

## **ADMINISTRATIVE PANEL DECISION**

**Klarna Bank AB v. Contact Privacy Inc. Customer 12412311171 / accounts management, klarna**  
**Case No. D2022-1251**

### **1. The Parties**

The Complainant is Klarna Bank AB, Sweden, represented by SILKA AB, Sweden.

The Respondent is Contact Privacy Inc. Customer 12412311171, Canada / accounts management, klarna, United Kingdom.

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

The disputed domain name <accountklarna.com> is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2022. On April 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 14, 2022, 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 amendment to the Complaint on April 15, 2022.

The Center verified that the Complaint together with the amendment to the 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 April 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 13, 2022.

The Center appointed Isabelle Leroux as the sole panelist in this matter on May 30, 2022. 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 Sweden based company founded in 2005. It provides banking and payment services to 400,000 merchants and 147 million consumers in more than 45 countries around the world.

For the needs and purposes of its activities, the Complainant is the owner of numerous trademarks, including the following:

- International word registration KLARNA No. 1217315, designating several countries including Australia, Switzerland, Indonesia, Japan, Republic of Korea, Mexico, Norway, New Zealand, Russian Federation and Turkey, filed on March 4, 2014, under priority of a European Union trademark no. 012656658 and registered for services in classes 35, 36, 39, 42 and 45;

- International registration KLARNA (and device) No. 1530491, designating several countries including Australia, Canada, Switzerland, China, United Kingdom, Indonesia, India, Japan, Republic of Korea, Mexico, Norway, New Zealand and United States of America, filed on January 30, 2020, under priority of a European Union trademark no. 018120004 and registered for goods and services in classes 9, 35, 36, 39, 42 and 45;

- International word registration KLARNA No. 1066079, designating Switzerland, China, Norway, Russian Federation and Turkey, filed on December 12, 2010, under priority of a European Union trademark no. 009199803 and registered for services in classes 35 and 36;

- European Union word trademark KLARNA No. 009199803 filed on June 24, 2010, and registered on December 6, 2010, for services in classes 35 and 36;

Hereafter the "Trademarks" or "Trademark".

The Complainant also owns several domain names containing the sign KLARNA, including the following: <klarna.com> registered on December 12, 2008.

The disputed domain name was registered on February 23, 2022, and reverts to an inactive website (the "Disputed Domain Name").

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant claims that:

a) The Disputed Domain Name is identical or at least confusingly similar to the Complainant's Trademarks, since it entirely incorporates the Trademarks which are well-known, the only difference between them being the addition of the word "account".

b) The Respondent has no rights nor legitimate interests in the Disputed Domain Name since:

- the Respondent is not commonly known under the Disputed Domain Name
- the Respondent does not own any KLARNA prior trademarks
- there is no evidence that the Respondent has a history of using, or preparing to use, the Disputed Domain Name in connection with a *bona fide* offering of goods and services;

- the Respondent is not a licensee of the Complainant;
- the website at the Disputed Domain Name appears to be inactive;
- The Respondent has failed to present compelling arguments that it has rights in the Disputed Domain Name.

c) The Respondent registered and used the Disputed Domain Name in bad faith given the following factors:

- the Respondent was clearly aware of the Complainant's rights, since the Trademarks predate the registration of the Disputed Domain Name and are well-known;
- the addition of a related and relevant term such as "account" in combination with the Trademarks in their entirety indicates that the Respondent was aware of the bank services offered by the Complainant;
- the Respondent never replied to the Complainant's cease and desist letter which was sent prior to the Complaint.

Finally, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

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

First of all, the Panel finds that the Complainant has provided evidence that it has prior rights in the KLARNA Trademarks that they have been filed and registered several years before the Disputed Domain Name.

Then, the Panel notices that the Disputed Domain Name is composed of the identical reproduction of the KLARNA Trademarks, to which has been added (i) the descriptive term "account", (ii) as well as the generic Top-Level Domain (gTLD) ".com".

The addition of the term "account" does not avoid a finding of a confusing similarity since this term is clearly descriptive in the field of banking and since the Complainant's Trademark is clearly recognizable in the Disputed Domain Name.

See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

Furthermore, the gTLD ".com" is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

Consequently, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's Trademark. The first element of paragraph 4(a)(i) of the Policy is thus fulfilled.

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

Numerous UDRP panels have found that, even though the Complainant bears the general burden of proof under paragraph 4(a)(ii) of the UDRP, the burden of production shifts to the Respondent once the Complainant makes a *prima facie* showing that the Respondent lacks rights or legitimate interests. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Hence, after the Complainant has made a *prima facie* showing that the Respondent has no rights or legitimate interests in the Disputed Domain Name, it will be deemed to have satisfied paragraph 4(a)(ii) of the UDRP when the Respondent fails to submit a response.

In this case, the Complainant brings forward the following elements:

- The Trademarks are well-known in the Complainant's industry;
- No license has been granted by the Complainant to the Respondent;
- The Respondent does not appear to be known under the Disputed Domain Name, nor to have any prior rights in such name; and
- there is no evidence that the Respondent has a history of using, or preparing to use, the Disputed Domain Name in connection with a *bona fide* offering of goods and services.

Therefore, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

The Respondent has not come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name.

Given these circumstances, the Panel finds that the second element of paragraph 4(a)(ii) of the Policy is satisfied.

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

Paragraph 4(a)(iii) of the Policy requires that the Complainant prove that the Disputed Domain Name was registered and is being used by the Respondent in bad faith.

The Complainant's Trademarks have been recognized as well-known by previous UDRP decisions. See in particular: *Klarna Bank AB v. 石磊 (Lei Shi)*, WIPO Case No. [D2022-0006](#); *Klarna AB v. Pan Jing*, WIPO Case No. [D2019-1325](#); *Klarna Bank AB v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Gabriella Garlo*, WIPO Case No. [D2021-2155](#).

Furthermore, prior UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (in particular, domain names comprising typos or incorporating the trademark plus a descriptive term) to well-known trademarks by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

In this case, the Disputed Domain Name incorporates in their entirety the Trademarks and associates them to the term "account" which is generic and descriptive in the Complainant's fields of banking and payment solutions.

Furthermore, the Respondent also provided an email address corresponding to the domain name owned by the Complainant <klarna.com>. The Complainant's counsel indicated in an email dated April 18, 2022, that the email address was not working and that this contact information was false.

As to the use of the Disputed Domain Name in bad faith, prior UDRP Panel have recognized that a passive holding can be found to be a bad faith use. See in particular *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

In this case:

- The Disputed Domain Name does not revert to an active website;
- The Complainant's Trademarks are included in their entirety in the Disputed Domain Name;
- The Complainant's Trademarks are well-known worldwide;
- The Respondent has used a Privacy service and actively provided, and failed to correct, false contact

details.

The Respondent's failure to reply to the Complainant's contentions give no other basis to the Panel to believe that the Disputed Domain Name might conceivably be put to good faith use.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would not be illegitimate.

Consequently, the Panel finds that the Disputed Domain Name was registered and is being used in bad faith, so that the third and final element of paragraph 4(a)(iii) of Policy is met.

## **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 <accountklarna.com> be transferred to the Complainant.

*/Isabelle Leroux/*

**Isabelle Leroux**

Sole Panelist

Date: June 13, 2022