

AND IN THE MATTER OF:-

Dispute relating to the domain name <Klarna.in>

AND IN THE MATTER OF:-

Klarna Bank AB

Sveavägen 46,
111 34, Stockholm,
Sweden

.....Complainant

Versus

Cao Rui

Liupukang, Xichengqu
Beijing, BJ
100120, China

.....Respondent

AWARD

04.03.2025

1. The present arbitration proceedings are initiated under and in accordance with the INDRP which was adopted by the National Internet Exchange of India (NIXI) which governs the dispute in connection with .IN domain name, and the INDRP Rules of Procedure.
2. The Registrant/Respondent has registered the <Klarna.in> (hereinafter 'disputed domain name') with the domain name Registrar duly accredited with the NIXI i.e. Dynadot LLC since 04 January, 2023.

Procedural history

3. The consent of the Arbitrator was sought for in the present matter by the NIXI vide email dated 15.01.2025 and the Arbitrator gave his consent along with his statement of acceptance and declaration of impartiality vide his email dated 15.01.2025.

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4. I was appointed as an Arbitrator by the NIXI in the present matter vide their email dated 22.01.2025 which email containing the complaint and all relevant documents was marked to the Respondent as well. The Arbitrator issued a notice dated 23.01.2025 under Rule 5(c) of INDRP Rules of Procedure whereby the Respondent was directed to file its reply to the Complaint till 15.02.2025. The said notice issued by the present Arbitrator was marked via email to the Complainant and to the Respondent, which email did not bounce back. Therefore, the Respondent was duly served with the present complaint and annexures thereto and is aware of the present proceedings.
5. Rule 5(d) of the INDRP Rules of Procedure states that the date of commencement of the arbitration proceeding shall be the date on which the arbitrator issues notice to the Respondent. Therefore, the date of commencement of arbitration in the present case is 23.01.2025. Rule 5(e) of the INDRP Rules of Procedure states that an Arbitrator shall pass an award within a period of 60 days from the date of commencement of the arbitration proceeding.

Issues for consideration

6. Paragraph 4 of the INDRP provides the grounds on which a Complaint can be filed by the aggrieved Complainant who considers that a registered domain name conflicts with his/her legitimate rights or interests on the following grounds:
 - (a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and

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(b) the Registrant has no rights or legitimate interests in respect of the domain name; and

(c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.

Contention of the Parties

7. The complainant in its complaint states that it is a Swedish e-commerce company established in Stockholm, Sweden in 2005. The complainant provides payment services. It is stated that as of 2011, about 40% of all e-commerce sales in Sweden went through the Complainant. It is stated that the complainant is one of the Europe's largest banks. It is stated that it provides payment solutions for over 150 million consumers across 575,000 merchants in 45 countries. The complainant states that it has several trade mark registrations for the word mark 'Klarna' in several countries, including in India and China. The complainant states that its main domain name <klarna.com> was registered in the year 2008. The said domain name displays a list of countries on its homepage and further displays information in the local language of the country selected. It is stated that apart from <klarna.com>, the complainant also owns <klarna.me>, <klarna.fr>, <klarna.org>, <klarna.net>, <klarnabank.com> and other domain names wherein the word 'Klarna' appears as Second-Level Domain Name. The complainant states that it has taken steps to protect its domain name <klarna.com> and has filed multiple cases before WIPO and other organizations. It is stated that complainant brand Klarna has huge social media presence. It is stated that the complainant became aware that

Respondent had registered disputed domain name on 4 January 2023, which was offered for sale at SEDO.com. It is stated that currently the disputed domain name is parked for sale at the domain name marketplace: SEDO.com.

8. The Respondent has not filed any reply to the Complaint filed by the Complainant.

Respondent's disputed domain name identical to Complainant's trade mark

9. The Complainant was founded in the year 2005, and the trade name of the Complainant prominently includes the word 'Klarna'. The Complainant's website <klarna.com> was registered in the year 2008. The Complainant is owner of multiple domain names with various gTLDs and ccTLDs including the domain name <klarna.com>. The Complainant has wide presence globally and its official pages on social media websites such as facebook, Instagram, etc are widely acknowledged. Furthermore, the Complainant is the registered proprietor of the trade mark 'KLARNA' in India vide trade mark registration no. 2693927 in classes 35, 36, 39, 42, and 45. The word KLARNA is also a registered trade mark in WIPO, Europe, USA, China.
10. It is well established law that the specific top-level domain such as '.com', '.net', '.in' etc does not affect the domain name for the purpose of determining whether it is identical or confusingly similar (*Relevant decision:- Rollerblade, Inc. v. Chris McCrady*¹). Therefore, TLD '.in' is to be disregarded while comparing the disputed domain name with the trade

