

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc. v. Ivan Kabanov
Case No. D2024-1693

1. The Parties

The Complainant is Six Continents Hotels, Inc., United States of America (“United States” or “U.S.”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is Ivan Kabanov, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <crowncrownplaza.today> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2024. On April 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 2024, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 on April 24, 2024.

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 April 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 16, 2024.

The Center appointed Delia-Mihaela Belciu as the sole panelist in this matter on May 24, 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 is one of a number of companies collectively known as IHG Hotels & Resorts (“IHG”), one of the world’s largest hotel groups. Companies within IHG own, manage, lease or franchise, through various subsidiaries, 6,363 hotels and 946,203 guest rooms in about 100 countries and territories around the world.

The Complainant’s CROWNE PLAZA brand was founded in 1983 and today is used in connection with 408 hotels, offering 112,232 rooms worldwide.

The Complainant owns numerous trademark registrations worldwide that consist of or contain the mark CROWNE PLAZA, among which:

- U.S. trademark No. 1297211 for CROWNE PLAZA, registered on September 18, 1984, for services in class 42 “Hotel Services-Namely, Providing Lodging and Restaurant Services in Hotels”;
- Canadian trademark No. TMA312684 for CROWNE PLAZA, registered on March 28, 1986, for services in class 43 “Hotel and restaurant services”;
- European Union trademark No. 001017946, registered on December 17, 2002, for services in class 42 “Hotel services, motel services, provision of accommodation, hotel reservation services, bar services; cafe services, restaurant and catering services, provision of food and drink for hotel guests”.

InterContinental Hotels Group, from which the Complainant is part of, owns the domain name that contains the CROWNE PLAZA trademark <crowneplaza.com>, registered on March 31, 1995, which is used in relation to the Complainant’s website “www.crowneplaza.com”.

The disputed domain name was registered on March 20, 2024, and resolves to a website used in relation to hotel/casino services.

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 name.

Notably, the Complainant contends that:

- (i) the disputed domain name is confusingly similar to his CROWNE PLAZA trademark, as it contains the trademark in its entirety, absent only the silent letter “e” from the CROWNE part of the trademark;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, among which that, (1) the Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use his CROWNE PLAZA trademark in any manner, (2) the Respondent uses the disputed domain name in connection with a website that falsely appears to be a website for, or otherwise associated with, the Complainant, by prominently displaying a misspelling of the CROWNE PLAZA trademark on a video of a hotel/casino and including a link for “Booking” in the primary

navigation, (3) to Complainant's knowledge, the Respondent has never been commonly known by the disputed domain name and has never acquired any trademark rights in the disputed domain name;

(iii) the disputed domain name was registered and is being used in bad faith for a number of reasons, among which that, (1) the Respondent registered the disputed domain name which is confusingly similar to the famous or widely-known CROWNE PLAZA trademark without such being an affiliated entity of the Complainant, (2) given the fame of the CROWNE PLAZA trademark and the Complainant's significant presence, it is implausible that the Respondent was unaware of the Complainant and its trademark when it registered the disputed domain name, (3) by using the disputed domain name in connection with a website that falsely purports to be a website for, or otherwise associated with, Complainant, by prominently displaying a misspelling of the CROWNE PLAZA trademark on a video of a hotel/casino and including a link for "Booking" in the primary navigation, the Respondent is clearly creating a likelihood of confusion with the CROWNE PLAZA trademark, (4) the Complainant's first registration for the CROWNE PLAZA trademark predates the Respondent's registration of the disputed domain name by almost 40 years.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to succeed, such must prove, according to paragraph 4(a) of the Policy, that:

- (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 with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

In case all three elements above have been fulfilled, the Panel is able to grant the remedy requested by the Complainant. Thus, the Panel will deal with each of the requirements in turn.

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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name incorporates the Complainant's CROWNE PLAZA trademark without the last letter "e" from the CROWNE part of the trademark. Therefore, the Panel finds that the disputed domain name consists of a common, obvious, or intentional misspelling of a trademark which is considered to be confusingly similar to the relevant mark for purposes of the first element. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

In what concerns the addition of the generic Top-Level Domain ".today" in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

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.

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 name. 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 name such as those enumerated in the Policy or otherwise.

Thus, based on the available evidence, the Respondent does not have the Complainant’s authorization to register the disputed domain name.

Moreover, the Respondent does not appear to be commonly known by the disputed domain name and does not appear to have acquired any trademark rights in the disputed domain name.

Furthermore, the disputed domain name consists of a common, obvious, or intentional misspelling of the Complainant’s CROWNE PLAZA trademark without the last letter “e” from the CROWNE part of the trademark, which is very likely to lead to confusion for Internet users seeking or expecting the Complainant.

Moreover, the Respondent uses the disputed domain name in connection to a website apparently promoting hotel and/or casino services, the hotel services being the services offered by the Complainant under its CROWNE PLAZA trademark. The website also includes a link for “Booking” in the primary navigation of such. Panels have held that the use of a domain name for illegal activity, such as impersonation/passing off, as applicable to this case, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

All the above does not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed 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.

In the present case, the Panel notes that the Complainant’s rights in the CROWNE PLAZA trademark predate the registration date of the disputed domain name, which consists of a common, obvious, or intentional misspelling of the Complainant’s CROWNE PLAZA trademark.

The CROWNE PLAZA trademark enjoys of a well-known character, recognized by an earlier UDRP panel as well (see *Six Continents Hotels, Inc., v. Bunjong Chaiviriyawong*, WIPO Case No. [D2013-1942](#)).

In light of the well-known character of the CROWNE PLAZA trademark, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the disputed domain name without knowledge of the Complainant's CROWNE PLAZA trademark mark and of his activity, which supports a finding of bad faith registration. [WIPO Overview 3.0](#), section 3.2.2.

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.

In the present case, the Panel notes the composition of the disputed domain name, the use of the disputed domain name in relation to a website which displays on its first page a misspelling of the CROWNE PLAZA trademark under the form CROWN PLAZA, the website appearing to be used in relation to hotel and/or casino services, and including a link for "Booking" in the primary navigation of such, which suggests that the Respondent intended to attract Internet users to a false website for, or otherwise associated with the Complainant, by intentionally creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website and the services offered and promoted through said website, which support a finding of bad faith registration and use according to paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), sections 3.1.4. Moreover, Panels have held that the use of a domain name for illegal activity, such as impersonation/passing off, as applicable to this case, 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 name constitutes bad faith under the Policy.

Finally, the fact that the disputed domain name was registered with a privacy service which leads to the assumption that it was made in order to hide the Respondent's identity and also to prevent the Complainant from contacting him considering also all the above, further supports a finding of bad faith. [WIPO Overview 3.0](#), section 3.6.

Based on the available record, 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 name <crowmplaza.today> be transferred to the Complainant.

/Delia-Mihaela Belciu/

Delia-Mihaela Belciu

Sole Panelist

Date: June 7, 2024