

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc., Six Continents Limited v. 十二新, 省公司
Case No. D2024-0297

1. The Parties

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

The Respondent is 十二新, 省公司, China.

2. The Domain Names and Registrar

The disputed domain names <luxuriousihg-org.com> and <travelhotel-an-ihg.com> are registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2024. On January 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 25, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted For Privacy / Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 26, 2024, 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.

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 January 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2024. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on February 23, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on March 4, 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 Complainants, Six Continents Hotels, Inc. and Six Continents Limited, assert their affiliation with the IHG Hotels & Resorts group, a substantial entity in the hospitality sector with a portfolio exceeding 6,000 hotels and nearly 1,000,000 guest rooms across roughly 100 countries and territories.

Regarding the joint filing of the Complaint by both Six Continents entities, the Panel recognizes precedent where similar joint complaints have been supported, acknowledging the interconnected nature of their rights and responsibilities in such legal proceedings.

The governing Policy and Rules do not specifically address the scenario of multiple complainants, thus allowing for interpretative flexibility. In certain cases, panels have determined that the complainant(s) did not satisfactorily prove ownership or control over the disputed mark. Conversely, other instances have seen acceptance of complaints from a single entity representing its affiliates.

In the case at hand, despite Six Continents Hotels, Inc. and Six Continents Limited having separate corporate identities, their assertion of related rights and roles pertinent to the case bolsters the argument for a joint complaint. Importantly, at least one of the Complainants owns the trademark registrations central to the dispute. Furthermore, both seek the transfer of the disputed domain names to the Complainant holding the prior rights. Their collective approach, combined with the pertinence of their rights and roles to the case, justifies their acceptance collectively as "the Complainant".

The Complainant, or its associated entities, maintain approximately 523 trademark registrations in 116 countries or geographic regions globally, featuring the IHG mark. Noteworthy among these are the following United States trademarks.

Mark: IHG
Registration Number: 3,544,074
Registration Date: December 9, 2008

Mark: IHG
Registration Number: 4,921,698
Registration Date: March 22, 2016

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

Regarding the disputed domain names, <luxuriousihg-org.com> was registered on December 27, 2023, and appears currently inactive, contrary to the evidence presented by the Complainant. Conversely, <travelhotel-an-ihg.com>, registered on January 4, 2024, directs users to a login interface, adopting an orange colour palette that bears similarity to the Complainant's official web presence.

The disputed domain names in question are registered under the business name 省公司 (pronounced "shěng gōngsī"), translated as "Provincial Company". The Contact Name associated with these disputed domain names is 十二新 ("shí èr xīn").

According to the Complainant's submissions, the Respondent has engaged the disputed domain names in orchestrating an employment fraud, advertising "nonexistent" positions. The Complainant has presented evidence including two emails, dated January 19, 2024, from an individual impacted by the Respondent's deceptive practices. These individual reports being solicited by an entity falsely claiming to represent IHG, for a job entailing the "upload[ing] of hotel data on the (IHG) platform". It is alleged that "the links they send to register for the IHG platform" incorporate the disputed domain names. Further corroborating this claim, the Complainant has submitted screenshots provided by the scam's victim, showcasing the disputed domain names' usage in relation to websites linked to this fraudulent activity, and a WhatsApp conversation transcript wherein the Respondent directly cites one of the disputed domain names as "the (IHG) workbench registration link."

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that they claim rights to the IHG Trademark, underscoring the remarkable similarity of each disputed domain name to this mark. Said domain names fully integrate the IHG Trademark, augmented by descriptors such as "luxurious," "travel," "hotel," "an," "org" (reflecting the ".org" top-level domain), and a hyphen. In these disputed domain names, the trademark is distinctly recognizable, and the addition of terms typically linked with IHG's services ("luxurious," "travel," and "hotel") potentially heightens, rather than lessens, the risk of confusion.

The Complainant asserts that the confusion arises directly from the Respondent's misuse of the disputed domain names. The Complainant states it has not provided the Respondent with any authorisation to register or utilise the IHG Trademark in any capacity.

Moreover, the Complainant delineates that the Respondent's alleged recruitment for fictitious positions, ostensibly requiring "uploading hotel data on the (IHG) platform," indicates a clear lack of a bona fide goods or services offering, thereby infringing upon the Policy's conditions. Such behaviour, as posited by the Complainant, showcases the Respondent's failure to present any rights or legitimate interests in accordance with paragraph 4(c)(i) of the Policy.

The Complainant further accentuates the prominence of the IHG Trademark, with initial registrations dating back to 2006 and encompassing protections in approximately 116 countries or jurisdictions globally. This trademark's linkage with one of the world's foremost hotel conglomerates, which owns, manages, leases, or franchises 6,261 hotels and nearly 1,000,000 guest rooms in roughly 100 countries and territories, serves as testimony to its broad renown. The Complainant's assertions highlight the disputed domain names' clear association with the Complainant, suggesting the Respondent's purported opportunistic bad faith.

Such overt association of the disputed domain names with the Complainant, alongside the Respondent's registration of the same, suggests opportunistic bad faith, violating the Policy. This assertion is further supported by the historical antecedence of the IHG Trademarks, which were registered a significant 17 years before the Respondent's registration of the disputed domain names.

B. Respondent

The Respondent did not reply to the Complainant's 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.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "luxurious," "travel," "hotel," ".org," and "an," may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

Evidence provided shows the Respondent running an employment scam with the disputed domain names, highlighted by two emails from a deceived individual and a WhatsApp chat, detailing a non-existent job linked to the IHG platform, promising payment in cryptocurrency.

Panels have held that the use of a domain name for illegal activity such as impersonation/passing off and employment fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent registered and used the disputed domain names that are confusingly similar to the widely known trademark “IHG”.

The conspicuous connection of the disputed domain names with the Complainant implies the Respondent’s “opportunistic bad faith” in breach of the Policy. Considering the Complainant’s substantial market presence and brand recognition, it seems clear to the Panel that the Respondent was aware of the Complainant’s mark and aimed to derive commercial benefit by drawing Internet users through confusion.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but 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.

Panels have held that the use of a domain name for illegal activity such as impersonation/passing off and employment fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names constitutes bad faith under the Policy.

The Respondent has exploited the disputed domain names to masquerade as the Complainant, engaging in an employment scam that advertises non-existent positions involving the uploading of hotel data to the (IHG) platform for a promised monthly compensation of USD 3,800, payable through some form of cryptocurrency scheme.

The examination of the correspondence and WhatsApp chat exchanges submitted by the Complainant, which meticulously detail the unfolding of a scam targeting an individual facing evident financial difficulties and who, trusting in the Complainant’s undisputed reputation, incurs debt in hopes of employment, is not only disheartening but solidifies the Panel’s conviction that the disputed domain names were clearly registered and used in bad faith.

The Panel finds that the Complainant has established 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 names <luxuriousihg-org.com> and <travelhotel-an-ihg.com> be transferred to the Complainant Six Continents Limited.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: March 18, 2024