

ADMINISTRATIVE PANEL DECISION

Inter-Continental Hotels Corporation v. elpomika vertilo
Case No. D2023-0663

1. The Parties

The Complainant is Inter-Continental Hotels Corporation, United States of America, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America.

The Respondent is elpomika vertilo, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <intercontinentalmaldives.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 14, 2023. On February 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 14, 2023, 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 (Redacted for Privacy / Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 15, 2023, 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 February 16, 2023.

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 February 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 16, 2023.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on March 27, 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 Complainant is one of the companies constituting the InterContinental Hotels Group (“IHG”). As stated in the Complaint, these companies manage, lease or franchise, through various subsidiaries, 6,061 hotels and 888,147 guest rooms in about 100 countries and territories around the world. IHG owns a portfolio of hotel brands including, *inter alia*, InterContinental Hotels & Resorts; Holiday Inn Hotels; Holiday Inn Express Hotels; Holiday Inn Club Vacations; Crowne Plaza Hotels & Resorts; Staybridge Suites, among others. IHG also manages one of the world’s largest hotel loyalty programs, IHG OneRewards Club. The IHG “global presence” document is attached as Annex 4 to the Complaint.

The Complainant or its affiliates own over 200 registrations for trademarks consisting of or containing the INTERCONTINENTAL trademark, registered in at least 151 countries or geographical regions worldwide, as shown in Annex 11 to the Complaint. In particular, the Complainant owns the following registration:

- INTERCONTINENTAL, United States Trademark Registration No. 890271, registered on April 28, 1970, filed on May 14, 1969, renewed on March 22, 2010, covering services in International Classes 35, 36, 37, 38, 39, 40, 41 and 42, in particular for hotel services and consulting services to others in the development and planning of hotels (shown in Annex 12 to the Complaint).

The Complainant also owns several domain names containing the INTERCONTINENTAL trademark, including <intercontinental.com> (created on July 30, 1997), shown in Annex 6 and 7 to the Complaint.

The Complainant has an InterContinental-branded private island resort in the Maldives known as the “InterContinental Maldives Maamunagu Resort,” which home page is reproduced by the printout presented by Annex 8 to the Complaint.

The disputed domain name was registered on March 27, 2012.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant’s mark registered and used worldwide.

The Complainant alleges that the Respondent does not have rights or legitimate interests in the disputed domain name.

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

The Complainant submitted evidence that the Respondent is using the disputed domain name in connection with a fraudulent phishing scheme designed to lure consumers into believing that they are dealing with the Complainant.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- i. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- ii. the Respondent has no rights or legitimate interests in respect to the disputed domain name; and
- iii. the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name is confusingly similar to the INTERCONTINENTAL trademark, as it is entirely incorporated in the disputed domain name.

The Complainant has presented consistent evidence of ownership of the trademark INTERCONTINENTAL, in jurisdictions throughout the world, by presenting a substantial number of registrations for them, as well as comprehensive evidence of the use of the trademarks.

The use of the trademark INTERCONTINENTAL with the country name “maldives” in the disputed domain name does not prevent a finding of confusing similarity with the trademark. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

B. Rights or Legitimate Interests

Given the clear evidence that the trademark INTERCONTINENTAL is registered in the name of the Complainant and is widely known as identifying the Complainant’s activities, that the Complainant has not licensed this to the Respondent, and evidence that the Respondent is using the disputed domain name in connection with a fraudulent phishing scheme the Panel finds that the Complainant has established *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name.

In the absence of a Response, the Respondent has not rebutted such *prima facie* case. Furthermore, the Respondent does not appear to be commonly known by the disputed domain name.

As previously mentioned, the disputed domain name has been used in connection with a scheme to lure consumers. The Complainant has submitted copy of emails evidencing that the Respondent has used the disputed domain name in connection with a fraudulent phishing scheme designed to lure consumers into falsely believing that they were dealing directly with the Complainant. This evidence also shows that customers were induced to provide credit card data.

Furthermore, the fact that the disputed domain name consists of the Complainant’s trademark along with a geographic term “maldives” carries a risk of implied affiliation, potentially conveying to unsuspecting Internet users the false belief that any website related thereto would be associated or endorsed with the Complainant’s official products and services. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 2.5.1.

The Panel finds that the Complainant has established *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. In the absence of a Response, the Respondent has not rebutted such *prima facie* case.

The Panel, thus, finds for the Complainant under the second element of the Policy.

C. Registered and Used in Bad Faith

Given the circumstances of this case, the facts outlined in Section B above can also evidence the Respondent's bad faith in the registration and use of the disputed domain name.

The Respondent intended to give an overall impression that the disputed domain name is associated with the Complainant, and the Panel accepts that the disputed domain name is intended to capitalize on the fame and goodwill of the Complainant's trademark. The disputed domain name has been used to represent falsely that the Respondent is either authorized by the Complainant to make the offers, or that the Respondent is part of the Complainant's group. The Respondent has acted in bad faith by registering and using the disputed domain name as part of a phishing scam to impersonate the Complainant, as seen in Annexes 9 and 10 to the Complaint.

All the points above lead to the conclusion by this Panel that the Respondent was fully aware of the Complainant when registering the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith.

The Panel finds that the Complainant has also proved the third element 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 <intercontinentalmaldives.com> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/

Alvaro Loureiro Oliveira

Sole Panelist

Date: April 6, 2023