

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc., and Six Continents Limited v. ihg hiring Case No. D2023-3471

1. The Parties

The Complainants are Six Continents Hotels, Inc., United States of America, and Six Continents Limited, United Kingdom represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America.

The Respondent is ihg hiring, India.

2. The Domain Name and Registrar

The disputed domain name <ihghiring.com> is registered with BigRock Solutions Pvt Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 16, 2023. On August 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 17, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details for the disputed domain name.

The Center verified that 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 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 18, 2023.

On August 24, 2023, a third party contacted the Center by telephone claiming there had been unauthorized use of their contact details in relation to the disputed domain name in the present proceedings.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on September 22, 2023. 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 Complainants are related corporate entities and are part of IHG Hotels & Resorts (“IHG”), which owns a number of hotel brand names globally. It is appropriate to refer to the Complainant in the singular. The Complainant is concerned in the operation of some 6,227 hotels in about 100 countries.

The Complainant owns about 523 trademark registrations in about 116 jurisdictions, including:

IHG, registered at the United States Patent and Trademark Office (USPTO), registration date December 9, 2008, registration number 3544074, in class 35;

IHG, registered at the USPTO, registration date March 22, 2016, registration number 4921698, in classes 9, 41 and 43.

The Complainant also owns numerous domain names including <ihg.com>, which was created on May 4, 1998.

Information about the Respondent is limited to the name “ihg hiring”, for which the Registrar has disclosed a Mumbai office address that evidently has no connection with the Respondent. The disputed domain name was created on April 17, 2023, and has been used as the basis of an email address purporting to be that of a person described as being the Complainant’s Human Resources Manager. The disputed domain name has not apparently resolved to a website.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant’s trademark. The disputed domain name contains the entirety of the Complainant’s trademark, together with the word “hiring” which should not prevent a finding of confusing similarity.

The Complainant says the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never had any connection with the Respondent or granted the Respondent any permission to use the Complainant’s trademark. The use to which the Respondent has put the disputed domain name amounts to an employment-related or phishing scam and cannot be a *bona fide* offering of goods or services.

The Complainant says the disputed domain name was registered and is being used in bad faith.

The Complainant says it is one of the world’s largest hotel groups and its trademark, first registered in 2006 and registered in 116 jurisdictions, is well-known internationally. It is implausible that the Respondent was unaware of it. In the circumstances, the mere registration of the disputed domain name by an unaffiliated entity creates a presumption of bad faith.

The Complainant says the disputed domain name has been used to impersonate the Complainant in an employment-related or phishing scam. A letter, sent from an address based on the disputed domain name and likely to confuse the recipient into believing it came from the Complainant, was used to make a false offer of employment.

In an email from the Complainant to the Center dated August 31, 2023, copied to the Respondent, the Complainant asked for the Panel to be informed of the third party communication stating that the Respondent was not known at the physical address it had given.

The Complainant has cited a number of previous decisions under the Policy, many of them relevant to employment-related or phishing scams pertaining to the hotel industry.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Respondent is required to submit to a mandatory administrative proceeding in the event that the Complainant asserts to the applicable dispute-resolution provider, in compliance with the Rules, that:

“(i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) you have no rights or legitimate interests in respect of the domain name; and

(iii) your domain name has been registered and is being used in bad faith”.

The Complainant has made the relevant assertions as required by the Policy. The dispute is properly within the scope of the Policy and the Panel has jurisdiction to decide the dispute.

A. Identical or Confusingly Similar

The Panel is satisfied by the evidence produced that the Complainant has the requisite rights under the Policy in the trademark IHG. Disregarding the generic Top-Level Domain (“gTLD”) “.com”, the disputed domain name <ihghiring.com> comprises the entirety of the Complainant's trademark, followed by the additional word “hiring”. The additional word is found not to prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

The Panel finds for the Complainant under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has stated *prima facie* that the Respondent has not been granted and does not have any rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy provides for the Respondent to contest the Complainant's *prima facie* case under paragraph 4(a)(ii) of the Policy and to establish rights or legitimate interests in a disputed domain name by demonstrating, without limitation:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue”.

The Respondent has made no reply under paragraph 4(c) of the Policy. According to the evidence, further discussed below in connection with Bad Faith, the disputed domain name has been used by the Respondent in order to send a false offer of employment in the name of the Complainant. Any such impersonation of the Complainant or false offer of employment cannot constitute a *bona fide* offering of goods or services. There is no evidence the disputed domain name has been used for any fair or noncommercial purpose or that the Respondent has ever been known by any name similar to the disputed domain name.

The Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name and finds for the Complainant under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant must prove under paragraph 4(a)(iii) of the Policy that the disputed domain name has been registered and is being used in bad faith. The Policy lists four alternative circumstances, without limitation, that shall be evidence of the registration and use of a domain name in bad faith by a respondent, of which paragraph 4(b)(iv) of the Policy is pertinent presently:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site 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 your website or location or of a product or service on your website or location”.

The Complainant has produced in evidence a letter, apparently an email attachment sent from the address “[named person] @ihghiring.com”, having the appearance of offering the recipient a specific employment position with details of salary and allowances. The letter is at first sight sophisticated, under the coloured letterhead “INTERCONTINENTAL HOTELS & RESORTS”, Paris, with the Complainant’s logo and watermark on each page, and signed by the named person as “Human Resources Manager”, below a different logo representing the Complainant.

Significantly, in the context of suspected scams, the letter implies urgency, requiring acceptance of the employment offer within two days; requires a bond of EUR 588 to be paid, half by the candidate and half by the employer; and requires the eventual completion of medical, character, visa and other preliminaries.

The Complainant denies sending the letter, disclaims the existence of the employment position offered, and disclaims the existence of the named person purporting to be the Human Resources Manager. The letter also contains a number of idiosyncrasies that the Panel need not reveal to the Respondent. On the totality of the evidence, the Panel finds the letter to be fraudulent and a scam intended to extract money or personal information, or both, from the recipient by a deception; in other words, it is an employment-related or phishing scam. The Panel accepts on the evidence that the Complainant has been well-known internationally since 2006 and finds on the balance of probabilities that the Respondent was previously aware of and has intentionally targeted the Complainant.

The provisions of paragraph 4(b) of the Policy are without limitation and the Panel finds the evidence of the registration and use of the disputed domain name for the purpose of a fraud or scam to be in itself sufficient for a finding of registration and use in bad faith. Nevertheless, within the specific provisions of paragraph 4(b)(iv) of the Policy, it is evident that the disputed domain name is being used with intent for commercial gain; is likely to cause confusion with the Complainant’s trademark as to the source of the letter and of the service offered; and is intended to attract the recipient to the Respondent’s on-line location, namely its email address.

It is also clear to the Panel that the Respondent has attempted to conceal its true identity, by arranging for the publicly accessible Whois to display the false registrant name “ihg hiring” without any street address and with an implausible postal code. The office address provided to the Registrar and to which the Notification of Complaint and Commencement of Administrative Proceedings was couriered, turned out to have no connection with the Respondent.

On the evidence and on the balance of probabilities, registration and use of the disputed domain name by the Respondent in bad faith are found in the terms of 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 <ihghiring.com> be transferred to the Complainant.

/Dr. Clive N.A. Trotman/

Dr. Clive N.A. Trotman

Sole Panelist

Date: October 6, 2023