

## **ADMINISTRATIVE PANEL DECISION**

Skydance Productions, LLC v. Andoi and Ikay Adventures  
Case No. D2025-0450

### **1. The Parties**

The Complainant is Skydance Productions, LLC, United States of America ("United States"), represented by Hanson Bridgett LLP, United States.

The Respondent is Andoi and Ikay Adventures, Philippines.

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

The disputed domain name <theskydance.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 February 4, 2025. On February 5, 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 disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 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 7, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 17, 2025.

The Center appointed Saisunder Nedungal Vidhya Bhaskar as the sole panelist in this matter on March 20, 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 engaged in the business of film and television productions and is based out of the United States. Some of its noticeable productions include “The Family Plan”, “Star Trek Beyond”, “Mission: Impossible – Rogue Nation”, “Terminator”. The Complainant holds multiple registrations for the trademark SKYDANCE and has been using the Skydance Marks since 2006. By way of example, reference is drawn to United States service mark registration bearing number 7019207 for SKYDANCE mark in class 42 registered on April 4, 2023, and United States trade and service mark, registration number for 6053525, for SKYDANCE in class 9, registered on May 12, 2020. Additionally, it has trade and/or service marks for SKYDANCE PRODUCTIONS and SKYDANCE TELEVISION.

The Complainant also owns and operates the domain name <skydance.com> registered on April 12, 1996, which resolves to a website promoting its business and incorporating its SKYDANCE trademark.

The disputed domain name was registered on April 17, 2024. It does not resolve to an active website. The Complainant has submitted evidence that shows that the disputed domain name has been used to send fraudulent phishing emails to third parties.

#### **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.

The Complainant says that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it has rights. It refers to its SKYDANCE mark and says that the disputed domain name is comprised of the entirety of the SKYDANCE trademark—differing only by the addition of the non-source identifying definitive article “the.”

The Complainant says that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It contends that the Respondent is not commonly known by or as “Skydance”, nor has the Complainant licensed or permitted the Respondent to use the SKYDANCE mark, or any domain names incorporating them. It claims that the Respondent does not use the disputed domain name in connection with a bona fide offering of goods and services, in a non-commercial manner, or in a manner that might be deemed a legitimate fair use but rather has been using it to perpetuate phishing fraud via email.

It contends that the disputed domain name was registered in a deliberate attempt to deceive third parties as to the Respondent’s identity by sending fraudulent and phishing emails to Complainant’s customers impersonating the Complainant. It also says that registration and use of a domain name for the purposes of sending phishing emails is bad faith citing *Sarepta Therapeutics, Inc. v. Domain Privacy Service FBO Registrant, The Endurance International Group, Inc. / Name Redacted*, WIPO Case No. [D2020-3239](#) and *BHP Billiton Innovation Pty Ltd. v. Domains By Proxy LLC / Douglass Johnson*, WIPO Case No. [D2016-0364](#).

##### **B. Respondent**

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

## 6. Discussion and Findings

For this Complaint to succeed in relation to the disputed domain name the Complainant must prove that:

- A. the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- B. the Respondent has no rights or legitimate interests in respect of the domain name; and
- C. the 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 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 there is an additional term "the" in the form of prefix, 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.

Panels have held that the use of a domain name for illegal activity such as phishing and impersonation can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. The Complainant has provided evidence to substantiate that the disputed domain name is surreptitiously being used to send impersonating phishing emails to its customers, while simultaneously being passively held by the Respondent displaying only autogenerated links by the Registrar, which in the opinion of the Panel indicates the lack of legitimate interest of the Respondent.

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 an attempt to deliberately deceive third parties (who happen to be customers of the Complainant) into believing that the Respondent is associated with the Complainant through the use of the “@theskydance.com” emails. The use of the disputed domain name to send phishing emails to third parties establishes that the Respondent was aware of the Complainant as at the date of registration of the disputed domain name and that it was registered by the Respondent so that it could profit unfairly from the confusing similarity between the disputed domain name and the Complainant’s SKYDANCE mark.

Panels have held that the use of a domain name for illegitimate activity and illegal activity such as phishing, 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.

Whilst the disputed domain name does not resolve to an active website, use of a domain name for purposes other than to host a website may also constitute bad faith; see section 3.4 of the [WIPO Overview 3.0](#). In particular, use of the disputed domain name for the purpose of sending phishing emails, amounts to bad faith and hence the Panel accordingly finds that the disputed domain name was registered and is being used in bad faith, thereby establishing 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 <theskydance.com> be transferred to the Complainant.

*/Saisunder Nedungal Vidhya Bhaskar/*  
**Saisunder Nedungal Vidhya Bhaskar**  
Sole Panelist  
Date: April 3, 2025