Decision for dispute CAC-UDRP-106481

Case number	CAC-UDRP-106481
Time of filing	2024-04-26 15:40:00
Domain names	klarna-online.com

Case administrator

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

Complainant

Organization	Klarna Bank AB

Complainant representative

Organization	SILKA AB

Respondent

Organization	COLEGIO EDUCATIVOSINALOA

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 is the registered owner of the following trademarks:

Trademark	Registration Date	Territory	Registration Number
KLARNA	22-12-2010	International Reg. designating Switzerland, Russia, China, Turkey and Norway (WIPO)	1066079
KLARNA	07-12-2010	Europe	009199803
KLARNA	04-03-2014	International Reg. designating the MEXICO (WIPO)	1217315

KLARNA	13-08-2014	USA	4582346
KLARNA	11-01-2020	International Reg. designating the MEXICO (WIPO)	018120004

("**Complainant's Trademarks**")

The disputed domain name <klarna-online.com> was registered on 3 March 2024.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

(a) 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 company's main goal is to simplify online shopping and make it more accessible to people. The Complainant has a workforce of over 5,000 employees, with the majority based at the Stockholm headquarters. 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.

(b) The Complainant is the owner of Complainant's Trademarks; and

(c) The disputed domain name was registered on 3 March 2024 and there is no active website under the disputed domain name.

PARTIES CONTENTIONS

The Parties' contentions are the following:

THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

(i) The disputed domain name is confusingly similar to Complainant's Trademarks as it includes such trademarks in their entirety and the addition of non-distinctive term "online" is not sufficient to escape the finding of confusing similarity;

(ii) The Respondent is not known by the Complainant. The Respondent is not affiliated with the Complainant and is not related in any way to Complainant's business. The Respondent is apparently making neither a bona fide offering of goods or services, nor a legitimate noncommercial or fair use, through the disputed domain name. Therefore, the Respondent has no right or legitimate interest to the disputed domain name; and

(iii) Given the distinctiveness of the Complainant's Trademark and reputation, the Complainant can state that the Respondent has registered the disputed domain name with full knowledge of the Complainant's Trademark and therefore could not ignore the Complainant. Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law. Therefore, the Respondent has registered and is using the disputed domain name in bad faith and this case is a clear example of so-called cyber-squatting.

For these reasons the Complainant believes that it satisfies all requirements under the Uniform Domain Name Dispute Resolution Policy ("**UDRP**" or "**Policy**") for transfer of the disputed domain name to the Complainant.

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(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 disputed domain name; and

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

The Panel will now analyse whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

IDENTITY / CONFUSING SIMILARITY

The disputed domain name is confusingly similar to Complainant’s Trademarks as it contains the element “Klarna” which is identical to Complainant’s Trademarks and the addition of non-distinctive element "online” is not sufficient to distinguish the disputed domain name from Complainant’s Trademarks.

In line with the long-established UDRP practice the Panel also concludes that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (please see, for example, WIPO case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd. <croatiaairlines.com>).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. No website is operated under the disputed domain name. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

Therefore, the Panel concludes that the Respondent did not establish any right or legitimate interest in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Panel noted that the Complainant is a well-known company worldwide and also has registered trademarks also in Mexico where the Respondent allegedly resides. Thus, given the distinctiveness of the Complainant's Trademarks and reputation, the Panel agrees with the Complainant that the Respondent has registered the disputed domain name with full knowledge of the Complainant's Trademarks, and therefore could not ignore the Complainant. In this respect, the Panel also deems appropriate to refer to paragraph 2 of the Policy under which it is the responsibility of the Respondent as the registrant of disputed domain name to determine whether its registration infringes or violates someone else's rights.

In the light of the above circumstances the Panel failed to find any plausible good faith reasons for registration and use of the disputed domain name by the Respondent. The Respondent has not submitted any response to the Complaint and therefore has not presented any facts or arguments that could counter the above conclusions of the Panel. As a result, the Panel agrees with the Complainant that this case is a clear example of "cyber-squatting" and holds that the disputed domain name has been registered and used by the Respondent in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **klarna-online.com**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2024-05-25

Publish the Decision