Decision for dispute CAC-UDRP-106480

Case number	CAC-UDRP-106480
Time of filing	2024-04-25 15:42:19
Domain names	klarnacustomer-support.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Klarna Bank AB

Complainant representative

Organization	SILKA AB

Respondent

Organization	Global Support United

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 has submitted evidence, which the Panel accepts, showing that it is the registered owner of the trademarks bearing “KLARNA”, inter alia, the following:

- International trademark “KLARNA” n° 1066079, registered on December 21, 2010, designating Switzerland, Russia, China, Türkiye and Norway;
- European Union trademark “KLARNA” n° 009199803, registered on December 6, 2010;
- European Union trademark “KLARNA” n° 010844462, registered on September 24, 2012;
- International trademark “KLARNA” n° 1182130, registered on August 1, 2013, designating the United States;
- European Union trademark “KLARNA” n° 012656658, registered on July 30, 2014.

The Complainant also owns several domain names containing “KLARNA”, including the following: <klarna.support> registered on January 13, 2016 and <klarnacustomersupport.com> registered on December 7, 2021.

FACTUAL BACKGROUND

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

The Complainant, Klarna Bank AB, was founded in Stockholm, Sweden in 2005. It provides payment services for online stores, offering various options including direct payments, pay-after-delivery, and instalment plans. As of 2011, about 40% of all e-commerce sales in Sweden went through the Complainant. It currently provides payment solutions for over in 45 countries with more than 5,000 employees, service more than 500.000 merchants with approximately 2 million transactions on a daily basis.

The Complainant holds many registrations for the trademark KLARNA under different classes such as 09, 35, 36, 39, 42, 45 in multiple jurisdictions around the world since 2010, including but not limited to the United States of America, European Union, Australia, Singapore, New Zealand, Chile, Canada, India and China.

The Complainant further owns several domain names such as <klarnasupport.com>, which was registered on January 13, 2016.

The disputed domain name <klarnacustomer-support.com> was registered on March 26, 2024 and currently resolves to a parked page.

PARTIES CONTENTIONS

COMPLAINANT:

THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR

The Complainant states that the disputed domain name is confusingly similar to the Complainant's trademark "KLARNA", as it is clearly recognizable in the disputed domain name and the addition of other terms does not prevent a finding of confusing similarity in such cases.

The Complainant also states that the top level ".com" does not differentiate the disputed domain name from the Complainant's trademark.

Consequently, the Complainant asserts that the disputed domain name is confusingly similar to the Complainant's trademark.

NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name <klarnacustomer-support.com>. The Respondent is not affiliated with or authorized by the Complainant to use its KLARNA trademarks, which is exclusively held by the Complainant and widely recognized globally. The disputed domain name was registered recently, whereas the Complainant has been using its trademark for over 15 years. The disputed domain name combines the Complainant's trademark with related keywords, indicating an intent to mislead and capitalize on the Complainant's reputation, which is not considered a bona fide use, especially as it redirects to unrelated pay-per-click (PPC) links.

The Complainant further claims that the disputed domain name is parked with PPC links and has active MX servers, suggesting potential misuse for phishing or spamming. Such a setup does not qualify as a bona fide offering of goods or services nor a legitimate non-commercial or fair use. The registration and use of the disputed domain name appears to be aimed at confusing consumers and taking advantage of the Complainant's established goodwill and reputation. The Respondent has no legitimate interest in holding the disputed domain name, as it incorporates a trademark they do not own and are not commonly known by.

The Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The evidence presented suggests that the burden of proof now shifts to the Respondent to demonstrate their legitimate interest, which they have failed to do. Consequently, the Complainant claims that due to the Respondent's lack of legitimate rights and interests, the conditions set out in paragraph 4(a)(ii) of the Policy have been met.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS USED IN BAD FAITH

The Complainant, as one of Europe's largest banks, providing payment solutions to approximately 150 million customers in 45 countries over the past decade, argues that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that its popularity is evident through advertisements, promotions, news coverage, active social media presence, and numerous domain names it owns, which showcase its products and services globally. It was claimed that the Complainant's trademark KLARNA has transcended regional boundaries and gained a significant trans-border reputation and a simple Google search reveals the widespread recognition of the Complainant's mark, indicating that the Respondent could have easily been aware of the Complainant's trademark and its prominence.

The Complainant contends that the registration of a confusingly similar domain name with knowledge of the trademark holder's rights constitutes bad faith. It is claimed that the Respondent likely knew of the Complainant's trademark when registering the disputed domain name, especially given the distinctive and well-known nature of the Complainant's KLARNA trademark.

