Decision for dispute CAC-UDRP-107530

Case number	**CAC-UDRP-107530**
Time of filing	**2025-04-30 09:43:49**
Domain names	**qlik-data.com**

Case administrator

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

Complainant

Organization	**QlikTech International AB**

Complainant representative

Organization	**Abion AB**

Respondent

Organization	**BILL SERRANO**

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, inter alia, a registered owner of the following trademarks containing the word element "QLIK”:

(i) QLIK (word), International (WIPO) Trademark, registration date 15 May 2004, trademark no. 839118, registered for goods and services in classes 9, 35, and 42;

(ii) QLIK (word), EU Trademark, registration date 16 May 2000, priority (filing) date 23 March 1999, trademark no. 001115948, registered for goods and services in classes 9, 35, and 42;

besides other trademarks consisting of the “QLIK“ denomination.

(collectively referred to as "Complainant's trademarks").

The Complainant has also registered a number of domain names under generic Top-Level Domains ("gTLD") and country-code Top-Level Domains ("ccTLD") containing the term “QLIK”.

The name “QLIK” is also part of the Complainant’s registered business name.

FACTUAL BACKGROUND

The Complainant:

The Complainant, QlikTech International AB, is a Swedish company established in 1993 and forms part of the QlikTech Group, a globally recognized leader in artificial intelligence, data analytics, and business intelligence solutions. Through its innovative software platform, the QlikTech Group enables organizations across various industries to transform raw data into meaningful insights, driving smarter decision-making.

As of 2025, the QlikTech Group serves over 40,000 customers worldwide and maintains a robust international presence through regional offices, affiliates, and an extensive network of strategic partners including industry giants such as Amazon, Google, and Microsoft. The Group operates across North America, Europe, Latin America, Asia, the Middle East, Africa, and notably, maintains a direct presence in Mexico and Ecuador—both of which are relevant to this proceeding, given the Respondent's claimed location and the geographic targeting of the infringing website.

The Complainant owns an extensive portfolio of globally registered trademarks, including QLIK®, QLIK DATA CATALYST®, QLIK DATATRANSFER®, and QLIK LEAD WITH DATA®, all of which predate the registration of the disputed domain name. These trademarks are recognized internationally, with registrations in the United States, European Union, Mexico, and Ecuador, among others.

The disputed domain name:

The disputed domain name < qlik-data.com> was registered on 16 January 2025 and is held by the Respondent.

The disputed domain name website:

On 8 April 2025, the Complainant discovered that the domain name website (i.e. website to which the disputed domain name resolves) was promoting data analytics and business intelligence services under the brand name "Qlik Data," including marketing language that closely mirrored the Complainant's own offerings. This misleading content falsely suggested an affiliation with the Complainant.

Upon discovery, the Complainant issued a cease-and-desist letter and follow-up notices to the Respondent, none of which were answered.

The domain name website is currently not genuinely used and is merely parked, indicating that the Respondent has since taken the website offline.

Remedies Sought:

The Complainant seeks the transfer of the disputed domain name to the Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

A) CONFUSING SIMILARITY

The Complainant states that:

- The disputed domain name contains "QLIK" word element, and it is confusingly similar to the Complainant's trademarks;
- The addition of the generic term "DATA" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks, as it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, the Complainant's trademarks and its business;
- On the contrary, this combination reinforces confusion as the Complainant is known for its data products and owns trademarks like QLIK DATA CATALYST;
- The Complainant refers to previous domain name decisions in this regard.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- the Respondent has not been commonly known by the disputed domain name;
- the Complainant has not authorized, permitted or licensed the Respondent to use Complainant's trademarks in any manner. The Respondent has no connection or affiliation with the Complainant whatsoever. On this record, Respondent has not been commonly known by the disputed domain name;
- furthermore, the domain name website impersonated the Complainant, misleading users with identical services and business claims;
- currently the disputed domain name website is inactive, which implies that there was no Respondent's intention to use the disputed domain name for legitimate purposes;

- the Complainant refers to previous domain name decisions in this regard.

C) BAD FAITH REGISTRATION AND USE

The Complainant states that:

- the seniority of the Complainant's trademarks predates the disputed domain name registration, and these trademarks are well-known in the relevant business circles;
- the Respondent can be considered to be aware of the Complainant's trademark when registering the disputed domain name due to the well-known character thereof, as they are globally recognized;
- the disputed domain name (at the time of filing of the complaint) is not genuinely used, however, use of a misleading domain name website in the past and failure to respond to cease-and-desist letters also show bad faith;
- privacy shielding by the Respondent also indicates bad faith;
- it is well-founded that registration of the disputed domain name that is confusingly similar to the Complainant’s trademarks which enjoys strong reputation, plus other facts, such as above described not genuine use of the disputed domain name (inactive holding) are sufficient to establish bad faith under the 4(a)(iii) of the Policy;
- the Complainant refers to previous domain name decisions contending that registering a domain name incorporating trademarks that enjoy high level of notoriety and well-known character.

