

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. Karan Sharma, Cilka
Case No. D2024-1770

1. The Parties

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

The Respondent is Karan Sharma, Cilka, India.

2. The Domain Name and Registrar

The disputed domain name <sky-scanner.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 26, 2024. On April 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 26, 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 April 29, 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 April 29, 2024.

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 May 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2024.

The Center appointed Kathryn Lee as the sole panelist in this matter on June 12, 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 search aggregator and travel agency which provides flight, hotel, and car hire services through its website at “www.skyscanner.net” and the SKYSCANNER smart device app. As of August 2023, the Complainant’s website has been visited 46.59 million times and ranked 706 globally for internet traffic and engagement, 66 in the United Kingdom. The Complainant’s services are available in over thirty languages and in seventy currencies.

The Complainant owns a number of trademark registrations for the SKYSCANNER mark, including the following: International Trademark Registration Number 900393 registered on March 3, 2006, International Trademark Registration Number 1030086 registered on December 1, 2009, and International Trademark Registration Number 1133058 registered on August 16, 2012.

The Respondent appears to be an individual presumably located in India.

The disputed domain name was registered on April 12, 2024, and does not resolve 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 transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is virtually identical to the SKYSCANNER mark in which the Complainant has rights, the only differences being that the disputed domain name includes a hyphen and omits a letter “n”.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that the Respondent knew or should have known about the Complainant’s mark given the strong reputation of the Complainant and its trademark. The Complainant further contends that although there is no use of the disputed domain name at this time and so the intentions of the Respondent are not clear, the Respondent registered the disputed domain name in order to make money from it in some way, for instance, by selling it to the Complainant, a competitor, or a critic, or by setting up a service in direct competition with the Complainant’s.

B. Respondent

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

6. Discussion and Findings

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. As the disputed domain name contains the Complainant's mark in its entirety and the disputed domain name only includes a hyphen and omits an extra letter (the letter "n"), the disputed domain name remains confusingly similar when viewed in a side-by-side comparison. [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 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.

In the present case, the Panel notes that the Respondent likely knew of the Complainant and the Complainant's trademark when registering the disputed domain name. Given the well-known status of the Complainant's mark, and that the disputed domain name is confusingly similar to the Complainant's mark, it is difficult to conceive of a situation in which the Respondents registered the disputed domain name simply by chance. Further, a simple Internet search would have yielded numerous results on the Complainant. Besides, the Respondent has not provided any explanation for having registered the disputed domain name, and with no response to claim otherwise, the Panel finds that it is more probable that the Respondent was well aware of the Complainant's trademark and learned of the availability of the disputed domain name and registered it as an intentional attempt to mislead the Internet users .

There is no evidence that the disputed domain name was ever used, but panels have found that the non-use of a domain name 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 name does not prevent a finding of bad faith in the circumstances of this proceeding; this is especially so where the disputed domain name is inherently misleading. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the nature of the disputed domain name, and finds that in the

circumstances of this case the passive holding of the disputed domain name 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 name <sky-scanner.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: June 19, 2024