

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc., Six Continents Limited v. Chase Logan
Case No. D2024-2255

1. The Parties

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

The Respondent is Chase Logan, United States.

2. The Domain Name and Registrar

The disputed domain name <ihghelp.com> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 1, 2024. On June 3, 2024, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On June 4, 2024, the Registrar transmitted to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differs from the named Respondent (“REDACTED FOR PRIVACY / 1&1 Internet Inc.”) and contact information that appears in the Complaint. On June 7, 2024, the Center provided the Complainants with the registrant and contact information disclosed by the Registrar, and invited the Complainants to amend the Complaint. On June 7, 2024, the Complainants responded, stating that they do “not wish to make substantive amendments to the Complaint but ... wish to add the newly identified registrant as respondent to the Complaint.”

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 proceeding commenced on June 12, 2024. In accordance with the Rules, paragraph 5, the due date for the Response was July 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2024.

The Center appointed Professor Ilhyung Lee as the sole panelist in this matter on July 15, 2024. 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 Six Continents Hotels, Inc. is incorporated in Delaware, United States, with its principal place of business in Atlanta, Georgia. Its affiliate, Six Continents Limited, is a public limited company in the United Kingdom. The Complainants are two of a number of companies collectively known as IHG Hotels & Resorts, which manages, leases, or franchises thousands of hotels in dozens of countries throughout the world, including Crowne Plaza Hotels & Resorts, Holiday Inn Hotels, and InterContinental Hotels & Resorts, among others.

The Complainants and their affiliates have registered or own hundreds of marks containing “IHG”, in several countries. In the United States, their registrations include: IHG service mark, registration number 3544074, registered on December 9, 2008, for “business management; business advisory and business consultancy services relating to hotel management and to hotel franchising”; and IHG trademark and service mark, registration number 4921698, March 22, 2016, for “downloadable mobile applications for accommodation reservations and bookings and for providing information on travel, local events, dining, ground transportation, and accommodations”. The Complainants have also registered several domain names that contain the IHG mark, including <ihg.com> (registered on May 4, 1998), <ihghotels.com> (May 15, 2004), <ihghiring.com> (April 17, 2023), and <ihgmember.com> (October 17, 2022).

The disputed domain name <ihghelp.com> was registered on April 26, 2024. The disputed domain name resolves to an inactive website.

5. Parties’ Contentions

A. Complainants

The Complainants contend principally that: (i) the disputed domain name is identical or confusingly similar to a mark in which the Complainants have rights; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith. In addition, the Complaint states, inter alia:

“Respondent has used the Disputed Domain Name in connection with an email address impersonating Complainant to send an email to one of Complainant’s hotels (a Holiday Inn Express & Suites hotel in Houston, Texas) as part of a fraudulent attempt to obtain credit card refunds in the amount of \$19,000.”

“Respondent us[ed] the email address [...]@ihghelp.com, to Complainant’s Holiday Inn Express & Suites hotel in Houston, Texas, discussing a fake ‘system update/compatibility test’ regarding ‘transactions to our test simulator Visa/master cards.’”

“Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the IHG Trademark in any manner.”

B. Respondent

The Respondent did not reply to the Complainant’s contentions. Under paragraphs 5(f) and 14(a) of the Rules, the Panel may decide the dispute based on the Complaint. Paragraph 14(b) allows the Panel to draw appropriate inferences from the Respondent’s default.

6. Discussion and Findings

In order to prevail, the Complainants must satisfy each of the three elements of paragraph 4(a) of the Policy.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name <ihghelp.com> is identical or confusingly similar to a mark in which the Complainants have rights (IHG), under paragraph 4(a)(i) of the Policy. The Complainants' mark appears prominently in the disputed domain name. The addition of the term "help" does not prevent a finding of confusing similarity. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8. The Top Level Domain ".com", a technical registration requirement, is disregarded in the consideration of this element. [WIPO Overview 3.0](#), section 1.11.1.

The first element has been established.

B. Rights or Legitimate Interests

The Complainants state that they have not authorized the Respondent to use the IHG mark, and have met their initial burden of making a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The burden shifts to the Respondent to demonstrate any such rights or legitimate interests. Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances that may demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

The Respondent has defaulted. The Panel is unable to ascertain any evidence that would demonstrate the Respondent's rights or legitimate interests in the disputed domain name, as described in the Policy, or otherwise.

The second element has also been established.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainants must show that the disputed domain name "has been registered and is being used in bad faith". Paragraph 4(b) provides a non-exhaustive list of circumstances that can satisfy this element. 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.

The disputed domain name <ihghelp.com> resolves to an inactive site. The case record indicates that the Respondent has used the disputed domain name to impersonate the Complainants in email correspondence. "Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution.... Many such cases involve the respondent's use of the domain name to send deceptive emails" [WIPO Overview 3.0](#) section 3.4. This case appears to be one such example of bad faith.

The third element is satisfied.

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 <ihghelp.com> be transferred to the Complainant Six Continents Limited.

/Ilhyung Lee/

Ilhyung Lee

Sole Panelist

Date: July 23, 2024