The Complainant states that the disputed domain name currently resolves to a parked page with pay-per-click (PPC) links that mislead visitors and generate revenue for the Respondent, which is considered bad faith use. It was also stated that active MX

records for the disputed domain name indicate the potential for fraudulent email activities, such as phishing, further supporting the claim of bad faith.

Additionally, it was asserted that the use of a privacy or proxy service to obscure the Respondent's identity complicates the Complainant's efforts to address the infringement, also suggesting bad faith. The Complainant argues that the registration of a disputed domain name identical or confusingly similar to a well-known trademark by an entity with no connection to the trademark owner demonstrates opportunistic bad faith.

Consequently, the Complainant asserts that the Respondent registered and used the disputed domain name to capitalize on consumer confusion for profit, thus constituting bad faith registration and use under the UDRP Policy.

RESPONDENT:

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

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In this context, the Panel also notes that the burden of proof is on the Complainant to make out its case and past UDRP panels have consistently said that a Complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

- the disputed domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

1. IDENTICAL OR CONFUSINGLY SIMILAR

The Policy simply requires the Complainant to demonstrate that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Panel is satisfied that the Complainant is the owner of the registered “KLARNA” trademarks.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s “KLARNA” trademarks and the addition of the term “CUSTOMER-SUPPORT” is not sufficient to vanish the similarity, as the trademark is clearly recognizable in the disputed domain name.

Moreover, the addition of the gTLD “.COM” is not enough to abolish the similarity.

The Panel is of the opinion that the Internet users will easily fall into false impression that the disputed domain name is an official domain name of the Complainant. The Panel recognizes the Complainant's rights and concludes that the disputed domain name is confusingly similar with the Complainant's trademark. Therefore, the Panel concludes that the requirements of paragraph 4(a)(i) of the Policy are met.

2. NO RIGHTS OR LEGITIMATE INTERESTS

Under paragraph 4(a)(ii) of the Policy, the complainant has the burden of establishing that the respondent has no rights or legitimate interests in respect of the domain name.

It is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to the respondent of the dispute, the use or making demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent of the dispute (as an individual, business, or other organization) has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent of the dispute is making a legitimate non-commercial or fair use of the domain name, without an intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if the respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the disputed domain name, the complainant will have failed to discharge its burden of proof and the complaint will fail. The burden is on the complainant to demonstrate a prima facie case that the respondent does not have rights or legitimate interests in the disputed domain name. Once the complainant has made out a prima facie case, then the respondent may, inter alia, by showing one of the above circumstances, demonstrate rights or legitimate interests in the disputed domain name.

The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name <klarnacustomer-support.com>. The Panel is satisfied that the Complainant’s KLARNA trademarks are well-known and the Complainant has been using its trademark for over 15 years, while the Respondent registered the disputed domain name recently without authorization. The disputed domain name redirects to unrelated pay-per-click links and has active MX servers, indicating potential misuse for phishing or spamming.

In the absence of a response, the Panel accepts the Complainant’s allegations as true that the Respondent has no authorization to use the Complainant’s trademark in the disputed domain name.

Hence, as the Complainant has made out its prima facie case, and as the Respondent has not demonstrated any rights or legitimate interests as illustrated under paragraph 4(c) of the Policy, nor has the Panel found any other basis for finding any rights or legitimate interests of the Respondent in the disputed domain name, the Panel concludes that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

3. BAD FAITH

The Panel concludes that the Complainant's “KLARNA” trademark is of distinctive character and is well-known. Therefore, the Panel is of the opinion that due to the earlier rights of the Complainant in well-known “KLARNA” trademark, the Respondent, was aware of the Complainant and its trademark at the time of registration of the disputed domain name (see e.g., Ebay Inc. v. Wangming, WIPO Case No. D2006-1107). Referring to Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net, WIPO Case No. D2000-0226, the Panel believes that the awareness of the Complainant’s trademark at the time of the registration of the disputed domain name is to be considered an inference of bad faith registration.

Moreover, the disputed domain name <klarnacustomer-support.com> is currently parked. Besides, although there is no present use of the disputed domain name, the fact that it is parked and there is MX record connected to the disputed domain name suggests that the Respondent will not be able to make any use of the disputed domain name in good faith as part of an e-mail address, since it is neither affiliated to nor authorized by the Complainant.

Therefore, in light of the above-mentioned circumstances in the present case, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the Complainant has established the third element under 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. **klarnacustomer-support.com**: Transferred

PANELLISTS

Name	**Mrs Selma Ünlü**

DATE OF PANEL DECISION 2024-06-05

Publish the Decision