Decision for dispute CAC-UDRP-108154

Case number	CAC-UDRP-108154
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Domain names	klingai.org

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

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

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	GC Ong

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant has the common law trademark rights. “Kling” is a large model of video generation developed by Kuaishou's AI team, with video generation capabilities, allowing users to easily and efficiently complete artistic video creation.

The Complainant's Kling product was published on June 6, 2024, Beijing time, during business hours. On the day of Kling's product launch, the media in China aligned themselves to report extensively on the product. Subsequently, since June 7th, Kling has also been widely reported by foreign media. As the world's first accessible, real-image-level video generation large model for ordinary users, Kling AI has been exceedingly popular since it began accepting applications on June 6. After receiving over one million applications, more than 300,000 users were granted early access.

According to the Complainant's feedback, Kling launched its official website at 12:00 PM Beijing time on June 6, 2024, using the third-level domain <kling.kuaishou.com>, and simultaneously opened up beta testing on Kuaishou's Kuaiying App. To make the data more reliable, the complainant provided you with the QPS data for the Kuaiying App from May 27 to May 31, 2024, and from June 3 to June 6, 2024. The Kuaiying App mainly uses the <api.kuai-ying.com> interface, and Kling also used it on the day of the Kuaiying App's launch. Taking 1 PM as an example, it is clear that the data peaked at 1 PM on June 6, with 19,000 user requests per second. June 6, 2024, was a Thursday. Compared to the same time period last Thursday (May 30, 2024), user requests per second increased by 2,700; compared to the same time period on June 5, 2024, user requests per second increased by 1,800. If this time period is extended to one hour, the estimated increase in requests per hour would reach 6.48 million. The Complainant believes that the

increase in QPS on June 6 was clearly due to Kling's open beta testing on the Kuaiying App, which attracted a large number of new and returning users to download or return to the Kuaiying App to experience Kling. In addition, it can be determined that the Kuaiying App already has a large user base. Apart from the new users on the day of Kling's release, some existing Kuaiying App users on June 6 were also aware of Kling.

Before this complaint, the Complainant had secured support from the panel of experts regarding prior civil rights in another CNDRP case DCN-2501154. The difference between UDRP and CNDRP cases lies in the UDRP's emphasis on the international or cross-border recognition of "prior rights," which the Complainant has demonstrated (as evidenced by widespread global media coverage). Therefore, the Complainant firmly believes that the decision in case number DCN-2501154 proves that the kling-related marks had established public recognition through commercial use before domain registration. This evidence can serve as supporting evidence in UDRP proceedings, particularly for the determination of common law/unregistered marks.

The Complainant set a search period on Google Trends, specifically from June 5, 2024 to June 8, 2024, with the search term "kling ai". Historical data shows that the search volume for "kling ai" increased during this period, reaching its peak on June 8, 2024. The evidence provided by the complainant shows that “kling” and “kling AI” have acquired a secondary meaning in China, establishing common law trademark rights. At the same time, due to extensive global media coverage, “kling” and “kling AI” may have acquired secondary meanings and established common law trademark rights in other countries or regions outside China, which may include the United States.

The Complainant's “Kling" trademark is derived from the homophony of the Chinese pinyin keling. Kling itself does not correspond to common words in English, Latin, German and other languages. Therefore, the Complainant believes that “Kling” itself has a high degree of distinctiveness.

In summary, the Complainant believes that it has unregistered or common law trademark rights in the "Kling" and "Klingai" trademarks. Furthermore, the Complainant filed a trademark application for “K-ling” with the China Trademark Office on March 18, 2024, under Trademark Application No. 77378304. Subsequently, the Complainant filed additional trademark applications for “Kling” and “Klingai” before various national and regional trademark offices, and has since obtained trademark registrations for these marks.

Trademark “KLINGAI” no. 306683897 dated 30-09-2024.

Trademark “KLING” No. UK00004072097 dated 05/07/2024.

