondent may support a finding that it has no rights or legitimate interests in respect of the domain name. See *Alcoholics Anonymous World Services, Inc., v. Lauren Raymond*, WIPO Case No. [D2000-0007](#); *Ronson Plc v. Unimetal Sanayi ve Tic.A.S.*, WIPO Case No. [D2000-0011](#). Additionally, previous UDRP panels have found that when respondents have not availed themselves of their rights to respond to complaint, it can be assumed in appropriate circumstances that respondents have no rights or legitimate interests in the disputed domain name. See *AREVA v. St. James Robyn*, WIPO Case No. [D2010-1017](#); *Nordstrom, Inc. and NIHC, Inc. v. Inkyu Kim*, WIPO Case No. [D2003-0269](#).

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy<sup>1</sup> or otherwise.

As an initial matter, there is no evidence that Respondent is commonly known by the Domain Name and is, instead, known as Lukasz Peczar, My Store. The Panel therefore finds, based on the record and the lack of evidence otherwise, that Respondent is not commonly known by the Domain Name. See *Moncler S.p.A. v. Bestinfo*, WIPO Case No. [D2004-1049](#) (“the Panel notes that the respondent's name is ‘Bestinfo’ and that it can therefore not be ‘commonly known by the Domain Name.’”)

The Panel also finds that Respondent's use is not legitimate use of the Domain Name. Respondent is using the Domain Name to resolve to a website offering online educational services, which is an activity related to Complainant's business field. . In addition, the use of the Domain Name to divert Internet traffic to a misleading webpage is not a bona fide offering of goods or services. See *Chicago Mercantile Exchange Inc., CME Group Inc. v. Registration Private, Domains By Proxy, LLC, DomainsByProxy.com / Nikolay Korobeynikov*, WIPO Case No. [D2016-0654](#). The Panel notes that the contentions by Complainant about the website resolving at the Domain Name have not been rebutted by Respondent in this proceeding.

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<sup>1</sup> The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: “(i) before any notice to you 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 (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 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.”

Accordingly, the Panel finds that Respondent does not have rights or legitimate interests in the Domain Name and that Complainant has met its burden under paragraph 4(a)(ii) of the Policy

### **C. Registered and Used in Bad Faith**

According to paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent “knew or should have known” of a complainant’s trademark rights and nevertheless registered a domain name in which it had no right or legitimate interest. See *Accor v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). As detailed above, Respondent registered the Domain Name which is confusingly similar to THE KNOWLEDGE ACADEMY Mark and used the Domain Name to offer competing services. There is no explanation for Respondent to have chosen to register the Domain Name other than to intentionally trade off the goodwill and reputation of Complainant’s trademark or otherwise create a false association with Complainant. With no response from Respondent, this claim is undisputed.

Of course, Respondent’s use of the Domain Name to resolve to a website offering services in competition with Complainant, also amounts to bad faith use of the Domain Name by Respondent. See *Identigene, Inc. v. Genetest Labs*, WIPO Case No. [D2000-1100](#) (finding bad faith where the respondent’s use of the domain name at issue to resolve to a website where similar services are offered to Internet users is likely to confuse the user into believing that the complainant is the source of or is sponsoring the services offered at the site); *MathForum.com, LLC v. Weiguang Huang*, WIPO Case No. [D2000-0743](#) (finding bad faith under paragraph 4(b)(iv) of the Policy where the respondent registered a domain name confusingly similar to the complainant’s mark and the domain name was used to host a commercial website that offered similar services offered by the complainant under its mark).

As detailed above, the Panel finds on the record before it that Respondent’s intention in registering the Domain Name was to attract, for commercial gain, Internet users to Respondent’s website by creating a likelihood of confusion with THE KNOWLEDGE ACADEMY Mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location. Thus, the Panel holds that Complainant has met its burden of providing sufficient evidence that Respondent registered and is using the Domain Name in bad faith under paragraph 4(b)(iv) of the Policy. For these reasons, the Panel holds that Complainant has met its burden of showing that Respondent registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) 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 Domain Name, <europeknowlegeacademy.com>, be transferred to Complainant.

*/John C McElwaine/*

**John C McElwaine**

Sole Panelist

Date: October 23, 2024