# Decision for dispute CAC-UDRP-106026

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| Case number | CAC-UDRP-106026 |
| Time of filing | 2023-11-30 09:49:17 |
| Domain names | klarna.ink, klarna.today , klarna.top , klarna.rest |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | Klarna Bank AB |

## Complainant representative

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| Organization | SILKA AB |

## Respondent

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| Organization | lido inc |

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the registered proprietor of trademarks for the KLARNA name and mark and these cover numerous jurisdictions including but not limited to the following marks:

1. The word mark, KLARNA, registered in Sweden, No.405801 on 11 September 2009 in classes 35 and 36.

2.The word mark, KLARNA, registered as an EUTM No. 009199803 on 6 December 2010 in classes 35 and 36.

3. The word mark, KLARNA, an International mark No. 1066079 applied for on 21 December 2010 in classes 35 & 36.

4. The word mark, KLARNA, a US mark, registered as No. 4582346 on 12 August 2014 in classes 35, 36, 42 & 45.

The Complainant has also been a successful complainant in numerous domain name dispute proceedings involving the KLARNA brand. These decisions include, among others: Klarna Bank AB v. Bobbi Kontozoglou, CAC-UDRP-105594 (2023), Klarna Bank AB v. Host Master (1337 Services LLC), CAC-UDRP-105587 (2023), Klarna Bank AB v. Susanne Eiberle, CAC-UDRP-105513 (2023), Klarna Bank AB v. Justus Smith, CAC-UDRP-105515 (2023) and Klarna Bank AB v. Arlyne Beard, CAC-UDRP-105514 (2023).

FACTUAL BACKGROUND

The Complainant was founded in 2005 in Stockholm, Sweden, and is a leading global payments and shopping service, providing solutions to 150 million active customers across more than 500,000 merchants in 45 countries. The Complainant has more than 5,000 employees and facilitates more than 2 million transactions per day. The Complainant's main international website is klarna.com, received an average of more than 45 million monthly visits between July and September 2023. Almost 60% of traffic to www.klarna.com is direct traffic, where an internet user types 'klarna.com' into their browser search bar.

The Complainant holds numerous domain names incorporating the KLARNA mark which it uses in connection with different regional sites. For example, in addition to <klarna.com>, the Complainant uses <klarna.us>, <klarna.se>, <klarna.co.uk>, <klarna.es> and <klarna.de>. The Complainant also has a substantial social media presence with, for example, almost 600,000 followers on Instagram (https://www.instagram.com/klarna/) and 60,000 followers on X (formerly known as Twitter) (https://twitter.com/klarna/). The Complainant also has a mobile application for the Android and Appstore platforms. The Complainant's Android app has been downloaded more than 10 million times. The Complainant is frequently featured in third-party articles as being among the top payment providers/gateways in its field.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

As to the first limb, the Complainant says the disputed domain names are identical to the KLARNA mark for the purposes of satisfying paragraph 4(a)(i) of the Policy. It says it satisfies the identity/confusing similarity requirement of the first Policy element. The disputed domain names consist of the KLARNA mark in full, without alteration or addition, and are therefore identical to the KLARNA mark for the purposes of the first element comparison test (see, for example, RatioPharm GmbH v. Park HyungJin, WIPO Case No. D2021-1324: 'The Panel finds that the Disputed Domain Name <ratiopharm.net> is identical to Complainant's RATIOPHARM trademark.'). The Complainant requests that the Panel disregards the four suffix: '.ink', '.today', '.top' and '.rest.' It is established that these are to be disregarded under the first element confusing similarity test (see WIPO Overview 3.0, section 1.11.1, and, for example, Meta Platforms, Inc., Meta Platforms Technologies, LLC v. (Wenjinchuan), Jin Chuan Wen, WIPO Case No. D2023-2597).