Trademark “KLINGAI” No. 2487163 dated 2 October 2024.

FACTUAL BACKGROUND

The Complainant 1, Beijing Kuaishou Technology Co., Ltd., founded in 2015, is a high-tech company with user-oriented, artificial intelligence, big data analysis, and audio-visual video as its core technology. The Complainant 2, Beijing Dajia Internet Information Technology Co., Ltd., founded in 2014, is engaged in network technology, data processing, and software development. Kuaishou Technology is a company with weighted voting rights, incorporated in the Cayman Islands with limited liability. Beijing Dajia is an indirect wholly owned subsidiary of Kuaishou Technology, and Kuaishou Technology's parent company is the Complainant 1 in this case, Therefore, the publicly available evidence suggests that Complainant 1 and Complainant 2 are related. According to the Complainant's feedback, the trademark rights to “Kling” and “Klingai” currently belong to Complainant 2.

The disputed domain name was created on 2024-06-08.

PARTIES CONTENTIONS

COMPLAINANT

1. THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR

The Complainant argues that in comparing the disputed domain name in this case with the Complainant's mark, the comparison in question should only be between the second level portion of the domain names (i.e., the primary identifying portion referred to below) and the Complainant's trademark, and that the applicable top-level domains in the domain name are considered to be standard requirements for registration, and therefore are not to be considered under the first element of the confusing similarity test.

The disputed domain name, after the removal of the top-level domain, consist entirely of the combination of “kling” plus “ai”, and ai is a generic word that does not serve to distinguish between goods and therefore do not participate in the comparative test of confusion between the disputed domain name and the Complainant's trademark, “Kling”.

Furthermore, when the disputed domain name is assessed against the Complainant’s established common law trademark "Klingai",

the second-level portion of the domain name is identical to the Complainant’s mark in both spelling and pronunciation. In addition, the Complainant submits that the element “AI” carries strong industry-specific connotations, particularly in the field of artificial intelligence. The combination of “Kling” and “ai” therefore reinforces the association with the Complainant’s trademark and further increases the likelihood of confusion between the trademark and the disputed domain name.

In summary, the Complainant submits that the disputed domain name contains all or at least one of the main features of the Complainant's trademarks and is likely to cause confusion.

2. RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTEREST IN RESPECT OF THE DISPUTED DOMAIN NAME

The disputed domain name effectively impersonates or suggests sponsorship or endorsement by the owner of the trademark and does not constitute fair use. It is clear that Respondent created a similar website immediately after Complainant released the Kling product, with the intent to disrupt Complainant's business and to intentionally mislead consumers for commercial gain.

The Complainant searched various national and regional trademark databases in the name of the Respondent and did not find that the Respondent had trademark rights in the name of “Kling” or “Kling ai”. The factual situation is that the Respondent is not in the identity of the Complainant’s distributor or partner. The Complainant has never directly or indirectly authorized the Respondent to use the trademarks "Kling", "Klingai", and the corresponding domain names in any form.

The name of the Respondent is GC Ong. Obviously, he can't enjoy the name rights for “Kling” or “Kling ai”.

In summary, the Respondent does not have any rights or legitimate interest in the disputed domain name.

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

The Complainant firmly believes that prior to the registration of the disputed domain name, the Complainant had already completed product launches, official website launches, user registration openings, and large-scale media promotion for the "Kling" and "Klingai" trademarks. Relevant evidence shows that the "Kling" and "Klingai" trademarks had already generated widespread attention and discussion in the global internet community before the domain name registration. The Complainant further points out that, in today's highly developed digital communication environment, the distinctiveness and recognizability of an unregistered trademark do not entirely depend on its length of use. Mainly driven by social media, digital platforms, and news distribution mechanisms, a trademark with high dissemination potential and public attention can quickly establish effective commercial recognition. Considering that the power of the Internet to spread is very high, the Complainant submits that the location of the Respondent does not affect the Panelist's finding that the Respondent was aware of the existence of the Complainant's “Kling” and “Kling ai” trademarks prior to the registration of the disputed domain name.

