

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. boon ho ng

Case No. D2025-0515

1. The Parties

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

The Respondent is boon ho ng, Malaysia.

2. The Domain Names and Registrar

The Disputed Domain Names <sales-skyscanner.com> and <skyscannerpromoter.com> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 8, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On February 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names 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 February 11, 2025, 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 February 13, 2025.

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 February 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 14, 2025.

The Center appointed Alexander Duisberg as the sole panelist in this matter on March 31, 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 is a company incorporated in the United Kingdom. The Complainant operates an online search engine for air travel at “www.skyscanner.net” and also via a mobile app.

The website at “www.skyscanner.net” attracts tens of millions of unique visits per month and by way of example in the month of October 2024 it was visited 32.6 million times and is ranked 1301st globally for Internet traffic and engagement and 95th in the United Kingdom. The Complainant’s “Skyscanner” smart device app has been downloaded over 70 million times. The Complainant’s services are available in over thirty languages and in seventy currencies.

The Complainant is the owner of numerous trade mark registrations in various jurisdictions around the world including:

- International Registration No. 900393 for SKYSCANNER (plain word) registered on March 3, 2006
- International Registration No. 1030086 for SKYSCANNER (plain word), registered on December 1, 2009

The Disputed Domain Names were both registered by the Respondent, with the same Registrar, on the following dates:

- <skyscannerpromoter.com> registered on December 28, 2024;
- <sales-skyscanner.com> registered on January 16, 2025.

According to the Complainant’s un rebutted evidence, the Disputed Domain Names resolve to a Windows Defender page reporting the website as unsafe as a result of being reported to Microsoft for containing phishing threats. When clicking through the “Continue to the unsafe site (not recommended)” link, the Disputed Domain Names resolve to websites containing pay-per-click (“PPC”) links that advertise the services of other businesses, some of which directly compete or are in related fields to that of the Complainant.

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 Names.

Notably, the Complainant contends that the Disputed Domain Names wholly incorporate the Complainant’s SKYSCANNER trade mark, adding the words “promoter” after the Complainant’s trade mark (i.e., “skyscannerpromoter”) or “sales” before the Complainant’s trade mark (i.e., “sales-skyscanner”). The Complainant’s registered trade mark is immediately identifiable within the Disputed Domain Names and the additional words would be understood as merely descriptive of the potential purpose of the website, such that the Disputed Domain Names are highly similar to the Complainant’s trade mark.

The Complainant states that the Respondent does not own any registered rights in any trade marks which comprise part or all of the Disputed Domain Names. 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 marks in a domain name registration.

The Complainant asserts that the Disputed Domain Names resolve to a Windows Defender page reporting the website as unsafe as a result of being reported to Microsoft for containing phishing threats. Panels have held that the use of a domain name for illegal activity, including phishing, can never confer legitimate interests on a respondent. When clicking through the “Continue to the unsafe site (not recommended)” link, the Disputed Domain Names resolve to websites containing PPC links that advertise the services of other businesses, some of which directly compete or are in related fields to that of the Complainant.

The Complainant contends that the Respondent was aware of the Complainant’s rights prior to registering the Disputed Domain Names, but it is inevitable that visitors to the Disputed Domain Names would mistakenly believe there to be an association with the Complainant. The nature of the additional words “promoter” or “sales” is likely to mislead Internet users to believe that visitors to the Disputed Domain Names can expect to access discounts or offers associated with and/or authorised by the Complainant.

The Complainant states that he has submitted a prima facie showing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names. Whilst the burden of proof lies on the Complainant, that burden is a shifting one such that it now falls on the Respondent to rebut the Complainant’s prima facie showing. In the absence of a Response or assertion that any such right or interest exists, this must lead to a presumption that the Respondent is unable to show that such right or interest exists (see *Mondich and American Wine Biscuits v. Brown*, WIPO Case No. [D2000-0004](#)).

The Complainant contends that the Respondent was aware of the reputation of the Complainant’s business under its SKYSCANNER trade mark at the time the Disputed Domain Names were registered, by which point the Complainant already enjoyed global fame in its trade marks. There can be no plausible explanation for this, other than the Respondent seeks to profit illegitimately by creating a misleading link in the eyes of the Internet user, between the Disputed Domain Names and the Complainant’s rights.

