Decision for dispute CAC-UDRP-107491

Case number	CAC-UDRP-107491
Time of filing	2025-04-22 16:19:45
Domain names	skokkaindia.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Strasshill Holding Limited

Complainant representative

Organization	Notarbartolo & Gervasi S.p.A:

Respondent

Organization	Skokaindin City

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns numerous trade mark registrations for its SKOKKA trade mark, including European trade mark registration 012610374 registered on July 16, 2014 and International trade mark registration 1699647 registered on May 23, 2022 and which is designated, in particular, in India.

FACTUAL BACKGROUND

The Complainant is a technology company incorporated under the laws of Cyprus which designs and develops computer platforms and has operated an adult dating website since 2012. This website publishes adult dating service listings divided by countries and cities all over the world and has become one of the most popular brands in its industry, as demonstrated by the number of visits worldwide amounting to 99.52 million between January – March 2025. The Complainant's main website for this business is <skokka.com> which it has owned since October 2012 and it also owns numerous country code domain names containing "skokka" including <skokka.in> since March 2016.

The disputed domain name was registered on August 21, 2020 and is currently used to host a directly competing website offering identical or similar adult dating services to those offered by the Complainant through its website. The website at the disputed domain name features the name, title or mark " Skokka India".

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant owns registered trade mark rights in its SKOKKA mark as set out above. The Complainant has submitted that the disputed domain name wholly incorporates the Complainant's SKOKKA mark and is therefore confusingly similar to it and that the inclusion of the geographic term "India" does not prevent a finding of confusing similarity. The Panel agrees with the Complainant that the disputed domain name is accordingly confusingly similar to the Complainant's SKOKKA mark and that the Complaint succeeds under the first element of the Policy.

The Complainant has submitted that the Respondent does not appear to have any rights or legitimate interests in the disputed domain name. It has been submitted that there is no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services before notice of this dispute. It has also submitted that the Respondent is offering adult classified services that are identical or highly similar to those provided by the Complainant through its website at the disputed domain name and that this amounts to an attempt to an intent to exploit and capitalise on the Complainant’s brand and market presence in India.

The Complainant has also asserted that the Respondent is not commonly known by the disputed domain name and does not appear to hold any registered trade mark or trade name corresponding to the name “Skokka” or “Skokka India”. The Complainant has asserted that it has never authorised or licensed the Respondent to use its SKOKKA trademark or to register domain names incorporating the mark. It has also submitted that the use of the Complainant’s distinctive trademark with the addition of the geographic descriptor “india” does not serve to distinguish it from the SKOKKA trade mark but rather increases the likelihood of confusion by suggesting a localised version of the Complainant’s well-known brand and that using it to redirect users to competing or commercial services cannot confer rights or legitimate interests on the Respondent.

Considering these factors, the Complainant has submitted that the Respondent has failed to establish any legitimate interests or rights in the disputed domain name and that the use of the confusingly similar disputed domain name to mislead users or to exploit the Complainant’s reputation neither amounts to a bona fide offering of goods or services nor to fair use under the Policy.

The Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in

the disputed domain name which has not been rebutted by the Respondent. Accordingly, the Panel finds that the complaint also succeeds under the second element of the Policy.

The disputed domain name was registered on August 21, 2020, many years after the Complainant registered its <skokka.com> domain name and started its business and registered its first trade mark. The Complainant has also noted that registration of the disputed domain name occurred some years after the Complainant commenced its own operations in India in 2016. This timing, together with the fact that the disputed domain name re-directs Internet users to a website that features the Complainant's mark under the title "Skokka India" and appears to masquerade as if it is the Complainant's site by offering identical or similar dating type services to those provided by the Complaint, strongly suggests that the Respondent was well aware of the Complainant's mark and business when it registered the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trade marks as to the source, sponsorship, affiliation or endorsement of the website.

It is apparent that the disputed domain name has been used by the Respondent to divert Internet users to its website which features the SKOKKA trade mark and which appears to offer very similar adult dating services to those offered by the Complainant from its website. This is all in circumstances that the Complainant has never authorised such use and amounts to the Respondent trying to masquerade as if its website belongs to the Complainant or is endorsed by it, apparently to confuse Internet users in India looking for the Complainant’s Indian website and to re-direct them to the Respondent’s website for the Respondent's own commercial purposes.

The Panel therefore finds that the Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trade mark in terms of paragraph 4(b)(iv) of the Policy. Such conduct amounts to evidence of registration and use of the disputed domain name in bad faith under this section of the Policy and the Panel therefore finds that the complaint succeeds under the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **skokkaindia.com**: Transferred

PANELLISTS

Name	**Mr Alistair Payne**

DATE OF PANEL DECISION 2025-05-24

Publish the Decision