As previously noted, the content of the website to which the disputed domain name resolves is highly associated with the Complainant’s business. The disputed domain name is identical or confusingly similar to the Complainant’s trademark, leaving no plausible explanation that the Respondent selected the domain name by coincidence. If the Respondent had been unaware of the Complainant’s "Kling" and "Klingai" trademarks, it would not have been possible for the Respondent to operate a website containing content that mirrors that of the Complainant’s official website. This demonstrates that the Respondent was aware, or at least should have been aware, of the Complainant’s prior trademark rights when registering the disputed domain name. The Complainant contends that the Respondent’s conduct falls squarely within paragraph 4(b) of the Policy, which identifies such circumstances as evidence of bad faith registration.

The Complainant draws the Panel's attention to the fact that the content of the website created by the disputed domain name uses the Complainant's Kling logo, product videos, product images, and app. The Complainant submits that the Respondent's use of the disputed domain name to deliberately imitate the Complainant's Kling brand for profit is consistent with Policy 4B(iv).

Taken together, these facts clearly establish that the Respondent both registered and is using the disputed domain name in bad faith.

RESPONDENT

No administratively compliant Response was filed.

However, on December 17, the Respondent submitted the following message:

“Hi there

One of our clients uploaded the website files restored from archive.org, with no intention to cause any harm to KlingAi, in hope of promoting KlingAi as an affiliate.

Is there any room for discussion or collaboration?

Thank You.

GC”.

RIGHTS

To the satisfaction of the Panel, the Complainant has shown that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has 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

To the satisfaction of the Panel, the Complainant has 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 the UDRP have been met, and there is no other reason why it would be unsuitable to provide the Decision.

PRINCIPAL REASONS FOR THE DECISION

1. **Identical or Confusingly Similar**

The Panel finds that the Complainant has established trademark rights in “Kling” and “Kling AI”. The Complainant is the owner of several registered trademarks, including "KLING" (UK Trademark No. UK00004072097, registered on July 5, 2024) and "KLINGAI" (e.g., Trademark No. 306683897, registered on September 30, 2024). These registrations are sufficient to establish trademark rights for the purposes of the Policy.

In addition, the Panel is satisfied that the Complainant has demonstrated common law trademark rights in “Kling” and “Kling AI” arising no later than June 6, 2024, the date of the product launch. The evidence shows that Kling is a video-generation large model developed by Kuaishou’s AI team and publicly launched on that date. The launch was accompanied by significant media coverage, as reflected in the evidence on the record. Through its “Kling” product, the Complainant achieved rapid and substantial user adoption shortly after launch. Traffic and usage data from the Kuaiying App further corroborate widespread public exposure to, and recognition of, the “Kling” name from the date of launch. In addition, Google Trends data shows a marked increase in searches for “kling ai” during the same period.

On this basis, the Panel finds that “Kling” and “Kling AI” had acquired secondary meaning and functioned as identifiers of source. The inherent distinctiveness of the term “Kling,” which does not appear to be a common word in major languages, further supports this conclusion. This finding is reinforced by the absence of any evidence to the contrary from the Respondent and is made on the balance of probabilities.

Turning to the comparison under the first element of the Policy, the disputed domain name consists of the term “kling” combined with “ai”, which also corresponds to the Complainant’s trademark “KLINGAI”. In this sense, the disputed domain name reproduces the Complainant’s trademark in its entirety. Moreover, in the particular circumstances of this case, and based on the evidence on record, the Panel finds that the addition of the term “AI,” which is descriptive and generic in the field of artificial intelligence, reinforces rather than diminishes the association with the Complainant and its AI-related products, but that will be the subject of further analysis below. The disputed domain name is therefore identical to the Complainant’s mark “Kling AI”.