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

A) RIGHTS

Since the disputed domain name and the Complainant’s trademarks are not identical, the key element investigated and considered by the Panel is whether the disputed domain name consisting of the term “QLIK-DATA” is confusingly similar to the Complainant’s trademarks.

The threshold test for confusing similarity under the UDRP involves a comparison between the trademark and the disputed domain name itself to determine the likelihood of Internet user confusion. In order to satisfy this test, the relevant trademark would generally need to be recognizable as such within the disputed domain name. An addition of common, dictionary, generic, or other descriptive terms is typically insufficient to prevent threshold Internet user confusion. A Confusing similarity test under the UDRP typically involves a straightforward visual and aural comparison of the trademark with the disputed domain name in question.

Applying the principles described above, the Panel contends that incorporation of a dominant „QLIK" element of Complainant's trademarks (which standalone enjoys a high level of distinctiveness) into the disputed domain name constitutes confusing similarity between Complainant's trademark and the disputed domain name.

Addition of non-distinctive elements – a generic word "DATA" and the hyphen - cannot prevent the association in the eyes of internet consumers between the disputed domain name and the Complainant's trademarks and thus the likelihood of confusion still exists.

For the sake of completeness, the Panel asserts that the top-level suffix in the disputed domain name (i.e. the ".com") must be disregarded under the identity and confusing similarity tests as it is a necessary technical requirement of registration.

Therefore, the Panel has decided that there is confusing similarity in this case, it also concludes that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is not affiliated with nor authorised by the Complainant are sufficient to constitute prima facie showing of absence of rights or legitimate interest in the disputed domain name on the part of the Respondent.

In addition, given the fact that (i) the disputed domain name has not been genuinely used and (ii) in the absence of the Respondent's response, the Panel concludes that there is no indication that the disputed domain name was intended to be used in connection with a bona fide offering of goods or services as required by UDRP.

Consequently, the evidentiary burden shifts to the Respondent, who must demonstrate with concrete evidence that it possesses rights or legitimate interests in respect of the disputed domain name.

However, the Respondent has failed to submit any information or evidence indicating that it holds any rights or legitimate interests in the disputed domain name, as required under Paragraph 4(a)(ii) of the Policy.

On the contrary, evidence indicates that the website associated with the disputed domain name has, at least for a period of time, impersonated the Complainant's website, thereby misleading users.

Furthermore, the disputed domain name website is currently inactive, which further supports the inference that the Respondent does not intend to use the disputed domain name for any legitimate purpose.

As a result, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

C) BAD FAITH

At the time of filing the Complaint, the disputed domain name was inactive and not being used for any bona fide purpose. Prior to that, however, the disputed domain name resolved to a website that impersonated the Complainant's official site, thereby misleading Internet users and taking unfair advantage of the Complainant's reputation. Such conduct constitutes evidence of bad faith use, as it demonstrates an intention to create a likelihood of confusion with the Complainant's mark for commercial gain or to otherwise mislead users.

Furthermore, the Respondent's failure to reply to cease-and-desist communications from the Complainant is further indicative of bad faith, as it reflects a lack of legitimate interests or rights and an unwillingness to address or rectify the improper conduct.

Additionally, the Respondent's use of a privacy or proxy service to shield its identity can, in the circumstances of this case, serve as further evidence of bad faith. While privacy services are not inherently objectionable, their use may be considered an indication of bad faith when coupled with other circumstances, such as an absence of legitimate use and use of the disputed domain name to impersonate the Complainant.

Moreover, the deliberate addition of the generic or descriptive term "DATA" to an otherwise identical representation of the Complainant's trademark further underscores the Respondent's intent to capitalize on the Complainant's reputation and goodwill. This conduct strongly indicates that the Respondent's purpose in registering the disputed domain name was to attract Internet users who would reasonably expect that the domain name is affiliated with, or endorsed by, the Complainant and its business. The strategic selection of the suffix "DATA" heightens Respondent's bad faith intent, as it directly relates to the Complainant's field of activity.

Thus, the Panel has taken a view 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **qlik-data.com**: Transferred

PANELLISTS

Name	**Jiří Čermák**

DATE OF PANEL DECISION 2025-05-28

Publish the Decision