

ADMINISTRATIVE PANEL DECISION

QlikTech International AB, c/o Ports Group AB v. Edward Jones
Case No. D2024-4644

1. The Parties

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

The Respondent is Edward Jones, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <qlik-sense.net> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 12, 2024. On November 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 14, 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 (Unknown / Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 18, 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 November 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 13, 2024.

The Center appointed Alistair Payne as the sole panelist in this matter on December 19, 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. It operates a platform called “Qlik” at <qlik.com> which 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 North America, Canada, Brazil, Mexico, Europe, Middle East, Asia and Africa, and maintains a robust network of international partners, and has been recognised as a top 10 Innovative Growth Company for 2015 by Forbes. It owns various trade mark registrations for its QLIK mark including European Union Trade Mark Registration No. 001115948 registered on May 16, 2000.

The disputed domain name was registered on October 30, 2024, and resolves to a Registrar parking page with a link offering users a possibility to “get this domain”. The Complainant has also provided evidence showing that the disputed domain name previously resolved to a pay-per-click landing page on which it hosted multiple hyperlinks to third-party websites.

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 submits that it owns registered trade mark rights for its QLIK trade mark as set out above and that the disputed domain name wholly incorporates its QLIK trade mark which is the dominant and recognisable element. It says that the addition of “-sense” before the generic Top-Level Domain “.net” does not prevent a finding of confusing similarity.

The Complainant says that it has not licensed or authorised the Respondent to use its trade marks and that the Respondent is not affiliated with the Complainant. The Complainant says that it did not authorise the Respondent to register or to use the disputed domain name incorporating its respective trade marks nor has the Complainant endorsed or sponsored the Respondent, or the Respondent’s websites. It says that there is no evidence that the Respondent is commonly known by the disputed domain name or that it owns any registered trade marks including for the term “qlik-sense.net”. It notes that when entering the term “qlik” in the Google search engine, the returned results point to the Complainant and its online activity.

The Complainant asserts that apart from the reference to the disputed domain name, there is no available information on the Respondent being commonly known by the disputed domain name. It says that at the time of filing of this Complaint, the disputed domain name resolved to a parked page, which did not offer any active content, services, or legitimate business purpose. The Complainant submits that the Respondent has demonstrated no legitimate use or intent to develop an active site associated with the disputed domain name and that considering that the Complainant’s QLIK mark is distinctive and well known, the passive holding of the disputed domain name strongly suggests bad faith and is inconsistent with the Respondent having rights or legitimate interests in it.

As far as bad faith is concerned, the Complainant notes that its trade marks pre-date the registration of the disputed domain name and that the Respondent has never been authorised by the Complainant to use the QLIK trade marks, nor to register the disputed domain name. In view of the reputation attaching to the Complainant's QLIK mark by this time, it is very likely, according to the Complainant, that the Respondent registered the disputed domain name using the trade mark QLIK intentionally in order to take advantage of the Complainant's reputation and goodwill attaching to it.

As far as use of the disputed domain name in bad faith is concerned, the Complainant says that the Respondent's passive holding of the disputed domain name indicates a lack of legitimate rights or interests and is a clear example of bad faith. By intentionally choosing a domain name that closely resembles the Complainant's well-known trade mark, the Respondent seeks to exploit and potentially mislead Internet users for commercial gain. This, says the Complainant, is a deliberate attempt to confuse and divert traffic away from the Complainant's legitimate website which, coupled with the Respondent's failure to provide any legitimate use or content, supports the Complainant's contention of bad faith use.

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 trade mark 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 a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "-sense" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The Complainant has submitted that it has not licensed or authorised the Respondent to use its trade marks and that the Respondent is not affiliated with the Complainant. The Complainant has also asserted that it did not authorise the Respondent to register or to use the disputed domain name incorporating its respective trade marks and neither has the Complainant endorsed or sponsored the Respondent, or the Respondent's website. It has said that there is no evidence that the Respondent is commonly known by the disputed domain name nor that it owns any registered trade marks including for the term "qlik-sense.net". It has noted that when entering the term "qlik" in the Google search engine, the returned results point to the Complainant and its online activity.

The Complainant has asserted that apart from the reference to the disputed domain name, there is no available information on the Respondent being commonly known by the disputed domain name. At the time of filing of this Complaint, the disputed domain name resolved to a parked page, which did not offer any active content, services, but displayed a link offering users a possibility to "get this domain".

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 reproduces the Complainant's trade mark together with the term "-sense" and thus, as the Panel has independently ascertained, corresponds to the name of the Complainant's software product, "Qlik Sense", which also noting the lack of response supports the finding, on the balance of probabilities that the Respondent intended to target the Complainant.¹

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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page or a parking page such as in this case), would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the considerable use and degree of reputation attaching to the Complainant's QLIK trade mark by the date of registration of the disputed domain name. In these circumstances, noting the previous use of the disputed domain name to host a parked page comprising PPC links, its current use for a parked page displaying a link offering users a possibility to "get this domain", which implies that the disputed domain name is for sale and considering that the Respondent has not sought to explain its conduct in registering the disputed domain name, the Panel finds that in the circumstances of this case it is more likely than not that the Respondent intended to unduly profit from the value of the Complainant's trademark and that therefore the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) section 4.8.

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-sense.net> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: January 2, 2025