

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. Muhammad Mubbashir Mushtaq, Professional Training Case No. D2024-4730

1. The Parties

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

The Respondent is Muhammad Mubbashir Mushtaq, Professional Training, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <iskyscanners.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 15, 2024. On November 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 18, 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 amended Complaint on November 19, 2024.

The Center verified that the Complaint together with the amended 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 November 21, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 12, 2024.

The Center appointed Uğur G. Yalçiner as the sole panelist in this matter on December 20, 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 the owner of several trademark registrations consisting of the term SKYSCANNER, some of which are listed below:

- International trademark registration SKYSCANNER, with registration No. 900393, registered on March 3, 2006, in classes 35, 38 and 39, designating the European Union and the United States of America.
- International trademark registration SKYSCANNER, with registration No. 1030086, registered on December 1, 2009, in classes 35, 39 and 42, with several designations.
- International trademark registration SKYSCANNER, with registration No. 1133058, registered on August 16, 2012, in classes 35, 39 and 42, with several designations.
- United Kingdom trademark registration SKYSCANNER with registration No. UK00002313916, registered on April 30, 2004, in classes 35, 38 and 39.
- Canadian trademark registration SKYSCANNER with registration No. TMA786689, registered on January 10, 2011, in classes 35, 39 and 42.

The Complainant owns the domain name <skyscanner.net>, which was registered on July 3, 2002 and redirected to “www.skyscanner.net”, which is available in over 30 languages and attracts tens of millions of unique visits per month.

The disputed domain name was registered on November 8, 2023, and at the time of filing the Complaint, it resolved to a Pay-Per-Click (“PPC”) parking page, pointing to the Complainant’s competitors. At the time of this Decision, the disputed domain name no longer resolves 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.

(i) Identical or Confusingly Similar

The Complainant contends that the disputed domain name is virtually identical to the Complainant’s trademark SKYSCANNER, the only minor difference being that it contains the letter “i” before the Complainant’s trademark and the letter “s” after the Complainant’s trademark, and that it is permissible for the Panel to ignore the generic Top-Level Domain (“gTLD”) for purposes of assessing identity and confusing similarity under paragraph 4(a)(i) of the Policy.

(ii) Rights or legitimate interests

The Complainant alleges that the Respondent does not own any registered rights in any trademarks 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 given its consent for the Respondent to use its registered trademarks in a domain name registration.

The Complainant contends that the disputed domain name points to a flight aggregator tool, that encourages Internet users to search for and book flights, and that the provision of travel information and arrangement services under the term “iskyscanners” constitutes an infringement of the Complainant’s registered trademarks, such use cannot constitute a legitimate non-commercial interest in the disputed domain name, nor is the disputed domain name being used in connection with a bona fide offering of goods and services.

The Complainant asserts that given the well-known nature of the Complainant’s trademark and the fact that no other individual or company owns any registered rights in the trademark SKYSCANNER, it is not only likely that the Respondent was aware of the Complainant’s rights prior to registering the disputed domain name but it is also inevitable that visitors to the disputed domain name would mistakenly believe that there is an association with the Complainant.

The Complainant alleges that it has submitted a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

(iii) Registration and Use in Bad Faith

The Complainant contends that the disputed domain name was registered on November 8, 2023 and has been registered for one year and eight days as of the date of the Complaint, given that the Complainant’s registered rights date back to 2002, the Respondent was aware of the reputation of the Complainant’s business under its trademark SKYSCANNER at the time the disputed domain name was registered, by which time point the Complainant’s trademarks gained worldwide fame and its trademark also received significant international media attraction in November 2016 following the Complainant’s acquisition by Ctrip, China’s largest online travel agency in a deal worth approximately GBP 1.4 billion.

The Complainant alleges that the disputed domain name refers to a website containing a flight aggregator tool that is in direct conflict with the Complainant’s core offering, for which there can be no plausible explanation, other than that the Respondent is seeking to profit illegitimately by misleading consumers into believing that the travel arrangement and information services provided through the disputed domain name originate from or are otherwise affiliated with the Complainant, and therefore, the Complainant submits that the disputed domain name was registered with the Complainant’s business in mind, in a manner that constitutes bad faith.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three elements are present:

- (i) the disputed domain name registered by the Respondent 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

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 Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel is satisfied that the Complainant is the owner of SKYSCANNER trademarks registered in several jurisdictions.

