

ADMINISTRATIVE PANEL DECISION

The Knowledge Academy Holdings Limited v. Garima mehta
Case No. D2024-4909

1. The Parties

The Complainant is The Knowledge Academy Holdings Limited, United Kingdom, represented by Michelmores LLP, United Kingdom.

The Respondent is Garima Mehta, India.

2. The Domain Name and Registrar

The disputed domain name <theknowledge-academy.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 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 December 2, 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 December 6, 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 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 30, 2024.

The Center appointed Iris Quadrio as the sole panelist in this matter on January 6, 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.

4. Factual Background

The Complainant, established in 2013, is the holding company of The Knowledge Academy Limited, operating since 2009, which is a global provider of education and training services, offering a wide range of courses designed to meet the needs of professionals across various industries. The Complainant selects subject matter experts with substantial industry knowledge to lead its courses, ensuring the delivery of high-quality education. This commitment to excellence is evidenced by the accreditation of its courses by numerous professional bodies, including Axelos, APMG, The Open Group, PMI, APM, and Microsoft, among others.

The Complainant is one of the world's largest and most established provider of training courses, with the ability to deliver over 30,000 courses to more than 1,000 locations across 190 countries. To date, the Complainant has successfully trained over 1 million delegates.

The Complainant is the owner of the trademark THE KNOWLEDGE ACADEMY, in many jurisdictions, including, European Union Intellectual Property Office ("EUIPO") Reg. No. 018157130, for classes 9, 16, 35, 41, registered on May 22, 2020; United Kingdom Intellectual Property Office ("UKIPO") Reg. No. 00003104125, for classes 9, 16, 35, 41, registered on July 17, 2015; and International Registration Reg. No. 1269174, designating Australia, New Zealand and the United States of America, for classes 9, 16, 35, 41, registered on April 22, 2015.

The Complainant also operates under the domain name <theknowledgeacademy.com>, registered on March 9, 2009, which serves as its primary online platform for promoting and offering its educational goods and services.

Finally, the disputed domain name was registered on October 16, 2024, and it resolves to a webpage containing pay-per-click links ("PPC") to pages related to the Complainant's competitors.

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 claims that the disputed domain name is confusingly similar to its trademark THE KNOWLEDGE ACADEMY on which the Complainant has prior rights.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

More specifically, the Complainant alleged that the Respondent has not used the disputed domain name for a bona fide offering of goods and/or services, rather to create a likelihood of confusion with the Complainant's trademark. In fact, the Complainant claims that the Respondent has selected the disputed domain name only to redirect users to links related to the Complainant's potential competitors.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was 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.

The entirety of THE KNOWLEDGE ACADEMY 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.

The Panel finds the addition of the hyphen 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.

Moreover, the ".com" generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and is generally disregarded under the first element of the confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

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.

There is no evidence in the available case file suggesting that the Respondent has or could have rights or legitimate interests in the disputed domain name.

Even more, it does not seem that the Respondent made nor is making legitimate noncommercial or fair use of the disputed domain name. In this regard, the Complainant demonstrated that the disputed domain name is parked with PPC links that redirect users to websites related to the Complainant's competitors. It is clear that the Respondent's sole intention is to generate confusion among consumers as to the origin of the website only for the purpose of gaining commercial profit.

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.

Based on the available record, 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 such connection, the Complainant has submitted evidence to support that the trademark THE KNOWLEDGE ACADEMY was registered and used many years before the Respondent registered the disputed domain name. When registering the disputed domain name, the Respondent has targeted the Complainant's trademark THE KNOWLEDGE ACADEMY to generate confusion among Internet users and benefit from the Complainant's reputation under paragraph 4(b)(iv) of the Policy.

Therefore, the Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant's trademark THE KNOWLEDGE ACADEMY when it registered the disputed domain name. Consequently, and in accordance with Section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's THE KNOWLEDGE ACADEMY trademark in the disputed domain name creates a presumption that the disputed domain name was registered on a bad faith basis.

The disputed domain name resolves to a PPC parking page with various links to Complainant's competitors. The Panel finds therefore that the Respondent's use of the disputed domain name incorporating the Complainant's mark THE KNOWLEDGE ACADEMY is intended to attract and mislead Internet users when searching for the Complainant's website and to redirect them to the links related to the Complainant's competitors from which the Respondent most probably derives commercial revenue.

Based on the available record, 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 <theknowledge-academy.com> be transferred to the Complainant.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: January 20, 2025