

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Elena Oleynikova
Case No. D2024-3554

1. The Parties

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

The Respondent is Elena Oleynikova, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <topqlik.info> is registered with REG.RU LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2024. On September 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 13, 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 the amended Complaint in English on September 16, 2024.

On September 13, 2024, the Center informed the Parties in Russian and English, that the language of the Registration Agreement for the disputed domain name is Russian. On September 19, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Russian and English of the Complaint, and the proceedings commenced on September 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2024. The Respondent did not submit

any response. Accordingly, the Center notified the Respondent's default on October 17, 2024.

The Center appointed Alissia Shchichka as the sole panelist in this matter on October 30, 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, QlikTech International AB, is a technology company specializing in data analytics and business intelligence solutions. Its platform empowers businesses to consolidate and visualize data from multiple sources, facilitating data discovery, analysis, and decision-making. The Complainant operates on a global scale, with a presence in North America, Canada, Brazil, Mexico, Europe, the Middle East, Asia, and Africa, supported by a network of international partners. Additionally, the Complainant has been recognized by Forbes as one of the Top 10 Innovative Growth Company for 2015.

The Complainant has provided evidence of being the registered owner of numerous QLIK trademarks worldwide, including but not limited to the following:

- European Union Registration No. 001115948, registered on May 16, 2000, for the word mark QLIK, in classes 9, 35, and 42; and
- International Trademark Registration No. 1212741, for the figurative mark QLIK, with designations including the Russian Federation, registered on March 10, 2014, in classes 9 and 42.

These trademarks were all registered before the disputed domain name, which was registered on August 9, 2024. The disputed domain name is currently inactive, but used to direct to the Registrar's parking page displaying pay-per-click ("PPC") links.

According to the disclosed Whois information for the disputed domain name, the Respondent is located in the Russian Federation.

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 argues that the disputed domain name is nearly identical to its QLIK trademark, as it fully incorporates the trademark. The addition of the descriptive term "top" as a prefix does not negate the confusing similarity; rather, it may even increase confusion by implying a superior or official connection to the Complainant's brand. In respect of the generic Top-Level Domain ("gTLD") ".info", which forms part of the disputed domain name, the Complainant requests that the Panel disregards it under the first element as it is a standard registration requirement.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name, citing the following reasons: (1) the disputed domain name was registered long after the registration of the Complainant's trademarks; (2) the Respondent is not authorized, licensed, or otherwise permitted by the Complainant to register or use the disputed domain name; (3) the Respondent is not commonly known by the disputed domain name; (4) there is no evidence of use or preparation to use the disputed domain name in connection with a bona fide offering of goods or services; (5) according to the Complainant, the webpage associated with the disputed domain name contains PPC links.

Finally, the Complainant contends that the Respondent's registration and use of the disputed domain name constitutes bad faith. Specifically, the Respondent appears to have intentionally chosen a domain name closely resembling the Complainant's well-known trademark, likely with the aim of exploiting and misleading Internet users for commercial gain. By creating this deliberate confusion, the Respondent diverts traffic from the Complainant's legitimate website. This behavior, coupled with the Respondent's failure to demonstrate any legitimate use or substantive content on the disputed domain name, further reinforces the Complainant's claim of bad faith.

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

I. Preliminary issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requests that the proceeding be conducted in English for the following reasons: translating the Complaint into another language would result in significant additional costs and delays for the Complainant. Moreover, conducting the proceedings in English would enhance efficiency and promote a timely resolution, as both parties are likely familiar with English, given its widespread use in international business and communication.

For these reasons, the Complainant requests that the proceeding continues in English.

The Center sent all notifications regarding the proceeding in both Russian and English, and the Respondent has not responded to the Complaint nor indicated any preference concerning the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the relevant factors, particularly the Respondent's lack of response, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

II. Substantive Issues

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name 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.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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

The Panel finds the mark is recognizable 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, "top", 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.

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.

Indeed, the Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the QLIK trademark or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with the QLIK trademarks, and there is no evidence showing that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

The Panel also notes that the composition of the disputed domain name, carries a risk of implied affiliation or suggests sponsorship and/or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any 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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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.

Regarding the issue of registration, the Panel observes that the Complainant's rights to the QLIK trademarks substantially precede the Respondent's registration of the disputed domain name. The Complainant holds well-established trademark registrations for QLIK and has a substantial international presence, with offices across North America, Canada, Brazil, Mexico, Europe, the Middle East, Asia, and Africa, supported by a robust network of global partners. Given the widespread use of the QLIK trademark, even a cursory online search would prominently feature the Complainant across numerous pages of search engine results, making it improbable that the Respondent would not have encountered information about the Complainant's rights.

Consequently, the Respondent knew or should have known of the Complainant's trademarks at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Additionally, the mere act of registering a domain name that is confusingly similar to the Complainant's well-known trademarks by a Respondent unaffiliated with the Complainant can, in itself, create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

As to the use of the disputed domain name, according to the Complainant, it resolves to a page displaying PPC links. The Panel notes that this is, in fact, a Registrar-provided parking page, indicating that "the domain name is registered and parked with Reg.ru." The page provides links to other registrar services, such as hosting, VPS and dedicated servers, a site builder, and SSL certificates. This appears to be a default parking page controlled by the Registrar and solely contains information about the Registrar's own services related to domain name management and hosting.

As a result, the Panel finds that neither the fact that such PPC links are generated by the Registrar, nor the fact that the Respondent itself may not have directly profited, would by itself prevent a finding of bad faith.

The Panel notes the disputed domain name is currently inactive. However, previous UDRP 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 this case, the Panel concludes that passive holding does not prevent a finding of bad faith, given the following factors: (i) the distinctiveness and reputation of the Complainant's mark, (ii) the Respondent's failure to submit a response or provide any evidence of actual or contemplated good-faith use, and (iii) the implausibility of any good faith use to which the disputed domain name may be put.

Indeed, the Panel considers that, given the high degree of fame and distinctiveness of the Complainant's trademark, even if the Respondent has not yet derived any commercial gain from the disputed domain name, there appears to be no plausible explanation for its registration other than an attempt to capitalize on a domain name confusingly similar to the Complainant's distinctive and well-established trademark. Under

paragraph 4(b)(iv) of the Policy, this circumstance shall be evidence of the registration and use of a domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In the absence of any evidence to contend against the Complainant's evidence and claims, this Panel accepts the Complainant's assertions and finds that the Respondent has registered and used the disputed domain name, without the Complainant's consent or authorization, for the likely purpose of capitalizing on the reputation of the trademark to target the Complainant's rights.

Accordingly, the Panel finds that, in the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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 <topqlik.info> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: November 11, 2024