

Decision for dispute CAC-UDRP-105515

Case number	CAC-UDRP-105515
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Time of filing	2023-06-07 17:35:24
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Domain names	klarna-finance.com
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Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Klarna Bank AB
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Complainant representative

Organization	SILKA AB
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Respondent

Name	Justus Smith
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

EU trademark registration number 009199803 KLARNA registered on 6 December 2010 for various services in classes 35 and 36, including "financial affairs".

FACTUAL BACKGROUND

The Complainant is a Swedish based e-commerce company that provides various online financial payment services. It trades under the trade mark KLARNA.

The Complainant has more than 5,000 employees, most of them working at the headquarters in Stockholm. As of 2011, about 40% of all e-commerce sales in Sweden went through KLARNA. It is currently one of Europe's largest banks and is providing payment solutions for over 150 million consumers across 500,000 merchants in 45 countries. In 2021, the company generated \$80 billion in gross merchandise volume. It currently facilitates over 2 million online transactions per day.

The Complainant owns various trademarks consisting of the word KLARNA, including the above mentioned EU trademark. It also is the registrant for many domain names containing the word KLARNA.

The disputed domain name was registered recently on 14 March 2023. It resolves to a webpage that contains content which triggers a

security warning when using a Chrome browser. The security warning issued by a Chrome browser contained the following words:

"Deceptive site ahead".

Attackers on klarna-finance.com may trick you into doing something dangerous like installing software or revealing your personal information (for example, passwords, phone numbers, of credit cards). Learn more

Google Safe Browsing recently detected phishing on klarna-finance.com. Phishing sites pretend to be other websites to trick you."

In the registration details for the disputed domain name the Respondent provided its name as "Justus Smith" and an address in Seychelles. The Complainant sent two cease and desist demands to the Respondent and received no responses.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Paragraph (4)(a) of the Policy lists three elements that the Complainant must prove to merit a finding that the disputed domain name registered by the Respondent be transferred to the Complainant:

- 1) the disputed domain name is identical or confusingly similar to a trademark or service mark ("mark") in which the Complainant has rights; and
- 2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- 3) the disputed domain name has been registered and is being used in bad faith.

The Panel is satisfied that the Complainant has satisfied all three elements for the principal reasons set out below.

RIGHTS IN AN IDENTICAL OR CONFUSINGLY SIMILAR TRADEMARK

As mentioned above the Complainant asserts it has an EU trademark registration consisting of the word KLARNA registered for, inter alia, "financial affairs". This registration predates the registration date of the disputed domain names by over a decade.

To satisfy paragraph 4(a)(i) of the Policy it is enough that the Panel is satisfied that the Complainant has registered rights in a trademark that predates the registration of the disputed domain name in a single jurisdiction (even if that single jurisdiction is not one in which the Respondent resides or operates) (Koninklijke KPN N.V. v. Telepathy, Inc D2001-0217 (WIPO 7 May 2001); see also WIPO Case Nos.

D2012-0141 and D2011-1436). The Complainant has clearly satisfied such in relation to the trademark KLARNA.

The next question is whether the disputed domain name is confusingly similar to the KLARNA trademark.

The Panel disregards the gTLD suffix ".com" for the purpose of this comparison. It is of no brand significance and likely to be totally ignored by web users. Such web users are likely to focus entirely on the only distinctive element in the disputed domain name, being the KLARNA-FINANCE element.

In observing this element, the suffix "-FINANCE" will also be likely ignored by web-users. It is a description term for services. Hence the similarities between the KLARNA trademark and the disputed domain name are striking.

The disputed domain name is therefore confusingly similar to the KLARNA trademark.

NO RIGHTS OR LEGITIMATE INTERESTS

The Respondent's name bears no resemblance to "KLARNA-FINANCE". Further, the websites to which the disputed domain name resolve do not indicate any right or legitimate interest in the disputed domain name.

The Respondent has no rights or interests in the disputed domain name.

BAD FAITH

The KLARNA trademark is very well-known internationally. Further, it is well-known in relation to online financial payment services.

It is therefore entirely unforeseeable that a reasonable person resideing in Seychelles could register the strikingly similar disputed domain name that incorporates the KLARNA trademark together with a description of the services associated with that trademark without knowledge of the Complainant's rights.

The Panel finds that the Respondent had such prior knowledge at the time of registering the disputed domain names and therefore its only purpose in registering the disputed domain name was to opportunistically profit from confusing similarity. The Respondent clearly targeted the Complainant's well-known trademark for this purpose.

Further, the indications from the above mentioned Chrome browser warning indicate the disputed domain name has been used for phishing, which is clearly use in bad faith. In absence of any response from the Respondent the panel infers that such phishing has occurred and is the responsibility of the Respondent.

Therefore, in consideration of all the circumstances the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

- 1. **klarna-finance.com**: Transferred

PANELLISTS

Name	Andrew Sykes
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DATE OF PANEL DECISION 2023-07-18

Publish the Decision