

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc. v. GunaGP Project Case No. D2024-3416

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 GunaGP Project, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <indigohotelsgroup.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 21, 2024. On August 21, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 22, 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 (Domain Admin / Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 22, 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 the same date.

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 August 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2024. The Respondent did not file a formal Response, but sent an email communication to the Center on August 30, 2024. On September 13, 2024, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on September 20, 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

A. Complainant

The Complainant is a company within the InterContinental Hotels Group, one of the world's largest hotel groups. One of the brands under which the Complainant operates is the trade mark HOTEL INDIGO (the "Trade Mark"),

The Complainant is the owner of several registrations in jurisdictions worldwide for the Trade Mark, including U.S. Registration No. 2,953,309 with a registration date of May 17, 2005; European Union Registration No. 004,126,199 with a registration date of April 21, 2006; and International Registration No. 1,067,172 with a registration date of November 18, 2010.

The Complainant provides its services at "www.hotelindigo.com".

B. Respondent

The Respondent is located in Indonesia.

C. The Disputed Domain Name

The disputed domain name was registered on July 25, 2024.

D. Use of the Disputed Domain Name

The disputed domain name previously resolved to a website with English and Indonesian language content, which purported to offer booking services for Indigo Hotel (the "Website") At least one of the photographs of hotel rooms on the home page of the Website was copied from the Complainant's official website.

As at the date of this Decision, the disputed domain name is no longer resolved to any active website.

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 the Respondent has used the disputed domain name in respect of the Website, to impersonate or pass off the Website as a website of, or otherwise associated with or approved by, the Complainant.

B. Respondent

The Respondent did not file a formal Response in reply to the Complainant's contentions.

In its email sent to the Center on August 30, 2024, the Respondent indicated it might be willing to transfer the disputed domain name to the Complainant for an undisclosed amount.

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 Trade Mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Trade Mark is recognizable within the disputed domain name (which notably contains the wording "hotel" and "indigo" in reverse order, with the word "hotel" rendered in the plural). Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here "group") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Trade 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 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.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off, or other types of 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 enumerates 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 Website previously offered similar hotel booking services and at least one of the photographs of hotel rooms on the home page of the Website was copied from the Complainant's official website. Such registration and use of the disputed domain name constitutes bad faith under paragraph 4(b)(iv) of the Policy. Moreover, panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel further notes that the Respondent's attempt to sell the disputed domain name to the Complainant, and the use of a privacy service to conceal its identity and contact details are further indications of the Respondent's bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <indigohotelsgroup.com> be transferred to the Complainant.

/Sebastian M.W. Hughes/

Sebastian M.W. Hughes

Sole Panelist

Date: October 8, 2024