Decision for dispute CAC-UDRP-106412

Case number	CAC-UDRP-106412
Time of filing	2024-04-12 09:43:19
Domain names	klarna.ceo

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Klarna Bank AB

Complainant representative

Organization	SILKA AB

Respondent

Organization	Future Flare Tripple F

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence showing it is the owner of the following trademarks for its company brand name KLARNA:

- Swedish trademark No. 405801 registered on 11 September 2009 in Nice Classification List classes 35 and 36;

- EU trademark No. 009199803 registered on 6 December 2019 in Nice Classification List classes 35 and 36;

- International trademark No. 1066079 registered on 21 December 2010 in Nice Classification List classes 35 and 36;

- International trademark No. 1217315 registered on 4 March 2014, in Nice Classification List classes 35, 36, 39, 42 and 45 (and with a different set of countries designated for its application than in No. 1066079);

- EU trademark No. 012656658 registered on 30 July 2014, in Nice Classification List classes 35, 36, 39, 42 and 45; and

- US trademark No. 4582346 registered on 12 August 2014 in Nice Classification List classes 35, 36, 42 and 45.

The Complainant also adduced evidence to show it is the registrant of the domain names <klarna.com>, <klarna.us>, <klarna.se>, <klarna.co.uk>, <klarna.es>, <klarna.de> and <klarna.cn>, among which the first one, <klarna.se>, was registered on 12 December 2008.

The Respondent registered the disputed domain name <klarna.ceo> on 22 February 2024 according to the Registrar Verification

performed by the CAC Case Administrator.

FACTUAL BACKGROUND

The Complainant has stated that it 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 also states that it has over 5,000 employees and facilitates more than two million transactions a day. The Complainant further recounts that its main international website, klarna.com, received an average of more than 45 million monthly visits between July and September 2023. The Complainant adds that it uses its official websites to advertise its services and a wide range of goods at the stores it works with, ranging from beauty products to items such as electronics. The Complainant has submitted evidence of a substantial social media presence, with many followers along with details of mobile applications for the Google Play and Apple App Store platforms. It states that the former has been downloaded more than 10 million times. The Complainant adduced details showing that is frequently featured in third-party articles as being among the top payment providers/gateways in its field and that it has successfully defended its brand in a number of previous ADR proceedings. As to the Respondent, the Complainant adduced screenshot evidence showing that the disputed domain name resolves to a "parking" webpage hosted by the name's registrar which features links to services including meal preparation that are unrelated to the Complainant's business.

The Panel's scrutiny of the Case File, and particularly the Registrar Verification, revealed discrepancies in the details given by the Respondent upon registration of the disputed domain name. The billing name is given as "Tripple F", a luxury marina in Cyprus is given as the postal address with a misspelling, and, according to a simple online check made under the Panel's general powers, the postal code is incorrect both in length and relative to the area in which the marina in question is situated.

On the CAC's part, the Case Administrator confirmed that written notice of this proceeding could not be sent because the Respondent's address was "insufficient or non-existent", while an e-mail notice elicited no response and no further e-mail address could be found on the web page to which the disputed domain name resolves.

The Panel again used its general powers to inform itself as to the New gTLD employed in the disputed domain name's registration, <.ceo>. It entered the ICANN DNS root zone in 2013, became generally available in 2014, and is, according to ICANN's Wiki, for "individuals within the CEO Community to connect and share information about their professional and personal interests and their achievements".

PARTIES CONTENTIONS

The Complainant:

Apart from its trademarks and domain names incorporating the KLARNA brand, the Complainant refers to the goodwill and recognition that it has attained under its brand, which has become a distinctive identifier of its services. The disputed domain name is identical to that brand. The Complainant requests that the Panel disregards the disputed domain name's other element, the TLD <.ceo> extension in applying the first part of the UDRP three-part test.

