

## **ADMINISTRATIVE PANEL DECISION**

Ryanair DAC v. Ryanair-gr Zenkovich  
Case No. D2024-5099

### **1. The Parties**

Complainant is Ryanair DAC, Ireland, represented by Bardehle Pagenberg Partnerschaft mbB, Germany.

Respondent is Ryanair-gr Zenkovich, Latvia.

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

The disputed domain name <ryanair-gr.com> (the “Domain Name”) 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 11, 2024. On December 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 11, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domains by Proxy LLC, Registration Private) and contact information in the Complaint. The Center sent an email communication to Complainant on December 13, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on December 16, 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 Respondent of the Complaint, and the proceedings commenced on December 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 7, 2025.

The Center appointed Dinant T. L. Oosterbaan as the sole panelist in this matter on January 16, 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**

Complainant is part of the Ryanair Holdings Plc group of companies, who runs the Airline Ryanair, thus providing travel services, mainly, but not exclusively, flights. Founded in 1985, Ryanair has grown to be one of the biggest airlines in Europe today, flying over 160 million passengers per year to more than 180 destinations. With more than 19,000 employees, Ryanair generated a revenue of more than EUR 10 billion in 2022.

Complainant carries out certain activities within the airline-running business, including, but not limited to, managing the IP rights and hosting Ryanair's website ("www.ryanair.com").

Complainant owns multiple trademarks for RYANAIR, including European Union trademark RYANAIR, registration number 004168721 and registration date December 5, 2005.

In addition, Complainant runs multiple websites including its main website using the domain name <ryanair.com>.

The Domain Name was registered on September 12, 2024. The trademark registrations of Complainant were issued prior to the registration of the Domain Name.

The Domain Name at the time of the decision does not resolve to an active website. Previously, the Domain Name resolved to a website where pictures of Ryanair planes were shown, and which seems to be providing information about Ryanair flights from and to Greece. However, customers cannot book flights directly on this website, all the offers would just lead to a redirection to another website, where flights with Ryanair but also different (competing) airlines were offered.

#### **5. Parties' Contentions**

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant submits that the Domain Name is confusingly similar with Complainant's mark, as it fully incorporates Complainant's mark RYANAIR and combines it with a geographical element "gr", which is known and widely used as an abbreviation for Greece. The addition of the element "gr" will not, for the relevant public, distinguish Respondent or the goods and services offered under the Domain Name from Complainant. To the contrary, the relevant public might get the impression that the Domain Name is intended to identify Complainant and its business or offerings in Greece.

According to Complainant, Respondent lacks a right or a legitimate interest in the Domain Name.

Complainant has not found that Respondent has any registered trademark or trade name or even personal name corresponding to the designation RYANAIR, or the Domain Name, nor has the Domain Name been registered with the consent of Complainant. In addition, no license or authorization of any other kind has been given by Complainant to Respondent to use the designation RYANAIR.

According to Complainant, Respondent registered and uses the Domain Name in bad faith. According to Complainant, Respondent intentionally attempts to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation or endorsement of Respondent's website.

The airline run by Complainant is the largest airline in Europe, hence a well-known brand, and particularly well known within the travel services business. Therefore, when registering the Domain Name, Respondent has been or at least must have been aware of the prior rights of Complainant in the RYANAIR company name and trademarks, which have been registered long before the registration of the Domain Name. Complainant submits that the website under the Domain Name offers flights information and/or bookings for flights, including flights with Ryanair. Even pictures of Ryanair planes are shown.

Under these circumstances, there is no doubt that Respondent is or at least must have been aware of Complainant's rights in the mark RYANAIR at the time of the registration of the Domain Name.

Complainant submits that the use of the Domain Name is obviously conducted in bad faith. At first glance, the website under the Domain Name seems to be simply providing information about Ryanair flights from and to Greece. However, Complainant asserts that this is a classical "bait and switch" site. Customers accessing the website under the Domain Name might get the impression that this is an "official" website of RYANAIR (or at least one that is run by a partner of RYANAIR), offering flights from and to Greece to different designations, and some further information. Being misled and confused by the design of the website, customers will falsely assume that they can book RYANAIR flights, whereas, in reality, they are redirected/ "switched" to a different website offering (also) competing services, i.e., flights on other airlines.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

Paragraph 4(a) of the Policy requires that a complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

- (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**

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Domain Name incorporates the RYANAIR trademark in its entirety, with the addition of a hyphen and the geographical term “gr”. Many UDRP panels have found that a disputed domain name is identical or confusingly similar where the relevant trademark is recognizable within the disputed domain name, especially in the case of the addition of a geographical term. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

The generic Top-Level Domain (“gTLD”) “.com” is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 Respondent may demonstrate rights or legitimate interests in the 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

At the time of the decision the Domain Name does not resolve to an active website. Based on the undisputed submission and evidence provided by Complainant, the Domain Name previously resolved to a website where pictures of Ryanair planes were shown, and which seems to be providing information about Ryanair flights from and to Greece with the click of flight offers redirecting to a different website offering (also) competing services, i.e., flights on other airlines.

The Panel does not consider such use a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the Domain Name. Respondent is also not commonly known by the Domain Name, nor has it acquired any trademark or service mark rights compromised by the “RYANAIR” expression.

No Response to the Complaint was filed and Respondent has not rebutted Complainant’s prima facie case.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the Domain Name under paragraph 4(a)(ii) of the Policy.

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

The Panel finds that the Domain Name has been registered and is being used in bad faith. Noting the status of the RYANAIR mark and the overall circumstances of this case, the Panel finds it more likely than not that Respondent knew or should have known Complainant’s well-known RYANAIR mark at the time of registering the Domain Name. The registration of the Domain Name in awareness of the RYANAIR mark and in the absence of rights or legitimate interests amounts under these circumstances to registration in bad faith.

The Panel notes that the Domain Name, at the time of the decision, does not resolve to an active website. This does not prevent the Panel in finding bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

The Panel also notes Respondent's previous use of the Domain Name which resolved to a website where pictures of Ryanair planes were shown, and which seems to be providing information about Ryanair flights from and to Greece with the click of flight offers redirecting to a website offering (also) competing services, i.e., flights on other airlines. Later, the Domain Name redirected to another website also offering airline-related services on multiple competing airlines. This indicates that Respondent registered the Domain Name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith in a similar manner to that provided under paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4.

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

## **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 Domain Name, <ryanair-gr.com>, be transferred to Complainant.

*/Dinant T. L. Oosterbaan/*

**Dinant T. L. Oosterbaan**

Sole Panelist

Date: January 24, 2025