Decision for dispute CAC-UDRP-107630

Case number	CAC-UDRP-107630
Time of filing	2025-06-03 09:08:00
Domain names	qliksense.shop, qliktech.shop, qlikview.shop

Case administrator

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

Complainant

Organization	QlikTech International AB

Complainant representative

Organization	Abion AB

Respondent

Name	Callum Frost

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and that relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

Complainant states, and provides documentation in support thereof, that it is the owner of multiple registrations for trademarks that consist of or contain QLIK (the "QLIK Trademark"), including the following: EU Reg. No. 001115948 for QLIK (registered May 16, 2000), Int'l. Reg. No. 1236345 for QLIK SENSE (registered November 6, 2014), EU Reg. No. 004106654 for QLIKTECH (registered May 16, 2006) and EU Reg. No. 003831427 for QLIKVIEW (registered January 17, 2006).

FACTUAL BACKGROUND

Complainant states that it "was founded in Sweden in 1993, and forms part of the QlikTech Group," which is "a global leader in artificial intelligence, data analytics and business intelligence solutions, offering software to businesses worldwide," "serv[ing] more than 40,000 global customers and has more than 235,000 community members."

The disputed domain names were created on March 27, 2025 (<qliktech.shop> and <qlikview.shop>) and March 28, 2025 (<qliksense.shop>). Complainant states, and provides documentation in support thereof, that each of the disputed domain names "resolve[s] to GoDaddy.com parking pages listing the disputed domain names for sale with a buy-now price of USD 1,450."

PARTIES CONTENTIONS

Complainant contends, in relevant part, as follows:

Paragraph 4(a)(i): Complainant states that each of the disputed domain names are confusingly similar to the QLIK Trademark because each contains one of the QLIK Trademarks in its entirety.

Paragraph 4(a)(ii): Complainant states that Respondent has no rights or legitimate interests in respect of the disputed domain names because, inter alia, "Complainant has never granted the Respondent with any rights to use the [QLIK Trademark] in any form, including in the disputed domain names"; "Complainant has not found that the Respondent is known by the disputed domain names"; "[t]here is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain names in connection with a bona fide offering of goods and services or has made a legitimate noncommercial or fair use of the disputed domain names"; "the structure of the disputed domain names… reflect the Respondent's intention to create an association, and a subsequent likelihood of confusion, in Internet users' mind"; and Respondent has not replied to Complainant's cease-and-desist letter.

Paragraph 4(a)(iii): Complainant states that the disputed domain names were registered and are being used in bad faith because, inter alia, the QLIK Trademarks "are widely known trademarks registered in many countries and the Complainant enjoys a strong online presence"; "the structure of the disputed domain names… shows that the Respondent registered the disputed domain names having the Complainant and its trademarks in mind"; Respondent lost a previous decision under the UDRP, Arcelormittal v. Callum Frost, CAC Case No. UDRP-107460; "the disputed domain names were registered with the intent to sell, likely in excess of the Respondent's out-of-pocket costs directly related to the disputed domain names"; Respondent has not replied to Complainant's cease-and-desist letter; and "it is likely that the Respondent has provided false WhoIs details" because "the address provided does not correspond to an exact address, but to an entire city."

No administratively compliant response has been filed.

RIGHTS

The Complainant has, 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 complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP).

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 names (within the meaning of paragraph 4(a)(ii) of the UDRP).

BAD FAITH

The Complainant has, 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 UDRP).

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

Identical or Confusingly Similar: Paragraph 4(a)(i)

The trademark citation and documentation provided by Complainant are sufficient to establish that Complainant has rights in the QLIK Trademark.

As to whether the disputed domain names are identical or confusingly similar to these trademarks, the relevant comparison to be made is with the second-level portion of the disputed domain names only (i.e., "qliksense," "qliktech" and "qlikview") because "[t]he applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1.

Here, each of the disputed domain names contains one of the QLIK Trademarks in its entirety, with no alterations or additions. As set forth in section 1.7 of WIPO Overview 3.0: "[I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." Further, where, as here, a disputed domain name contains a complainant's trademark, and only such trademark, "it is apparent without the need for elaboration, that the Disputed Domain Name is identical or confusingly similar to" the trademark, Société Air France v. Indra Armansyah, WIPO Case No. D2016-2027, because in such case "[t]he disputed domain name is obviously identical to the Complainant's mark." Icebug AB v. Domain Administrator, WIPO Case No. D2013-1823.

Accordingly, the Panel finds that Complainant has proven the first element of the UDRP.

Rights or Legitimate Interests: Paragraph 4(a)(ii)

Complainant states that Respondent has no rights or legitimate interests in respect of the disputed domain names because, inter alia, "Complainant has never granted the Respondent with any rights to use the [QLIK Trademark] in any form, including in the disputed domain names"; "Complainant has not found that the Respondent is known by the disputed domain names"; "[t]here is no evidence showing that the Respondent has been using, or preparing to use, the disputed domain names in connection with a bona fide offering of goods and services or has made a legitimate noncommercial or fair use of the disputed domain names"; "the structure of the disputed domain names… reflect the Respondent's intention to create an association, and a subsequent likelihood of confusion, in Internet users' mind"; and Respondent has not replied to Complainant's cease-and-desist letter.

WIPO Overview 3.0, section 2.1, states: "While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Panel finds that Complainant has established its prima facie case and, without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the UDRP.

Registered and Used in Bad Faith: Paragraph 4(a)(iii)

Whether a domain name is registered and used in bad faith for purposes of the UDRP may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the UDRP: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.

As set forth in section 3.1.4 of WIPO Overview 3.0: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar… to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." That is applicable here.

Further, by offering to sell each of the disputed domain names for US$1,450 shortly after registration, it appears that Respondent has "acquired the domain name[s] primarily for the purpose of selling, renting, or otherwise transferring the domain name registration[s] to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name." UDRP, para. 4(b)(i).

Finally, by registering the three disputed domain names, and by having lost a previous UDRP decision, it appears that Respondent has engaged in a "pattern of… conduct" as described in UDRP, para. 4(b)(ii). See, e.g., General Electric Company v. Normina Anstalt a/k/a Igor Fyodorov, WIPO Case No. D2000-0452 ("[t]he registration of several names corresponding to Complainant's trademarks is sufficient to constitute a pattern of such conduct, and thus to constitute bad faith within the meaning of paragraph 4(b)(ii) of the Policy").

Accordingly, the Panel finds that Complainant has proven the third element of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **qliksense.shop**: Transferred
2. **qliktech.shop**: Transferred
3. **qlikview.shop**: Transferred

PANELLISTS

Name	**Douglas Isenberg**

DATE OF PANEL DECISION 2025-07-02

Publish the Decision