

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. Gaurag goy

Case No. D2024-3124

1. The Parties

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

The Respondent is Gaurag goy, India.

2. The Domain Name and Registrar

The disputed domain name <sky-sccaner.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 30, 2024. On July 31, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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 August 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 19, 2024.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on October 4, 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 Skyscanner Limited, a travel search aggregator, incorporated under the laws of the United Kingdom since 2001.

As such, the Complainant provides price comparison data on flights, hotels and accommodation booking services through its website at “www.skyscanner.net” and through its smart device application. As Skyscanner is a travel search engine, it classifies flight and hotel offers but does not manage reservations or payments. Once the users have made their choice, it connects them with the travel provider's website(s).

The Complainant's services are available in over thirty languages and in seventy currencies. According to Similar Web, as of July 2023, the Complainant's core website “www.skyscanner.net” was visited more than 46 million times and was ranked 706th globally for Internet traffic and engagement, and 66th in the United Kingdom.

The Complainant includes in annex a full listing of trade marks registered in jurisdictions around the world. For the present proceeding, the Panel notes that the Complainant is the owner in particular of the international trade mark No. 900393 for SKYSCANNER (word), registered on March 3, 2006.

The Complainant has been successful in previous UDRP complaints in which its trade marks SKYSCANNER have been assessed as being well known. See for example *Skyscanner Limited v. Basit Ali*, WIPO Case No. No. [D2012-1983](#), *Skyscanner Limited v. Contact Privacy Inc. Customer 1244355693 / Mrs. K Ananthan*, WIPO Case No. [D2019-0988](#).

The disputed domain name was registered on April 16, 2024. The Respondent appears to be an individual domiciled in India. At the time the Complaint was filed, the disputed domain name pointed to an active website, in English, under the name “sccaner”, reproducing the global layout and colors of the Complainant's Skyscanner interface, as well as the sunrise logo. This website also featured a cross-reference to the Complainant's core website with the phrase “Booking flights with Skyscanner”. Today, the disputed domain name no longer leads 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 a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is visually identical or confusingly similar to the trade marks SKYSCANNER in which it has rights, the only difference being that the disputed domain name incorporates a hyphen after sky and includes an additional letter “c” and omits a letter “n” in the word scanner (i.e., sky-sccaner).

The Complainant also asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. So far as the Complainant is aware, the Respondent does not own any registered rights in any trade marks which comprise part or all of the disputed domain name. The term “Skyscanner” is not descriptive in any way, nor does it have any generic, dictionary meaning. The Complainant has not provided any consent to the Respondent to register and use the disputed domain name.

Finally, the Complainant states that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered on 16 April 2024, whereas the Complainant's registered rights date back to 2002. The Complainant therefore notes that the Respondent knew or should have known about the Complainant's trade marks given their strong reputation worldwide. In November 2016, the Complainant was the subject of global media attention following its acquisition by Ctrip, China's largest on-line travel

agency, for GBP 1.4 billion. A representative collection of global press articles is produced by the Complainant with the Complaint. Therefore, according to the Complainant, it is implausible that the Respondent did not have the Complainant's business to mind at the time the disputed domain name was registered. With regard to bad faith use, the disputed domain name redirects to a website that reproduces the Complainant's trade mark Skyscanner and sunrise logo, with the aim of making Internet users believe they are dealing with the Complainant. References to the Complainant's main website clearly show knowledge of the Complainant's trade marks and activities. Such use of the disputed domain name constitutes a substantial threat of fraud. The disputed domain name is used to impersonate the Complainant, the only logical reason being to mislead Internet users for unlawful purposes.

The Complainant requests the transfer of the disputed domain name.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel considers the elements SKYSCANNER and "sky-sccaner" are confusingly similar. The disputed domain name contains sufficiently recognizable features of the trade mark SKYSCANNER. Indeed, a domain name which consists of a common, obvious, or intentional misspelling of a trade mark (so-called "typo-squatting"), by adding, deleting, substituting or reversing the order of letters in a mark is considered confusingly similar to the relevant trade mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. Accordingly, the disputed domain name is confusingly similar to the trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 and section 1.9.

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.

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.

Panels have held that the act of "typosquatting" or registering a domain name that includes a misspelling of a famous or widely-known mark in which a party has rights can by itself create a presumption of bad faith. WIPO Overview, section 3.1.4. The Panel concurs with this approach. The Respondent has registered a domain name confusingly similar to the Complainant's trade mark, to establish a website which intentionally matches the Complainant's website (same colors, same type of interface, same logo). The Respondent was therefore attempting to divert consumers from the Complainant's website. Employing a misspelling in connection with a website whose content evokes the trademark in question signals an intention on the part of the Respondent to confuse users seeking or expecting the Complainant. There was an intent to deceive the consumer, which evidences bad faith registration and use. The fact that the disputed domain name no longer leads to an active website does not prevent a finding of 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 name <sky-sccaner.com> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: October 18, 2024