

## **ADMINISTRATIVE PANEL DECISION**

Skyscanner Limited v. Yash Sharma  
Case No. D2024-5185

### **1. The Parties**

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

The Respondent is Yash Sharma, India, represented by AARYAVARTT, India.

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

The disputed domain name <skyscantravels.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 17, 2024. On December 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 18, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 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 December 19, 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 December 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2025. The Response was filed with the Center on January 8, 2025.

The Center appointed John Swinson as the sole panelist in this matter on January 21, 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, a company incorporated in the United Kingdom, is the creator of a travel search and price comparison website hosted at a range of domains in various jurisdictions, including <skyscanner.net>.

The Complainant owns numerous trade mark registrations worldwide for SKYSCANNER and variations thereof, including:

- International Trade Mark Registration No. 1030086 for SKYSCANNER, registered December 1, 2009; and
- Indian Trade Mark Registration No. 1890840 for SKYSCANNER, registered December 2, 2009.

The disputed domain name was registered on August 12, 2024.

The Respondent is an individual who has an address in India. The Response provides no information about the Respondent.

The website at the disputed domain name resolves to a website titled "Skyscantravels". The website states that Skyscantravels is located in the United States and "Skyscantravels, established in 2024, is a trusted travel agency renowned for exceptional customer service and meticulous planning, offering seamless and memorable travel experiences worldwide".

The website includes a general description of travel services, but does not promote any particular travel product, destination or event. Bookings cannot be made directly via the website at the disputed domain name. There is an inquiry form on the website for a customer to provide the customer's contact details.

This website's description (as can be seen in the metatags) includes "Your Dream Destinations Await Explore bespoke travel packages with exclusive deals on flights, accommodations, and activities worldwide. Explore Now Services Tailored travel packages for unforgettable adventures View All Flight Deals Exclusive flight offers tailored to your destination and budget Accommodation Packages Handpicked accommodations with luxury options worldwide Customized Activities Personalized activities and experiences for a unique travel adventure Our Journey to Excellence Skyscantravels" and "Discover Your Dream Destinations About Skyscantravels Skyscantravels, a leading US-based travel agency, specializes in crafting personalized vacation packages with exclusive deals on flights, accommodations, and activities worldwide. Delivering exceptional customer service and seamless travel experiences, earning a stellar reputation. Our Journey Skyscantravels embarked on its mission in 2024, driven by a passion for crafting unique travel experiences".

The website at the disputed domain name includes no information about the Respondent or any other person who is involved with this website. The website includes a notice as follows: "Copyright © 2025 Skyscantravels."

#### **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 that the disputed domain name was registered with the Complainant's business in mind and that the Respondent uses the disputed domain name to target United States consumers of travel services, in a manner that constitutes bad faith.

Given the famous nature of the Complainant's mark and the fact that no other individual or business owns registered trade mark rights in the SKYSCANNER trade mark, not only is it likely that the Respondent was aware of the Complainant's rights prior to registering the disputed domain name but it is inevitable that visitors to the website at the disputed domain name would mistakenly believe there to be an association with the Complainant.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

The Respondent submits that the disputed domain name contains the term "skyscan" in which the term "scan" is a verb indicates an "activity". In contrast, the Complainant's mark SKYSCANNER consists of the terms "sky" and "scanner" in which the term "scanner" is noun simply indicates a "device". Therefore, the mere existence of the term "skyscan" in both the marks does not result in any likelihood of confusion or misrepresentation.

The Respondent asserts that the Complainant does not have any right over the term "skyscan". The Complainant has rights only over the whole arrangement of the mark SKYSCANNER.

The Respondent states that sections 1.7 to 1.14 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") outline that domain names combining a well-known mark with a descriptive term may not be considered confusingly similar if the added term is sufficiently generic or descriptive, especially if it serves to describe the goods or services.

The Respondent submits that he has rights and legitimate interests in respect of the disputed domain name which he adopted and commenced using on August 12, 2024. The Respondent's use of the disputed domain name is not an attempt to capitalize on the Complainant's mark but rather a legitimate and good-faith use of a generic domain name for the promotion of travel services.

The Respondent states that he did not register the disputed domain name with the primary intent to sell or transfer the disputed domain name to the Complainant for consideration exceeding his out-of-pocket costs.

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

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

The onus of proving these elements is on the Complainant.

