

ADMINISTRATIVE PANEL DECISION

Skyscanner Limited v. Milen Radumilo

Case No. DCO2022-0068

1. The Parties

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

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <skyscanner4.co> is registered with Communigal Communications Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 26, 2022. On August 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 3, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 5, 2022, 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 September 5, 2022.

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 September 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 27, 2022.

The Center appointed William F. Hamilton as the sole panelist in this matter on September 30, 2022. 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 offers comprehensive travel services through its website and downloadable app. The Complainant owns a portfolio of registered trademarks in numerous jurisdictions for the mark SKYSCANNER (the “Mark”) (Annex 2 of the Amended Complaint). The Complainant’s portfolio includes, by way of example:

- International trademark registration No. 900393 for SKYSCANNER designating *inter alia*, the European Union (registered on March 3, 2006);
- International trademark registration No. 1030086 for SKYSCANNER, designating *inter alia*, Armenia, Australia, Azerbaijan, Bosnia & Herzegovina, Belarus, China, Egypt, European Union, Japan, Mexico, Norway, Russian Federation, Singapore, Switzerland, Turkey, and Ukraine (registered on December 1, 2009);
- United States of America trademark registration No. 4420284 for SKYSCANNER & Cloud device (registered on October 22, 2013);
- Indian trademark registration No. 1890840 for SKYSCANNER (registered on December 2, 2009);
- United Kingdom trademark registration No. 2313916 for SKYSCANNER (registered on April 30, 2004);
- Canadian trademark registration No. TMA786689 for SKYSCANNER (registered on January 10, 2011); and
- New Zealand trademark registration No. 816550 for SKYSCANNER (registered on October 7, 2010).

The Complainant owns and utilizes the domain name <skyscanner.com>.

The disputed domain name was registered on July 23, 2022. The disputed domain name resolves to a website containing pay-per-click (PPC) links that advertise the services of the Complainant’s competitors.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that the disputed domain name is confusingly similar virtually to the Mark because the disputed domain name almost completely replicates the Complainant’s Mark with the exception that the disputed domain name substitutes the number “4” for the letter “r” in the Mark.

The Complainant asserts that the Complainant never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, and that the Respondent has never engaged in any *bona fide* commercial activity in connection with the disputed domain name. The Complainant asserts the Respondent has no legitimate rights or interests in the disputed domain name.

The Complainant further asserts that the Respondent has registered and used the disputed domain name in bad faith as part of a scheme to divert customers from the Complainant’s website. The Complainant further asserts that malware warnings received by the Complainant give rise to the risk that the Respondent is deliberately targeting the Complainant’s reputation in the SKYSCANNER trade mark, with the aim of infecting Internet users’ devices with viruses to obtain sensitive information. The Complainant further asserts that a component of the Respondent’s scheme is to offer the disputed domain name for sale, presumably to

the Complainant, at an inflated price.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (i) the disputed domain name 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 disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to the Complainant's Mark. The Complainant's Mark is clearly recognizable in the disputed domain name. The disputed domain name merely changes the Mark by replacing the letter "r" in the Mark with the number "4". This is a classic example of typosquatting. The letter "r" is diagonally located below the number "4" on the standard keyboard.

The Respondent has been previously found to have engaged in numerous typosquatting schemes. See *e.g. Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#) (transferring <eedbox.com>; see generally WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9 ("A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element"). The minor differences between the Mark and the disputed domain name are trivial, immaterial, and utterly minor, and do not prevent a finding of confusing similarity. Indeed, the Respondent's typosquatting registration of the disputed domain name is designed to confuse.

The generic Top-Level Domain ("gTLD") of the disputed domain name, in this case ".co", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1. *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#) (transferring <monsterenergy.world>).

The Complainant has met its burden under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The Complainant has specifically disavowed providing the Respondent with permission to use the disputed domain name or the Mark. The Respondent is not affiliated with the Complainant in any way and does not have any business relationship with the Complainant. There is no evidence that the Respondent has conducted any *bona fide* business under the disputed domain name or is commonly known by the disputed domain name.

The Complainant has thus established a *prima facie* case in its favor, which shifts the burden of production on this point to the Respondent. The Respondent, however, has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name. *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO Case No. [D2000-0020](#).

Moreover, in this case, the Complainant has provided evidence of intentional fraud and misuse of the disputed domain name. See Section 6.C below.

The Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds the disputed domain name was registered and is being used in bad faith.

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

On the evidence presented, the Respondent has created the confusing disputed domain name to intentionally attempt to attract and divert Internet users, for commercial gain, through its use of PPC links to links that advertise the services of the Complainant's competitors. Moreover, the Respondent might have used the disputed domain name to download malware onto the computers of Internet visitors for malicious purposes including the possible theft of personally identifying information. The utilization of a disputed domain name in such a scheme is paradigmatic bad faith registration and use. *Pfizer Inc. v. Sarthak Kapoor*, WIPO Case No. [D2019-0292](#); *Desko GmbH v. Mustafa Mashari*, WIPO Case No. [D2015-0817](#); *British American Tobacco (Brands) Limited v. Contact Privacy Inc., Customer 7151571251 / Antonio Da Silva, Bat Gps*, WIPO Case No. [D2022-2495](#).

Under the circumstances of this case involving a serial abuser, the Respondent's bad faith is further evidenced by offering the disputed domain name for sale at a price of USD 2,880, which demonstrates that the Respondent has targeted the Complainant by the Respondent's efforts to damage the Complainant's reputation and business. See [WIPO Overview 3.0](#), section 3.1.1.

Even disregarding the foregoing analysis, it is difficult to conceive of any use that the Respondent might make of the disputed domain name without the Complainant's consent that would not involve bad faith. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Verner Panton Design v. Fontana di Luce Corp.*, WIPO Case No. [D2012-1909](#) ("where the reputation of a complainant in a given mark is significant and the mark bears strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith may be inferred"); *DPDgroup International Services GmbH & Co. KG v. Wise One, Wilson TECH*, WIPO Case No. [D2021-0109](#); *Monster Energy Company v. PrivacyDotLink*

Customer 116709 / Ferdinand Nikolaus Kronschnabl, WIPO Case No. [D2016-1335](#).

The Complainant has met its burden under paragraph 4(a)(iii) 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 <skyscanner4.co> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: October 14, 2022