

## ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. qiu bing tao, yun nan shui ni da dui zhang you xian gong si

Case No. D2025-1619

### 1. The Parties

Complainant is Skyscanner Limited, United Kingdom ("UK"), represented by Lewis Silkin LLP, UK.

Respondent is qiu bing tao, yun nan shui ni da dui zhang you xian gong si, China.

### 2. The Domain Name and Registrar

The disputed domain name <skyscanner-ax.com> is registered with Gname.com Pte. Ltd. (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 22, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 25, 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 for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on May 1, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on May 6, 2025.

On May 1, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On May 6, 2025, Complainant confirmed its request that English be the language of the proceeding. Respondent did not submit any comment on Complainant's submission.

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 Respondent in Chinese and English of the Complaint, and the proceedings commenced on May 7, 2025. In accordance with the Rules,

paragraph 5, the due date for Response was May 27, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on May 28, 2025.

The Center appointed Yijun Tian as the sole panelist in this matter on June 6, 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**

##### **A. Complainant**

Complainant, Skyscanner Limited, is a company incorporated in the UK. It is a globally recognised travel search engine and online travel service provider, offering users access to flights, hotels, and car rentals across multiple platforms. Its platform, available in over 30 languages and 70 currencies, attracts tens of millions of monthly users, with over 70 million app downloads and 46.59 million visits to its core website ("www.skyscanner.net") in August 2023 alone (Annex 3 to the Complaint).

Complainant has rights in the SKYSCANNER and SKYSCANNER-related marks. Complainant is the owner of numerous SKYSCANNER trademarks worldwide, including the European Union ("EU") designation of international trademark registered on March 3, 2006 (the international trademark registration number 900393), the Canadian trademark registered on January 10, 2011 (the Canadian Trademark registration number TMA786689), and the UK trademark registered on April 30, 2004 (the UK Trademark registration number 2313916) (Annex 2 to the Complaint).

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

Respondent, qiu bing tao, yun nan shui ni da dui zhang you xian gong si, is reportedly located in China.

The disputed domain name was registered on June 4, 2024. According to the Complaint and the evidence provided by Complainant, the disputed domain name previously redirected to a third party website, purportedly offering to download WPS Office software (Annex 4 to the Complaint).

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that the disputed domain name is confusingly similar to Complainant's SKYSCANNER trademark. The disputed domain name incorporates the SKYSCANNER trademark in its entirety, merely adding the suffix "-ax" at the end — an addition that is likely to be overlooked by the average consumer.

Complainant contends that Respondent has no rights or legitimate interests in respect of the domain name.

Complainant contends that Respondent registered and uses the disputed domain name in bad faith.

Complainant requests that the disputed domain name be transferred to it.

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

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

### 6.1 Language of the Proceeding

The language of the Registration Agreements for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

From the evidence presented on the record, no agreement appears to have been entered into between Complainant and Respondent to the effect that the language of the proceeding should be English. Complainant filed initially its Complaint and amended Complaints in English, and has requested that English be the language of the proceeding for the following main reasons:

- (a) Respondent has demonstrated a working knowledge of English by registering a domain name containing the English words “sky” and “scanner”.
- (b) As further detailed in this Complaint, Respondent is evidently aware of Complainant’s business and its goodwill in the English-speaking market.
- (c) Conducting the proceedings in Chinese would place a disproportionate burden on Complainant, requiring significant additional time and cost for translation.

Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties’ ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

On the record, Respondent appears to be located in China and thus presumably not a native English speaker, but considering the following aspects, the Panel has decided that the language of the proceeding shall be English: (a) the disputed domain name is registered in Latin characters, particularly English words (e.g. “sky” and “scanner”), rather than Chinese script; (b) the generic Top-Level Domain (“gTLD”) of the disputed domain name is “.com”, so the disputed domains name seems to be prepared for users worldwide, particularly English speaking countries; (c) the Center has notified Respondent of the language of the proceeding in both Chinese and English, and Respondent has indicated no objection to Complainant’s request that English be the language of the proceeding; (d) the Center also notified Respondent in both Chinese and English of commencement of the proceeding, and informed Respondent that it would accept a response in either English or Chinese, but Respondent chose not to file any response.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### 6.2 Substantive Issues: Three Elements

#### 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 Complainant’s trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 Complainant’s SKYSCANNER 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.

While merely adding “-ax” as the suffix may bear on the assessment of the second and third elements, the Panel finds the addition of such characters 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.

Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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 record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

More specifically:

(i) there has been no evidence adduced to show that Respondent has used the disputed domain name in connection with a bona fide offering of goods or services. Respondent has not provided evidence or reasons to justify the choice of the term “sky scanner”, Complainant’s SKYSCANNER trademark in the disputed domain name. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the SKYSCANNER trademark or to apply for or use any domain name incorporating the SKYSCANNER marks;

(ii) there has been no evidence adduced to show that Respondent has been commonly known by the disputed domain name. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain name. Respondent registered the disputed domain name on June 4, 2024, after the SKYSCANNER mark was registered in the UK (since 2004) and internationally (since 2006). The disputed domain name is confusingly similar to Complainant’s SKYSCANNER marks; and

(iii) there has been no evidence adduced to show that Respondent was making a legitimate noncommercial or fair use of the disputed domain name. By contrast, the disputed domain name previously redirected to a third party website purportedly offering downloads of WPS Office software (see Annex 4 to the Complaint). Therefore, Respondent has attempted to make profits through the Internet traffic attracted to the website under the disputed domain name incorporating Complainant’s trademark.

Based on the available record, 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 Respondent has registered and used the disputed domain name in bad faith.

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.

Based on the information provided by Complainant, the Panel finds that Complainant has a reputation in the SKYSCANNER marks with regard to its services. The SKYSCANNER trademark was registered years before the registration of the disputed domain name and the disputed domain name incorporates Complainant's SKYSCANNER trademark entirely. Therefore, the Panel finds it is more likely than not that Respondent had Complainant's trademark in mind at the time of the registration of the disputed domain name (in June 2024).

Respondent has used the disputed domain name to redirect to a third party website purportedly offering software products for download. Accordingly, the Panel concludes that Respondent is using a confusingly similar disputed domain name with the intention to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion with Complainant. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

### **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 <skyscanner-ax.com> be transferred to Complainant.

*/Yijun Tian/*

**Yijun Tian**

Sole Panelist

Date: June 27, 2025