

## **ADMINISTRATIVE PANEL DECISION**

Skyscanner Limited v. Rabia shahid  
Case No. D2023-5198

### **1. The Parties**

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

The Respondent is Rabia shahid, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <skyscanner26.online> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2023. On December 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 14, 2023, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 18, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on December 18, 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 the Respondent of the Complaint, and the proceedings commenced on December 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2024. The Respondent sent email communications to the Center on December 20, 2023, and January 7, 2024.

On January 10, 2024, the Center sent a Possible Settlement email to the Parties. On January 10, 2024, the Complainant wrote to the Center requesting the Suspension of the proceedings to explore settlement options. On January 11, 2024, the Center notified the Parties of the suspension of the proceedings until February 10, 2024.

On February 9, 2024, the Complainant wrote to the Center requesting the reinstatement of the proceedings, in the absence of the Respondent's agreement to sign the standard settlement form.

The Center appointed Angela Fox as the sole panelist in this matter on February 26, 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 search aggregator and travel agent based in the United Kingdom. It carries out its business under the name and trademark SKYSCANNER.

According to the Complainant, its main website at "www.skyscanner.net" attracts tens of millions of unique visits per month and its SKYSCANNER smart device app has been downloaded over 70 million times. The Complainant's services are available in over 30 languages and in 70 currencies. According to the Complainant, in the month of August 2023 alone, its core website above was visited over 46 million times and is ranked 706th globally for internet traffic and engagement and 66th in the United Kingdom.

The Complainant is the owner of inter alia the following trademark registrations, details of which were annexed to the complaint:

- European Union designation of International Trademark Registration No. 900393 for SKYSCANNER in Classes 35, 38, and 39, registered on March 3, 2006; and
- European Union designation of International Trademark Registration No. 1030086 for SKYSCANNER in Classes 35, 39, and 42, registered on December 1, 2009;
- International Trademark Registration No. 1030086 for SKYSCANNER in Classes 35, 39 and 42, designating registered trade mark protection in inter alia Armenia, Australia, Azerbaijan, Bosnia & Herzegovina, Belarus, Switzerland, China, Egypt, Japan, Mexico, Norway, Russian Federation, Singapore, Türkiye and the Ukraine, registered on 1 December 2009.

The disputed domain name was registered on November 12, 2023. Annexed to the Complaint was a screenshot showing that the disputed domain name has been used to host a pay-per-click website including links related to the topic "Travel". No screenshots were shown of the pages reached when the links are clicked, but the Complaint asserts that they linked to websites that belong to the Complainant's competitors.

#### **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 name.

In particular, the Complainant contends that the disputed domain name is identical or confusingly similar to its SKYSCANNER trademark, and that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant further submits that the disputed domain name was registered and has been used in bad faith. The Complainant asserts that it enjoys a global reputation in its SKYSCANNER trademark and that consequently the Respondent must have known about and targeted the Complainant in registering the disputed domain name. The Complainant argues that the disputed domain name is being used to generate pay-per-click revenue for the Respondent by confusing consumers as to an affiliation or connection with the Complainant's business.

## **B. Respondent**

The Respondent did not file a formal reply to the Complaint, but did send an email to the Center on December 20, 2023, asking what the proceedings were about, and a further email dated January 7, 2024 reading,

“Hello its me i want to formally inform you that i have deleted and removed the domain ownership from my side so plz again dont disturb me

domain that i deleted is  
skyscanner26.online”

At the request of the Complainant, the proceedings were suspended to enable the Parties to explore a settlement. However, the Respondent did not return a signed Standard Settlement Form, so the proceedings were resumed at the Complainant’s request. The Respondent did not file any further response. The Panel will therefore decide the Complaint and shall draw such inferences as it considers appropriate from the Respondent’s lack of formal response.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 name. 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 name such as those enumerated in the Policy or otherwise. The disputed domain name is composed entirely of the Complainant's trademark with the mere addition of the number "26" and is being used for pay-per-click links related to the Complainant's travel-related services, redirecting to competitors in such services, which cannot constitute fair use. [WIPO Overview 3.0](#), section 2.9.

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

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

Under paragraph 4(b)(iv) of the Policy, the Panel may find both registration and use in bad faith where there is evidence that by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on it.

In the present case, the Panel notes that the disputed domain name incorporates the Complainant's trademark in its entirety, adding only the non-distinctive number "26". The Panel also notes that prior panelists have affirmed that the Complainant has a strong reputation worldwide in its SKYSCANNER trademark (see for example *Skyscanner Limited v. Basit Ali*, WIPO Case No. [D2012-1983](#) and *Skyscanner Limited v. Grand Vitara, Secure Life*, WIPO Case No. [D2022-1465](#)). The Panel also takes note of the fact that the website linked to the disputed domain name included pay-per-click links relating to the topic "Travel", and that the Complainant has asserted that the website included links to competitors of the Complainant, which the Respondent has not denied.

In this case, the Panel is satisfied that the disputed domain name is inherently liable to mislead Internet users into believing that it denotes a website of the Complainant, when in fact it does not, and that the Respondent has intentionally used the disputed domain name to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark, with a view to commercial gain through the generation of pay-per-click income.

Taking all of this into account, 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 name <skyscanner26.online> be transferred to the Complainant.

/Angela Fox/

**Angela Fox**

Sole Panelist

Date: March 20, 2024