

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. Wang Long
Case No. D2024-1045

1. The Parties

The Complainant is Skyscanner Limited, United Kingdom (“UK”), represented by Lewis Silkin LLP, UK.

The Respondent is Wang Long, China.

2. The Domain Names and Registrar

The disputed domain names <idskyscanner.com>, <skyscannerforindo.com>, <skyscannerid.com>, <skyscannerindo.com>, <skyscannerindo1.com> are registered “with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 12, 2024. On March 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 13, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 March 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 9, 2024.

The Center appointed Daniel Kraus as the sole panelist in this matter on April 22, 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 a company based in the UK and is offering travel-related services. The Complainant states that its main website “www.skyscanner.net” attracts tens of millions of unique visits per month and that, to date, the Complainant 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. In the month of August 2023 alone, the Complainant’s main website was visited 46.59 million times. The Complainant owns a large international trademark portfolio for the mark SKYSCANNER, including, in particular the following trademarks: International trademark registration number 900393 for SKYSCANNER registered on March 3, 2006 and International trademark registration number 1030086 for SKYSCANNER registered on December 1, 2009, and designating jurisdictions including China. The Complainant also has a strong online presence and is the owner of a portfolio of domain names for or incorporating the SKYSCANNER mark, including <skyscanner.com> and <skyscanner.net>.

The disputed domain names were all registered by the Respondent, with the same Registrar, on the following dates:

- <skyscannerindo.com>, registered on January 22, 2024;
- <skyscannerforindo.com>, registered on February 17, 2024;
- <skyscannerindo1.com>, registered on February 17, 2024;
- <idskyscanner.com>, registered on March 6, 2024; and
- <skyscannerid.com>, registered on March 6, 2024.

According to the Complainant’s unrebutted evidence, the disputed domain names resolve to active websites including some login pages incorporating the Complainant’s trademark and logo. The Complainant also claims that some Internet users were victims of scams.

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. Notably, the Complainant contends that it is the owner of a number of registered trademarks consisting of SKYSCANNER and that this trademark has a strong reputation, which has already been recognized by panels applying the Policy in earlier cases. The Complainant asserts that the disputed domain names are confusingly similar to the abovementioned trademarks since they incorporate those trademarks alongside abbreviations of “Indonesia” such as “indo” and “ID”. The Complainant also argues that those of the disputed domain names directing to active websites fraudulently displayed websites impersonating the Complainant and were used to pose as the Complainant’s business and entice consumers in to booking flights through such disputed domain names, in order to receive commission. For those disputed domain names not directing to active websites, the Complainant asserts that it is because it has been successful in having the disputed Domain Names suspended. The Complainant alleges that in these circumstances the Respondent has no rights or legitimate interests in the disputed domain names, which were registered and are being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out that in order to succeed, a complainant must prove each of the following elements: (i) the disputed domain names are identical or confusingly similar to a trademark or

service mark in which the complainant has rights; and (ii) the respondent has no rights or legitimate interests in respect of the disputed domain names; and (iii) the respondent has registered and is using the disputed domain names in bad faith. In this dispute, no Response or any kind of communication has been submitted by the Respondent, despite the fair opportunity given by the Center to present its case, in accordance with paragraph 2(a) of the Rules. In consequence, and in accordance with paragraph 15(a) of the Rules, this Panel “shall 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”. Additionally, as sets out by the UDRP jurisprudence, this Panel will consider that “the applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”; some panels have also expressed this as an ‘on balance’ standard. Under this standard, a party should demonstrate to a panel’s satisfaction that it is more likely than not that a claimed fact is true”, see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.2.

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 Panel finds the Trademark is recognizable within each of the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “indo”, “forindo”, “indo1” and “id”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms do not prevent a finding of confusing similarity between the disputed domain name and the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. In relation to the generic Top-Level Domain (“gTLD”) “.com” in this case, it is well established that such Top-Level Domain (“TLD”) may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

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. According to the submitted evidence before this Panel, and in particular given the absence of Response, nothing in the records have shown that the Respondent, before any notice of this

dispute, has performed demonstrable preparations to use the disputed domain names in connection with a bona fide offering of goods or services; or that the Respondent has been commonly known by the disputed domain names; besides, the Respondent cannot rely on making a legitimate noncommercial or fair use of the disputed domain names. In addition, the Complainant has never granted the Respondent any right or license to use its SKYSCANNER Trademark including within the disputed domain names, nor is the Respondent affiliated to the Complainant in any form or has endorsed or sponsored the Respondent or the Respondent's websites.

Furthermore, as set out in section 2.13 of the [WIPO Overview 3.0](#), the Respondent's use of the disputed domain name can never confer rights or legitimate interests upon the Respondent since the disputed domain name is being used for illegal activity, here via impersonation and some report of phishing scams.

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

C. Registered and Used in Bad Faith

Given the intensive use, fame and distinctiveness of the Complainant's prior registered trademarks, the Panel finds that the subsequent registration of the disputed domain names, which are confusingly similar to such marks, clearly and consciously targeted the Complainant's prior registered trademarks (see for instance *Skyscanner Limited v. Basit Ali*, WIPO Case No. [D2012-1983](#)). The Panel therefore deducts from the Respondent's efforts to consciously target the Complainant's well-known prior trademarks that the Respondent knew of the existence of the Complainant's trademarks at the time of registering the disputed domain names. This finding is confirmed by the fact that the disputed domain names either resolved to active impersonating websites displaying the Complainant's trademark or to login webpages prominently displaying the Complainant's trademark and logo likely in an attempt to collect personal data for potential fraud, proving that the Respondent was fully aware of the Complainant. In the Panel's view, the foregoing elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

As to use of the disputed domain names in bad faith, the Complainant provides evidence that the use of the disputed domain names shows the Respondent's clear intent to create a likelihood confusion with the Complainant for commercial gain. This is also evidenced by screenshots with victims of scams. [WIPO Overview 3.0](#), section 3.4. The Panel concludes from these facts that the Respondent has intentionally attracted Internet users for commercial gain to such websites, by creating consumer confusion between the websites associated with the disputed domain names and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. The Panel therefore finds that it has been demonstrated that the Respondent has registered and is using these disputed domain names in bad faith.

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 <idskyscanner.com>, <skyscannerforindo.com>, <skyscannerid.com>, <skyscannerindo.com> and <skyscannerindo1.com> be transferred to the Complainant.

/Daniel Kraus/

Daniel Kraus

Sole Panelist

Date: May 6, 2024