The Complainant asserts that in the absence of any meaningful justification, the Complainant submits that the Respondent’s holding of the Disputed Domain Names as either a vehicle for phishing or a PPC website constitutes use in bad faith, especially since the Respondent has taken steps to mask its identity through privacy services. Thus, the Complainant submits that the Disputed Domain Names were registered with the Complainant’s business in mind and uses the Disputed Domain Names to obtain personal or financial information from visitors and/or generate PPC traffic in a manner that constitutes bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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.

The Panel acknowledges the consensus view – as set forth in paragraph 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the “[WIPO Overview 3.0](#)”) – that the Respondent’s default to respond to the Complaint does not automatically result in a decision in favor of the Complainant.

The Complainant must establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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 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 Names wholly incorporate the Complainant's SKYSCANNER trade mark. The Complainant's registered trade mark is recognizable within the Disputed Domain Names. The addition of the words "promoter" after the Complainant's trade mark (i.e., "skyscannerpromoter") or "sales" before the Complainant's trade mark (i.e., "salesskyscanner"), 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. Many UDRP decisions have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see *Compagnie Générale des Etablissements Michelin v. Christian Viola*, WIPO Case No. [D2012-2102](#); *The Chancellor, Masters and Scholars of the University of Oxford v. Oxford College for PhD Studies*, WIPO Case No. [D2015-0812](#); *Banca Mediolanum S.p.A. v. Domains By Proxy, LLC / Marzia Chiarello*, WIPO Case No. [D2020-1955](#); *Skyscanner Limited v. Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2021-1948](#); *Skyscanner Limited v. Wei Meng Chan*, WIPO Case No. [D2023-1073](#)).

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 a 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 (see *Skipton Building Society v. skiptonassetmanagement.com, Private Registration*, WIPO Case No. [D2011-0222](#); *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, WIPO Case No. [D2012-0285](#); *B-Boy TV Ltd v. bboytv.com c/o Whois Privacy Service / Chief Rocka LTD, formerly named BreakStation LTD.*, WIPO Case No. [D2012-2006](#); *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#); *Streamotion Pty Ltd v. Ovi Khan*, WIPO Case No. [D2022-3784](#); *Canva Pty Ltd v. JOSE VALDIR DE LIMA*, WIPO Case No. [D2023-1736](#); *Evolution AB v. tom scholes*, WIPO Case No. [D2023-2030](#)).

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 Names. 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 own any rights in any trade marks which comprise part or all of the Disputed Domain Names and that the Respondent is not commonly known by the Disputed Domain Names. The Complainant has not given its consent for the Respondent to use its registered trade marks in a domain name registration.

According to the Complaint, which has remained unchallenged, the Disputed Domain Names resolve to a Windows Defender page reporting the website as unsafe as a result of being reported to Microsoft for containing phishing threats. Panels have held that the use of a domain name for illegal activity, including phishing, can never confer legitimate interests on a respondent. When clicking through the "Continue to the unsafe site (not recommended)" link, the Disputed Domain Names resolve to websites containing PPC links that advertise the services of other businesses, some of which directly compete or are in related fields to that of the Complainant. According to section 2.9 of the [WIPO Overview 3.0](#), "panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users" (see *Fontem Holdings 4, B.V. v. J- B-, Limestar Inc.*, WIPO Case No. [D2016-0344](#)).

In the circumstances, the Panel concludes that the Respondent has no rights or legitimate interests in the Disputed Domain Names. The Panel therefore finds that the second element of paragraph 4(a) of the Policy has been satisfied.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent's holding of the Disputed Domain Names, either as a vehicle for phishing or as a PPC website, - in the absence of any meaningful justification for the registration of Disputed Domain Names - constitutes use in bad faith. The Respondent failed to submit a response or provide evidence regarding good faith use, which further supports an inference of bad faith. The Panel finds that the Disputed Domain Names were registered with the Complainant's business in mind, and the Respondent uses the Disputed Domain Names to obtain personal or financial information from visitors and/or generate PPC traffic in a manner that constitutes bad faith (see *Moncler S.r.l. v. Sandra Brown*, WIPO Case No. [D2010-1674](#); *Revlon Consumer Products Corporation v. Moniker Privacy Services / Janice Liburd*, WIPO Case No. [D2011-0315](#); *Richemont International SA v. brandon gill*, WIPO Case No. [D2013-0037](#); *Shawn Dohmen v. Web Sales Promotion Group, aka Confluence Consulting Group*, WIPO Case No. [D2014-0150](#), *Swarovski Aktiengesellschaft v. WhoisGuard Protected / Peter D. Person*, WIPO Case No. [D2014-1447](#)).

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 names <sales-skyscanner.com> and <skyscannerpromoter.com> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: April 14, 2025