

ADMINISTRATIVE PANEL DECISION

QlikTech International AB, c/o Ports Group AB v. Amit Siran, S.P Data
Case No. D2024-4652

1. The Parties

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

The Respondent is Amit Siran, S.P Data, Israel.

2. The Domain Name and Registrar

The disputed domain name <qlik-israel.com> 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 sent email communications to the Center on November 18, November 19, December 14, 2024, and January 9, 2025. However, the Respondent did not submit any formal response. Accordingly, the Center notified the Parties that it would proceed to panel appointment 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 20, 2024, and formerly resolved to website featuring the QLIK mark and which appeared to have a number of similarities to the Complainant’s website, promoted itself as a “master reseller”, obviously targeted at Israel as it was in the Hebrew language. When the Panel reviewed the website on-line the disputed domain name resolved to a Registrar parking page which featured pay-per-click links to commercial sites, including to other data analytics providers.

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. It says that the addition of “-israel” before the generic Top-Level Domain “.com” may even suggest an association with Qlik’s official Israeli presence, misleading users into thinking it is affiliated with Qlik’s legitimate business when that is not the case and that it 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 website. 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 the term “qlik-israel.com”. 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.

The Complainant asserts that the disputed domain name is a copycat version of the Complainant’s official website and that the disputed domain name is being utilised as a platform for scams, jeopardizing the reputation and trustworthiness of the Complainant’s mark. It submits that the disputed domain name clearly refers to the Complainant, its trade marks and services and that the Complainant did not authorise the creation of the disputed domain name nor of the website to which it resolves. It says that the use of the Complainant’s trade mark, directly related to the Complainant’s business, reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, with the Complainant and its trade marks in the mind of Internet users.

As far as registration of the disputed domain name is concerned, the Complainant says 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 mark nor to register the disputed domain name. Nonetheless, says the Complainant, the Respondent has chosen to use the distinctive QLIK trade mark in its entirety in the disputed domain name. By conducting a simple online search regarding the term “QLIK” the Respondent would have inevitably learnt about the Complainant, its trade mark and business. It is very likely, according to the Complainant, that the Respondent registered the disputed domain name using the QLIK trade mark intentionally in order to take advantage of the reputation of the trade mark and of the Complainant's goodwill. As the disputed domain name is a copycat website of the Complainant's official website, the Complainant asserts that it is self-evident that the Respondent registered and is currently using the disputed domain name in bad faith, with the clear intent to take a free ride on the Complainant's renown.

In terms of use in bad faith of the disputed domain name, the Complainant says that the fact that it incorporates in its entirety the trade mark QLIK without displaying a disclaimer of affiliation with the Complainant's official website may mislead potential consumers by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation and make the general public believe that the paid services advertised on the website to which it resolves are official and authorised by the Complainant.

B. Respondent

The Respondent did not substantively 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, “-israel” 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 the Complainant has neither endorsed nor 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 or that it owns any registered trade marks including the term "qlik-israel.com". The Complainant 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.

The Complainant maintains that the website at the disputed domain name at the filing date of this Complaint was a copycat version of the Complainant's official website (albeit in the Hebrew language) and that the disputed domain name was being utilised as a platform for scams, jeopardizing the reputation and trustworthiness of the Complainant's mark. It has submitted that the website at the disputed domain name clearly referred to the Complainant, its trade marks and services and that the Complainant did not authorise the creation of the disputed domain name, nor of that website. It has submitted that the use of the Complainant's trade mark, directly related to the Complainant's business, reflects the Respondent's intention to create an association, and a subsequent likelihood of confusion, with the Complainant and its trade marks in the mind of Internet users.

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 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 Panel notes that the Respondent registered the disputed domain name long after the Complainant registered its trade mark rights. Not only does the disputed domain name incorporate the Complainant's distinctive trade mark but it resolves to a website that featured the Complainant's mark and which appeared to mimic in various respects the Complainant's website. Further, the website represented that it is in relation to a "master reseller" of the Complainant's products when the Complainant says that it has no affiliation with the Respondent at all and has not authorised it to use the Complainant's trade marks. In these circumstances the Panel finds it more than likely that the Respondent was well aware of the Complainant's business and marks when it registered the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

In this case the disputed domain name resolved, before the date of filing of this Complaint, to a website at which the Respondent appears to have masqueraded as if it was a "master reseller" in Israel of the Complainant's products and services under the QLIK mark. Subsequently and as noted above, the Panel notes that the disputed domain name resolves to a Registrar parking page which featured pay-per-click links to commercial sites, including to other data analytics providers.

It appears that the Respondent therefore attempted intentionally to attract for its own commercial gain, or in the alternative possibly for fraudulent purposes, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website. The Panel finds that the circumstances in this case meet the requirements of paragraph 4(b)(iv) of the Policy which is evidence of registration and use in bad faith.

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-israel.com> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: January 2, 2024