

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc. and Six Continents Limited v. Manlidy, GNN Case No. D2023-1887

1. The Parties

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

The Respondent is Manlidy, GNN, Singapore.

2. The Domain Name and Registrar

The disputed domain name <ihg0.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2023. On April 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 28, 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 (WhoisSecure) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 28, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on May 1, 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 May 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 23, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 24, 2023.

The Center appointed Assen Alexiev as the sole panelist in this matter on June 14, 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 both members of IHG Hotels & Resorts (“IHG”) - a large global hotel group that includes more than 6,000 hotels in 100 countries around the world, operating under the brands Crowne Plaza, Holiday Inn, InterContinental, Six Senses, Regent, and others.

The Second Complainant is the owner of a number of trademark registrations for the sign IHG (the “IHG trademark”), including the following:

- the International trademark IHG with registration No. 915655, registered on December 21, 2006 for services in International Classes 35 and 43, designating among others Singapore;
- the United Kingdom trademark IHG with registration No. UK00002436937, registered on April 27, 2007 for services in International Classes 35 and 43; and
- the United States trademark IHG with registration No. 3544074, registered on December 9, 2008 for services in International Class 35.

The Complainants also operate the domain name <ihg.com>, registered on May 4, 1998, which resolves to their official website.

The disputed domain name was registered on April 20, 2023. It resolves to a website with pornographic content, also displaying gambling and betting advertisements.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainants state that the disputed domain name is confusingly similar to their IHG trademark, because it contains this trademark in its entirety with the addition of the digit “0”. According to them, the IHG trademark is recognizable within the disputed domain name despite the addition of the digit.

The Complainants maintain that the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it is not commonly known by this name and has not acquired any relevant trademark rights, and because they have never authorized the Respondent to register or use the IHG trademark in any manner. The Complainants submit that by using the disputed domain name in connection with a commercial pay-per-click website that provides adult content, including explicit pornography, the Respondent is not making a *bona fide* offering of goods or services under the Policy.

The Complainants contend that the disputed domain name was registered and is being used in bad faith. They point out that the IHG trademark was first registered in 2006, is protected by about 523 registrations in about 116 countries or jurisdictions worldwide, and is being used in connection with 6,164 hotels in about 100 countries and territories around the world. According to them, given the global reach and popularity of their services under the IHG trademark and the disputed domain name's similarity to the Complainants' own domain name <ihg.com> created in 1998, the Respondent must have been well aware of the Complainants when it registered the disputed domain name, and its motive in registering and using it must have been to disrupt the Complainants' relationship with their customers or to attempt to attract Internet users for potential gain to its adult website.

The Complainants further submit that the Respondent is a repeat cybersquatter as found in the domain name disputes *B.S.A. International v. Manlidy, GNN*, WIPO Case No. [D2023-1165](#), *Solvay Société Anonyme*

v. Manlidy, GNN, WIPO Case No. [D2023-0966](#), ABG Juicy Couture, LLC v. Manlidy, GNN, WIPO Case No. [D2023-0861](#), Loft Ipco LLC v. Manlidy, GNN, WIPO Case No. [D2022-4627](#), Commodity Exchange, Inc., Board of Trade of the City of Chicago, Inc., New York Mercantile Exchange, Inc., and CME Group Inc. v. cbot, comex, main main, and Manlidy, GNN, WIPO Case No. [D2022-4020](#), Hostelworld.com Limited v. Manlidy, GNN, WIPO Case No. [D2022-3641](#), Coinme Inc. v. Manlidy, GNN, WIPO Case No. [D2022-3321](#), and Principal Financial Services, Inc. v. Johnson Zhang, xiao long lin, and WhoisSecure / Manlidy, GNN, WIPO Case No. [D2022-2479](#). In this regard, the Complainants argue that the Respondent has engaged in a pattern of conduct under paragraph 4(b)(ii) of the Policy.

The Complainants request that the disputed domain name be transferred to the Second Complainant Six Continents Limited.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainants have shown rights in respect of the IHG trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1

As discussed in section 1.4.1 of the [WIPO Overview 3.0](#), a trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. The Panel considers it appropriate to apply the same approach here, where the Second Complainant is the owner of the IHG trademark and it is an affiliate of the First Complainant, they have filed the Complaint jointly and request the transfer of the disputed domain name to the Second Complainant. Therefore, both Complainants should be considered as having rights in the IHG trademark for the purposes of the Policy.

The Panel finds that the IHG trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms (here, the digit "0") may bear on assessment of the second and third elements, the Panel finds the addition of this digit does not prevent a finding of confusing similarity between the disputed domain name and the IHG trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible

task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainants have established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants’ *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The evidence shows that the disputed domain name resolves to a website containing explicit pornographic content and gambling and betting advertisements. It is well established under the Policy that such use of a domain name that is confusingly similar to the trademark of another entity cannot give rise to rights or legitimate interests in the domain name.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainants’ mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location or of a product or service on the Respondent’s website or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The Respondent has not submitted a Response and has not provided any reasoning why it should be regarded as having rights or legitimate interests in the disputed domain name or any credible explanation why it has chosen it. The disputed domain name is confusingly similar to the Complainants’ IHG trademark and its domain name <ihg.com>, and the undisputed evidence shows that it is being used for an adult website containing explicit pornography with gambling and betting advertisements.

As also noted by the Complainants, the Respondent has been found to have acted in bad faith in numerous other proceedings under the Policy. Therefore, the Respondent has registered and used the disputed domain name in order to prevent the Complainants from reflecting the mark in a corresponding domain name because the records show that the Respondent has engaged in a pattern of such conduct pursuant to paragraph 4(b)(ii) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <ihg0.com> be transferred to the Second Complainant Six Continents Limited.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: June 28, 2023