

## **ADMINISTRATIVE PANEL DECISION**

### **Skyscanner Limited v. Domain Administrator Case No. D2025-0392**

#### **1. The Parties**

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

The Respondent is Domain Administrator, Hong Kong, China.

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

The disputed domain name <skyskaner.net> is registered with Above.com, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 28, 2025. On February 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 4, 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 February 7, 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 12, 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 12, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 18, 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 has, since 2002, been operating websites under its trademark SKYSCANNER in connection with flight search and price comparison services. The Complainant's reputation in this mark has been recognized by prior panels under the Policy. See, e.g., *Skyscanner Limited v. Basit Ali*, WIPO Case No. [D2012-1983](#).

The Complainant owns trademark registrations for its SKYSCANNER mark in various jurisdictions, including United Kingdom Trademark Registration No. UK00002313916 SKYSCANNER in classes 35, 38, and 39, having a registration date of April 30, 2004.

The Complainant's primary website is operated from its domain name <skyscanner.net>, which was registered on July 3, 2002.

The disputed domain name was registered on November 26, 2005. Presently, when visited by the Panel from South Africa, the disputed domain name redirects to the Complainant's South African web presence at the domain name <skyscanner.co.za>. The Complainant's evidence establishes that the disputed domain name has, in the past, resolved to a website featuring pay-per-click ("PPC") advertisements for, amongst others, flight search and price comparison services including those of the Complainant and its competitors.

#### **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 was registered and used in bad faith in order to benefit the Respondent commercially through confusion with the Complainant's well-known SKYSCANNER mark.

##### **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 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, minus the Top-Level Domain ("TLD"), is likely to be pronounced identically to the Complainant's mark. A domain name which consists of a common, obvious, or intentional misspelling of a trademark, as in this case, is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

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.

Use of a domain name to host PPC links does not represent a bona fide offering where such links compete with or capitalise on the reputation of the complainant’s mark, as in this case. [WIPO Overview 3.0](#), section 2.9. Use of a domain name to redirect Internet users to a complainant’s own website cannot confer any rights or legitimate interests. *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#).

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.

The disputed domain name was registered after the Complainant secured registered rights to its mark in the United Kingdom in 2004, and after the Complainant commenced trade from its website at the domain name <skyscanner.net> in 2002. The Complainant has also put forward credible evidence prima facie showing that the disputed domain name was acquired by the Respondent circa 2019. According to the historical Whois data supplied by the Complainant, the registrar for the disputed domain name, as well as its name servers, changed in 2019. In accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, the Panel has independently established that a) the hosting provider for the disputed domain name’s website changed, and b) the Internet Archive reveals that the PPC advertisement provider changed, over roughly the same period circa 2019.

Per the [WIPO Overview 3.0](#), section 3.9:

“On the other hand, the transfer of a domain name registration from a third party to the respondent is not a renewal and the date on which the current registrant acquired the domain name is the date a panel will consider in assessing bad faith...In cases where the domain name registration is masked by a privacy or proxy service and the complainant credibly alleges that a relevant change in registration has occurred, it would be incumbent on the respondent to provide satisfactory evidence of an unbroken chain of registration; respondent failure to do so has led panels to infer an attempt to conceal the true underlying registrant following a change in the relevant registration. Such an attempt may in certain cases form part of a broader

scenario whereby application of UDRP paragraph 4(b)(iv), read in light of paragraph 4(a)(ii), can support an inference of bad faith registration for the respondent to rebut.”

The Respondent has not supplied any evidence showing an unbroken chain of registration dating back to 2005, and in the circumstances of this case, the Panel accepts that the Respondent acquired the disputed domain name circa 2019. This was long after the Complainant’s reputation was recognized in 2012 by the Panel in WIPO Case No. [D2012-1983](#) supra.

The Complainant thus had a reputation in its mark long before the Respondent acquired the disputed domain name, which is aurally identical to the Complainant’s mark, and which has been used for services that are competitive with the Complainant. This points to targeting of the Complainant. Furthermore, the Panel notes that the disputed domain name is apparently composed of two terms “sky” and “skaner”. While the term “skaner” could correspond to the Polish term for “scanner”, there is no explanation as to why the Respondent, who is apparently located in Hong Kong, China, would have selected that combination of terms, if it was not due to its similarity with the Complainant’s trademark. [WIPO Overview 3.0](#), section 3.1.1.

Additionally, use of a domain name confusingly similar to a trademark by an unauthorized third party to redirect Internet users to a complainant’s website, as in this case, is evidence of bad faith under 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 <skyskaner.net> be transferred to the Complainant.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: March 28, 2025