## **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 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 disputed domain name includes "skyscan" (which is a key part of the Complainant's trade mark) and the word "travels".

The Respondent mischaracterizes sections 1.7 to 1.14 of the [WIPO Overview 3.0](#) by stating that "combining a well-known mark with a descriptive term may not be considered confusingly similar if the added term is sufficiently generic or descriptive, especially if it serves to describe the goods or services". In this regard, the Panel notes that [WIPO Overview 3.0](#), section 1.7 describes the test under the first element of the Policy as "a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name". As to the added terms, [WIPO Overview 3.0](#), section 1.8 states that "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

In *Skyscanner Limited v. Leena Padhra*, WIPO Case No. [D2018-2276](#), the esteemed panelist concluded that "skyscan.flights" was confusingly similar to SKYSCANNER.

Although the addition of other terms (here, "travels") 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 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 Respondent asserts that he has rights or legitimate interests in respect of the disputed domain name because he adopted it in August 2024 for “a bona fide offering of travel-related services”. However, apart from the website at the disputed domain name, the Respondent provided no evidence of other use of “Skyscantravels”. There is no evidence of any company name, registered business name or registered trade mark for “Skyscantravels”. Despite statements on the website at the disputed domain name that Skyscantravels is “a leading US-based travel agency” and the inclusion of supposed customer reviews of the website (from unnamed customers), no information was provided by the Respondent as to the physical location of his business, the number of customers, the number of employees, the number of bookings or volume of revenue and the like. There is no evidence of any other use of “Skyscantravels” by the Respondent, of any advertising by the Respondent, or of any reputation that the Respondent has in respect of “Skyscantravels”. In short, there is no evidence of any bona fide use of “Skyscantravels” or the disputed domain name by the Respondent.

The Response also asserts that the Respondent has used the disputed domain name in a legitimate noncommercial manner. No evidence was provided to support this assertion, and this assertion contradicts the Respondent’s argument that he provides travel-related services under the disputed domain name.

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

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

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trade mark (usually) owned by the complainant.

The Respondent did not assert that he was not aware of the Complainant when he registered the disputed domain name. The Respondent provided no explanation as to why he selected “Skyscantravels” for the disputed domain name beyond pointing out that he has been using the disputed domain name “to provide travel-related services”. The Respondent also argues that there are sufficient differences with the Complainant’s trade mark due to the addition of the term “travels” in the disputed domain name which refers to the travel industry.

While there seems to be an implicit argument in the Response that the disputed domain name is composed of dictionary terms, the Panel finds the combination of “sky” with “scan” is a clear reference targeting the Complainant’s SKYSCANNER mark, with the difference between “scan” (a verb) and “scanner” (a device) being immaterial. The Panel considers it implausible that the Respondent, who purports to provide travel related services, would not have been aware that its selected combination of terms would closely resemble the Complainant’s SKYSCANNER mark.

The Panel infers that the Respondent registered the disputed domain name because he was aware of the Complainant and wished to take advantage of the Complainant’s reputation. The Panel reaches this conclusion because the Complainant and its SKYSCANNER mark are very well-known in the travel industry in 2024 when the Respondent registered the disputed domain name, the Respondent is part of the travel industry, and because the Respondent included “travels” as part of the disputed domain name which is a term that relates to the Complainant’s services. *Skyscanner Limited v. Mohit Bajaj*, WIPO Case No. [D2016-1481](#). It is highly unlikely that the Respondent registered the disputed domain name by chance. *Skyscanner Limited v. Md AL Mamun*, WIPO Case No. [D2024-3122](#).

The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to the source, affiliation or endorsement of the website. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) of 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 <skyscantravels.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: February 4, 2025

## ADDENDUM TO ADMINISTRATIVE PANEL DECISION

This is an addendum to the Administrative Panel Decision (“Decision”) dated February 4, 2025 with regard to the disputed domain name <skyscantravels.com>. The Panel wishes to issue the following clarifications.

### Factual Background

In the decision when discussing the Second Element, the Panel states: “However, apart from the website at the disputed domain name, the Respondent provided no evidence of other use of ‘Skyscantravels’. There is no evidence of any company name, registered business name or registered trade mark for ‘Skyscantravels’.”

The Panel notes that the Response includes the following Annexures:

*Annex 1:* Respondent’s domain registration invoice and WHOIS details for <skyscantravels.com>.

