

ADMINISTRATIVE PANEL DECISION

Ryanair DAC v. Domain Administrator, Fundacion Privacy Services LTD,
Jiang Li, Domain Admin, Domain Admin, Henry Creighton, Creighfish LTD,
and Markus Tamm
Case No. D2024-1820

1. The Parties

The Complainant is Ryanair DAC, Ireland, represented by Bardehle Pagenberg Partnerschaft mbB, Germany.

The Respondents are: Domain Administrator, Fundacion Privacy Services LTD, Panama; Jiang Li, China; Domain Admin, Bahamas; Domain Admin, British Virgin Islands, United Kingdom; Henry Creighton, Creighfish LTD, Canada; and Markus Tamm, Latvia.

2. The Domain Names and Registrars

The disputed domain name <ruanair.com> is registered with GoDaddy.com, LLC. The disputed domain name <ryaaairline.com> is registered with Media Elite Holdings Limited. The disputed domain name <ryanairr.com> is registered with Internet Domain Service BS Corp. The disputed domain name <rynair.com> is registered with NameSilo, LLC. The disputed domain name <ryyanair.com> is registered with eNom, LLC. The disputed domain name <verifyryanair.com> is registered with Sav.com, LLC (the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 30, 2024. On May 1, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. Between May 1, 2024, and May 7, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Identity Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 12, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity

and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on May 14, 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 Respondents of the Complaint, and the proceedings commenced on May 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on June 19, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on July 2, 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 part of the Ryanair Holdings Plc group of companies, which, founded in 1985, operates as an airline under the RYANAIR mark. The Complainant services the group by, amongst others, managing its intellectual property rights. The renown of the Complainant’s RYANAIR mark has been recognized in prior domain name dispute decisions. See *Ryanair Limited v. Mario Diaz Lopez*, WIPO Case No. [DES2014-0005](#).

The Complainant owns registrations for its RYANAIR mark in numerous jurisdictions, including European Union Trademark Registration No. 000338301 RYANAIR (and device) in classes 16, 35, 36, 37, 38, 39, and 42, with a registration date of November 17, 1999; and European Union Trademark Registration No. 004168721 RYANAIR in classes 16, 28, 35, 36, 37, 38, 39, and 42, registered on December 5, 2005.

The disputed domain names were registered on the dates set out in the table below. All of them currently resolve, or have historically resolved, to pay-per-click (“PPC”) advertising websites that feature advertisements that relate to or compete with the Complainant.

| Disputed Domain Name | Registration Date |
|----------------------|-------------------|
| <ryaaairline.com> | May 21, 2020 |
| <rynair.com> | June 23, 2000 |
| <ryyanair.com> | June 7, 2004 |
| <ruanair.com> | October 3, 2003 |
| <ryanairr.com> | June 14, 2004 |
| <verifyryanair.com> | June 12, 2022 |

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 the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s websites by creating a likelihood of confusion with the Complainant’s mark as to source, sponsorship, affiliation or endorsement, and the disputed domain names have thus been registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names all include the Complainant's well-known mark or obvious typosquatting variants of it, and, for the reasons addressed in relation to bad faith below, the compositions of all six disputed domain names clearly target the Complainant. All of the disputed domain names have been used in the same way, specifically for PPC advertisements that relate to or compete with the Complainant. All of the advertisements function similarly when clicked and are composed in similar ways.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The disputed domain name registrants have been given an opportunity to reply to the Complaint and to the Complainant's request for consolidation, which they have not taken up and have not incurred the costs of responding. Procedural efficiency justifies consolidation in these circumstances. [WIPO Overview 3.0](#), section 4.11.2.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

B. 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 that the disputed domain names either incorporate the Complainant's RYANAIR mark in its entirety or the mark is recognizable within them in the form of a clear misspelling of the mark. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. Although the addition of other terms, here

“airline” and “verify”, 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.

C. 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.

Use of a domain name to host PPC links does not represent a bona fide offering where such links compete with or capitalise on the reputation of the complainant’s mark, as in this case. [WIPO Overview 3.0](#), section 2.9.

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

D. 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.

The Panel finds that it is more likely than not that the disputed domain names were registered and used in order to take advantage of the repute of the Complainant’s mark for the Respondent’s commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy for the following reasons.

UDRP panels have consistently found that the registration of a domain name that is confusingly similar to a well-known trademark (as in this case) can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1.

The disputed domain names have been used to advertise services competitive with or relating to those of the Complainant, which is a clear indicator of targeting for commercial gain under paragraph 4(b)(iv) of the Policy. See *Dr. Martens International Trading GmbH, Dr. Maertens Marketing GmbH v. Private Whois Service*, WIPO Case No. [D2011-1753](#). Although the advertisements may be served programmatically by a third party, the Respondent cannot disclaim responsibility for them. [WIPO Overview 3.0](#), section 3.5.

The disputed domain names all include the Complainant's well-known mark or obvious typosquatting variants of it. One of the disputed domain names contains a word descriptive of the Complainant's business, namely "airline". Internet searches for the second level portions of the disputed domain names all return results overwhelmingly relating to the Complainant, indicating that there is no conceivable good faith use of the disputed domain names that would not result in consumer confusion. These are all indicators of bad faith targeting. [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1.

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

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 <ruanair.com>, <ryaaairline.com>, <ryanairr.com>, <rynair.com>, <ryyanair.com>, and <verifyryanair.com> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: July 16, 2024