As to the second part of the UDRP test, the Complainant submits that the Respondent lacks rights or legitimate interests in the disputed domain name, because, to the best of the Complainant’s knowledge, the Respondent has not registered any trademarks, nor does the Respondent have unregistered trademark rights, for "Klarna" or any similar term. The Complainant further notes that the Respondent has not been authorized by the Complainant to register domain names featuring its KLARNA mark. No circumstances are evident according to which the Respondent might claim some legitimate non-commercial or fair use purpose. Instead, the disputed domain name resolves to a parking page containing pay-per-click ("PPC") links to unrelated sites and services under headings including a "Meal Prep Delivery Service". Thereby, the Respondent is using the Complainant’s distinctive KLARNA mark to attract and then redirect users, capitalizing on the trademark value of the KLARNA term and misleading those internet users. Furthermore, internet users perceiving the KLARNA mark in conjunction with the gTLD <.ceo> (which, as an abbreviation of "Chief Executive Officer", has commercial connotations) may believe the disputed domain name is controlled by or associated with the Complainant in some way. Lastly, the Complainant submits that the Respondent is not known, nor has ever been known, by its distinctive KLARNA mark.

As to the third UDRP test, the disputed domain name was registered and is being used in bad faith by taking "unfair advantage of or otherwise abuse[ing] a complainant’s mark" (see WIPO Overview 3.0, section 3.1). Previous panel decisions have repeatedly noted the distinctiveness of the KLARNA mark and the renown associated with it. The Respondent’s decision to register a domain name juxtaposing the KLARNA mark with the gTLD <.ceo>, given the mark's renown and this addition’s commercial connotations, is further evidence that the Respondent was aware of, and had plans from the outset to capitalize on the KLARNA mark in bad faith by intentionally attempting to attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant’s

KLARNA mark. The Complainant lastly notes that the Respondent has configured the Domain Name with multiple MX (mail exchange) records. This is indicative of the Respondent's likely intention to engage in e-mail phishing or other fraudulent activities by deceiving internet users.

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

The Respondent:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to trademarks 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 that 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.

The Panel notes that its résumé of the Parties' contentions includes for the Complainant only its arguments pertinent to reaching a decision in this proceeding; it omits in particular several references to past ADR Panels' Decisions. The Panel equally finds it unnecessary to consider a contention based on decisions of some previous Panels regarding prima facie proof since this contention does not affect evaluation of the evidence that the Panel has before it in this proceeding.

PRINCIPAL REASONS FOR THE DECISION

This is a clear case of cybersquatting through exploitation of an opportunity afforded after a New generic Top Level Domain (New gTLD), <.ceo>, which was made available for general use in 2014. The proliferation of gTLDs can in effect create a clean slate for cybersquatters targeting, as here, the exact name of a well-known brand.

Necessarily, the targets have generally sought protection against this and other forms of interference with their brands as channels to their customers. And this is the case here: the Complainant has evidenced a range of trademarks satisfactorily, along with proof of its domain names and general web and wider presence. While the stem of the disputed domain name is identical to the Complainant's demonstrated protected brand, the Panel declines, as invited by the Complainant, to disregard addition of the <.ceo> for the simple reason that this extension has a clear associative semantic purpose, as is indicated under the Factual Background. In other words, the addition of <.ceo> actually strengthens the disputed domain name's purported association with the Complainant, i.e. through focusing on the function of its chief executive officer. This factor thus contributes to making a finding that the Complainant has satisfied the first part of the UDRP cumulative test ineluctable.

No circumstance in this proceeding by contrast indicates any plausible right or legitimate interest on the Respondent's behalf in the disputed domain name. But, here too, there are factors that, by contrast, put this finding beyond doubt: namely, the current and potential use to which the Respondent has put the disputed domain name, i.e. by use of a revenue-generating parking page and by preparing mail servers for what one must suppose will be, at best, suspect use and, at worst, use that may harm consumers. Another factor worth mentioning is the Respondent's use of plainly defective contact details at registration which go merely to indicate that the registration was itself irregular. The second part of the UDRP cumulative test is hence fully met.

Against the background that supports both of these findings, it follows too that there is ample ground for finding that the third part of the UDRP cumulative test, that of bad faith registration and use, has also been met. The only conclusion that the facts of this proceeding admit is of opportunistic and abusive exploitation of a semantically apt New gTLD, <.ceo>, at the expense of the Complainant's established rights and of potential internet users.

The Panel therefore has no hesitation to hold for the Complainant and to ORDER transfer of the disputed domain name to it.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **klarna.ceo**: Transferred

PANELLISTS

Name	**Kevin Madders**

DATE OF PANEL DECISION 2024-05-21

Publish the Decision