

## Decision for dispute CAC-UDRP-105594

Case number CAC-UDRP-105594

Time of filing 2023-07-11 09:50:44

Domain names klarnapay.biz

### Case administrator

Name Olga Dvořáková (Case admin)

### Complainant

Organization Klarna Bank AB

### Complainant representative

Organization SILKA AB

### Respondent

Name Bobbi Kontozoglou

#### 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 evidenced to be the owner of numerous trademark registrations worldwide relating to its company name and brand KLARNA, including, but not limited, to the following:

- word mark KLARNA, European Union Intellectual Property Office (EUIPO), registration No.: 009199803, registration date: December 6, 2010, status: active;
- word mark KLARNA, EUIPO, registration No.: 010844462, registration date: September 24, 2012, status: active.

Also, the Complainant has substantiated to own, inter alia, the domain name <klarna.com > which resolves to the Complainant's official website at "www.klarna.com", used to promote the Complainant's various payment and other online services worldwide.

#### PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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#### 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).

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#### 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).

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#### 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).

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

First, the Panel finds that the disputed domain name <klarnapay.biz> is confusingly similar to the Complainant's KLARNA trademark, as it incorporates the latter in its entirety. Numerous UDRP panels have recognized that incorporating a trademark in its entirety can be sufficient to establish that the disputed domain name is at least confusingly similar to a registered trademark. Moreover, it has also been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that the mere addition of descriptive or other terms, such as e.g. the term "pay", is not capable to dispel the confusing similarity arising from such entire incorporation of the Complainant's KLARNA trademark in the disputed domain name.

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Second, the Complainant contends, and the Respondent has not objected to these contentions, that the Respondent has neither made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent commonly known under the disputed domain name, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain. On the contrary, the Complainant has provided evidence that, at some point before the filing of the Complaint, the disputed domain name resolved to a website including Complainant's official KLARNA logo and a color scheme (pink) similar to the Complainant's official website, asking users to enter order numbers for processing payment, with MX records having been activated under the disputed domain name. Such making use of the disputed domain name, obviously in a fraudulent manner, neither qualifies as a bona fide nor as a legitimate noncommercial or fair use under the UDRP and may not of itself confer rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Third, the Panel holds that the disputed domain name was registered and is being used by the Respondent in bad faith. It is obvious from the circumstances to this case that the Respondent was well aware of the Complainant's rights in the KLARNA trademark when registering the disputed domain name, and that the latter is directly targeting such trademark. Moreover, carrying out unlawful (or at least unauthorized) activities under the disputed domain name, which is confusingly similar to the Complainant's KLARNA trademark, by asking users to enter order numbers for processing payment, with MX records having been activated under the disputed domain name, on a website including Complainant's official KLARNA logo and a color scheme (pink) similar to the Complainant's official website without authorization to do so, leaves no doubts that the Respondent, by registering and making use of the disputed domain name, had the intention to somehow unjustifiably profit from the undisputed reputation attached to the Complainant's KLARNA trademark, and, thus, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's KLARNA trademark as to the source, sponsorship, affiliation or endorsement of the 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.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **klarnapay.biz**: Transferred

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## **PANELLISTS**

Name	<b>Stephanie Hartung</b>
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DATE OF PANEL DECISION **2023-08-03**

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**Publish the Decision**

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