

ADMINISTRATIVE PANEL DECISION

The Knowledge Academy Holdings Limited v. Sven Ringger, e-teach
Case No. D2024-4907

1. The Parties

The Complainant is The Knowledge Academy Holdings Limited, United Kingdom (“UK”), represented by Michelmores LLP, United Kingdom.

The Respondent is Sven Ringger, e-teach, Switzerland.

2. The Domain Name and Registrar

The disputed domain name <knowledgeacademy.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 27, 2024. On November 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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 Persons; Domains By Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 28, 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 29, 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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 27, 2024.

The Center appointed Luca Barbero as the sole panelist in this matter on January 7, 2025. 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.

On January 23, 2025, the Panel issued an Administrative Panel Procedural Order ("Panel Order No. 1"), which was notified to the Parties on the same day. The Panel requested:

i) the Complainant to provide evidence to substantiate its allegation that the disputed domain name, despite being registered in 2010 according to the Whois records, had been indeed acquired by the Respondent in June 2023. In the event the Complainant was not able to provide the above, the Panel requested the Complainant to submit evidence to demonstrate that it had already established unregistered trademark rights in THE KNOWLEDGE ACADEMY before the registration date shown in the Whois records, i.e. June 2, 2010, and to provide further comments and possible supporting documents to demonstrate that the Respondent registered the disputed domain name in bad faith being aware of the Complainant's rights at the time of registration of the disputed domain name;

ii) the Respondent to submit comments on the Complainant's allegations above.

The Parties were invited to submit the above-requested evidence and comments by January 28, 2025, and the Decision due date was extended to February 4, 2025.

On January 28, 2025, the Complainant submitted its Supplemental Filing in reply to Panel Order No. 1. The Respondent did not submit any response to Panel Order No. 1.

4. Factual Background

The Complainant is a UK company founded in 2013 and is the holding company of The Knowledge Academy Limited, which was incorporated on April 1, 2009, and provides training solutions to corporate, public sector, multinational organizations and private individuals under the trademark THE KNOWLEDGE ACADEMY. Its primary focus is delivering training in a wide range of areas from Information technology ("IT"), personal development, human resources, and management courses to project, programming, and IT service management.

The Complainant is the owner of several trademark registrations for THE KNOWLEDGE ACADEMY, including the following, as per trademark registration certificates submitted in Annex 3 to the Complaint:

- European Union trademark registration No. 018157130 for THE KNOWLEDGE ACADEMY (word mark), filed on November 25, 2019, and registered on May 22, 2020, in classes 9, 16, 35, and 41;

- United Kingdom trademark registration No. UK00918157130 for THE KNOWLEDGE ACADEMY (word mark), filed on November 25, 2019, and registered on May 22, 2020, in classes 9, 16, 35, and 41;

- United Kingdom trademark registration No. UK00003104125 for THE KNOWLEDGE ACADEMY (word mark), filed on April 15, 2015, and registered on July 17, 2015, in classes 9, 16, 35, and 41;

- International trademark registration No. 1269174 for THE KNOWLEDGE ACADEMY (word mark), registered on April 22, 2015, in classes 9, 16, 35, and 41.

The Complainant is also the owner of the domain name <theknowledgeacademy.com>, which was registered on March 9, 2009, and is used by the Complainant's subsidiary The Knowledge Academy Limited to promote its training services under the trademark THE KNOWLEDGE ACADEMY.

The disputed domain name <knowledgeacademy.net> was registered on June 2, 2010, and resolves to a webpage displaying the following error message: "Connection timed out – error code 522".

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 contends that the disputed domain name <knowledgeacademy.net> is identical or nearly identical to the trademark THE KNOWLEDGE ACADEMY in which the Complainant has rights with the mere omission of the definite article "the".

With reference to the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, the Complainant states that it is not aware of the Respondent using the disputed domain name in connection with the offering of goods or services prior to the registration date, nor is it aware that the Respondent is commonly known by the disputed domain name.

The Complainant also states that, considering the composition of the disputed domain name and the Complainant's reputation, the Respondent registered the disputed domain name knowing that it was likely to attract interest from Internet users who were searching for the Complainant. The Complainant concludes that it is not possible for the Respondent to have acquired any legitimate right to use the disputed domain name since its registration, or before.

With reference to the circumstances evidencing the Respondent's bad faith, the Complainant states that, as far as it is aware, the disputed domain name was registered by the Respondent on June 3, 2023, and claims that, considering the widespread reputation of the Complainant's mark, the Respondent must have been aware of the Complainant when registering the disputed domain name.

The Complainant also submits that the Respondent's lack of active use of the disputed domain name illustrates its lack of legitimacy and demonstrates that the disputed domain name was acquired in bad faith with a view to preventing the Complainant, as the legitimate owner of the rights in THE KNOWLEDGE ACADEMY, from acquiring the same.

The Complainant submits that, upon being provided with the Respondent's contact details, it reviewed the Respondent's website, hosted at "www.e-teach.ch", and ascertained that the Respondent is a training company operating in the same field as the Complainant and is using such website to promote training courses. The Complainant therefore submits that the Respondent registered the disputed domain name in bad faith and for illegitimate purposes, infringing the Complainant's trademark rights.

The Complainant further claims that, in the event that the Respondent does make commercial use of the disputed domain name, this would be done to deceive consumers into believing that the goods and services offered on the correspondent website by the Respondent are connected to the Complainant.

