

## **ADMINISTRATIVE PANEL DECISION**

Skyscanner Limited v. ASIF RASHID

Case No. D2024-5187

### **1. The Parties**

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

The Respondent is ASIF RASHID, United Kingdom.

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

The disputed domain name <blueskyscanner.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 17, 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 Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 10, 2025.

The Center appointed Catherine Slater 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 is 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. The Complainant’s mobile 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 trademark registrations in various jurisdictions around the world including:

- United Kingdom Registration UK00002313916 for SKYSCANNER (plain word) registered on April 30, 2004;
- International Registration 900393 for SKYSCANNER (plain word) registered on March 3, 2006;
- International Registration 1030086 for SKYSCANNER (plain word) registered on December 1, 2009.

This trademark is hereinafter referred to as the “Complainant’s Trademark”.

The Respondent is an individual residing in the United Kingdom. The Respondent registered the disputed domain name on December 13, 2024. Both at the time of filing the Complaint and at the date of this decision, the disputed domain name links to a one-page website that displays a large photograph of people in an airport lounge. At the top of the photograph is overlaid the text, “BLUE SKY SCANNER” and in the center of the photograph is overlaid the text, “Soar to New Heights!”. Underneath the photograph is an invite to subscribe for updates by entering an email address.

#### **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 the disputed domain name is identical/confusingly similar to the Complainant’s Trademark because it contains that trademark with only the addition of the word “blue” which is not sufficient to distinguish it from the Complainant’s Trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and in this regard states that as far as it is aware the Respondent does not own any relevant trademark registrations, the Complainant has not given consent for the Complainant’s Trademark to be used by the Respondent, if or when the disputed domain name is used (if it is not already) it is likely to be used to advertise services connected with the same industry as the Complainant, it is unlikely the Respondent was unaware of the Complainant’s Trademark bearing in mind its famous reputation and it is inevitable that visitors to the disputed domain name would mistakenly believe there to be an association with the Complainant.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith because the Respondent was aware of the Complainant's business at the time of registration because of the global fame of the Complainant's Trademark, no use exists that would not take advantage of the Complainant's rights for illegitimate gain, the Respondent seeks to profit illegitimately by misleading consumers into believing that any travel-related services originate from are affiliated with the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced 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.

Although the addition of other terms here, "blue", 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 Panel finds the second element of the Policy has been established.

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

Paragraph 4(a)(iii) of the Policy requires the Complainant to demonstrate that the disputed domain name was registered and is being used in bad faith.

The Panel accepts the Complainant's contention (supported by evidence and including prior Panel Decisions on the point) that the Complainant's Trademark has a reputation and is well-known. Taking that into account, and the fact that the disputed domain name has been linked to a website with an air travel theme i.e. the same industry as the Complainant, it is inconceivable that the Respondent did not have the Complainant's Trademark in mind at the point of registration and it is equally inconceivable that the Respondent had any reason to register the disputed domain name other than to take advantage of, abuse, or otherwise engage in behaviour detrimental to the Complainant's trademark. As such, the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.

The Panel finds that because the disputed domain name differs from the Complainant's Trademark only in the addition of the descriptive term "blue", the Complainant's Trademark being widely-known and the Respondent being an unaffiliated entity the mere registration of the disputed domain name creates a presumption of bad faith use. [WIPO Overview 3.0](#), section 3.1.4.

The Panel further finds that the Respondent has sought to cause confusion (beyond the disputed domain name itself) by linking it to a website that will mislead Internet users into believing that the disputed domain name is operated by, or affiliated in some manner with, the Complainant and is using it to obtain Internet users' email addresses. In all the circumstances, it is inconceivable that the collection of such email addresses is not for commercial gain. As such, 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 Trademark as set out at paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4.

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 <blueskyscanner.com> be transferred to the Complainant.

*/Catherine Slater/*

**Catherine Slater**

Sole Panelist

Date: February 4, 2025