

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc., Six Continents Limited v. Name Redacted Case No. D2024-3645

1. The Parties

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

Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <ihghotelgroup.com> 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 September 9, 2024. On September 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 10, 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 Complainants on September 11, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amendment to the Complaint on the same date.

¹ The Complainant requested the redaction of the registrant’s name as Respondent used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 Respondent of the Complaint, and the proceedings commenced on September 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 7, 2024.

The Center appointed Timothy D. Casey as the sole panelist in this matter on October 15, 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

Complainants are a collection of related corporate entities collectively known as InterContinental Hotels Group (“IHG”). Unless otherwise specified, the Complainants shall be herein referenced collectively as “Complainant”. Complainant is one of the world’s largest hotel groups, with more than 6,430 hotels and 954,836 guest rooms around the world under numerous different brands, with a loyalty program call “IHG One Rewards”. Complainant has registered numerous domain names that contain “IHG”, including <ihg.com>.

Complainant owns various trademark registrations in different jurisdictions that consist of the mark “IHG” or contain “IHG” as part of the mark (the “IHG Marks”), including:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
IHG	United States	35	3544074	December 9, 2008
IHG	United States	9, 41, and 43	4921698	March 22, 2016

The disputed domain name was registered on August 21, 2024. At the time of filing the Complaint, the disputed domain name resolved to a website entitled “IHG HOTEL GROUP”, showing a picture of a hotel room or spa massage tables along with the text “Luxury Hospitality Redefined”, and encouraging users to subscribe for updates. Complainant provided evidence indicating that Respondent had configured mail exchange (“MX”) records for the disputed domain name to enable its usage for email addresses.

5. Parties’ Contentions

A. Complainant

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

Notably, Complainant contends that it has rights in the IHG Marks, and that the disputed domain name is confusingly similar to the IHG Marks because the disputed domain name incorporates the IHG Marks in their entirety and the addition of an “hotel” and “group” in the disputed domain name does not prevent the confusing similarity. Complainant contends that the addition of “hotel” increases the likelihood of confusion.

Complainant contends that Respondent has no rights or legitimate interests in the disputed domain name as evidenced by Respondent’s unlicensed and unauthorized utilization of the disputed domain name. Complainant contends Respondent is not commonly known by the disputed domain name. Complainant alleges that Respondent has used the disputed domain name in connection with a website that falsely

appears to be associated with Complainant, and therefore has no rights or legitimate interests in the disputed domain name. Nor does such use, contends Complainant, constitute a bona fide offering of goods or services.

Complainant contends that Respondent's registration of the disputed domain name was in bad faith as it was done so for the purpose of opportunistically impersonating Complainant's business and intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the IHG Marks. Such bad faith, along with bad faith use, is evidenced by Respondent's website and its establishment of MX records for the disputed domain name, which strongly suggests that Respondent intends to impersonate Complainant in emails as part of a fraudulent phishing scheme.

B. Respondent

Respondent did not reply to 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 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.

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 entirety of the IHG Marks are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the IHG Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "hotel" and "group", 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 name and the IHG Marks 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

The Panel notes the composition of the disputed domain name, which carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. Moreover, panels have held that the use of a domain name for illegal activity here, claimed impersonation/passing off, 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 Respondent has registered and used the disputed domain name to disrupt the business of Complainant and intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the IHG Marks.

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 here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <ihghotelgroup.com> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: November 5, 2024