B. Respondent

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

C. Complainant's Supplemental Filing

In its Supplemental Filing in response to Panel Order No. 1, the Complainant states that it is unable to provide evidence to substantiate its allegation that the disputed domain name, despite being registered in 2010 according to the Whois records, has been acquired by the Respondent in June 2023, as indicated in the Complaint.

With reference to the Panel's request to submit evidence to demonstrate that it had already established unregistered trademark rights in THE KNOWLEDGE ACADEMY before the registration date shown in the

Whols records, i.e. June 2, 2010, the Complainant states that it is able to demonstrate that it held unregistered trademark rights through the commercial use of its website “www.theknowledgeacademy.com” in 2009 and 2010, evidence of sales invoices from 2009 and 2010, Company House financial records and proof of revenue generated via user traffic via Google Ads, copies of which are provided as attachments to the Supplemental Filing.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: “A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Indeed, the Complainant has provided evidence of valid trademark registrations for THE KNOWLEDGE ACADEMY.

The Panel finds the mark is recognizable within the disputed domain name even despite the omission of the definite article “the”. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

In addition, the generic Top-Level Domain “.net” can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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.

According to the evidence on record, there is no relationship between the Complainant and the Respondent, and the Complainant has not authorized the Respondent to register or use its trademark or the disputed domain name. Moreover, there is no element from which the Panel could infer the Respondent's rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

Furthermore, there is no evidence showing that the Respondent made use or preparations to use the disputed domain name – currently redirected to a mere error page - in connection with a bona fide offering of goods or services or a legitimate noncommercial use without intention to misleadingly divert consumers or to tarnish the Complainant's trademark.

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.

The Panel notes that, according to the publicly available Whois records, the disputed domain name was registered on June 2, 2010. The Complainant claimed that the Respondent acquired the disputed domain name in June 2023 but did not provide evidence to substantiate such allegation. The Respondent, which has not replied to the Complaint nor to Panel Order No. 1, has not submitted any comments or information regarding the actual date on which it acquired the disputed domain name. The Panel will thus consider June 2, 2010, as the registration date relevant for the purpose of assessing whether the Respondent acted in bad faith at the time of registration.

The Panel notes that the registration of the disputed domain name predates the registration of the Complainant's trademark registrations for THE KNOWLEDGE ACADEMY by several years.

The Complainant stated that the THE KNOWLEDGE ACADEMY mark has been used extensively across a range of training services since 2009 and that, as a result of the advertising activities carried out by its subsidiary The Knowledge Academy Limited, THE KNOWLEDGE ACADEMY had already built-up substantial goodwill in the market in 2009 and 2010. The Complainant submitted the following supporting documents:

- i) historical screenshots of the website "www.theknowledgeacademy.com" taken from the Internet Archive "www.archive.org" dated from July 3, 2009 to April 13, 2010, showing use of the THE KNOWLEDGE ACADEMY to identify the courses and training solutions offered by The Knowledge Academy Limited;
- ii) a screenshot of the Google Ads portal of The Knowledge Academy Limited for the period between October 28, 2008 and December 26, 2009, showing that nearly GBP 40,000 were spent on Google Ads;
- iii) copies of the abbreviated financial accounts of The Knowledge Academy Limited for March 31, 2010 and March 31, 2011, showing that the company had acquired GBP 39,739 of debtors and turned a GBP 34,900 profit in the first year of activity, while from April 1, 2010 to March 31, 2011, it had acquired GBP 178,969 of debtors, with an increase of over 350% in the space of one year. Further, the Complainant achieved GBP 96,048 in profits, with an increase of 175% from the previous year;

iv) copies of sales invoices issued by The Knowledge Academy Limited to various companies throughout 2009, displaying the THE KNOWLEDGE ACADEMY mark.

The Complainant further submitted that the Respondent, which provides training services on its website “www.e-teach.ch”, has registered the disputed domain name primarily for the purpose of disrupting the Complainant’s business by driving potential customers to the website at the disputed domain name.

Based on the Complainant’s submissions, the Panel finds that the Respondent could have been aware of the existence of the Complainant’s subsidiary and its – unregistered - trademark THE KNOWLEDGE ACADEMY when it registered the disputed domain name in 2010. Indeed, at that time the mark was already used by the Complainant’s subsidiary The Knowledge Academy Ltd – incorporated in April 2009 - to promote its training solutions on the website “www.theknowledgeacademy.com”.

The Panel further notes that, considering the disputed domain name is almost identical to the Complainant’s prior mark THE KNOWLEDGE ACADEMY and to the domain name <theknowledgeacademy.com> and that the Respondent, which offers courses and training solutions on its website “www.e-teach.ch” in direct competition with the Complainant, has not provided any explanations as to the rationale of its registration of the disputed domain name nor any actual or contemplated good-faith of the same, the Panel finds that, on balance of probabilities, the Respondent registered the disputed domain name with the purpose of disrupting the business of a competitor, namely, the Complainant’s subsidiary, The Knowledge Academy Ltd, or, at the very least, to attract and divert users looking for the Complainant’s services.

The disputed domain name does not currently resolve to an active website, as it is redirected to a mere error page. 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. [WIPO Overview 3.0](#), section 3.3. In light of the circumstances of the case described above, the Panel finds that passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

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 <knowledgeacademy.net> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: February 4, 2025