

## **ADMINISTRATIVE PANEL DECISION**

Skyscanner Limited v. Zhang Jian and dong lai Li  
Case No. D2023-3964

### **1. The Parties**

The Complainant is Skyscanner Limited, United Kingdom, represented by Lewis Silkin LLP, United Kingdom.

The Respondent is Zhang Jian and dong lai LiChina.

### **2. The Domain Names and Registrars**

The disputed domain names <skyscanner-agents.com>, <skyscanner-agents.top>, <skyscanner-agents.xyz>, <skyscanner-job.com>, and <skyscanner-job.top> are registered with NameSilo, LLC (the “First Registrar”).

The disputed domain name <skyscanner-agent.com> is registered with GoDaddy.com, LLC (the “Second Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 22, 2023. On September 22, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On September 22, 2023, the First Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted) and contact information in the Complaint. On September 25, 2023, the Second Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted) and contact information in the Complaint and indicated that it had repossessed two of the domain names. On October 2, 2023, the Complainant requested the addition of two domain names to the proceedings. On October 9, 2023, the Center notified the Complainant of the repossession. On October 10, 2023, the Complainant requested the suspension of the proceedings to communicate with the Second Registrar regarding the repossessed domains. On October 11, 2023, the Center suspended the proceedings. On November 16, 2023, the Center reinstated the proceedings. On December 7, 2023, the Complainant submitted an amended Complaint withdrawing the repossessed domain names from the Complaint. The Center sent an email communication to the Complainant on December 12, 2023, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names

associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity. The Complainant filed an amended Complaint on December 12, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 10, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on January 24, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant is an online travel search site, active globally and specializing in offering a search engine particularly for customers seeking for flight connections. The Complainant also provides for a smart device application, which meanwhile has been downloaded about 70 million times.

The Complainant owns a large number of trademark registrations for its widely known SKYSCANNER mark, such as the International Trademark Registration No. 1133058, registered on August 16, 2012, for SKYSCANNER, and International Trademark Registration No. 1030086, registered on December 1, 2009, for SKYCANNER, both designating many jurisdictions including China and covering protection for various goods and services as protected in classes 35, 39 and 42 (Annex 2 to the Complaint).

The Complainant also owns and operates various domain names, such as "www.skyscanner.net" (Annex 3 to the Complaint).

The Respondents are reportedly located in China.

The disputed domain names were registered on the following dates:

<skyscanner-agent.com>	July 22, 2023
<skyscanner-agents.com>	August 16, 2023
<skyscanner-agents.top>	August 16, 2023
<skyscanner-agents.xyz>	August 16, 2023
<skyscanner-job.com>	September 13, 2023
<skyscanner-job.top>	September 13, 2023

The disputed domain names <skyscanner-agent.com>, <skyscanner-agents.com>, and <skyscanner-job.com>, resolved to a website that invited Internet users to enter personal information, while creating the impression that the associated website is operated by the Complainant, inter alia by way of an unauthorized copyright ownership notice in the name of the Complainant (Annexes 4 and 6 to the Complaint). At the time of the decision, these disputed domain names resolve to a landing page indicating that a webserver and email proxy has been successfully installed.

The disputed domain names <skyscanner-agents.top>, <skyscanner-agents.xyz>, <skyscanner-job.com>, and <skyscanner-job.top> have apparently not yet been linked to an active website.

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

### **B. Respondents**

The Respondents did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **6.1. Consolidation of Respondents**

The amended Complaint was filed in relation to two nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control and requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

In view of the Panel, the Complainant has provided sufficient evidence that the Respondents are at least connected to each other. Due to the pattern of false or incomplete contact information provided by the Respondents, and the Panel's further findings below, it seems likely that the Respondents are actually one and the same person. Besides the fact that at least three of the disputed domain names redirected Internet users to a virtually identical website, the Panel further notes that all disputed domain names provide for the same composition (which is trademark plus "agent", "agents" or "job") and were registered all in close temporal connection, partly even on the same date.

The Panel concludes that the Respondents must be the same individual or at least have acted collaboratively and, hence, accepts that all disputed domain names are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the SKYSCANNER mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “agent”, “agents” or “job”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise. In the absence of a response, the Respondent has particularly failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or other evidence of rights or legitimate interests in the disputed domain names.

Rather, Panels have held that the use of a domain name for illegal activity, here claimed as phishing, impersonation and related types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent must have had the Complainant and its SKYSCANNER trademark in mind when registering the disputed domain names. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain names, which are comprising the Complainant’s SKYSCANNER trademark entirely, to target the Complainant. Consequently, the Panel is convinced that the Respondent has registered the disputed domain names in bad faith.

As regards bad faith use, the overall content and design of the websites associated to the disputed domain names <skyscanner-agent.com>, <skyscanner-agents.com>, and <skyscanner-job.com>, which are impersonating the Complainant, as well as the inherently misleading nature of the disputed domain names is, in view of the Panel, sufficient evidence that the Respondent intentionally tries to attract Internet users to its website by creating a likelihood of confusion with the Complainant.

In this regard, Panels have held that the use of a domain name for illegal activity, here, claimed phishing, impersonation and other related types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In respect to the disputed domain names, which have yet not been actively used, it is noted that Panels have found that the non-use of a domain name (including a landing page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain names <skyscanner-agents.top>; <skyscanner-agents.xyz>; <skyscanner-job.com>, and <skyscanner-job.top> does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness, reputation and wide recognition of the Complainant's SKYSCANNER trademark, and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <skyscanner-agent.com>, <skyscanner-agents.com>, <skyscanner-agents.top>, <skyscanner-agents.xyz>, <skyscanner-job.com>, and <skyscanner-job.top> be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: February 7, 2024