

## **ADMINISTRATIVE PANEL DECISION**

### **Skyscanner Limited v. Cyber Domain Services Private Limited Case No. D2025-3198**

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

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

The Respondent is Cyber Domain Services Private Limited, India.

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

The disputed domain name <skyscann.net> is registered with Tirupati Domains and Hosting Pvt Ltd. (the "Registrar").

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

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 11, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 the same day, 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 August 18, 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 August 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 7, 2025. The Respondent submitted the Response on September 7, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on September 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, Skyscanner Limited, is a globally well-known company incorporated in the UK. The Complainant offers travel research and booking services.

The record shows that the Complainant owns numerous SKYSCANNER trademark registrations worldwide, such as the International trademark registration No. 900393, registered on March 3, 2006, in classes 35, 38, and 39; and the UK trademark registration No. UK00002313916, filed on October 23, 2002 and registered on April 30, 2004, in classes 35, 38, and 39. The Complainant also has registered trademarks in India, where the Respondent is located: for example, the SKYSCANNER trademark registration No. 1890840, registered on December 2, 2009, in classes 35, 38, and 39.

The Complainant submits that several UDRP panels have held that the Complainant enjoys a reputation in its SKYSCANNER trademark. The Complainant also submits that its website operated at the <skyscanner.net> domain name attracts tens of millions of unique visits per month and, to date, its SKYSCANNER smart device app has been downloaded over 70 million times.

The disputed domain name was registered on May 28, 2006. At the time of filing the Complaint and this Decision, it resolves to a parked website that contains pay-per-click ("PPC") links related to flight booking services, which also include a reference to the Complainant.

#### **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's contentions regarding the three elements under the Policy can be summarized as follows.

First, the Complainant submits that it enjoys a global reputation in its SKYSCANNER trademark. According to the Complainant, the disputed domain name features a deliberate misspelling of the well-known SKYSCANNER trademark, as the disputed domain name omits the final two letters "er" from the word "scanner".

Second, the Complainant asserts that, so far as it is aware, the Respondent does not own any registered rights in any trademarks which comprise part or all of the disputed domain name. The term "Skyscanner" is not descriptive, nor does it have any generic or dictionary meaning. The Complainant adds that it has not given its consent for the Respondent to use its trademarks in a domain name registration. The Complainant asserts that the disputed domain name resolves to a parked page containing PPC links that advertise the services of other businesses, which directly compete with, or are in related fields, to those of the Complainant. The Complainant submits that it is inevitable that visitors to the disputed domain name would mistakenly believe there to be an association with the Complainant, resulting in PPC revenue for the Respondent. It also notes that the parked webpage makes a specific reference to the Complainant's trademark.

Third, the Complainant asserts that the disputed domain name was registered several years after the Complainant first registered its trademark, and the Respondent was aware of, or at the very least should have been aware of, the reputation of the Complainant's business under its SKYSCANNER trademark at the time of registration. The Complainant refers to the PPC links and contends that for many years, the Respondent has sought to profit illegitimately by creating a misleading link in the eyes of the Internet user, between the disputed domain name and the Complainant's rights.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent asserts that the Complainant's trademark was registered on March 3, 2006, and the disputed domain name was registered on May 28, 2006, less than three months after the trademark was registered. The Respondent contends that the SKYSCANNER trademark was surely not that famous when the disputed domain name was registered. The Respondent argues that the Complainant's domain name is <skyscanner.com> and the Complainant should have filed a complaint against the <skyscann.com> domain name to establish a case of similarity. The Respondent also argues that the disputed domain name is far from similar to the Complainant's domain name, as the Complainant's domain name is composed of the generic Top-Level Domain ("gTLD") ".com". Lastly, the Respondent indicates that the Complainant has filed its Complaint after more than eighteen years from the registration date of the disputed domain name and contends that the doctrine of laches should apply in this case. Accordingly, the Respondent requests a finding of Reverse Domain Name Hijacking ("RDNH").

## **6. Discussion and Findings**

### **6.1. Preliminary Issue: Delay in Filing the Complaint**

The Panel considers the Respondent's contention based on the doctrine of laches and on the fact that the Complainant has filed the Complaint more than eighteen years after the registration date of the disputed domain name.

On this question, it must be noted that the Policy does not contain a limitation period for submitting a claim and the UDRP panels have widely recognized that mere delay between the registration of a domain name and the filing of a complaint neither bars a complainant from filing such case, nor from potentially prevailing on the merits. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.17. The Panel concurs with this view. The Panel also considers that trademark owners cannot reasonably be expected to permanently monitor for every instance of potential trademark abuse on the Internet. Having reviewed the circumstances of this case, the Panel finds that the delay in filing the Complaint does not adversely affect the Complainant's case.

### **6.2. Substantive Issues**

#### **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 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. Considering the circumstances of the case, the Panel finds that the disputed domain name represents an example of intentional misspelling of the Complainant's trademark, as the only difference between the SKYSCANNER trademark and the disputed domain name is the omission of the final two letters "er". [WIPO Overview 3.0](#), section 1.9.

Lastly, the Panel notes that a gTLD is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark. [WIPO Overview 3.0](#), section 1.11. Therefore, the Panel rejects the Respondent's contention on this matter in assessing the confusing similarity of the disputed domain name.

Accordingly, 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. While the Respondent filed a Response, it could not rebut the Complainant’s prima facie showing and provided no relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Complainant affirmed that it has not given its consent for the Respondent to use its trademarks in a domain name registration. The Complainant also asserted that the Respondent does not own any registered rights in any trademarks which comprise part or all of the disputed domain name. The record shows that the Respondent does not have a name or a business name corresponding to the disputed domain name. There is no indication that the Respondent is commonly known by the disputed domain name. In particular, the Panel considers that the disputed domain name consists of a misspelling of the well-known SKYSCANNER trademark, as the term “skyscann” does not carry any independent meaning, and it resolves to a website containing PPC links related to services in competition with those of the Complainant. Among those PPC links, there also exists a link referring to the Complainant’s trademark. As a result, the Panel finds that such use of the disputed domain name cannot be accepted as a bona fide offering of goods or services as the Respondent is trying to capitalize on the reputation of the SKYSCANNER trademark. [WIPO Overview 3.0](#), section 2.9.

Therefore, the Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain name and 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.

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 available record, the Panel notes that the first SKYSCANNER trademark application goes back almost four years before the registration of the disputed domain name. The Panel also considers the distinctiveness of the SKYSCANNER trademark, as well as the composition and use of the disputed domain name. In addition, the Respondent did not provide any argument or explanation as to how it came up with the confusingly similar disputed domain name. Therefore, the Panel rejects the Respondent’s contentions and finds it very likely that the Respondent registered the disputed domain name with the Complainant’s prior trademarks in mind.

The Panel also considers that the mere registration of the disputed domain name that is confusingly similar to the well-known SKYSCANNER trademark by the Respondent, who has no affiliation with the Complainant, creates a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Considering the use of the disputed domain name described above, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the well-known SKYSCANNER trademark.

In conclusion, the Panel finds that the disputed domain name was registered and is being used in bad faith, and that the Complainant has established the third element of the Policy. Accordingly, the Panel rejects the Respondent's request for a finding of RDNH.

## **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 <skyscann.net> be transferred to the Complainant.

*/Mehmet Polat Kalafatoglu/*

**Mehmet Polat Kalafatoglu**

Sole Panelist

Date: September 26, 2025