

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Tom Shaffer

Case No. DCC2024-0018

1. The Parties

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

The Respondent is Tom Shaffer, United States of America.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 1, 2024. On July 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 the same day.

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 July 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 2, 2024.

The Center appointed Ganna Prokhorova 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 Swedish company founded in 1993 specializing in data analytics and business intelligence solutions. Through its innovative platform, it 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.

The Complainant owns numerous trademark registrations for QLIK, such as but not limited to:

- European Union Trademark QLIK No. 001115948, registered on May 16, 2000;
- United Kingdom trademark registration QLIK No. UK00901115948, registered on May 16, 2000;
- United States of America trademark registration QLIK No. 2657563, registered on December 10, 2002.

The Complainant's products and services are sold throughout the world and advertised in a variety of media, including via the Complainant's website under the domain name <qlik.com>, registered on March 17, 1998, and have been recognized by the business and the software community for several industry awards.

The disputed domain name was registered on June 18, 2024, at the time of filing the Complaint, the disputed domain name resolved to a login page, displaying the Complainant's trademark, and on the moment of issuing this decision leads to a default webpage.

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:

- (1) The disputed domain name is identical to the Complainant's QLIK mark. The only difference between the disputed domain name and the Complainant's trademark is addition of the country code Top-Level Domain ("ccTLD") ".cc", which is not enough and is likely to confuse consumers into thinking that the disputed domain name is associated with or endorsed by the Complainant.
- (2) The Respondent has no rights to the disputed domain name nor legitimate interests in respect of it. The Complainant has not licensed or authorized the Respondent to use its trademarks. The Respondent is not affiliated to the Complainant. The Complainant did not authorize the Respondent to register or use the disputed domain name incorporating its respective trademarks nor have the Complainant endorsed or sponsored the Respondent or the Respondent's websites. There is no evidence that the Respondent is commonly known by the disputed domain name or owns any registered trademarks including the term "qlik.cc". The disputed domain name is a copycat version of the Complainant's official website. It is being utilized as a platform for scams, jeopardizing the reputation and trustworthiness of the Complainant's mark.
- (3) The Respondent has registered and is using the disputed domain name in bad faith. The Complainant's marks were registered and used prior to the Complainant's registration of the disputed domain name. The website to which the disputed domain name resolves reflects the Complainant's mark, misleading Internet users and taking advantage of the Complainant's goodwill. The disputed domain name incorporates in its entirety the trademark "qlik" without displaying a disclaimer of affiliation with the Complainant's official website which may mislead the potential consumers by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation and making the general public believe that the paid services advertised on the Website are actually official and authorized by the Complainant.

The Complainant requests the transfer of the disputed domain name to it.

B. Respondent

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

6. Discussion and Findings

To succeed, in a UDRP complaint, complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

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

The Respondent was given an opportunity to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint. The Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions.

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See, section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

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 3.0](#), section 1.7.

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

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

The addition of the ccTLD ".cc" shall be disregarded for the purposes of assessing confusing similarity, as it is a standard requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that 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 Panel finds that the Respondent is neither a licensee of the Complainant nor affiliated with the Complainant in any way. The Complainant has not granted any authorization for the Respondent to use its QLIK trademark in a domain name or otherwise.

There is no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, as demonstrated by the Complainant, at the time of filing the complaint, the disputed domain name directed to a website where the Complainant’s QLIK trademark was used, mimicking the Complainant’s website. This suggests that the disputed domain name clearly refers to the Complainant, its trademarks, and its services.

Additionally, the Complainant asserts that the disputed domain name has been associated with a fraudulent site, with numerous reports indicating that goods purchased from it fail to arrive. And while the case file does not contain evidence to substantiate this claim, it does contain a screenshot of a later date which is a login page.

After reviewing the available record, the Panel finds that 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 case and has not provided any relevant evidence demonstrating rights or legitimate interests in the disputed domain name as outlined in the Policy or otherwise.

Noting the above, 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 Complainant asserts that the Respondent has registered the disputed domain name with full knowledge of the Complainant’s trademarks. The Respondent has not refuted this contention, provided incomplete contact information, the Complainant has valid trademark rights for QLIK, and the disputed domain name is identical to the trademark. Accordingly, without any evidence to the contrary from the Respondent, the Panel infers that the Respondent was aware of the Complainant at the time it registered the disputed domain name.

The Respondent’s use of the Complainant’s trademark on the website, without displaying a disclaimer of affiliation with the Complainant’s official website, and with a login option, also clearly indicates awareness of the Complainant and a deliberate attempt to target its business. The Panel therefore finds that the Respondent acted in bad faith by its registration and use of the disputed domain name, intentionally creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website with the purpose of attracting Internet users for commercial gain as per paragraph 4(b)(iv) of the Policy.

Considering the Respondent’s lack of response in this proceeding, the use of privacy services to conceal the Respondent’s identity, and the implausibility of any legitimate use for the disputed domain name, the totality of the circumstances suggests bad faith.

Based on these circumstances and the evidence presented, the Panel 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.cc> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: August 22, 2024