

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. jimo, Kowe, lcd
Case No. D2024-1089

1. The Parties

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

The Respondent is jimo, Kowe, lcd, China.

2. The Domain Names and Registrar

The disputed domain names <global-techskyscanner.com> and <global-worldskyscanner.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 12, 2024. On March 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 14, 2024, 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 the same date.

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 March 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 5, 2024.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on April 11, 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 United Kingdom based company that operates as a search aggregator and provides online travel agency services.

The Complaint is based amongst others on the following word trademarks consisting of the term SKYSCANNER, applied for before the date of registration of the disputed domain names and respectively designating amongst others the European Union:

- International Trademark No. 900393, registered on March 3, 2006, for services in classes 35, 38, and 39
- International Trademark No. 1030086, registered on December 1, 2009, for services in classes 35, 39, and 42.

The disputed domain names were registered on October 25, 2023, and November 3, 2023, respectively. The language of both registration agreements at the time of registration was English.

Finally, the Complainant provided evidence that both disputed domain names resolve to the same content, that is, a login page prominently using the Complainant's registered trademark SKYSCANNER and its sunrise device logo. Moreover, the terms of use that the users must agree to before they can sign by disclosing their credentials up to the websites, suggest that users can deposit and withdraw cryptocurrency at a charge through those websites.

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.

Notably, the Complainant contends that:

- (1) the disputed domain names copy the Complainant's SKYSCANNER trademark and merely add generic words "global", "world" and "tech". They are therefore identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (2) the disputed domain names are used to pose as the Complainant to lure Internet users into making cryptocurrency deposits, which are then seized by the Respondent; and
- (3) the disputed domain names reproduce the Complainant's trademarks in an attempt to deceive Internet users into believing they are accessing the disputed domain names to conduct business with the Complainant. They then suffer financial loss because of the deception. Such use constitutes bad faith in its purest form.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this 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”.

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain names should be transferred or cancelled:

- (i) the disputed domain name is 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 name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel is satisfied that the registrant of record for the disputed domain names is the Respondent and will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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., such as International Trademark registrations for SKYSCANNER, No. 900393 registered on March 3, 2006, for services in classes 35, 38, and 39 and No. 1030086, registered on December 1, 200,9 for services in classes 35, 39, and 42.

While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. In the case at hand, the entirety of the mark SKYSCANNER is reproduced within both 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 “global”, “world” and “tech” (divided in part by a hyphen), 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. In particular, the Panel notes that there is no evidence in the record or Whois information showing that the Respondent might be commonly known by the disputed domain names in the sense of paragraph 4(c)(ii) of the Policy. Furthermore, the Complainant has not given its consent for the Respondent to use its registered trademarks in any domain name registrations.

Moreover, the Panel notes that the nature of the disputed domain names carry a high risk of implied affiliation with the Complainant, since the disputed domain names identically contain the Complainant's trademark SKYSCANNER.. Generally speaking, previous UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see [WIPO Overview 3.0](#), at section 2.5.1). The Panel shares this view and notes that in particular geographic terms (in the case at hand "global" and "world") and terms with an "inherent Internet connotation" (in the case at hand "tech") are to be seen as tending to suggest sponsorship or endorsement by the Complainant. This is further corroborated by the use of the Complainant's sunrise device logo on the Respondent's website.

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 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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that both disputed domain names resolve to the same content, that is a login page prominently using the Complainant's registered trademark SKYSCANNER and its sunrise device logo. For the Panel, it is therefore evident that the Respondent has targeted the Complainant. Noting the composition of the disputed domain names and the use of the Complainant's sunrise logo on the websites, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent was aware of the Complainant at the time of registration of the disputed domain names, which amounts to registration in bad faith. [WIPO Overview 3.0](#), section 3.2.2.

Finally, the further circumstances surrounding the disputed domain names' registration and use confirm the findings that the Respondent has registered and is using the disputed domain names in bad faith:

- (i) the nature of the disputed domain names, identically containing the Complainant's mark;
- (ii) the content of the website to which the disputed domain name directs, displaying the Complainant's trademark and logo, and the Terms of Use that the users must agree to before they can sign by disclosing their credentials up to the websites, suggesting that users can deposit and withdraw cryptocurrency at a charge through those websites.;
- (iii) a clear absence of rights or legitimate interests coupled with no response for the Respondent's choice of the disputed domain name.

In light of the above, 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 <global-techskyscanner.com> and <global-worldskyscanner.com> be transferred to the Complainant.

/Tobias Malte Müller/
Tobias Malte Müller
Sole Panelist
Date: April 25, 2024