

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. A E, Family
Case No. D2025-0118

1. The Parties

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

The Respondent is A E, Family, Cameroon.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 13, 2025. On January 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 14, 2025, 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 January 15, 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 amendment to the Complaint on January 15, 2025.

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 January 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 6, 2025.

The Center appointed Ahmet Akgüloğlu as the sole panelist in this matter on February 12, 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 which offers travel suggestions online through their website and online applications.

The Complainant is the owner of several SKYSCANNER trademarks with the international trademark registration number 1030086, registered on December 1, 2009, international trademark registration number 1481492, registered on June 6, 2019.

The Complainant is also the owner of domain name <skyscanner.net>.

The disputed domain name was registered on December 17, 2024.

The disputed domain name consists of “skyscannah” and “shop”. The disputed domain name resolves to a webpage with redirecting links to several websites in relation to flights, hotels and holidays.

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;

a) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant argues that the disputed domain name <skyscannah.shop> creates a likelihood of confusion as it is aurally to the Complainant’s highly similar registered SKYSCANNER trademarks. The Complainant also underlines that the disputed domain name also shares the first eight letters of the Complainant’s trademark. Moreover, addition of term “shop” is not sufficient to eliminate the similarity since it is permissible for the Panel to ignore the Top-Level Domain (“gTLD”). Considering the confusingly similar trademarks and identity of the Complainant’s business, the disputed domain name is confusingly similar.

(b) The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant asserts that the Respondent does not have any registered trademarks with the terms included in the disputed domain name. The Complainant also mentioned that the term “SKYSCANNER” does not have any descriptive feature, and the Complainant did not give permission to the Respondent to use its trademarks. Considering that the website resolves to a page for travel booking/information, such activities also constitute an infringement of the Complainant’s trademarks. The Respondent also tried to mislead the consumers into believing that the services provided by the Respondent are linked to the Complainant. The Complainant highlighted that the Respondent also has contact information which allows customers to contact the Respondent which also creates the risk of confusion.

(c) The disputed domain name was registered and is being used in bad faith.

The Complainant points out that the disputed domain name was registered after the Complainant has acquired rights to its SKYSCANNER trademarks. The Complainant also underlines that the reputation of the Complainant cannot be overlooked and it is clear that the Respondent was also aware of the Complainant's global well-known status. Additionally, the Complainant noted that the disputed domain name was resolving to website which offers travel information and travel arrangement services overlaps with the Complainant's line of business. Lastly, the Complainant submits that the contact address of the Respondent also shows that the Respondent has the intention of getting in contact with the customers and misleading them.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the complainant prove 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. page 4 The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

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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. It is uncontested to the Panel that the Complainant has rights to SKYSCANNER trademark as a result of registrations as well as acquired reputation throughout the usage of the trademark globally.

The Panel finds the mark is recognizable 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.

The disputed domain name is a misspelling of the Complainant's SKYSCANNER trademark.

The Panel also ignored the gTLD ".shop" since it is viewed as a standard registration requirement and suggested as disregarded under the first element similarity test. (See [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 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.

It is accepted by the Panel that the Complainant has not licensed nor authorized the use of its trademark to the Respondent, and the Panel finds no indication that the Respondent is commonly known by the disputed domain name and the Respondent has not submitted any response to the Complaint in terms of any rights or legitimate interests in the disputed domain name or the registered SKYSCANNER trademarks. The Respondent is not known by the disputed domain name and has not established trademark rights with the term. There is no link connecting the Complainant and the Respondent. Also, the disputed domain name resolves to a website that offers travel accommodations which strengthens the resemblance of the Respondent to the Complainant.

It is clear that the Respondent is trying to deceive the Internet users into that the Respondent is related with the Complainant. The Respondent’s use of the contact information on its website is also supportive evidence of such. Panels have held that the use of a domain name for impersonation/passing off here can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel acknowledges that the Complainant is a company which offers travel arrangements and reservations to its customers. The disputed domain name resolves to a website offering competing services.

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.

In the present case, the Panel notes that the Respondent has registered the disputed domain name in bad faith since it is proven that the Complainant’s SKYSCANNER trademark is well-known and it is inconceivable that the Respondent was not aware of the SKYSCANNER trademark. The Respondent chose to register the disputed domain name even though they knew about the Complainant’s well-known trademark and the disputed domain name was confusingly similar to the Complainant’s trademarks, hence they acted in bad faith. The Respondent intends to deceive Internet users for commercial gain by using the well-known status of the Complainant’s trademark. Therefore, the Panel agrees that the Respondent uses the disputed domain name in bad faith.

Panels have held that the use of a domain name for illegitimate activity such as impersonation constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

According to the evidence provided by the Complainant, the Panel notes that the Complainant has provided evidence of the reputation of the SKYSCANNER trademark due to its longstanding use. Thus, the Panel accepts that the Respondent was aware of the Complainant's trademark but still decided to use it in the disputed domain name. The fact that the Respondent also uses its website to offer travel arrangements for customers also substantiates that they were aware of the SKYSCANNER trademark and shows that the Respondent tried to appear as the Complainant in the eyes of the users. Considering the above, it is clear that the Respondent registered and is still using the disputed domain name in bad faith to take advantage of the Complainant's well-known trademark.

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 <skyscannah.shop> be transferred to the Complainant.

/Ahmet Akgüloğlu/

Ahmet Akgüloğlu

Sole Panelist

Date: March 3, 2025