

## **ADMINISTRATIVE PANEL DECISION**

Skyscanner Limited v. Shuhag Chowdhury  
Case No. D2022-1463

### **1. The Parties**

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

The Respondent is Shuhag Chowdhury, United Kingdom.

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

The disputed domain name <skyscannerdeal.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 April 23, 2022. On April 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 26, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 27, 2022, 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 April 27, 2022.

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 April 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 23, 2022. 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 limited company registered in England and Wales, United Kingdom. It is a provider of travel services online.

The Complainant is the owner of registrations for the trademark SKYSCANNER in numerous territories. Those registrations include, for example, United Kingdom trademark registration number 2313916 for the word mark SKYSCANNER, registered on April 30, 2004, for services in International Classes 35, 38, and 39.

The disputed domain name was registered on June 12, 2021.

The Complainant submits that, at the date of the Complaint, the disputed domain name had not resolved to any active website. At the date of this Decision, the disputed domain name resolves to a website at “www.skyscannerdeal.com” headed “SKYSCANNER DEAL AIR ADVENTURE”. The website includes the Complainant’s name and registered office address and purports to offer travel services. It contains apparent links to “Book Now” and to “Sign Up” for a mailing list by providing an email address.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant submits that its official website at “www.skyscanner.net” attracts over 100 million visits per month and that its services are available in over 30 languages. The Complainant submits that as a result of its business activities its SKYSCANNER mark enjoys considerable commercial goodwill on a global basis.

The Complainant submits that the disputed domain name is confusingly similar to its SKYSCANNER trademark. It contends that the disputed domain name differs from that mark only by the addition of the word “deal”, which is a descriptive term suggesting to Internet users that discounted services are available.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has never authorized the Respondent to use its SKYSCANNER mark, that the Respondent has no independent rights in that mark and that the Respondent is not making any use of the disputed domain name that could give rise to rights or legitimate interests on its part.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant’s business, which dates from 2002, and is overwhelmingly likely to have registered the disputed domain name in order to make money from its association with the Complainant’s trademark. It submits that there can be no justification for a domain name which replicates the Complainant’s trademark and that the Respondent’s passive holding of the disputed domain name should not prevent a finding of bad faith.

##### **B. Respondent**

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

## 6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

### A. Identical or Confusingly Similar

The Complainant has established that it has registered trademark rights in the mark SKYSCANNER. The disputed domain name comprises that trademark in full, together with the term “deal”, which does not prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

### B. Rights or Legitimate Interests

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file any Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. As further explained below, the non-use of the disputed domain name does not confer rights or legitimate interests upon the Respondent under the circumstances of this proceeding, nor too does the use of the confusingly similar disputed domain name for purposes of impersonating the Complainant to allegedly offer competing services. The Panel finds therefore that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

### C. Registered and Used in Bad Faith

The Panel finds the disputed domain name to be inherently misleading, as inevitably suggesting to Internet users that it is owned or operated by, or otherwise commercially affiliated with, the Complainant. The Panel finds further that the Respondent must have been aware of the Complainant’s SKYSCANNER trademark when registering the disputed domain name, based on the distinctive nature and established reputation of that mark and the lack of any explanation from the Respondent for its choice of the disputed domain name.

In these circumstances, the Panel would have found the disputed domain name to have been registered and used in bad faith even if it had continued to be passively held by the Respondent: see *e.g. Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

As of the date of this Decision, however, the Respondent has used the disputed domain name for the purpose of a website, which impersonates the Complainant by using its name, trademark, and corporate information and seeks to elicit responses from Internet users. The Panel finds therefore that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has been registered and is being used in bad faith.

## **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, <skyscannerdeal.com>, be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: June 3, 2022