Decision for dispute CAC-UDRP-106255

Case number	CAC-UDRP-106255
Time of filing	2024-02-14 09:37:19
Domain names	appklarna.com

Case administrator

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

Complainant

Organization	Klarna Bank AB

Complainant representative

Organization	SILKA AB

Respondent

Name	xt li

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 Klarna Bank AB is the owner of various trademark registrations such as:

Trademark	Territory	Registration Number	Registration Date	Class(es) Covered
KLARNA	Sweden	405801	11/09/2009	35, 36
KLARNA	European Union	009199803	06/12/2010	35, 36
KLARNA	International	1066079	21/12/2010	35, 36
KLARNA	International	1217315	04/03/2014	35, 36, 39, 42, 45

KLARNA	European Union	012656658	30/07/2014	35, 36, 39, 42, 45
KLARNA	United States	4582346	12/08/2014	35, 36, 42, 45

Since 2016, the Complainant has been successful in over 50 UDRP matters including <klarnapay.biz> (CAC-UDRP-105594), <theklarnagroup.com> (CAC-UDRP-105514), <klarna-apps.net> (CAC-UDRP-105513), <klarna-gateway.com> (D2021-0756), <klarnaclicks.se> (D2021-0002), <klarnarewards.com> (D2020-2514), <klarna.site> (D2019-1325), <klarna.co> (DCO2017-0006), <payklarna.com> (D2017-0220) and so on.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant 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 disputed domain name is confusingly similar with the Complainant's trademarks rights, the addition of the gTLD ".com" or "app" in <appklarna.com> not being able to differentiate the disputed domain name from the trademark according to settled UDRP case-law.

Respondent has no rights or legitimate interests in respect of the disputed domain name, as it is not affiliated with/authorized by the Complainant in any way to make use of the KLARNA mark. It is extremely difficult to foresee any legitimate use that the Respondent may have with the disputed domain name <appklarna.com>, which combines the mark KLARNA with the keyword 'App'. The said combination is already in use by the Complainant in relation to its Mobile Application and also information is made available at its official website where it is provided access for downloading of mobile application "Get The Klarna App"). 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. Since there is no such authorized association, the Respondent's use of the disputed domain name cannot be said to be legitimate. The said usage is certainly not fair or legitimate in terms of clause 4(c)(i) or (iii) as neither the demonstrable preparation to use is a bona fide offering of goods or services nor a legitimate non-commercial or fair use of the domain name is being made.

The disputed domain name was registered and is being used in bad faith, namely on account of several grounds as actual or even constructive knowledge of the mark holder's rights (Policy 4(a)(iii)); possible distribution of Malware; active MX (mail exchange) records; passive holding and "opportunistic bad faith", the latter consisting in the registration of identical or confusingly similar domain name that is patently connected with a particular trademark owned by an entity with no connection with the trademark owner.

PARTIES CONTENTIONS

Complainant´s contentions are summarised above.

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

The Complainant asserted its exclusive rights in the reputed KLARNA trademark in more than 25 domain names disputes within the Czech Arbitration Court, the last being CAC-UDRP-106108 in respect of the <klarna-paysecure.com> disputed domain name. The Panel is completely satisfied with all the arguments and evidence provided by the Complainant, which are able to fulfil the UDRP requirements for a finding against the Respondent. In particular, this Panels is persuaded the addition of the "APP" element shall never offer a ploy for any Respondent to claim any difference in respect of the confusing similarity requirement according to the Policy (Paragraph 4(a)(i)) and the Rules (Paragraphs 3(b)(viii), (b)(ix)(1)), as it has been found in other disputes as in CAC-UDRP-106067 <klarna-apps.net>, where the Panel found that "the addition of the generic term “apps” [is] generally understood to mean “applications”, confirming the bad-faith purpose to allow internet users connecting the domain name with the owner of the KLARNA trademark, a well-established brand in the banking and ecommerce sector”.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **appklarna.com**: Transferred

PANELLISTS

Name	**Roberto Manno**

DATE OF PANEL DECISION 2024-03-22

Publish the Decision