In relation to the second limb of the Policy, the Complainant says it has a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names for the purposes of paragraph 4(a)(ii) of the Policy. The Complainant submits that the Respondent is not known, nor has ever been known, by the KLARNA mark, nor anything similar based on the WHOIS data. The Respondent is not connected to nor affiliated with the Complainant and has not received license or consent to use the KLARNA mark in any way. At the time of the complaint, the disputed domain names all currently resolve to similar inactive parked pages which read 'Sorry [/] If you are the owner of this website, please contact your hosting provider.' klarna.rest> previously resolved to a site which impersonated the Complainant by incorporating the KLARNA mark, logo, and other indicia from its official site <klarna.ink> previously resolved to a site which featured the logo of and impersonated DHL, the well-known logistics brand (see dhl.com). The Respondent's prior use of <klarna.ink> to display the logo of a well-known third-party logistics company and encourage internet users to input personal data (such as an email address and password) is also clearly not conduct which confers the Respondent with rights or legitimate interests in respect of paragraphs 4(c)(i) and (iii) of the Policy. DHL is one of the Complainant's official carrier partners and the Respondent's conduct, by linking a KLARNA-contained domain name to such content (which incorporates the DHL logo and a login page) is clearly calculated to give users the misleading and false impression that the DHL page is controlled/authorised by the Complainant. Indeed, the Complainant submits that the Respondent's display of a login page under the DHL logo functions as a front for soliciting unsuspecting internet users' personal data, which the Respondent may potentially then use in the furtherance of other fraudulent conduct. Also see, for example, Comerica Bank v. WhoisGuard Protected, WhoisGuard, Inc. / Aostria Aostria, WIPO Case No. D2020-1053.

As to the third limb, the Complainant says there is Bad Faith under the Policy, paragraphs 4(a)(iii) and the Respondent has both registered and is using the disputed domain names in bad faith, in accordance with paragraph 4(a)(iii). The Complainant says it has been operating for 18 years and its earliest trademark rights in KLARNA precede the registration of the disputed domain names by more than 10 years. The Complainant's trademarks cover numerous jurisdictions and its services are used by more than 150 million active customers through some 2 million daily transactions. The Complainant's KLARNA mark is distinctive and its trademarks are readily identifiable on publicly accessible trademark databases (e.g., WIPO's Global Brand Database. In addition, the top Google search results for 'klarna' all clearly pertain to the Complainant's offerings. It is therefore evident that, notwithstanding any other considerations, the simplest degree of due diligence would have otherwise made the Respondent aware of the Complainant's rights in the KLARNA mark. The Complainant further emphasises that the Respondent's decision to register the four disputed domain names at the same time which each exactly encompass the KLARNA mark under different gTLDs, illustrates the Respondent's prior knowledge of the Complainant and intention to capitalise and free-ride on its reputation. The Complainant further notes that all of the disputed domain names currently resolve to, inactive/suspended sites and are passively held but that that is fact sensitive and will not prevent a finding of bad faith under the doctrine of passive holding. The Complainant submits that its KLARNA mark is distinctive and widely-known, its services reaching millions of active users across more than 500,000 merchants in 45 countries. There is no evidence of the Respondent having made any good faith, legitimate non-commercial or fair use of the disputed domain names, nor of being commonly known by such. It is also clear, given the renown of the KLARNA mark that no good faith use could

be made of them by the Respondent.

RESPONDENT: NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

## RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

Under paragraph 4(a) of the UDRP, the Policy, a complainant can only succeed in administrative proceedings if the panel finds:

(i) the disputed domain name is identical or confusingly similar to 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 domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

A complainant must prove that each of these three elements are present.

There is no question that the Complainant has rights in the name and word mark, Klarna, and the Panel finds it is a well- known mark, or a mark with a reputation. It is also well -established that the suffix is to be disregarded for the first limb so that the disputed domain names are all identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

As to the second limb, a complainant is only required to make out a prima facie case that a respondent lacks rights or legitimate interests and then the burden shifts to the respondent to show it has rights or legitimate interests in the domain name. If it fails to do so, the complainant is deemed to have satisfied the limb in paragraph 4(a) (ii). See WIPO Case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd. The Complainant has discharged its burden on this limb. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. See the Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>. The Respondent is not known by the names in the WHOIS. The word Klarna in Swedish means "clear." But there is no descriptive or fair or legitimate use on the face of the matter. Here, there is no current use at all. While passive holding is fact sensitive, the factors in the other limbs are highly relevant. Here, it is highly likely that the MX records are configured and that the purpose was likely at least in part email use. This carries a risk of impersonation and possibly phishing.

As to bad faith, the WIPO Case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows is apposite. This is sometimes known as the passive Bad Faith test. Where a famous mark is incorporated into a domain name without any legitimate reason or explanation, Bad Faith can often be inferred. The Respondent did not come forward to explain the reasons for the selection of the disputed domain names and why there is no Bad Faith. The Panel finds that the disputed domain names were registered and are used in 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. **klarna.ink**: Transferred
2. **klarna.today** : Transferred
3. **klarna.top** : Transferred
4. **klarna.rest**: Transferred

## PANELLISTS

| Name | **Victoria McEvedy** |
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DATE OF PANEL DECISION 2024-01-08

Publish the Decision