*Annex 2:* A document referred to in the List of Annexes as “Respondent’s Rights” which is document from the Government of India, Ministry of Micro, Small and Medium Enterprises titled “Udyam Registration Certificate”. This relates to an enterprise with the name “SKYSCAN TRAVELS”, having enterprise type “micro”. The date of Udyam Registration is August 25, 2024. This certificate states that the date of commencement of production/business is August 1, 2024. The Panel notes that the certificate states as date of incorporation/ registration of enterprise July 11, 1997, but it is unclear to the Panel why there is such a big difference between the date of incorporation and the date of commencement of business. This difference in date may be due to the enterprise being dormant until 2024, that the enterprise was originally incorporated under a different name, or that the date of incorporation may be referring to the Respondent in some way unknown to the Panel (like for example the date of the Respondent’s birth noting that the mentioned section is also referring to the Respondent’s gender). In any case, the lack of such explanation seems to the Panel immaterial to the outcome of this decision. The Respondent is listed as the owner of this enterprise.

*Annex 3:* A document referred to in the List of Annexes as “Respondent’ use or demonstrable preparations to use the domain name (e.g. website screenshots)” which is a screenshot of what appears to be two pages of the Respondent’s website at the disputed domain name. This is dated “1/8/25” which appears to be January 8, 2025 (being the date the Response was filed).

*Annex 4:* Documents referred to in the List of Annexes as “Respondent’s commercial Invoices” which are 5 pages of invoices printed from the “travelboutiqueonline” website (which claims to be India’s leading travel distribution platform.) These invoices are dated November and December 2024, and appear to be invoices issued to the Respondent for flights ticketed by the Respondent using the “travelboutiqueonline” platform. All the flights involve travel within India, except one that appears to be a flight from Delhi via Kuala Lumpur to Melbourne.

*Annex 5*: Documents referred to in the List of Annexes as “Social media promotion and other promotional activities” which are a screenshot of a Facebook profile page for “Skyscantravels” (undated) and possibly an Instagram page for “skyscantravelsdotcom”, with photos for “Cheapet (sic) Flight Ticket” and “Beautiful India” (undated).

The Panel considers that these Annexures are not specifically referenced or explained in the Respondent’s contentions submitted as the Response. The Panel considered these exhibits when preparing the Decision.

## **Second Element**

The Panel made an incorrect statement in the Decision as follows: “However, apart from the website at the disputed domain name, the Respondent provided no evidence of other use of ‘Skyscantravels’. There is no evidence of any company name, registered business name or registered trade mark for ‘Skyscantravels’.”

The Panel wishes to amend this to say:

“However, apart from the website at the disputed domain name, the commercial invoices printed from the “travelboutiqueonline” website, and the Respondent’s use of social media, the Respondent provided no evidence of other use of ‘Skyscantravels’, and the evidence submitted is not sufficient to rebut the prima facie case established by the Complainant under the Policy. There is no evidence of any company name, registered business name or registered trade mark for ‘Skyscantravels’ sufficient to rebut the prima facie case established by the Complainant under the Policy.”

For clarity and completeness, the Panel provides the following additional reasons.

To demonstrate rights or legitimate interests in the disputed domain name, the Response (although not citing any part of paragraph 4(c) of the Policy) appears to rely on paragraphs 4(c)(i), and likely 4c(iii). Paragraph 4(c)(i) states:

“before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;”

Paragraph 4(c)(iii) of the Policy states:

“you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

Use of a domain name to intentionally trade on the fame of another does not demonstrate his rights or legitimate interests in the domain name, and in particular cannot be considered a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name. *Van Morrison and Exile Productions Limited v. Unofficial Club de Van Morrison*, WIPO Case No. D2002-0417. In respect of the third element of the Policy, the Panel found that the Respondent registered the disputed domain name to take advantage of the Complainant’s reputation. Accordingly, the Respondent cannot be regarded as using the disputed domain name in connection with a with a bona fide offering of goods or services. Compare *Welcomemat Services, Inc. v. Michael Plummer Jr., MLP Enterprises Inc.*, WIPO Case No. D2017-0481.

Annexures 3 and 5 are insufficient to give rise to rights or legitimate interests for the Respondent in the disputed domain name under the Policy, as these are consequential aspects of or related to the adoption by the Respondent of the disputed domain name (and in a broader sense to promote its business under the name “Skyscantravels”). Therefore, those aspects are affected by the Panel’s findings that the Respondent

registered the disputed domain name to take an unfair advantage of the Complainant's reputation and are not sufficient to establish rights or legitimate interests under the Policy.

