

Decision for dispute CAC-UDRP-105587

Case number CAC-UDRP-105587

Time of filing 2023-06-30 08:53:10

Domain names klar-na.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization Klarna Bank AB

Complainant representative

Organization SILKA AB

Respondent

Organization 1337 Services LLC

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

The Complainant has an extensive international portfolio of trade marks in classes 9, 35, 36, 39, 42, 45 in multiple jurisdictions including but not limited to the United States of America, European Union, WIPO (International Registrations), Australia, Singapore, New Zealand, Chile, Canada, India and China. It relies on the following word marks for the word KLARNA in this matter:

1. International Reg. No. 1066079, registered 22, December 2010, designating Switzerland, Russia, China, Turkey and Norway (WIPO) and

2. International Reg. no 1182130 registered 02, August 2013, designating the United States (WIPO)

3. EUTM no. 009199803, registered on 07, December 2010.

4. EUTM no. 010844462 registered on 25, September 2012

It has many more. It also has an extensive portfolio of domain names. Since 2016, it has been successful in over 50 UDRP matters including <klarna.tel>, <klarna.name> (D2016-2182), <payklarna.com> (D2017-0220), <klarna.co> (DCO2017-0006), <klarna.group> (D2018-1189), <klarna.site> (D2019-1325), <klarnarewards.com> (D2020-2514), <klarnaclicks.se> (D2021-0002), <klarna-gateway.com> (D2021-0756) and many more. The Complainant has been in existence since 2005 and the only one in the world to have conceived and adopted the mark KLARNA.

FACTUAL BACKGROUND

The Complainant is a Swedish e-commerce company that provides payment services for online storefronts. It was founded in 2005 in Stockholm. Since that start, 18 years on, the Complainant has more than 5,000 employees, and of 2011, it processed about 40% of all e-commerce sales in Sweden. 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 and processed over 2million transactions every day. In 2021, the company generated \$80 billion in gross merchandise volume.

The Disputed Domain Name was registered on 19 June 2023 and incorporates Complainant's registered mark KLARNA separated by hyphen '-' : <klar-na.com>. It appears from the Registrar verification that the Respondent is in Kitts and Nevis. His name is given as Host Master. The Disputed Domain Name <klar-na.com> was created on June 19, 2023 and lastly updated on June 23, 2023. The webpage at the Disputed Domain Name was suspended on or about 22 June 2023.

PARTIES CONTENTIONS

The Complainant says the Disputed Domain Name is identical or confusingly similar to its name and mark. The Complainant's registered trademark KLARNA is clearly recognizable within the Disputed Domain Name <klar-na.com>. The registration and the use of the confusingly similar disputed domain(s) is a direct infringement of the legitimate rights held by the Complainant in the mark KLARNA. In Klarna Bank AB v. Super Privacy Service LTD c/o Dynadot / lin yanxiao [WIPO Case No. D2021-1384], it was held "Where the trade mark is recognisable in the domain name, the addition of other terms does not prevent a finding of confusing similarity (WIPO Overview 3.0" at section 1.8)".

The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name for the Policy, at Paragraph 4(a)(ii) and the Rules, at Paragraph 3(b)(ix)(2)).

The Disputed Domain Name incorporates a trademark which is neither owned by the Respondent, nor is the Respondent commonly known by the name KLARNA either as an individual, business or any other organization. See Tercent Inc. v. Lee Yi, The Forum, 139720.

The webpage at the Disputed Domain Name (till its suspension) included Complainant's logo (the stylised word mark with a full stop), the name and address of the Complainant with a copyright notice and other images from the Complainant's official website, followed by a form that asks a visitor to enter order number for processing payment.

The Respondent's registration of the Disputed Domain Name <klar-na.com> is a clear case of cyber or typo squatting. The Respondent planned to use the disputed domain name for phishing and to harvest customers sensitive payment information. This situation can never confer rights or legitimate interests on the Respondent, see Domain Manager (Klarna Bank AB) v. Transure Enterprise Ltd, CAC-UDRP-105268. See also American Machinery Works Inc. v. Registration Private, Domains by Proxy LLC / Name Redacted, WIPO-D2021-3006: "UDRP panels have categorically held that use of a domain name for illegal activity, including the impersonation of the complainant, phishing, and other types of fraud, can never confer rights or legitimate interests on a respondent. Circumstantial evidence can support a credible claim made by a complainant asserting the respondent is engaged in such illegal activity, including that the respondent has improperly masked its identity to avoid being contactable [see WIPO Overview 3.0, section 2.13]."

The above facts establish a prima facie case that the Respondent has no right or legitimate interest in the Disputed Domain Name and that pursuant to the Policy, the burden shifts to the Respondent to show it does have a right or legitimate interests. Please refer to Klarna Bank AB v. Super Privacy Service LTD c/o Dynadot / lin yanxiao, WIPO Case No. D2021-1384 and Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455.

The Complainant has been using the brand KLARNA for over fifteen years its registered mark is a distinctive term, exclusively associated with the Complainant only that one would not legitimately choose as a domain name without having specific rights to such combination. See: Klarna Bank AB v. 1&1 Internet Limited / Slawomir Markow, WIPO Case No. D2022-1193: (Considering the worldwide reputation of the KLARNA marks in the financial industry, one finds it hard to conceive that the Respondent would have chosen and registered the Disputed Domain Name without having been aware of the Complainant's trademarks"). Similarly, it is extremely difficult to foresee any legitimate use that the Respondent may have with the Disputed Domain Name <klar-na.com>, which attempts to impersonate the Complainant. The Respondent cannot be said to have legitimately chosen the Disputed Domain Name, unless it was seeking to create an impression of an association with the Complainant, see: Telstra Corporation Limited v. Nuclear Marshmallows WIPO D2000-0003. It should be noted, Bad Faith is not confined to the specific circumstances of bad faith and use set out at paragraph 4(b) of the Policy, hence the above submissions. See Telstra Corporation Limited v. Nuclear Marshmallows [WIPO Case No. D2000-0003]: "Furthermore, it must be recalled that the circumstances identified in paragraph 4(b) are 'without limitation' - that is, paragraph 4(b) expressly recognizes that other circumstances can be evidence that a Domain Name was registered and is being used in bad faith". Given the foregoing, the use and registration of the Disputed Domain Name <klar-na.com> is clearly intended to capitalize on consumer confusion for Respondent's profit, a bad faith registration and use under the Policy.

RESPONDENT:

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

There is no question that the Complainant has rights in the name and mark and the Panel finds it is a well-known mark, or a mark with a reputation. This appears to be a paradigm case of typo-squatting and impersonation.

The Complainant's name and registered trade mark is used with the .com and with the addition of only one element, a hyphen.

The word Klarna in Swedish means "clear." But there is no fair or legitimate use on the face of the matter. The site to which the Disputed Domain Name resolves, uses the Complainant's name and logo and a copyright notice with these elements --the antithesis of a disclaimer. So it is the Complainant that is referenced and not the dictionary word.

Further, it appears clear from the use made that the purpose is phishing and fraud --and that can never be bona fide under the Policy.

The Complainant has discharged its burden on this limb of the Policy and the Respondent has not come forward to explain why its

use is fair or legitimate.

Just as there is no fair or legitimate use, it is evident for the same reasons that there is bad faith.

The Complainant has made out its case and the Panel orders transfer.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **klar-na.com**: Transferred

PANELLISTS

Name	Victoria McEvedy
------	-------------------------

DATE OF PANEL DECISION **2023-07-25**

Publish the Decision
