

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Naoki Mori
Case No. D2024-3552

1. The Parties

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

The Respondent is Naoki Mori, Japan.

2. The Domain Names and Registrar

The disputed domain names <qliik.xyz>, <qlikk.xyz>, and <qllik.xyz> are 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 September 3, 2024. On September 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 4, 2024, the Registrar transmitted by email to the Center its verification response 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 October 17, 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 amended Complaints in English on October 18 and 29, 2024.

On September 20, 2024, the Center informed the parties in Japanese and English, that the language of the registration agreement for the disputed domain names is Japanese. On October 3, 2024, the Complainant confirmed its request that English 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 Complaints 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 in English and Japanese of the Complaint, and the proceedings commenced on October 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 19, 2024. The Respondent sent emails in English to the Center on September 22, and October 8, 2024. The Center notified the commencement of panel appointment process on November 20, 2024.

The Center appointed Haig Oghigian as the sole panelist in this matter on November 22, 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. Its platform, Qlik, enables businesses to consolidate and visualize data from various sources, for the purpose of 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 Complainant owns numerous trademark registrations for QLIK (thereafter the “Complainant’s trademark”), such as but not limited to:

| Jurisdiction | Mark | No. | Registration Date |
|--------------------------|------|---------------|-------------------|
| United States of America | QLIK | 2657563 | December 10, 2002 |
| European Union | QLIK | 01115948 | May 16, 2000 |
| Sweden | QLIK | 2004-03488 | April 1, 2005 |
| United Kingdom | QLIK | UK00901115948 | May 16, 2000 |

The Complainant operates its website at “www.qlik.com”.

The disputed domain names <qlikk.xyz>, <qliik.xyz> and <qliik.xyz>, were registered on July 30, 2024.

The two disputed domain names <qliik.xyz> and <qliik.xyz> resolved, at the time the Complaint, to an active site featuring pay-per-click links, and at present resolve to blank pages. The disputed domain name <qlikk.xyz> resolves to an error page.

The Respondent is Naoki Mori of Aomori from Japan. No information on the Respondent’s business offerings is given by the Complainant, and as the Respondent stated that he has on at least one occasion purchased a large portfolio of unreviewed domain names.

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 that:

-The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns numerous trademark registrations for QLIK in numerous jurisdictions.

The Complainant states that the disputed domain names are almost identical and confusingly similar to the trademark and service mark in which the Complainant has rights. The only difference between the disputed domain names and the Complainant's trademark is the alteration of a few characters, which creates minor typographical variations. In the disputed domain names, letters have been either duplicated or substituted, such as the use of "qll" instead of "ql" or "ii" instead of "i". Despite these changes, the disputed domain names remain visually and phonetically similar to the Complainant's trademark, QLIK, which is well-known in the field of business intelligence and data analytics software. These minor variations are insufficient to distinguish the disputed domain names from the Complainant's mark and are likely to cause confusion among consumers, who may mistakenly believe that the disputed domain names are associated with, or endorsed by, the Complainant.

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

Given that the disputed domain names were registered well after the Complainant's trademarks listed in the Factual Background section, and that there is no evidence that the Respondent is commonly known by the disputed domain names or owns any registered trademarks including the terms "qlikk.xyz", "qliik.xyz" and "qliik.xyz". The Complainant further asserts that at no point has the Respondent been licensed to use its marks, nor are they affiliated with the Complainant. Furthermore, the disputed domain name is passively held. There is no evidence of any actual or contemplated good faith use of the disputed domain name

-The disputed domain names were registered and used in bad faith.

The Complainant states that the registration of the Complainant's trademarks predates the registration of the disputed domain names and the Respondent has never been authorized by the Complainant to use the QLIK trademarks nor to register the disputed domain names. Nonetheless, the Respondent has chosen to use the distinctive trademark QLIK in the disputed domain names in its entirety. The Complainant further states that a simple online search of the term "Qlik" would have led to the Respondent being aware of the Complainant and its mark. The Complainant therefore alleges that is very likely that the Respondent registered the disputed domain names using the trademark QLIK intentionally in order to take advantage of the reputation of the trademark and the Complainant's goodwill freeriding on the Complainant's reputation. The Complainant states that the disputed domain names were used in bad faith as they incorporate the Complainant's mark QLIK, which may mislead the potential consumers by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation and making the general public believe that the paid services advertised on the website are actually official and authorized by the Complainant

B. Respondent

The Respondent did reply to the Complainant's contentions, stating that he acquired the three disputed domain names in "a portfolio purchase of unreviewed domain names" and that while he was "not aware of the alleged mark" at the time, he states that he would like to proceed to a consent transfer under the paragraph 17 of the Rules.

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is English. 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, including the arguments that to translate all relevant documents would be both time consuming and entail significant additional costs for the Complainant, and that the Parties are capable of communicating in English.

The Respondent did not comment on the Complainant's request for the language of the proceeding be English and 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, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of an extra letter here an additional "k", "i" and "l" the Panel finds the addition of such letters does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

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 names. 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 names such as those enumerated in the Policy or otherwise.

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.

In the present case, the Panel notes that the Respondent did not take due diligence when purchasing disputed domain names in bulk to ensure no mark rights were being violated. [WIPO Overview 3.0](#), section 3.2.3. Furthermore, given that searching for the mark reproduced in the disputed domain names would have led to the Respondent being aware of the Complainant and their mark, and that the disputed domain names are the typo-variants of the Complainant's trademark, it can be stated that the Respondent should have been aware of the high confusing similarity with the Complainant's mark and its domain name <qlik.com>.

The disputed domain names <qliik.xyz> and <qllik.xyz> resolved, at the time the Complaint, to an active site featuring pay-per-click links. The Panel finds that such use of the disputed domain names constitutes bad faith in accordance with paragraph 4(b)(iv) of the Policy.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name <qlikk.xyz> does not prevent a finding of bad faith under the Policy.

The Panel finds that 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 names <qliik.xyz>, <qlikk.xyz>, and <qllik.xyz> be transferred to the Complainant.

/Haig Oghigian/

Haig Oghigian

Sole Panelist

Date: December 4, 2024