Decision for dispute CAC-UDRP-106066

Case number	CAC-UDRP-106066
Time of filing	2023-12-12 08:23:39
Domain names	klarnacustomerservice.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Klarna Bank AB

Complainant representative

Organization	SILKA AB

Respondent

Name	Shi Lei

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 owns several trademark registrations for the word mark KLARNA in several countries around the world including in China where the Respondent resides. Some of the earliest registered trademarks are:

- The international word trademark KLARNA registered on 22 December 2010 under No. 1066079 for goods and services of the classes 35 and 36, designating Switzerland, Russia, China, Turkey and Norway;
- The EU word trademark KLARNA registered on 7 December 2010 under No. 009199803 for goods and services of the classes 35 and 36;
- The USA word trademark registered on 13 Augustus 2014 under No. 4582346 for goods and services of the classes 35, 36, 42 and 45.

Moreover, the Complainant is also the owner of the domain name <Klarna.com>.

FACTUAL BACKGROUND

According to the Complainant, Klarna Bank AB is a Swedish e-commerce company that was established in Stockholm, Sweden in

2005. It focuses on providing payment services for online stores, offering various options including direct payments, pay-after-delivery, and instalment plans. The company's main goal is to simplify online shopping and make it more accessible to people. The Complainant asserts to have workforce of over 5,000 employees, with the majority based at the Stockholm headquarters. 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.

The disputed domain name <klarnacustomerservice.com> was registered by the Respondent on 10 October 2023.

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.

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

1. The disputed domain name is confusingly similar to the Complainant's trademarks

The Complainant holds registrations for the trademark KLARNA for goods and services of the classes 9, 35, 36, 39, 42 and 45, in multiple jurisdictions around the world since 2010, including but not limited to the United States of America, European Union, WIPO (International Registrations), Australia, Singapore, New Zealand, Chile, Canada, India and China.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's word and complex trademarks KLARNA. The disputed domain name fully incorporates the Complainant's word mark KLARNA, albeit with the addition of the terms "customerservice", which obviously refers to the support services offered by the Complainant to its customers. The Complainant rightfully contends that the addition of these terms is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks.

This finding is not being disputed by the Respondent and the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademarks.

2. 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.

The Complainant states that the Respondent is not affiliated with, or authorized or licensed by the Complainant to make any use of the Complainant's trademark KLARNA, or apply for registration of the disputed domain name.

Bearing in mind the considerable reputation of the KLARNA trademarks in the financial industry, where the marks have been used for over fifteen years, and given the fact the Complainant has exclusive rights to the trademark KLARNA, which is evident from a trademark database or internet search, the Complainant alleges that there is no valid reason for registration or use of the disputed domain name other than to take advantage of the Complainant's reputation. The disputed domain name was registered as recently as 10 October 2023, by which time the Complainant already had extensive rights in the KLARNA trademarks.

The Complainant submits that it is extremely difficult to foresee any legitimate use that the Respondent may have with the disputed domain name, which combines the KLARNA trademark with the keywords 'Customer Service'. The said combination is already in use by the Complainant at: https://www.klarna.com/us/customer-service/.

The Complainant submits that the disputed domain name resolves to a webpage displaying information that may be deceptive. This circumstance is sufficient to establish prima facie that the Respondent's use of the disputed domain name is not in connection with a bona fide offering of goods or services.

The Complainant submits that the Respondent is not making any legitimate non-commercial or fair use of the disputed domain name and this is not being disputed by the Respondent.

Consequently, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

3. The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith.

The Complainant contends that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement, within the meaning of Paragraph 4(b)(iv) of the Policy.

The fact that the Respondent has registered a domain name referring to the "customer service" of the Complainant indicates that the Respondent knew of the Complainant's trademarks at the time of registration of the disputed domain name. If the Respondent had carried out even a basic Google search in respect of the word "KLARNA", this would have yielded obvious references to the Complainant.

The Complainant demonstrates that MX servers are configured for the disputed domain name, clearly indicating that the disputed domain name may be actively used for phishing, spamming, or other illegal activities. This circumstance is sufficient to establish prima facie that the disputed domain name was registered and is being used in bad faith (see CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono).

"Phishing" is a form of Internet fraud that aims to steal valuable information such as credit cards, social security numbers, user ID's, passwords, etc. Several WIPO decisions confirm that the "Use of a disputed domain name for the purpose of defrauding Internet users by the operation of a "phishing" website is perhaps the clearest evidence of registration and use of a domain name in bad faith" (Case No. D2012-2093, The Royal Bank of Scotland Group plc v. Secret Registration Customer ID 232883 / Lauren Terrado; Case No. D2006-0614, Grupo Financiero Inbursa, S.A. de C.V. v. Inbuirsa).

In light of the above and given the lack of response by the Respondent, the Panel finds that the disputed domain name was 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. **klarnacustomerservice.com**: Transferred

PANELLISTS

Name	**Tom Heremans**

DATE OF PANEL DECISION 2024-01-10

Publish the Decision