Accordingly, the Panel finds that the disputed domain name is identical or confusingly similar to trademarks in which the Complainant has rights, and that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

2. Rights or Legitimate Interests

In the present case, the Panel finds that the Complainant has made out a prima facie case. The evidence on the record shows that the Respondent is not affiliated with, nor authorized by, the Complainant in any manner. The Complainant has never licensed, permitted, or otherwise consented to the Respondent's use of the trademarks "Kling" or "Kling AI", or to the registration and use of any domain name incorporating those marks. There is no evidence that the Respondent is a distributor, partner, or reseller of the Complainant.

As per the evidence on record, the Panel further notes that searches conducted by the Complainant in various national and regional trademark databases did not reveal any trademark registrations or applications in the name of the Respondent corresponding to "Kling" or "Kling AI". In addition, the name of the Respondent on record bears no resemblance to the disputed domain name. Accordingly, there is no basis on which the Respondent could be considered to be commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The evidence indicates that the Respondent registered and used the disputed domain name shortly after the Complainant publicly launched its "Kling" product and that the associated website reproduced or closely imitated the Complainant's branding and presentation. Such use effectively impersonates the Complainant or, at a minimum, suggests sponsorship or endorsement by the trademark owner. This conduct does not constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor can it be characterized as legitimate noncommercial or fair use under paragraph 4(c)(iii).

The Panel also takes into account the Respondent's own communication to the Complainant, in which the Respondent stated that the disputed domain name was used "in hope of promoting KlingAi as an affiliate." Even accepting this explanation at face value, the Panel notes that the Respondent has not provided any evidence of an authorized affiliate relationship with the Complainant. The use of a domain name identical to the Complainant's trademark to promote affiliate links, without authorization and in a manner that suggests official endorsement, does not give rise to rights or legitimate interests under the Policy. On the contrary, it confirms that the Respondent intentionally sought to trade on the goodwill associated with the Complainant's marks for commercial gain.

Overall, the Respondent has not submitted any evidence to rebut the Complainant's prima facie case or to demonstrate any of the circumstances set out in paragraph 4(c) of the Policy. In these circumstances, and on the balance of probabilities, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Accordingly, the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

3. Registered and Used in Bad Faith

The evidence shows that, prior to the registration of the disputed domain name, the Complainant had already launched its "Kling" product, opened user registrations, activated its official website, and carried out significant media promotion of the "Kling" and "Kling AI" trademarks. These marks had attracted widespread attention on the Internet before the disputed domain name was registered.

In addition, as per evidence on record, the disputed domain name is identical or confusingly similar to the Complainant's trademarks, and the content of the associated website was clearly aligned with the Complainant's business. The website related to the disputed domain name appears to have reproduced the Complainant's Kling logo, product videos, images, and application-related content. In the Panel's view, and without any explanation to the contrary, this leaves no other plausible explanation than that the disputed domain name was chosen because of the exclusive association with the Complainant. That is, on balance of probability, the evidence shows that the Respondent knew, or at least should have known, of the Complainant's trademarks at the time of registration of the disputed domain name.

Such conduct falls within paragraph 4(b)(iv) of the Policy, as it demonstrates an intentional attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademarks as to source, sponsorship, affiliation, or endorsement. The deliberate imitation of the Complainant's branding strongly supports a finding of bad faith.

The Panel also notes the Respondent's message of December 17, stating that the disputed domain name was used "in hope of promoting KlingAi as an affiliate". No evidence of any authorized affiliate relationship was provided. This statement, rather than rebutting bad faith, confirms that the Respondent sought to exploit the Complainant's trademark goodwill without authorization.

In the absence of any administratively compliant Response or evidence to the contrary of the above-mentioned conclusions, the Panel finds, on the balance of probabilities, that the disputed domain name was registered and is being used in bad faith. Accordingly, the requirement of paragraph 4(a)(iii) of the Policy is satisfied.

4. Decision

For the reasons mentioned above and according to the provisions in Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **klingai.org**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2025-12-22

Publish the Decision