

## **ADMINISTRATIVE PANEL DECISION**

QlikTech International AB v. qiujian li, li qiujian  
Case No. D2024-3787

### **1. The Parties**

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

The Respondent is qiujian li, li qiujian, China.

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

The disputed domain name <qlik-property.xyz> 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 September 17, 2024. On September 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 20, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 in English on September 24, 2024.

On September 23, 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 September 24, 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 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 in English and Japanese of the Complaint, and the proceedings commenced on October 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 22, 2024.

The Center appointed Keiji Kondo as the sole panelist in this matter on November 1, 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. Through its platform, the Complainant enables businesses to consolidate and visualize data from various sources, facilitating intuitive data discovery and exploration.

The Complainant has a global presence with offices in, for example, North America, Europe, Middle East, Asia, and Africa, and maintains a network of international partners. The primary objective of the Complainant is to provide data analytics and business intelligence solutions that empower organizations to effectively analyze, visualize, and make informed decisions based on their data. The company aims to help businesses transform raw data into actionable insights, enabling them to gain a deeper understanding of their operations, customers, and market trends.

The Complainant has trademark registrations in many jurisdictions, and one of the Complainant's trademark registrations having an early application date is as follows:

Trademark: QLIK (word)

Country: Sweden

Registration number: 359680

Application date: March 23, 1999

Registration date: January 31, 2003

Goods and Services: Classes 9, 35, and 42

The Complainant promotes its business at the website "www.qlik.com".

The disputed domain name was registered on August 27, 2024. The disputed domain name is inactive.

#### **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 the following facts and arguments for each element under the Policy:

The disputed domain name is almost identical and confusingly similar to the Complainant's trademark QLIK. The only difference between the disputed domain name and the Complainant's trademark is the addition of the hyphen and the term "property". Since the Complainant's trademark QLIK is clearly recognizable within the disputed domain name, this alteration does not prevent the likelihood of confusion among the public; rather, it may exacerbate it by suggesting a specific area of business under the Complainant's brand, which is not actually affiliated with the Complainant.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. First, there is no evidence that the Respondent is commonly known by the disputed domain name or owns any registered trademarks including the term “qlik”. In fact, when entering the term “qlik” in the Google search engine, the returned results point to the Complainant and its online activity. Second, at the time of filing of this Complaint, the disputed domain name resolves to an inactive page.

The Respondent registered the disputed domain name in bad faith. It must be highlighted that the registration of the Complainant’s trademarks pre-dates the registration of the disputed domain name. Nonetheless, the Respondent has chosen to use the distinctive trademark QLIK in the disputed domain name in its entirety. By conducting a simple online search regarding the term “Qlik”, the Respondent would have inevitably learnt about the Complainant, its trademark and business. It is very likely that the Respondent registered the disputed domain name using the Complainant’s trademark QLIK intentionally in order to take advantage of the reputation of the trademark and the Complainant’s goodwill free-riding on the Complainant’s reputation.

The Respondent has been using the disputed domain name in bad faith. Paragraph 4(b) of the Policy identifies, in particular but without limitation, four circumstances which shall be evidence of the registration and use of a domain name in bad faith. Among those circumstances paragraph 4(b) of the Policy reads: “(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), paragraph 3.1.4 states that “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.” By intentionally choosing a domain name that closely resembles the Complainant’s well-known trademark, the Respondent seeks to exploit and potentially mislead Internet users for commercial gain. This deliberate attempt to confuse and divert traffic away from the Complainant’s legitimate website, coupled with the Respondent’s failure to provide any legitimate use or content, supports the Complainant’s contention of bad faith. The passive holding of the disputed domain name suggests an attempt to extract undue monetary benefits from the Complainant’s established reputation and disrupt their business activities.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Procedural Issue: 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 even if the language of the Registration Agreement is different from English for the following reasons:

- If the Complainant had to translate the Complaint into a different language, such translation would entail significant additional costs for the Complainant and delay in the proceedings (see *Ape & Partners S.p.A. and PJS International S.A. v. Pjs Parajumpers*, WIPO Case No. [D2015-0637](#));

- Moreover, conducting the proceeding in English would promote efficiency and timely resolution, considering that both Parties are likely to be familiar with the English language due to its widespread usage in international business and communication; and
- The Registrant email address is in English.

Considering the following circumstances, the Panel, exercising its authority to determine the language of the proceeding under paragraph 11(a) of the Rules, has decided English as the language of the proceeding:

- the Complaint was filed in English;
- the Complainant is a company in Sweden, and represented by a Swedish law firm;
- the Respondent's address is in China;
- the Center first informed the Parties in Japanese and English, that the language of the Registration Agreement for the disputed domain name is Japanese, and the Parties were invited to submit their comments on the language of the proceeding, but the Respondent did not object the Complainant's request for English to be the language of the proceeding. The Center further notified the Respondent in English and Japanese of the Complaint, but the Respondent did not submit any response to the Center; and
- ordering the translation of the Complaint would only result in extra delay of the proceeding and additional cost for the Complainant.

## **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.

In the disputed domain name, the Complainant's trademark "qlik" is separated by a hyphen from the remaining part. The remaining part consists of a word "property" and generic Top-Level Domain ("gTLD") ".xyz". Therefore, the Complainant's trademark is easily recognized in the disputed domain name. Such recognizability is sufficient to find that the disputed domain name is confusingly similar to the Complainant's trademark.

Accordingly, the Panel finds that 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.

In registering the disputed domain name, the Respondent used a privacy registration service to conceal its identity. The Registrar has confirmed that the Respondent is “qiujuan li, li qiujuan” which differs from the disputed domain name. In addition, the Respondent did not reply to the Complainant's contentions. Based on these facts the Panel finds that the Respondent has not been commonly known by the disputed domain name.

The Panel further notes that the disputed domain name is inactive. This fact leads the Panel to the conclusion that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor for legitimate noncommercial or fair purposes.

Based on the available record, the Panel finds no other circumstances that suggest that the Respondent has rights or legitimate interests in respect of the disputed domain name. Accordingly, the Panel finds that 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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. With respect to the disputed domain name, the Panel has noted the following facts as relevant to the question of bad faith.

The Complainant's trademark is well known in the business of data analysis, and its registration pre-dates the registration of the disputed domain name by more than 20 years. Further, the addition of the term “property” suggests some kind of affiliation with the Complainant's business, and rather strengthens the likelihood of confusion with the Complainant.

Combined with the facts that the Respondent used a privacy registration service to conceal its identity in registering the disputed domain name, and the Respondent did not submit any response to the Center, the nature of the disputed domain name clearly targeting the Complainant's trademark QLIK as mentioned above, the Panel finds that the Respondent's bad faith in registration and use of the disputed domain name has been established. Therefore, under the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Accordingly, 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 name <qlik-property.xyz> be transferred to the Complainant.

*/Keiji Kondo/*

**Keiji Kondo**

Sole Panelist

Date: November 15, 2024