¹ WIPO Case No. D2000-0429

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mark of the Complainant. The Respondent's domain name, by entirely using the word 'KLARNA' is identical to the Complainant's registered trademark

11. Furthermore, Section 28 of the Trade marks Act, 1999, confers rights to the Complainant by registration of the trade mark 'KLARNA' including the right to exclusive use the said trade mark.
12. The disputed domain name <klarna.in> is identical to the domain name <klarna.com> of the Complainant and registered trade mark of the Complainant. Furthermore, the disputed domain name is similar to the trade name of the Complainant. Therefore, The Complainant has established its case under paragraph 4 (a) of the INDRP.

Respondent has no rights or legitimate interests in disputed domain name

13. When one visits the disputed domain name, the home page is directed to SEDO.com which is a domain marketplace. This is evident of the fact that the disputed domain name was not created to conduct any business of the Respondent. The Respondent is not known by the domain name. The disputed domain name was created to sale the same on a market place which goes to show that the disputed domain name was not created for any offering of goods or service of the Respondent. The disputed domain name is not being used for any commercial activity. Therefore, the creation of the disputed domain name merely for the sale thereof can never be termed as legitimate use of the disputed domain name.

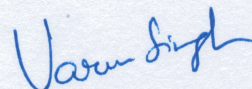
Vaish Singh

14. The disputed domain name also makes a hopeless attempt to make an association with the Complainant's domain name which can never be termed as legitimate use of the disputed domain name.
15. Furthermore, the webpage of the disputed domain name does not show that the Respondent has done any preparations to use the said domain name in connection with a bonafide offering of its goods or services.
16. The Respondent cannot be said to have any legitimate right or interest in the disputed domain name which is being offered for sale. Furthermore, since the Complainant in its trade name features the registered trade mark 'Klarna' and also has a running domain name <Klarna.com>, the presence of the disputed domain name which is being offered for sale seems to be a case of cybersquatting. Present is a case wherein Respondent seems to ride on the goodwill and reputation of the Complainant by offering for sale the disputed domain name which is identical to the registered trade mark of the Complainant.
17. The disputed domain name incorporates a trade mark which is neither owned by the Respondent nor the Respondent is known by the name 'Klarna'.
18. Therefore, the Respondent/Registrant has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established its case under paragraph 4 (b) of the INDRP.

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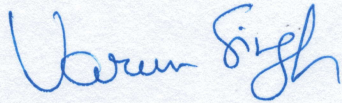
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19. The Respondent registered the disputed domain name in a bad faith attempt to confuse Internet users as to a possible association between the disputed domain name and the Complainant. The registration of the disputed domain name is in bad faith according to paragraph 7(c) of the INDRP.
20. The disputed domain name is not being used to offer any goods or service by the Respondent but is being offered for sale. Therefore, in terms of paragraph 7(a) of the INDRP the registration of the disputed domain name is in bad faith.
21. The registration of the disputed domain name affects the rights of the Complainant vis-à-vis its registered trade mark 'klarna' which finds its place prominently in its trade name, domain name and its registered trade mark of the Complainant. Therefore, the Complainant's right to exclusively use its registered trade mark 'Klarna' is affected by the registration of the disputed domain name.
22. There is no doubt that the disputed domain name is registered to affect the goodwill and reputation of the Complainant thereby disrupting business of the Complainant. Therefore, the registration of the disputed domain name is in bad faith according to paragraph 7(d) of the INDRP.
23. In view of foregoing, it is apparent that the registration of the disputed domain name is in bad faith to hurt the commercial activity of the Complainant. The Complainant has established its case under paragraph 4 (c) of the INDRP.



Decision

24. In view of foregoing, it is ordered that the disputed domain name <Klarna.in> be transferred to the Complainant. Parties are ordered to bear the cost of the present proceedings.



(VARUN SINGH)

Sole Arbitrator