

## **ADMINISTRATIVE PANEL DECISION**

QlikTech International AB v. Chris Melton  
Case No. D2024-0762

### **1. The Parties**

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

The Respondent is Chris Melton, United States of America (“United States”).

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

The disputed domain name <qlik.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2024. On February 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 22, 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 February 22, 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 February 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on March 27, 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. Its platform enables businesses to consolidate and visualize data from various sources. Forbes ranked the Complainant as a Top 10 Innovative Growth Company for 2015.

The Complainant is the owner of the following trademark registrations for the sign “Qlik” (the “QLIK trademark”):

– the European Union trademark QLIK with registration No. 001115948, registered on May 16, 2000 for goods and services in International Classes 9, 35, and 42; and

– the United States trademark QLIK with registration No. 2657563, registered on December 10, 2002 for goods in International Class 9.

The Complainant is also the owner of the domain name <qlik.com> registered in 1998, which resolves to its official website.

The disputed domain name was registered on February 8, 2024. It resolves to the Registrar’s parking page containing pay-per-click (“PPC”) links.

#### **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.

The Complainant states that the disputed domain name is confusingly similar to its QLIK trademark, because the only difference between the disputed domain name and the Complainant’s trademark is the inclusion of an additional letter “l” in the disputed domain name. According to the Complainant, this is not enough to distinguish the disputed domain name from the Complainant’s trademark and is likely to confuse consumers into thinking that the disputed domain name is associated with or endorsed by the Complainant.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because the Complainant has not authorized it to use the QLIK trademark or to register the disputed domain name, and the Respondent is not commonly known by the disputed domain name, does not own any registered trademarks, and is not affiliated to the Complainant. The Complainant notes the disputed domain name resolves to a webpage featuring PPC links.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It notes that the registration of the QLIK trademark predates the registration of the disputed domain name. The Complainant maintains that by conducting a simple online search regarding the term “Qlik”, the Respondent would have inevitably learnt about the Complainant, its trademark and business. According to the Complainant, by intentionally choosing a domain name that closely resembles the Complainant’s well-known QLIK trademark, the Respondent seeks to exploit the reputation of this trademark and to mislead Internet users for commercial gain.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of the QLIK trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

As discussed in section 1.9 of the [WIPO Overview 3.0](#), a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters (e.g., upper vs lower-case letters or numbers used to look like letters), (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersing of other terms or numbers.

Here, the only difference between the QLIK trademark and the disputed domain name is that there is an additional letter "l" in the disputed domain name, which constitutes a misspelling of the QLIK trademark. The QLIK trademark remains easily recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the QLIK trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

The Panel finds 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The disputed domain name is a misspelling of the Complainant's QLIK trademark, and the Respondent has provided no explanation why it has chosen to register it and how it plans to use it. The evidence shows that the disputed domain name resolves to the Registrar's parking webpage featuring PPC links.

Considering all the above, it is more likely than not that the Respondent has registered the disputed domain name targeting the Complainant in an attempt to exploit the popularity of its QLIK trademark to attract Internet users for commercial gain. Such conduct does not support a finding that the Respondent has rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds 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.

In the present case, the Panel notes that the disputed domain name is a misspelling of the distinctive QLIK trademark of the Complainant, which the Complainant registered for almost 24 years ago. In addition, the disputed domain name differs from the Complainant's domain name by only an additional letter "l". The disputed domain name resolves to the Registrar's parking webpage featuring PPC links. In view of this, and in the lack of any arguments or evidence supporting a different conclusion, it is more likely than not that by the registration and use of the disputed domain name, the Respondent has targeted the Complainant's QLIK trademark in an intentional attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the same trademark.

The Panel therefore 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.com> be transferred to the Complainant.

*/Assen Alexiev/*

**Assen Alexiev**

Sole Panelist

Date: April 10, 2024