

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. Anton Semenov, Home
Case No. D2023-4306

1. The Parties

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

Respondent is Anton Semenov, Home, Uzbekistan.

2. The Domain Name and Registrar

The disputed domain name is <skyscabnner.com> which is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 17, 2023. On October 18, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 19, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from those in the Complaint (Redacted For Privacy, Domain Protection Services, Inc.). The Center sent an email communication to Complainant on October 20, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on October 20, 2023.

The Center verified that the Complaint together with the amendment to the 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 Respondent of the Complaint, and the proceedings commenced on October 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 22, 2023.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on November 29, 2023. 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

Complainant operates a global travel aggregator enabling visitors to search for and book flights, hotels, and car hires online.

Complainant has rights over the SKYSCANNER mark for which it holds, among others, United Kingdom registration No. UK00002313916 in classes 35, 38, and 39, registered on April 30, 2004, and International registration No. 900393 in classes 35, 38, and 39, registered on March 3, 2006.

The disputed domain name was registered on July 15, 2023. Before the Complaint was filed, the disputed domain name redirected visitors to a website located under another domain name which showed, among others, "CHEAL AIRLINE TICKETS", "Travel simply and economically!", "Discover millions of cheap flights with just one easy search", "FLIGHTS HOTELS", "Unlock incredible travel deals with Cheap Flights & Hotel search!", "Book now and save big on flights and accommodations".

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy and requests that the disputed domain name be transferred to Complainant. Complainant's assertions may be summarized as follows.

Complainant enjoys a global reputation and owns a global portfolio of registered marks containing SKYSCANNER. Complainant's "www.skyscanner.net" website attracts tens of millions of unique visits per month and, to date, its Skyscanner smart device app has been downloaded over 70 million times. Complainant's services are available in over thirty languages and in seventy currencies. In the month of August 2023 alone, said Complainant's website was visited more than 46 million times and is ranked 706th globally for Internet traffic and engagement and 66th in the United Kingdom.

The disputed domain name copies the SKYSCANNER mark in its entirety, save for a letter "b" added in the disputed domain name. Respondent deliberately choose to include said letter to take advantage when Internet users type Complainant's mark, but mistakenly press the "b" key when pressing the "n" key in a keyboard. That is a classic example of typosquatting.

Respondent has no rights or legitimate interests in respect of the disputed domain name. Respondent does not own any registered rights in any marks which comprise part or all of the disputed domain name, and Complainant has not given its consent for Respondent to use its marks in a domain name.

The disputed domain name resolves to a website containing a travel aggregator that provides Internet users with flight information and the opportunity to book flights through said website. Respondent seeks to attract Internet users to its website by misleading them into believing that such website is operated by Complainant. By providing flight information and booking services through said website, Respondent seeks to generate revenue by creating a misleading link with Complainant's mark.

The disputed domain name was registered and is being used in bad faith. Respondent uses the disputed domain name and associated website to mislead consumers into viewing flight information (including ticket prices) and purchasing flights. Given the proximity of the disputed domain name to Complainant's well-known SKYSCANNER mark, there is no plausible reason for it to do so other than to trade off Complainant's rights for illicit gain.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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

The lack of response from Respondent does not automatically result in a favorable decision for Complainant (see section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)). The burden for Complainant, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds 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 disputed domain name almost identically reproduces the SKYSCANNER mark, albeit adding a “b” letter. The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to said mark for the purposes of the Policy ([WIPO Overview 3.0](#), sections 1.7 and 1.9).

Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in the 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).

The evidence in the file shows that the disputed domain name was redirected to other domain name whose website featured a travel aggregator in direct competition with Complainant. That demonstrates neither a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name. Further, in the present case the typosquatting nature of the disputed domain name, which almost identically reflects Complainant’s name and mark, cannot confer rights or legitimate interests upon Respondent.

The Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the available record, 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.

Having reviewed the case file, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The disputed domain name incorporates Complainant's SKYSCANNER mark coupled with just a minor typographical error variation, practice commonly known as typosquatting and which has been deemed as a strong indicative of bad faith under a number of UDRP decisions.¹ Respondent took advantage of the typosquatting nature of the disputed domain name and used it to feature travel services competing with those offered by Complainant, thus diverting Internet traffic looking for Complainant in order to commercially benefit therefrom (see paragraph 4(b)(iii) of the Policy).² By using in such way the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website and the services offered therein, which is also a showing of bad faith (see paragraph 4(b)(iv) of the Policy).

Based on the available record, the Panel finds that 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 name <skyscabnner.com> be transferred to Complainant.

/Gerardo Saavedra/

Gerardo Saavedra

Sole Panelist

Date: December 13, 2023

¹ See *Amazon.com, Inc. v. Steven Newman a/k/a Jill Wasserstein a/k/a Pluto Newman*, WIPO Case No. [D2006-0517](#): "the practice of typosquatting, in and of itself, constitutes bad faith registration". See also *Go Daddy Software, Inc. v. Daniel Hadani*, WIPO Case No. [D2002-0568](#): "Typosquatting is virtually *per se* registration and use in bad faith".

² See *Bartercard Ltd & Bartercard International Pty Ltd . v Ashton-Hall Computer Services*, WIPO Case No. [D2000-0177](#): "the Domain Name has been used to host a website offering competing products to those offered by the Complainant [...] this suggests that the Respondent registered the Domain Name with the primary intention of disrupting the business of a competitor [...] It also indicates that the Respondent has used the Domain Name to attract Internet users to its website for commercial gain by virtue of confusion with the Complainant's mark [...] Under the Policy, both of these are sufficient to show registration and use of the Domain Name in bad faith". See *Lilly ICOS LLC v. East Coast Webs, Sean Lowery*, WIPO Case No. [D2004-1101](#): "registration of a domain name in order to utilize another's well-known trademark by attracting Internet users to a website for commercial gain constitutes a form of bad faith".