

## **ADMINISTRATIVE PANEL DECISION**

QlikTech International AB v. xi chen  
Case No. DCC2024-0017

### **1. The Parties**

The Complainant is QlikTech International AB c/o Ports Group AB, represented by Abion AB, Sweden.

The Respondent is xi chen, Hong Kong, China.

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

The Disputed Domain Name <qlik-app.cc> is registered with Gname.com Pte. Ltd. (the "Registrar").

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 27, 2024. On June 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 1, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 3, 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 the same day.

On July 3, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the Disputed Domain Name is Chinese. On the same day, the Complainant requested English to 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 in Chinese and English, and the proceedings commenced on July 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 5, 2024.

The Center appointed Kar Liang Soh as the sole panelist in this matter on August 8, 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, with a primary objective of providing solutions that empower organizations to effectively analyze, visualize, and make informed decisions based on data.

The Complainant also has a global presence, with offices in North America, Canada, Brazil, Mexico, Europe, Middle East, Asia and Africa.

The Complainant holds multiple trademark registrations around the world incorporating solely or primarily the word QLIK (the “QLIK Trademark”), including:

Jurisdiction	Registration No.	Registration Date
European Union	001115948	May 16, 2000
United Kingdom	UK00901115948	May 16, 2000
Sweden	371354	April 1, 2005
United States of America	2657563	December 10, 2002
European Union	012215141	February 6, 2014

The Respondent is an individual based in Hong Kong, China. Beyond the Whois information of the Disputed Domain Name, very little information about the Respondent is available.

The Disputed Domain Name <qlik-app.cc> was registered on June 1, 2024. On or around June 27, 2024, the Disputed Domain Name does not resolve to any active webpage.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that:

- a) The Disputed Domain Name is almost identical and confusingly similar to the trademark in which the Complainant has rights. The addition of the word “app” in the Disputed Domain Name is not enough to distinguish the Disputed Domain Name from the QLIK Trademark.
- b) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Respondent is not licensed or authorized by the Complainant to use the QLIK Trademark. The Respondent is not affiliated to the Complainant. The Respondent is not authorized to register or use the Disputed Domain Names incorporating the QLIK Trademark. There is no evidence that the Respondent is commonly known by the Disputed Domain Name. The Disputed Domain Name resolves to an inactive page, and there is no evidence of any actual or contemplated good faith use of the Disputed Domain Name.
- c) The Disputed Domain Name was registered and is being used in bad faith. The registration of the QLIK Trademark pre-dates the registration of the Disputed Domain Name and the Respondent has never been authorized by the Complainant to use the QLIK Trademark nor to register the Disputed Domain Name. By intentionally choosing a domain name that closely resembles the Complainant's well-known QLIK Trademark, the Respondent seeks to exploit and potentially mislead Internet users for commercial gain. 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 Language of the Proceeding**

The language of the Registration Agreement of the Disputed Domain Name is Chinese. Accordingly, the default language of the proceeding should be Chinese. However, under paragraph 11(a) of the Rules, the Panel is empowered to determine a different language of proceeding having regard to the circumstances. Pursuant to the Complainant's request, the Panel determines that English shall be the language of the proceeding having considered the following factors:

- a) The Respondent has chosen not to participate in the proceeding by not filing a Response;
- b) The Respondent appears to be based in Hong Kong, China, where English is an official language. As such, the Respondent is likely familiar with English;
- c) The Complainant has already been submitted in English and no obvious procedural benefit would arise should the Panel insist on Chinese being the language of the proceeding. On the contrary, doing so at such an advanced stage of the proceeding would in all likelihood delay the proceeding unnecessarily; and
- d) The Panel is bilingual in English and Chinese, and is well-equipped to deal with submissions by the Parties in either language.

### **6.2 Discussion**

The Complainant must establish all three limbs of paragraph 4(a) of the Policy on the facts in order to succeed in this proceeding:

- a) The Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights;
- b) The Respondent has no rights or legitimate interests in the Disputed Domain Name; and
- c) The Disputed Domain Name was registered and used in bad faith.

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

The Panel accepts that the Complainant has rights in the QLIK Trademark by virtue of their various trademark registrations.

