

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Manuel Jesús Perales
Case No. D2024-4468

1. The Parties

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

The Respondent is Manuel Jesús Perales, Spain.

2. The Domain Names and Registrars

The disputed domain name <qlik-aor.com> is registered with Nominalia Internet S.L. The disputed domain name <qlik-aor.me> is registered with Register SPA (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 30, 2024. On October 31, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On November 4, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint (Unknown). The Center sent an email communication to the Complainant on November 6, 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 November 12, 2024.

On November 6, 2024, the Center informed the parties in Spanish and English, that the language of the registration agreement for the disputed domain name <qlik-aor.com> is Spanish. On November 12, 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 of the Complaint, and the proceedings commenced on November 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2024. The Respondent sent an email communication to the Center on November 20, 2024.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on December 18, 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 which provides the QLIK platform that enables businesses to consolidate and visualize data from various sources. Counting with offices in North America, Canada, Brazil, Mexico, Europe, Middle East, Asia and Africa, the Complainant maintains a network of international partners.

The Complainant is the owner of various trademark registrations for QLIK in multiple jurisdictions around the world (Annex 6 to the Complaint), amongst which:

- United States of America trademark registration No. 2,657,563, registered on December 10, 2002;
- European Union trademark registration No. 001115948, registered on May 16, 2000; and
- Swedish trademark registration No. 371354, registered on April 1, 2005.

The disputed domain names were registered on September 27, 2024, and presently do not resolve to active webpages.

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 asserts to have been recognized as a Top 10 Innovative Growth Company for 2015 by Forbes, what highlights the Complainant's commitment to innovation and its remarkable growth trajectory within the business intelligence and data analytics industry (Annex 5 to the Complaint).

Under the Complainant's view, the disputed domain names entirely reproduce the Complainant's well-known QLIK trademark with the addition of the term "aor" which does not avoid a finding of confusing similarity there.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that:

- i) the Complainant has not licensed or authorized the Respondent to use its trademarks, not being the Respondent affiliated to the Complainant, also not having the Complainant endorsed or authorized the Respondent to register or use the disputed domain names;
- ii) there is no evidence that the Respondent is commonly known by the disputed domain names or owns any registered trademarks including the QLIK term; and
- iii) the disputed domain names are being passively held.

As to the registration and use of the disputed domain names in bad faith, the Complainant asserts that it is very likely that the Respondent registered the disputed domain names intentionally and so as to take advantage of the Complainant's reputation and goodwill. Furthermore, bad faith also arises in view of the passive holding of the disputed domain names.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions.

On November 20, 2024, the Respondent sent an informal email to the Center, in English, confirming to have received and read the Complaint and stating that he would like to clarify that the disputed domain names had been acquired by him by mistake, never having been his intention to use them in a malicious or inappropriate manner, but expressly willing to proceed to transfer of the disputed domain names to the Complainant.

6. Discussion and Findings

6.1. Procedural matter – Language of the Proceeding

The language of the Registration Agreement for the disputed domain name <qlik-aor.com> is Spanish. 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. The Respondent did not make any specific submissions with respect to the language of the proceeding, in fact, the Respondent sent an email communication to the Center in English.

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. Procedural matter – Respondent's consent

Firstly, the Panel has to address the Respondent's acceptance as to the voluntary transfer of the disputed domain names without findings of facts or conclusions as to the merits of the case under the UDRP.

A UDRP panel may at its discretion order the transfer of the domain name if the respondent has given its unambiguous consent to transfer without findings under the Policy, paragraph 4(a). WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.10. Some UDRP panels have declined to grant a remedy solely on the basis of respondent's consent where the complainant objects or because the panel finds a broader interest in reaching a substantive determination.

In the present case, the Panel is satisfied that the Respondent has unequivocally asserted his consent and willingness to transfer the disputed domain names to the Complainant.

7. Decision

Given the express consent of the Respondent, the Panel orders that the disputed domain names <qlik-aor.com> and <qlik-aor.me> be transferred to the Complainant, without delving into the merits of the case.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole PanelistDate: January 1, 2025