

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. Sky Sky, US
Case No. D2024-4997

1. The Parties

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

The Respondent is Sky Sky, US, India.

2. The Domain Name and Registrar

The disputed domain name <skyscannerinc.com> 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 December 3, 2024. On December 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 5, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Respondent sent an email communication to the Center on December 10, 2024, and December 13, 2024. The Complainant requested a suspension of the proceedings on December 13, 2024, and the proceedings were suspended the same day. The proceedings were reinstated on December 19, 2024. The Complainant filed an amendment to the Complaint on December 27, 2024. The Respondent sent another email communication on December 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 January 10, 2025. In accordance with the Rules, paragraph

5, the due date for Response was January 30, 2025. The Respondent sent one further email communication to the Center on January 14, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on February 17, 2025. 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 operates a travel search aggregator.

The Complainant's main website at "www.skyscanner.net" was the 95th most visited website in the United Kingdom in October 2024.

The Complainant owns several trade marks in the term SKYSCANNER including the following:

- United Kingdom Trade Mark Registration SKYSCANNER No. 2313916 registered on April 30, 2004; and
- International Trade Mark Registration SKYSCANNER No. 1030086 registered on December 1, 2009.

The disputed domain name was registered on November 5, 2024, and, at the time of filing of the Complaint, was used to direct to a website purporting to offer travel-related services. The disputed domain name is now parked for free, courtesy of the Registrar.

The only information available on the Respondent is as disclosed by the Registrar.

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 wholly incorporates the Complainant's SKYSCANNER trade mark and that in spite of the addition of the generic term "inc" after the Complainant's trade mark, the SKYSCANNER trade mark is immediately identifiable within the disputed domain name.

The Complainant explains that as far as it 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 Complainant adds that the term "skyscanner" is not descriptive in any way, nor does it have any generic, dictionary meaning. The Complainant has not given its consent for the Respondent to use its registered trade mark in a domain name registration. The Complainant also points to the use of the disputed domain name to direct to a website purporting to offer travel-related services, to conclude that by its very nature, such use cannot constitute a legitimate non-commercial use or a use in connection with a bona fide offering of goods or services.

The Complainant highlights the fact that the disputed domain name points to a website purporting to offer travel information and/or travel arrangement services which is in direct conflict with the Complainant's core offering. In light of this, the Complainant contends that there can be no plausible explanation for this, other than the Respondent seeking to gain undue profit by misleading consumers into believing that the services provided through the disputed domain name originate from or are otherwise affiliated with the Complainant, when this is not the case.

B. Respondent

The Respondent did not reply to the Complainant's contentions but sent communications to the Center on December 10 and 13, 2024, claiming that it had registered the disputed domain name by mistake and that it was ready to transfer it to the Complainant. The Complainant requested a suspension on December 13, 2024. The proceedings were reinstated on December 19, 2024. The Respondent sent further emails communication on December 29, 2024, and January 14, 2025, reiterating that the Respondent was ready to transfer the disputed domain name to the Complainant and that registration of the disputed domain name was a mistake made without knowledge of the Complainant's brand.

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 entirety of the trade mark SKYSCANNER is reproduced within the disputed domain name. 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.

Although the addition of other terms, here, "inc", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the SKYSCANNER trade 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 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 notes that the composition of the disputed domain name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1. In addition, the disputed domain name pointed to a website reproducing the trade mark of the Complainant and purporting to offer services in competition with the Complainant's products, without any disclaimer. This type of use of the disputed domain name cannot constitute a legitimate noncommercial use or a use in connection with a bona fide offering of goods or services.

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.

The disputed domain name reproduces the exact SKYSCANNER trade mark of the Complainant and this is unlikely to be a coincidence given the overall circumstances of the present case including (i) the fact that the disputed domain name was registered relatively recently and many years after the registration of the trade mark SKYSCANNER, (ii) the fact that the reputation of the trade mark SKYSCANNER was recognized by previous panels under the Policy, (iii) the fact that the Complainant's main website generates a very significant volume of web traffic and has a substantial visibility on the Internet, and (iv) the fact that the Respondent used seemingly incorrect and/or incomplete registration data for the disputed domain name.

As for the use of the disputed domain name in bad faith, the Panel notes that the website that was associated with the disputed domain name purported to offer services in competition with the Complainant's services, without any disclaimers. The Panel finds that the disputed domain name was used in an effort to suggest an affiliation with the Complainant and to mislead unsuspecting Internet users.

On this basis, the Panel finds that, as per paragraph 4(b)(iv) of the Policy, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's 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 the Respondent's website or location or of a product or service on the Respondent's website or location.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <skyscannerinc.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: March 3, 2025