The Disputed Domain Name <qlik-app.cc> incorporates the QLIK Trademark entirely followed by the characters "-app" and the country-code Top-Level Domain (TLD) ".cc".

According to sections 1.7 and 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), UDRP panels have established that, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark for the purposes of UDRP standing and the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing

similarity under the first element. The present case does not present any unusual circumstances which require the Panel to depart from this guideline. The Panel finds that the added characters “-app” do not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant’s trademark.

Regarding the TLD, according to section 1.11.1 of the [WIPO Overview 3.0](#), UDRP panels have established that the TLD is disregarded under the first element of the confusing similarity test, with the principle applying irrespective of the particular TLD. Accordingly, the “.cc” TLD in the present case will not impact the assessment of the first element of confusing similarity.

As such, the Panel finds that the Disputed Domain Name is confusingly similar to the QLIK Trademark. The first limb of paragraph 4(a) of the Policy is thus established.

## **B. Rights or Legitimate Interests**

There is no evidence before the Panel to suggest that the Respondent is commonly known by the Disputed Domain Name. There is also no evidence to suggest that the Respondent has registered any trademarks or holds any rights to the terms “qlik” or “qlik-app”. The evidence shows that the top results for Google searches for QLIK point to the Complainant’s own website and websites referencing the Complainant’s products.

The Complainant has also confirmed that the Respondent is neither affiliated nor authorized by the Complainant in any way. The Complainant further confirmed that it had not granted any license or authorization to the Respondent to use the QLIK Trademark, or to register or use the Disputed Domain Name incorporating the QLIK Trademark. Accordingly, the Panel is satisfied that the facts present a prima facie case that the Respondent does not have rights or legitimate interests in the Disputed Domain Name.

The Respondent did not file a response to demonstrate any rights or legitimate interests in respect of the Disputed Domain Name, and has thus failed to rebut the prima facie case. Therefore, the Complainant has successfully established the second limb of paragraph 4(a) of the Policy.

## **C. Registered and Used in Bad Faith**

In the present case, the Disputed Domain Name does not resolve to any active webpage. According to section 3.3 of the [WIPO Overview 3.0](#), UDRP 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. Factors to be taken into consideration in making a finding of bad faith include (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response to provide any evidence of actual or contemplated good faith use, (iii) the respondent’s concealing its identity or use of false contact details and (iv) the implausibility of any good faith use to which the domain name may be put.

The Panel is satisfied from the evidence that the QLIK brand has accrued substantial goodwill and reputation in the data analytics and business intelligence market. The QLIK Trademark has been in the market for over 20 years and the Complainant has shown that a simple Internet search for “QLIK” would have readily informed the Respondent of the Complainant and/or the QLIK Trademark’s prevalence in the market. The Respondent’s selection of the Disputed Domain Name is surrounded by circumstances strongly suggestive of the Respondent’s knowledge of the QLIK Trademark and points to the likelihood that the Respondent intentionally registered the Disputed Domain Name to take advantage of the Complainant’s reputation associated with the QLIK Trademark. In particular, the Panel is of the view that the addition of the term “app” to the QLIK Trademark is a descriptive term suggestive of an app (that is, application) offered by the Complainant.

The Respondent’s failure to submit a response provides further indication of a lack of actual or contemplated good faith use and an inability to address the Complainant’s allegations.

The Panel also notes the Center's unsuccessful attempts to contact the Respondent via email and post due to incorrect information associated with the Disputed Domain Name. Pursuant to paragraph 2 of the Policy, an applicant for the registration of a domain name represents and warrants, among others, that its contact details are complete and accurate. Accordingly, the deliberate use of incorrect information to maintain a domain name is corroborative of the bad faith finding above.

Additionally, the Complainant has alleged that the Respondent is seeking to exploit and potentially mislead Internet users for commercial gain, and that 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. The Respondent's failure to respond to the severe allegations further points to the Respondent's inability to answer to them, reinforcing the Panel's decision in the present case.

In light of the aforementioned circumstances, the Panel is of the opinion that the Disputed Domain Name was registered and is being used in bad faith. Therefore, the Complainant has successfully established the third limb of paragraph 4(a) 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-app.cc> be transferred to the Complainant.

*/Kar Liang Soh/*

**Kar Liang Soh**

Sole Panelist

Date: August 22, 2024