

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Asad Ahmad

Case No. D2024-3663

1. The Parties

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

The Respondent is Asad Ahmad, India.

2. The Domain Name and Registrar

The disputed domain name <qlikbar.com> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 10, 2024. On September 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 12, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 16, 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 16, 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 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. The Respondent sent six email communications to the Center on September 17, September 21, 22, and September 23, 2024, respectively.

The Center appointed Edoardo Fano as the sole panelist in this matter on October 16, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is QlikTech International AB, a Swedish technology company operating worldwide in the data analytics and business intelligence solutions field, and owning several trademark registrations for QLIK, among which the following ones:

- European Union Trade Mark No. 001115948 for QLIK, registered on May 16, 2000;
- International Trademark Registration No. 1212741 for QLIK and design, registered on March 10, 2014, also extended to India, namely the Respondent's country; and
- United Kingdom Trade Mark No. UK00901115948 for QLIK, registered on May 16, 2000.

The Complainant also operates on the Internet, being "www.qlik.com" its official website.

The Complainant provided evidence in support of the above.

According to the Whois records, the disputed domain name was registered on August 15, 2024, and it is resolving to a "coming soon" webpage.

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.¹

B. Respondent

The Respondent has made no formal reply to the Complainant's contentions,

However, on September 17, 21, 22, and 23, 2024, the Respondent sent the following email communications to the Center, expressing its willingness to transfer the disputed domain name:

"Hi So why i m receiving these emails from you? you should know i m not owner of this domain so plz stop sending emails. thanks" (on September 17, 2024);

"Hi I recently checked and realized that I purchased this domain through a DropCatch auction. Since I'm a domain seller and I buy multiple domains on a daily basis, this is part of my regular business. However, it's quite rare for anyone to raise a dispute over a domain. So plz advise whats next? thanks" (on September 17, 2024);

¹ The Panel notes that, in both the Complaint and the amended Complaint, when dealing with the Policy's three elements, the Complainant erroneously refers to another disputed domain name, subject matter of a previous dispute. However, the Complaint, with relevant annexed evidence, is clearly brought against the disputed domain name <qlikbar.com>, and the Panel considers it appropriate and expedient to render a Decision in this case, noting the various circumstances of the case, as well as the Respondent's willingness to transfer the dispute domain name to the Complainant.

“Hi I bought this domain through an auction, and this is part of my business is that I am a domain reseller. It's very rare that I have faced such a situation. So, What should I do next? Please provide a solution so we can resolve this issue. Thanks” (on September 21, 2024);

“Hi Sir/Mam as i already emailed you i bought some domains last month from dropcatch auction and since than i didnt check these domains and now i m recieving mails from you and also i m student so plz help me to resolve this issue and transfer this domain to party i m ready for this or you can help me to delete this domain i will be very thankful thanks with regards” (on September 22, 2024);

“I m student and dont have money but can transfer this domain to you and ready to lose my money which i paid for domain registration” (on September 22, 2024);

“Thank you for your response and i contacted him but didnt get response. thanks” (on September 23, 2024).

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

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

However, section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”) provides that:

“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 this case, noting in particular the Respondent’s September 22, 2024 communications, the Respondent has clearly and fully given its consent on the record to transfer the disputed domain name to the Complainant, without request for compensation or any concessions from the Complainant.

Accordingly, the Panel finds it appropriate in these circumstances to order transfer of the disputed domain name to the Complainant based on the Respondent’s unilateral consent to transfer.

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, <qlikbar.com>, be transferred to the Complainant.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: October 29, 2024