The disputed domain name incorporates the Complainant's trademark SKYSCANNER, with the addition of the letter "i" at the beginning and the letter "s" at the end. In this regard, the Panel considers that the mere addition of the letters at the beginning and end of the Complainant's trademark does not prevent the confusing similarity with the Complainant's trademark, as the Complainant's SKYSCANNER trademark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

It is an accepted principle that generic Top-Level Domains ("gTLDs"), in this case ".com", are to be typically disregarded in the consideration of the issue of whether a domain name is identical or confusingly similar to a complainant's trademarks. Disregarding the gTLD ".com", the Panel notes that the disputed domain name is confusingly similar to the Complainant's trademark.

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademarks and that the requirements in paragraph 4(a)(i) of the Policy are fulfilled.

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 names such as those enumerated in the Policy or otherwise.

The Panel notes that the Respondent does not have any registered trademarks or trade names and no license or authorization of any other kind has been given to the Respondent by the Complainant to use its registered trademark.

According to the Complainant's assertion and provided documents, the disputed domain name points to a flight aggregator tool, that encourages Internet users to search for and book flights. The Panel also conducted research at the Internet Archive in order to determine how the Respondent had used the disputed domain name in the relevant past as it is accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and

reaching a decision. [WIPO Overview 3.0](#), section 4.8. Based on its research on “www.archive.org”, the Panel found that the website that the disputed domain name resolves to was used to as a search aggregator and travel arranger, offering the customers competitive prices on flight tickets, hotel rooms and rental cars from some of the world’s most trusted global brands, which is similar to the Complainant’s business and use of its mark. Therefore, the Panel is of the opinion that the Respondent’s use of the disputed domain name creates confusion with the Complainant, its registered trademark, and its official website, which does not support a finding of rights or legitimate interests in the disputed domain name on the part of the Respondent.

As a result, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and the requirements of paragraph 4(a)(ii) of the Policy are therefore fulfilled by the Complainant.

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.

In the present case, the Panel is satisfied with the relevant evidence filed by the Complainant showing that it owns trademark rights for SKYSCANNER, which has been registered and used for many years prior to the registration of the disputed domain name and the Panel confirms the Complainant’s trademark SKYSCANNER is well-known around the world.

The Panel is of the opinion that it is implausible for the Respondent to have been unaware of the Complainant and its well-known trademark when the disputed domain name was registered, and the Respondent’s aim of the registration was to take unfair advantage of the Complainant’s trademark. As the Respondent added the the letter “i” at the beginning and the letter “s” at the end of the Complainant’s well-known trademark SKYSCANNER, that gives an impression that the disputed domain name is owned and used by the Complainant. Several UDRP panels have held that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Panel is convinced that the purpose of the Respondent is to attract Internet users by creating a likelihood of confusion with the Complainant’s trademark for potential commercial gain within the meaning or paragraph 4(b)(iv) of the Policy. This is evidenced by the use of the Complainant’s trademark with mere additions by operating in the same field, namely search aggregator and travel arrangement, and by offering the similar services namely flight tickets, hotel rooms and rental cars at competitive prices, as determined by the Panel on the basis of its research on “www.archive.org” as mentioned above.

The Panel also considers that the disputed domain name was being used as a Pay-Per-Click (“PPC”) parking page, pointing to the Complainant’s competitors at the time the Complaint was filed. The Panel is in the opinion that the object of using the disputed domain name consisting of the Complainant’s trademark was to mislead Internet users and allowing the PPC links related to the field of the Complainant at the website to which the disputed domain name resolves for commercial gain. It has been established in numerous UDRP decisions that such conduct constitutes bad faith of the Respondent set out at paragraph 4(b)(iv) of the Policy.

Having considered all the facts in this case, the Panel finds that the Complainant has sustained its burden of proof in showing that the disputed domain name was 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 <iskyscanners.com> be transferred to the Complainant.

/Uğur G. Yalçiner/

Uğur G. Yalçiner

Sole Panelist

Date: January 3, 2025