Decision for dispute CAC-UDRP-106935

Case number	CAC-UDRP-106935
Time of filing	2024-10-14 14:11:12
Domain names	klarna.kaufen

Case administrator

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

Complainant

Organization	Klarna Bank AB

Complainant representative

Organization	SILKA AB

Respondent

Name	Issa Remmo

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 a large portfolio of trademarks for KLARNA in several jurisdictions. As such, and by way of example before the European Union Intellectual Office registration number 010844462, registered on September 24, 2012 or registration number 017099896, registered on December 28, 2017.

FACTUAL BACKGROUND

The Complainant is one of Europe's largest banks founded in 2005 in Stockholm (Sweden) that provides payment services for online storefronts. The company has more than 4,000 employees and provides payment solutions for 90 million consumers across 250,000 merchants in 20 countries.
KLARNA trademark is to be considered as well-known for UDRP purposes.
The Complainant owns <Klarna.com> registered on December 12, 2008 and uses it to redirect to its main official site.
The disputed domain name <Klarna.kaufen> was registered on May 31, 2024 and is inactive.

On June 28, 2024 the Complainant sent a cease and desist letter to the email that appeared in theWhois. No answer was received.

PARTIES CONTENTIONS

THE COMPLAINANT

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

In particular, the Complainant alleges that the disputed domain name is composed by the Complainant's trademark KLARNA in its entirety, together with the new generic Top-Level Domain ("gTLD") <.kaufen>.

The Complainant also contends that none of the circumstances depicted in paragraph 4 c of the Policy applies in this case. Indeed, the Complainant alleges that the disputed domain name composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner as it happens in this case.

Furthermore, Complainant´s trademark is well-known and the inactive use support a finding of bad faith use and registration.

THE 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. The Panel issued Procedural Order number 1 to remedy certain deficiencies in the evidence submitted by the Complainant which were remedied in time. The Respondent was served with the Order and was granted the right to file supplemental pleadings. There is no record of any such submission.

PRINCIPAL REASONS FOR THE DECISION

1. Identical or Confusingly Similar
   The Complainant has shown rights in respect of KLARNA trademark for the purposes of the Policy. It is apparent that the mark KLARNA is reproduced in the disputed domain name <Klarna.kaufen>.
   The applicable Top Level Domain ('TLD') in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.
   The Panel finds the first element of the Policy has been established.
2. Rights or Legitimate Interest
   Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lack or rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative". Accordingly, panels have established, since the inception

of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452
The Panel finds that the circumstances referred in paragraph 4(c) do not apply for the Respondent or, even any other legitimate circumstance which may apply in favor to the Respondent. Indeed, the composition of the disputed domain name support a finding of impersonation which cannot grant rights or legitimate interests. Such impersonation is strengthen by using <.kaufen> in the disputed domain name since such TLD is connected to the Complainant´s commercial activities.
Besides, the silence of the Respondent, once received the Complaint, has avoided the Panel to assess if any circumstances may oppose to the Complainant´s prima facie showing.
The Panel finds the second element of the Policy has been established.

3. Register and Used in Bad Faith
Noting that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark, the Panel now looks at the third requirement of the test.
By registering the disputed domain name that reproduces Complainant's well-known trademark, the Respondent targeted the Complainant. Accordingly, the Panel determines that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name.
Furthermore, Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the passive holding doctrine. Having reviewed the available record, the Panel notes the distinctiveness and the reputation of the Complainant's trademark and the composition of the disputed domain name to contend that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.
The Panel finds that the Complainant has established the third element 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.kaufen**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2024-11-18

Publish the Decision