

## **ADMINISTRATIVE PANEL DECISION**

Skyscanner Limited v. help 7963

Case No. D2024-4162

### **1. The Parties**

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

The Respondent is help 7963, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <flight-skyscanner.net> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 9, 2024. On October 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 10, 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 October 11, 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 October 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 Respondent of the Complaint, and the proceedings commenced on October 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2024. The Respondent sent an email communication to the Center on October 12, 2024. On November 4, 2024, the Center received an email communication from a third party. Pursuant to paragraph 6 of the Rules, on November 5, 2024, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Erica Aoki as the sole panelist in this matter on November 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 search aggregator and travel agency based in Edinburgh, Scotland.

The Complainant was formed by three information technology professionals. The Edinburgh office was opened in 2004.

The Complainant's services are available in over 30 languages and in 70 currencies. In the month of August 2023 alone, the Complainant's core website, "www.skyscanner.net" was visited 46.59 million times and is ranked 706th globally for internet traffic and engagement and 66th in the UK.

The Complainant is the owner of the following trademarks among others:

- European Union designation of International Trademark Registration No. 900393 for SKYSCANNER (registered on 3 March 2006), in Class 35, Class 38, and Class 39;
- European Union designation of International Trademark Registration No. 1030086 for SKYSCANNER, in Class 35, Class 39, and Class 42;
- International Trademark Registration No. 1030086 for SKYSCANNER, in the United States of America, Australia, Azerbaijan, Bosnia & Herzegovina, Belarus, Switzerland, China, Egypt, Japan, Mexico, Norway, Russian Federation, Singapore, Türkiye, and Ukraine, registered on December 1, 2009 in Class 35, Class 39, and Class 42.

The disputed domain name was registered on September 20, 2024. The disputed domain name has been used for a fraudulent email scheme to pose as the Complainant's business and entice Internet users to procure travel arrangement services from the Respondent, under the mistaken impression that they are conducting business with the Complainant.

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainants contend that their notoriety is evidenced on the Internet and several UDRP panels have held that the Complainant enjoys a reputation in its SKYSCANNER trademark. At the time of the current Complaint, the Skyscanner website "www.skyscanner.net" attracts tens of millions of unique visits per month and, to date, its SKYSCANNER smart device app has been downloaded over 70 million times.

The Complainants contend that the disputed domain name is confusingly similar to Complainant's SKYSCANNER trademark since it only adds the generic word "flight". The disputed domain name is used in an email scheme to pose as the Complainant's business and entice Internet users to procure travel arrangement services from the Respondent, under the mistaken impression that they are conducting business with the Complainant.

The disputed domain name encompasses the entire word element of the Complainant's trademark SKYSCANNER.

The only distinctive element which consumers can relate to as a badge of owner of the disputed domain name would be “Skyscammer”. “Skyscanner”, being the only element in the Complainant’s registered trademarks, would be how the consumers would recognize and pronounce the trademarks. Therefore, to the consumers, the trademarks are substantially identical or deceptively similar to the disputed domain name. The mere addition of “flight” and “-” is a deliberate attempt to mislead customers that the disputed domain name is a Complainant’s legitimate website.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Complainants are required to establish the requirements specified under paragraph 4(a) of the Policy:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainants have rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

### **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 Complainants have 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 disputed domain name incorporates the Complainant’s trademark in its entirety.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has

not rebutted the Complainants' 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 Respondent does not own any registered rights in any trademarks which comprise part or all of the disputed domain name.

The Respondent has used the disputed domain name to impersonate the Complainant in a fraudulent email scheme. Such illegal use cannot confer rights or legitimate interests upon the Respondent. [WIPO Overview 3.0](#), section 2.13.

The Panel moreover notes that the use of the disputed domain name undercuts any potential argument by the Respondent that the disputed domain name was registered because of any dictionary value, and points to invocation of a brand.

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

### **C. Registered and Used in Bad Faith**

The Complainant's trademark is replicated in entirety on the disputed domain name. The use of the Complainant's trademark will deceive Internet users that they are dealing with the Complainant.

The disputed domain name was registered after the Complainant acquired rights in the SKYSCANNER trademarks. The disputed domain name uses email addresses that are used to carry out business in the Complainant's name, in a manner that constitutes business identity fraud for financial gain.

This is clear evidence of bad faith on the part of the Respondent.

The disputed domain name has in the Panel's view been chosen because of its similarity with a name and trademarks in which the Complainants have rights. This was most likely done in the hope and expectation that Internet users searching for the Complainants' services and products would instead come across the Respondent's disputed domain name.

The previous use of the disputed domain name indicates that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainants' mark. [WIPO Overview 3.0](#), section 3.4.

Moreover, the third party email has illustrated that the Respondent fraudulently used third party information for purposes of the registration of the disputed domain name, which reinforces the Panel's bad faith finding.

The Panel finds 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 <flight-skyscanner.net> be transferred to the Complainant.

*/Erica Aoki/*

**Erica Aoki**

Sole Panelist

Date: November 25, 2024