Decision for dispute CAC-UDRP-107567

Case number	CAC-UDRP-107567
Time of filing	2025-05-13 09:07:39
Domain names	klingaiapk.com, klingaiapk.pro

Case administrator

Name	Olga Slanařová (Case admin)

Complainants

Organization	Beijing Dajia Internet Information Technology Co. Ltd.
Organization	Beijing Kuaishou Technology Co. Ltd.

Respondents

Name	Saurav Kumar
Name	Harsh Kumar

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 names.

IDENTIFICATION OF RIGHTS

The Complainant Beijing Dajia Internet Information Technology Co. Ltd. (the "First Complainant") is an 'indirect wholly-owned subsidiary' of the Complainant Beijing Kuaishou Technology Co. Ltd.

The First Complainant owns trademark registrations for KLING in inter alia Hong Kong, n° 306591466, registered on June 24, 2024 and the UK, n° 00004072097, registered on July 5, 2024. Based on their relationship, the Panel finds both Complainants have rights in the KLING mark.

The First Complainant also owns the EUIPO logo mark n° 019045109, registered on October 30, 2024, in which both Complainants have rights.

FACTUAL BACKGROUND

The Complainants are high-tech companies focusing on artificial intelligence and audio-visual technology. They developed an AI product named KLING AI, which generates videos based on words, pictures or videos provided by the user and has become well-known.

The disputed domain names <klingaiapk.pro> and <klingaiapk.com> were registered respectively on September 3 and 4, 2024.

At the time of the filing of the Complaint, both disputed domain names resolved to a virtually identical website which prominently displayed the Complainants' EUIPO logo mark and offered competing software named ‘Kling AI Mod APK’.

PARTIES CONTENTIONS

The Complainants contend that they have established all three elements entitling them to relief.

In full, the Response is as follows:

"Hey,

I have closed both domains after seeing your email.

Also, Both website was for only educational purposes that's why Didn't place any ads or anything to earn from that website.

When I was created both website, then There was no website offering to give downloading link of Kling AI and However, People wants to use this app on mobile.

That's why I have added official APK so that users can continue their work on mobile.

But, No problem, No [scil "now"] app is available in Google Play Store. Users can download easily.

Hope you'll understand my situation."

RIGHTS

The Complainants have, to the satisfaction of the Panel, shown the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainants have, to the satisfaction of the Panel, shown the Respondents to have no rights or legitimate interests in respect of the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainants have, to the satisfaction of the Panel, shown the disputed domain names have been registered and are 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.

In particular, the Panel has granted the Complainants' request for consolidation of the proceedings regarding the disputed domain names because:

(i) their second-level names are identical: ‘klingaiapk’;

(ii) when the Complaint was filed, both domain names resolved to a largely identical webpage;

(iii) they were registered within 2 days of each other; and

(iv) the Respondents both come from India and share the same family name, Kumar.

(v) in the provided Response the Respondent states to be the creator of both websites connected to the disputed domain names.

Accordingly, the Panel finds that the disputed domain names are subject to common control and that consolidation would be fair and equitable to all parties.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

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

(1) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

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

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

As to the first element, the Complainants have shown that they have rights in the KLING mark and that the mark is well-known. The Panel finds the disputed domain names <klingaiapk.pro> and <klingaiapk.com> to be confusingly similar to the Complainant's trademark KLING because they incorporate the mark in its entirety and merely add the abbreviations "ai" and "apk", which do nothing to distinguish the domain names from the mark, together with the inconsequential top-level domains ".pro" or ".com", which may be ignored.

The Complainants have established this element.

As to the second element, paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by a Respondent, shall demonstrate rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy, i.e.

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

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

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The Complainants contend that the Respondents have no rights or legitimate interests in respect of the disputed domain names because:

(i) at the time the disputed domain names were registered, i.e., September 3 and 4, 2024, the First Complainant had registered the mark KLING in many jurisdictions and had become well-known;

(ii) the Respondents are not affiliated with or licensed by the Complainants; and

(iii) given that the Respondents are providing AI-related software through the disputed domain names, it is reasonable to articulate that the Respondents had or should have had knowledge of the Complainants' well-known brand name KLING.

The Panel notes that the disputed domain names <klingaiapk.pro> and <klingaiapk.com> were registered by the Respondents, Saurav Kumar and Harsh Kumar, on September 3 and 4, 2024, long after the Complainant had shown that its KLING mark had become well-known. Prior to the filing of the Complaint they resolved to websites displaying the Complainants' logo and offering competing services.

These circumstances, together with the Complainants' assertions, are sufficient to constitute a prima facie showing of absence of rights or legitimate interests in respect of the disputed domain names on the part of the Respondents. The evidentiary burden therefore shifts to the Respondents to show that they do have rights or legitimate interests in the disputed domain names. See JUUL Labs, Inc. v. Dryx Emerson / KMF Events LTD, FA1906001849706 (Forum July 17, 2019).

The Panel finds that the Response fails to demonstrate rights to or legitimate interests in the disputed domain names.

The Complainants have established this element.

As to the third element, paragraph 4(b) of the Policy sets out four illustrative circumstances, which, though not exclusive, shall be evidence of the registration and use of a domain name in bad faith for purposes of paragraph 4(a)(iii) of the Policy, including:

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on its website or location.

The circumstances set out above in relation to the second element satisfy the Panel that neither of the Respondents' websites was "for educational purposes", as claimed by the Respondents. Further, that the Respondents were fully aware of the Complainants' well-known KLING mark when the Respondents registered the disputed domain names and that the Respondents have intentionally attempted to attract, for commercial gain, Internet users to the websites to which the disputed domain names resolve, by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation, or endorsement of those websites and

of the services promoted on those websites. Despite the Respondent's having "closed the domain names" since the Complaint was filed, this demonstrates registration and use in bad faith to attract users for commercial gain under Policy paragraph 4(b)(iv).

The Complainants have established this element.

Accordingly, the disputed domain names shall be transferred to the First Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **klingaiapk.com**: Transferred
2. **klingaiapk.pro**: Transferred

PANELLISTS

Name	**Alan Limbury**

DATE OF PANEL DECISION 2025-06-04

Publish the Decision