

## **ADMINISTRATIVE PANEL DECISION**

**QlikTech International AB v. Savyon Equity Brainstorm LTD, Savyon Equity  
Case No. D2024-3599**

### **1. The Parties**

- 1.1 The Complainant is QlikTech International AB, Sweden, represented by Abion AB, Sweden.
- 1.2 The Respondent is Savyon Equity Brainstorm LTD, Savyon Equity, Israel.

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

- 2.1 The disputed domain name <qlik.top> (the “Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

- 3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2024. At that time publicly available Whois details did not identify the registrant of the Domain Name.
- 3.2 On September 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing the underlying registrant details in respect of the Domain Name. The Center sent an email communication to the Complainant on September 9, 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 September 9, 2024.
- 3.3 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”).
- 3.4 The Center received an email from the Respondent on September 9, 2024, which used a Gmail address with the name “Xtra Ordinary Investment”. The substantive text of that email was a single line that read “In short what is the problem and how can I fix it if it [sic]”, and the email was signed by “Dima”.
- 3.5 The Center sent an email to the Parties regarding a possible settlement on September 9, 2024. The Complainant did not request suspension of these proceedings.

3.6 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2024. On October 8, 2024, the Center informed the Parties of the Commencement of Panel Appointment.

3.7 The Center appointed Matthew S. Harris as the sole panelist in this matter on October 10, 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**

4.1 The Complainant is a company based in Sweden that specialises in data analytics and business intelligence solutions. It operates a platform under the “Qlik” name that enables businesses to consolidate and visualize data from various sources. It has offices in North America, Canada, Brazil, Mexico, Europe, Middle East, Asia, and Africa.

4.2 The Complainant is the owner of numerous registered trade marks around the world that comprise or incorporate the term “Qlik”. These include:

- (i) European Union registered trade mark No. 001115948 for QLIK as a word mark in classes 9, 35 and 42, applied for on March 23, 1999, and registered on May 16, 2000;
- (ii) United States trade mark registered trade mark No. 2657563 for QLIK as a standard character mark in class 9, applied for on April 28, 1999, and registered on December 10, 2002; and
- (iii) Swedish registered trade mark No. 2004-03488 for QLIK as a word mark in classes 9, 38, 41 and 42 applied for on May 13, 2004, and registered on April 1, 2005.

4.3 The Complainant operates a website from the domain name <qlik.com>, which it uses to promote its business. As at August 25, 2023 that website (or at least that part of the website that was directed to Italian customers) displayed a banner which began with the text “Transform your data into AI-powered insights and actions”.

4.4 The Domain Name was registered on September 3, 2024. It has been used since registration for a website that at the top of the page used the text “QLIK TOP”, displayed a photograph of a road on top of which was superimposed the text “Transform Your Data” and under which was the text “Data-Driven Solutions” and “Transforming your data into insightful dashboards with exceptional UI/IC for informed decision making.”

#### **5. Parties’ Contentions**

##### **A. Complainant**

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

5.2 Notably, the Complainant contends that the Respondent chose to use its QLIK trade mark in the Domain Name in its entirety. It further contends that by conducting a search using the term “QLIK”, the Respondent “would have inevitably learnt about the Complainant, its trademark and business”, and provides a printout of a Google search in this respect.

5.3 The Complainant also claims that at the time of the Complaint the Domain Name resolved to a website that “mimics the design, content, and layout of the Complainant’s website” and “appears to copy various aspects of the Complainant’s site, including colors and content”. It also asserts that the Respondent does not appear to have rights or legitimate interests in respect of the Domain Name and that the Domain Name was registered and has been used in bad faith.

5.4 In support of its contentions in this respect it refers to section 3.1.4 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), and, in particular, the following text in that section:

“Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.”

5.5 The Complainant also refers to the *Guerlain S.A. v. Peikang*, WIPO Case No. [D2003-0455](#), which it contends is authority for the proposition that use of a domain name to imitate a complainant’s business is use in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

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

6.1 It is generally 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 trade mark and the domain name. [WIPO Overview 3.0](#), section 1.7.

6.2 The Complainant has shown that it has rights in the registered trade mark QLIK. [WIPO Overview 3.0](#), section 1.2.1.

6.3 The Panel also accepts that the Domain Name comprises the term “qlik” and the “.top” generic Top-Level Domain. Accordingly, the entirety of the Complainant’s mark is reproduced within the Domain Name and, as a consequence, that mark is clearly recognisable within Domain Name.

6.4 It follows that the Domain Name is at least confusingly similar to the Complainant’s mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Further, the addition of the “.top” generic Top-Level Domain (“gTLD”) does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8 sets out this proposition by reference to cases where the relevant additional element was to be found in the second level of the domain names, but this is equally so in the case of a gTLD.

6.5 The Panel, therefore, finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests and Registered and Used in Bad Faith**

6.6 It is usual for panels under the Policy to consider the issues of rights or legitimate interests and registration and use in bad faith, in turn. However, in this case it is more convenient to consider those issues together. [WIPO Overview 3.0](#), section 2.15.

6.7 The Panel is persuaded that the Domain Name inherently and falsely represents that it is controlled by or approved of by the Complainant. Although the second level of the Domain Name comprises only four

letters, there is no obvious reading of those letters other than as a reference to the Complainant's mark and business of which the Panel is aware and none has been brought to the Panel's attention. The use of the ".top" gTLD, which is most likely to be read simply as the English word "top", also does not inherently signal otherwise. It follows that the Domain Name is most likely to be understood by Internet users as one that is being or will be used for a website or other online presence or activity operated by the Complainant.

6.8 The Panel also accepts that it was the deliberate intention of the Respondent that the Domain Name be understood in this way, and that the Domain Name has been registered and held to impersonate the Complainant. Even were this not apparent from the Domain Name itself, this is clear from the website operating from the Domain Name.

6.9 The Complainant contends that the website mimics the design, content, and layout of the Complainant's website. The Panel is not entirely convinced that the Complainant has made out that claim. From the limited material that the Complainant has provided in this respect, although there appears to be some similarity in the fonts used, the design and layout of the websites look somewhat different. Nevertheless, the Panel accepts that the content of the website operating from the Domain Name has been designed to represent that the website is operated by the Complainant when it is not. In this respect the combination of the use of the QLIK mark and text which accompanies it, with its references to "Data-Driven Solutions" and the "Transforming [of] data into insightful dashboards", clearly involves a deliberate reference to the business and services of the Complainant.

6.10 There are no rights or legitimate interests in holding a domain name for the purpose of impersonating a trade mark owner (see section 2.5.1 of the [WIPO Overview 3.0](#)), and the fact that a domain name is or has been used for such a purpose is evidence that no such rights or legitimate interests exist. Further, the registration and use of a domain name for such a purpose involves registration and use in bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)).

6.11 In the circumstances, the Panel finds that the second and third elements of the Policy have been established.

## 7. Decision

7.1 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 <qlik.top> be transferred to the Complainant.

*/Matthew S. Harris/*

**Matthew S. Harris**

Sole Panelist

Date: October 16, 2024