

ADMINISTRATIVE PANEL DECISION

QlikTech International AB v. Liana Stoica, SFAIRE SDR GLOBAL SRL
Case No. DCO2024-0033

1. The Parties

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

Respondent is Liana Stoica, SFAIRE SDR GLOBAL SRL, Romania.

2. The Domain Name and Registrar

The disputed domain name <qlik-services.co> 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 April 30, 2024. On April 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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, REDACTED FOR PRIVACY, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on May 1, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 2, 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 Respondent of the Complaint, and the proceedings commenced on May 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2024. The Response was filed with the Center on June 6, 2024. The Center notified the Parties of the commencement of panel appointment process on June 19, 2024.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on June 25, 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

Complainant is a company organized under the laws of Sweden that is active in the data analytics and business intelligence solutions industry.

Complainant has provided evidence that it is the registered owner of numerous trademarks relating to its company name and brand QLIK, including, but not limited to, the following:

- word trademark QLIK, European Union Intellectual Property Office (EUIPO), registration number: 001115948, registration date: May 16, 2000, status: active;
- word/design trademark QLIK, EUIPO, registration number: 012215141, registration date: February 6, 2014, status: active.

Moreover, Complainant has demonstrated to own the domain name <qlik.com>, which resolves to Complainant's main website at "www.qlik.com", used to promote Complainant's services in the data analytics and business intelligence solutions industry.

Respondent, according to the disclosed Whois information for the disputed domain name, is located in Romania. The disputed domain name was registered on April 17, 2024. By the time of rendering this decision, the disputed domain name does not resolve to any active content on the Internet. Complainant, however, has demonstrated that, at some point before the filing of the Complaint, the disputed domain name resolved to a website which copied substantial parts of Complainant's official website including Complainant's official QLIK logo, with no authorization to do so.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably, Complainant contends to be a leading technology company having a global presence with offices, inter alia, in Europe.

Complainant submits that the disputed domain name is confusingly similar to Complainant's QLIK trademark, as the only difference between the two is the addition of the hyphen and the word "services". Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) the disputed domain name was registered well after the registration of Complainant's QLIK trademark, (2) Complainant has not licensed or authorized Respondent to use its QLIK trademark and Respondent is not affiliated with Complainant in any way, and (3) the website under the disputed domain name is a copycat version of Complainant's official website, with numerous reports indicating that goods purchased from it failed to arrive, indicating fraudulent activity. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith because (1) the registration of Complainant's QLIK trademark predates the registration of the disputed domain name, (2) the latter includes the entirety of Complainant's QLIK trademark, and (3) the website under the disputed domain name is a copycat version of Complainant's official website.

B. Respondent

Respondent did not formally contest Complainant's contentions, but rather consented to transfer the disputed domain name to Complainant.

6. Discussion and Findings

A. Identical or Confusingly Similar

First, 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 Complainant's QLIK 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.

Complainant has shown rights in respect of its QLIK trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Moreover, the entirety of this trademark is reproduced within the disputed domain name, merely added by the term "services" and a hyphen. Accordingly, the disputed domain name is confusingly similar to Complainant's QLIK trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here, the term "services") 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 Complainant's QLIK trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel, therefore, finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

In particular, Respondent has neither been granted a license nor has it been otherwise authorized by Complainant to use its QLIK trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name, and Respondent does not appear to have any trademark rights associated with e.g., the term "qlik" on its own. Finally, the disputed domain name resolved at some point in the past to a website which copied substantial parts of Complainant's official website including Complainant's official QLIK logo, with no authorization to do so. Such use of the disputed domain name, therefore, neither qualifies as bona fide nor as legitimate noncommercial or fair within the meaning of paragraph 4(c) of the Policy. In this context, panels have also

long held that the use of a domain name for illegal activity (here: the unauthorized copying of substantial parts of Complainant's website in order to induce confused Internet users into some apparently illegal online business) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, the Panel, therefore, finds the second element of the Policy has been established, too.

C. Registered and Used in Bad Faith

Finally, 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 circumstances to this case leave no doubt that Respondent was fully aware of Complainant's QLIK trademark and business in the data analytics and business intelligence solutions industry when registering the disputed domain name and that the latter clearly is directed thereto. Moreover, using the disputed domain name to run a website which copied substantial parts of Complainant's official website including Complainant's official QLIK logo, with no authorization to do and, thereby, inducing Internet users into some apparently illegal online business, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's QLIK trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. In this context, panels have also long held that the use of a domain name for illegal activity (here: the unauthorized copying of substantial parts of Complainant's website in order to induce confused Internet users into some illegal online business) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Last, it also carries weight in the eyes of the Panel that Respondent obviously provided incomplete contact information in the Whois register for the disputed domain name, so that the Written Notice on the Notification of Complaint dated May 23, 2024, could not be sent to Respondent by postal courier. This fact at least throws a light on Respondent's behavior which supports the Panel's bad faith finding. Also, the fact that the disputed domain name currently resolves to an inactive website, does not under the circumstances of this case prevent a finding of bad faith.

Having reviewed the record, the Panel, therefore, holds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy, so that Complainant has established the third element of the Policy, too.

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-services.co>, be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: July 9, 2024