



INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

सत्यमेव जयते
Certificate No.

Certificate Issued Date

Account Reference

Unique Doc. Reference

Purchased by

Description of Document

Property Description

Consideration Price (Rs.)

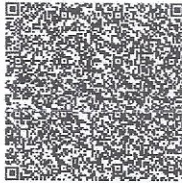
First Party

Second Party

Stamp Duty Paid By

Stamp Duty Amount(Rs.)

: IN-DL52663394137515S
 : 30-Jun-2020 02:57 PM
 : SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH
 : SUBIN-DLDL-SELF14028585809109S
 : NIKILESH RAMACHANDRAN
 : Article 12 Award
 : ARBITRATION AWARD IN SKYSKANNER.CO.IN
 : 100
 : (One Hundred only)
 : NIKILESH
 : SKYSCANNER
 : NIKILESH
 : 100
 : (One Hundred only)



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SELF PRINTED CERTIFICATE
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INDRP CASE NO. 1219

IN THE MATTER OF:-

Skyscanner Limited

COMPLAINANT

VERSUS

Qingda Yan

RESPONDENT

DISPUTED DOMAIN NAME:

skyscanner.co.in

AWARD:

The present domain name dispute relates to the registration of the domain name **skyskanner.co.in** in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name **<skyskanner.co.in>** in favour of the Respondent. Pursuant to the “.in” Domain Name Dispute Resolution Policy (INDRP) and the rules framed there-under, the Complainant has preferred this arbitration for raising this dispute for reprisal of its grievances.

I gave my consent on the 12.03.2020, to adjudicate the instant domain name dispute. I was handed over the complaint and accordingly, I issued notice on the 16.03.2020 calling upon the Respondent to file its reply on the complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter. Since there has been no response from the Respondents to the Complaint, I accordingly proceed ex-parte the Respondents in adjudicating the instant complaint.

Due to reasons of pandemic, the pronouncement of award was postponed.

CONTENTIONS:

Since, the respondent has been proceeded ex-parte, I shall deal with the contention of complainant. The Complaint has been filed for transfer of the disputed domain name **skyskanner.co.in**, which was registered by Respondent. Primarily, the assertion of the complainant in its complaint is



that the disputed domain name is identical and similar to the trade mark of Skyscanner Limited.

The Complainant has stated in its Complaint that Skyscanner Limited is a leading global travel search site where people can book direct from millions of travel options and attracts 80 million visits per month. The complainant is the proprietor of mark "SKYSCANNER", having valid and subsisting Trademarks registration. The Complainant has produced on record showing the details of ownership of numerous trademark registration for SKYSCANNER and Skyscanner & Cloud Device in India. The details are part of **Annex-2** of this complaint. The Complainant has stated that it is the owner of the domain name **skyscanner.co.in** consisting of the word "**SKYSCANNER**". The Complainant has also stated that it has developed a strong presence online and stated that its specialist website relating to the Indian market, www.skyscanner.co.in, ranks as the 617th most popular Indian website in relation to the combination of visitors and page views in India and ranks 8,355th globally. The complainant in its **Annex-3** has attached screenshots confirming global visits and web traffic details, taken from the Web Analytic business Alexa.

In the complaint it is also contended that at the time of complaint the Respondent does not own any registered rights in any trade marks which comprise part (or all) of the disputed domain name. The disputed Domain Name points to a website that appears to contain potentially malicious content and states that the Respondent is clearly not making a legitimate non-commercial or fair use of the domain name. The complaint has attached the screenshots of the website in **Annex-4**. It is also submitted that the only reason why the disputed Domain Name



has been registered is to capitalise on the reputation and goodwill established by the Complainant in order to redirect Internet traffic intended for the Complainant in order to create income and is being used in bad faith and Respondent has no rights or legitimate interests in respect of the domain name.

ANALYSIS

As the proceedings are set ex-parte the Respondent, I shall deal with the complaint on its prayer for transfer of the disputed domain name. The disputed domain name <**skyskanner.co.in**> consists the mark '**SKYSKANNER**', which is similar to the registered trademark of the Complainant '**SKYSCANNER**'. '**SKYSCANNER**' is a mark registered which has been established by the Complainant over a period of time by its use. The Complainant has used it world over, including India, and owns registered trademark. In support of which, the Complainant has placed on record the details of trademark registration. All these support the Complainant's right over the name '**SKYSCANNER**'. Therefore, the complainant's claim that it has a right over the disputed name stands proved.

Secondly, as the Respondent's action to register the said domain name is not bonafide, therefore, the said registration is done in bad faith. Also the disputed domain name <skyskyskanner.com> is confusingly similar to the Complainant's SKYSCANNER mark. The misspelling of "scanner" as "skanner" is a form of typosquatting as it does not distinguish the visual or phonetic pronunciation of the domain name from the Complainant's SKYSCANNER mark. Neither the Respondent is associated as an individual, business nor has organization with the name "**SKYSCANNER**" nor the complainant authorized



in anyway the use of trademark '**SKYSCANNER**'. Also, the respondent is an individual, whose details shown in WHOIS does not show any connection to the word **SKYSCANNER** in any manner. The Complainant has specifically stated that it has no relation with Respondent commercially or otherwise. So therefore, the use of trademark Respondent '**SKYSCANNER**' is not lawful. Therefore, the Respondent has no legitimate right over the said domain name.

CONCLUSION:

Considering the facts and circumstances of the present matter and taking view of the precedents in this context, I am of the view that the complainant has proprietary right over the mark '**SKYSCANNER**'. Under the facts and circumstances and on perusal of the records, I deem it fit and proper to allow the prayer of the Complainant in its favour and direct the Registry to transfer the said domain name i.e. <**skyskanner.co.in**> in favour of the complainant.


[NIKILESH RAMACHANDRAN]
ARBITRATOR

Dated: 30thJUNE, 2020.