

## **ADMINISTRATIVE PANEL DECISION**

Skyscanner Limited v. Domain Admin  
Case No. D2025-0437

### **1. The Parties**

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

The Respondent is Domain Admin, United States of America.

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

The disputed domain name <skyscannerdrops.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 5, 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 February 5, 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 February 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 27, 2025.

The Center appointed Áron László as the sole panelist in this matter on March 4, 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, a United Kingdom limited company, is a search aggregator and travel agency based in Edinburgh, Scotland.

The Complainant is the owner of many trademarks worldwide including:

- International Registration designating the United States of America SKYSCANNER No. 900393 registered on March 3, 2006;
- United Kingdom trademark SKYSCANNER DROPS No. 4078838 registered on November 29, 2024; and
- International Registration designating inter alia the European Union, Switzerland, Türkiye, Russian Federation, and Australia SKYSCANNER No. 1030086 registered on December 1, 2009.

The Complainant has provided a list of trademarks covering various jurisdictions worldwide.

The Complainant's main website is "www.skyscanner.net", which attracts tens of millions of unique visitors per month. The SKYSCANNER smart device application has been downloaded over 70 million times. The Complainant's services are available in over 30 languages and 70 currencies. In the month of October 2024, the Complainant's core website was visited 32.6 million times and is ranked 1301st in the world for Internet traffic and engagement and 95th in the United Kingdom. Previous panels have established the reputation of the trademark.

The disputed domain name was registered on July 23, 2024. The disputed domain name is parked with the service provider GoDaddy and is offered for sale at a purchase price of USD 2,850.

No information on the Respondent is available.

#### 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 confusingly similar to its trademarks. The Complainant is the owner of the trademark SKYSCANNER DROPS, which is identical to the disputed domain name. The Complainant is the owner of several SKYSCANNER trademarks, which are immediately recognizable in the disputed domain name, making it confusingly similar to the trademarks.

In relation to the second element, the Complainant submits that the Respondent does not have any registered rights in any of the trademarks that make up part or all of the disputed domain name. Furthermore, the term "skyscanner" is not descriptive in any way, nor does it have a generic, dictionary meaning. The Complainant notes that the disputed domain name is offered for sale. Given the reputation of the Complainant's SKYSCANNER mark, any use of the disputed domain name is likely to take advantage of the Complainant's rights for unlawful gain. Such use cannot constitute a legitimate interest or a bona fide noncommercial use of the disputed domain name. The Complainant has made a prima facie showing that the Respondent has no rights or legitimate interests in the disputed domain name. While the Complainant has the burden of proof, the burden of production shifts so that it is now incumbent upon the Respondent to rebut the Complainant's prima facie case.

As to the third element, the Complainant submits that the disputed domain name was registered on July 23, 2024, while the Complainant's registered rights date back to 2002. Therefore, the Respondent must have been aware of the reputation of the Complainant's business at the time the disputed domain name was

registered. The Complainant's trademark also received significant international media attention in November 2016, after the Complainant was acquired by China's largest online travel agency in a deal worth approximately GBP 1.4 billion.

Furthermore, the Complainant points out that the Respondent registered the disputed domain name on the same day as the Complainant's trademark SKYSCANNER DROPS was filed. The Complainant asserts that this action cannot be a mere coincidence and is, in fact, a further indication of the Respondent's bad faith. There is no legitimate justification for registering a domain name that essentially copies the Complainant's SKYSCANNER DROPS trademark in its entirety and is very similar to the Complainant's SKYSCANNER trademark.

Since the disputed domain name is for sale, it is likely that the Respondent intends to sell it to the Complainant, a competitor, or a critic for an amount far in excess of the documented out-of-pocket costs. Notwithstanding the above, the Respondent has registered the disputed domain name that it cannot lawfully use. There can be no legitimate justification for the registration of a domain name that is identical to the Complainant's trademark SKYSCANNER DROPS and virtually identical to the Complainant's well-known trademark SKYSCANNER. In the absence of any meaningful justification, the Complainant submits that the Respondent's passive possession of the disputed domain name constitutes use in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Paragraph 4(a) of the Policy requires that a complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- i. the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- ii. the respondent has no rights or legitimate interests in respect of the domain name; and
- iii. the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a Response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

The Panel may accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint wholly contains mere conclusory or unsubstantiated arguments. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.3.

### **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 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 SKYSCANNER DROPS is reproduced within the disputed domain name.

Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 mere offering of the disputed domain name for sale does not constitute use in connection with a bona fide offer of goods or services under the circumstances of this case, because it is the disputed domain name itself that is being offered for sale and not any goods or services through the disputed domain name, and the composition of disputed domain name, which incorporates the Complainant’s trademark SKYSCANNER DROPS in its entirety, carries a high risk of implied affiliation.

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 Complainant’s SKYSCANNER trademarks predate the registration of the disputed domain name. The Respondent registered the disputed domain name on the same day as the Complainant’s United Kingdom trademark application SKYSCANNER DROPS. Once a United Kingdom trademark is filed online, it is available in the online register as “under examination”. This means that the Respondent should have been aware of the Complainant’s SKYSCANNER DROPS trademark application when it registered the disputed domain name. In other words, the Respondent should have known that the Complainant had plans for the SKYSCANNER DROPS trademark, and registered the disputed domain name. In the present case, the Panel notes that the Complainant’s trademark is well known throughout the world, while the Respondent is offering the disputed domain name for sale at a price likely in excess of the cost of registering the domain name. This is an indication that the Respondent has registered and held the disputed domain name in order to make a profit from its sale.

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.

Panels have found that the non-use of a domain name (including a “for sale” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

All of the above circumstances, together with the reputation of the Complainant’s marks, the fact that the Respondent’s name has been masked, the questionable veracity of the Respondent’s name (“Domain Admin”), and the fact that the Respondent has not defended its case, lead the Panel to conclude that the Respondent has registered and is using the disputed domain name in bad faith.

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 <skyscannerdrops.com> be transferred to the Complainant.

*/Áron László/*

**Áron László**

Sole Panelist

Date: March 17, 2025