An asserting party needs to establish that it is more likely than not that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any sufficient supporting evidence would essentially eviscerate the requirements of the Policy as complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Snowflake, Inc. v. Ezra Silverman*, WIPO Case No. DIO2020-0007; *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunberg*, WIPO Case No. D2021-3279.

Accordingly, Annexures 3 and 5 do not assist the Respondent to overcome the prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Annexure 2 is an Udyam Registration Certificate. Merely providing a government registration does not demonstrate use of (i) the disputed domain name or (ii) a name corresponding to the disputed domain name under the Policy. Potentially, this certificate could demonstrate preparations to use, but no such argument was made by the Respondent, and even when considered together with Annexures 3 and 5, are insufficient to derive the Panel from its finding that the Respondent registered the disputed domain name to take an unfair advantage of the Complainant's reputation. Further, the Respondent must show that such use or preparations to use are "in connection with a bona fide offering of goods or services", and as discussed elsewhere in the decision, the Respondent has not demonstrated his bona fides.

The Respondent does not appear to rely upon paragraph 4(c)(ii) of the Policy. However, for completeness, the Panel will consider paragraph 4(c)(ii). Annexure 2 also does not demonstrate that the Respondent is commonly known by the disputed domain name. The Udyam Registration was made after registration of the disputed domain name. Accordingly, there is no evidence at the time of registration of the disputed domain name that the Respondent was commonly known by "skyscantravels" for the purposes of the Policy. In these circumstances, the existence of an Udyam Registration does not confer rights or legitimate interests upon the Respondent. See *Senwes Limited v. Ha Gwaza, Senwes Group*, WIPO Case No. D2022-0376. The Respondent must show something going beyond the mere government registration to demonstrate rights and legitimate interests under the Policy. See *SAP SE v. SAP Plus Plus LLC*, WIPO Case No. D2024-3209. Furthermore, the registration of a company name, and the limited activity shown by the Respondent through the travel invoices or towards the promotion of its business, is not sufficient to show that the Respondent is commonly known by the disputed domain name. The Respondent cannot therefore avail itself of paragraph 4(c)(ii) of the Policy.

Annexure 4 is a small batch of invoices made out to "SKYSCANTRAVELS". The Respondent does not explain how such reservations came to be made. At best, the invoices show that the Respondent uses the name "SKYSCANTRAVELS" when doing business with a travel wholesaler. While the invoices may be referring to what seems to be consumers of the Respondent's services under the name "PAX Name", the Panel notes that the invoices do not show use of "SKYSCANTRAVELS" when selling travel services to consumers directly or in respect of an offering of goods or services to consumers. In any case, even if the Respondent were to be promoting or using "SKYSCANTRAVELS" in its relationship with customers, that would not alter the fact that the Panel finds the selection of "SKYSCANTRAVELS" was due to the similarity with the Complainant's SKYSCANNER mark, and likely to take an unfair advantage of that similarity. The invoices are also puzzling in that they primarily relate to Indian domestic travel reservations booked with an entity located in Chandigarh, India, whereas the website at the disputed domain name states that the Respondent is based in the United States, and in any case are not sufficient to alter the Panel's conclusion as to the lack of rights or legitimate interests in the disputed domain name.

The Panel considers that the evidence presented by the Respondent does not show use of a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. The record shows that the Complainant's SKYSCANNER mark was well established by the time the

Respondent, a competitor, registered the disputed domain name, and the Respondent cannot reasonably claim to deny prior awareness of the Complainant or its marks.

The Panel also notes that the Response was less than helpful because it simply attached annexures without sufficiently explaining what the documents in the annexures represented or why they were relevant to the Respondent's arguments, which in any case, as the Panel has described in the paragraphs above, are immaterial to the outcome.

### **Decision**

The Panel reaffirms the Decision in favor of the Complainant, and for the reasons described above, the Panel notes that the notification of this Addendum does not alter the calculation of the ten (10) business day period reflected under paragraph 4(k) of the Policy.

For avoidance of doubt, the Panel restates paragraph 7 of its Decision as follows:

"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 <skyscantravels.com> be transferred to the Complainant."

**John Swinson**

Sole Panelist

Date: February 18, 2025