

ADMINISTRATIVE PANEL DECISION

InterContinental Hotels Group PLC, Six Continents Limited v. Alen Eremeev Case No. D2024-4359

1. The Parties

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

The Respondent is Alen Eremeev, Thailand.

2. The Domain Name and Registrar

The disputed domain name <six-senses-residences.sale> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 23, 2024. On October 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 23, 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 (“Privacy service provided by Withheld for Privacy ehf”) and contact information in the Complaint. The Center sent an email communication to the Complainants on October 24, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on October 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 October 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2024. The Respondent sent an email communication to the Center on October 25, 2024.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on November 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

The Complainants are part of the InterContinental Hotels Group, one of the largest hotel groups that owns, manages, leases or franchises, through various subsidiaries, 6,505 hotels and 968,112 guest rooms in about 100 countries and territories around the world. The Complainant's group operates under various hotel brands including Six Senses Hotels, Resorts & Spas,¹ and manages one of the world's largest hotel loyalty programs, IHG One Rewards. The SIX SENSES brand is used in connection with 27 hotels and 1,951 guest rooms in Asia and the Pacific, the European Union, the Middle East, and Africa, including one property located in Dubai, "Six Senses Residences The Palm, Dubai."

The Complainant Six Continents Limited ("Second Complainant") is the owner of the trademark registrations for the SIX SENSES brand, and the Complainant InterContinental Hotels Group PLC ("First Complainant") owns the Second Complainant and is the registrant of domain names corresponding to the SIX SENSES brand. Both Complainants, unless reference is made to any of them individually, will be collectively hereinafter referred as the "Complainant".

The Complainant owns over 400 trademark registrations in at least 100 jurisdictions worldwide for the SIX SENSES brand, including:

- United States Trademark Reg. No. 4,551,528, SIX SENSES, word, registered on June 17, 2014;
 - International Trademark Reg. No. 936600, SIX SENSES, figurative, registered on August 23, 2007;
 - International Trademark Reg. No. 1359674, SIX SENSES, word, registered on March 31, 2017;
 - European Union Trademark Reg. No. 002812113, SIX SENSES, word, registered on December 17, 2004;
 - Thailand Trademark Reg. No. 24445, SIX SENSES SPAS, figurative, registered on January 18, 2005;
 - United Arab Emirates Trademark Reg. No. 196547, SIX SENSES, figurative, registered on March 8, 2017;
- and
- United Arab Emirates Trademark Reg. No. 196548, SIX SENSES, figurative, registered on March 8, 2017;

(collectively hereinafter referred as the "SIX SENSES mark").

Prior decisions under the Policy have recognized the international well-known character of the SIX SENSES mark.²

The Complainant further owns numerous domain names corresponding to its SIX SENSES mark, including <sixsenses.com> (registered on April 12, 2000), which resolves to its official international website that includes information about its numerous hotels and residences.

¹ Per the Complaint, other hotel brands owned and used by the Complainant's group are InterContinental Hotels & Resorts, Holiday Inn Hotels, Holiday Inn Express Hotels, Holiday Inn Club Vacations, Crowne Plaza Hotels & Resorts, Staybridge Suites, Candlewood Suites, Hotel Indigo, Regent Hotels & Resorts, Kimpton Hotels & Restaurants, Hualuxe, Even Hotels, avid Hotels, and voco Hotels.

² See, e.g., *InterContinental Hotels Group PLC and Six Continents Limited v. Bête Le Poil De La, Le Poil De La Bête*, WIPO Case No. [D2024-2493](#); *InterContinental Hotels Group PLC and Six Continents Limited v. Nikita Voronin*, WIPO Case No. [D2024-2495](#); *InterContinental Hotels Group PLC, Six Continents Limited v. soikrena rotia, The ocean Club*, WIPO Case No. [D2023-0017](#); or *InterContinental Hotels Group PLC and Six Continents Limited v. klemonce salia, Six Sense*, WIPO Case No. [D2022-4845](#).

The disputed domain name was registered on August 21, 2024, and it is currently apparently inactive resolving to an Internet browser error message that indicates, "Forbidden. You don't have permission to access this resource". According to the evidence provided by the Complainant, the disputed domain name previously resolved to a website, in English language, that included information and purportedly offered for sale various apartments at the "SIX SENSES Residences" in Dubai. This website included interior photographs, floor plans, and other information of various types of apartments in the "SIX SENSES Residences" purportedly located in Dubai, including information about their various features, indoor and outdoor facilities, and respective prices in United Arab Emirates dirham (AED) currency. This website displayed the text "SIX SENSES RESIDENCES" at its heading, the copyright note of the site indicated "© Six Senses Residences 2024. All rights reserved!" and included a photograph and the name of a "property expert", as well as a space for providing a telephone number and requesting a call or consultation from an expert. This website did not include any information about its lack of relationship with the Complainant or its SIX SENSES mark.

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 the disputed domain name is confusingly similar to the SIX SENSES mark, as it contains the mark in its entirety plus the term "residences" and two hyphens, which do not avoid the confusing similarity.

The Complainant further contends the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no authorization to use the SIX SENSES mark, it is not commonly known by nor owns trademark rights in the disputed domain name. The disputed domain name is not used in connection to a bona fide offering of goods or services, as the Respondent's website falsely appears to be a website for, or otherwise associated with the Complainant, and prominently displays the SIX SENSES mark. The requirements indicated in *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, are not met in this case, as the Respondent's website contains no disclaimer, and, by prominently using the SIX SENSES mark on its content, the Respondent falsely impersonates the Complainant or falsely suggests its website is the Complainant's official site.

The Complainant finally contends the disputed domain name was registered and has been used in bad faith. Given the long continuous use (over 20 years) and fame of the SIX SENSES mark, as well as the Complainant's hotels and residences significant presence worldwide (including in the Middle East), it is implausible that the Respondent was unaware of them when it registered the disputed domain name. The use of the disputed domain name in connection to a website that impersonates the Complainant or falsely appears to be a website for, or associated with, the Complainant to promote the "SIX SENSES RESIDENCES" in Dubai (where the Complainant has a property), creates a likelihood of confusion and constitutes bad faith. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the SIX SENSES mark as to the source, sponsorship, affiliation, or endorsement of the website.

The Complainant cites, among others, as a similar case, *InterContinental Hotels Group PLC and Six Continents Limited v. Bête Le Poil De La, Le Poil De La Bête*, *supra*, in which it was ordered the transfer of the domain name <six-senses-residences-marina.com> to the Complainant.

B. Respondent

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

On its October 25, 2024 email communication to the Center, the Respondent indicated its website's content was no longer available to anyone, and said "Please let us know whether it settles the issue or are there any other actions to be taken on our side?". Consequently, The Respondent was invited by the Complainant to sign a settlement to the proceedings and to transfer the disputed domain name; however, it did not reply to the Complainant's email.

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

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, namely the SIX SENSES mark. WIPO Overview 3.0, section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is 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, the word "residences", 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 mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The generic Top-Level-Domain ("gTLD") ".sale" is also irrelevant under the first element test of confusing similarity, because it is a standard registration requirement. WIPO Overview 3.0, section 1.11.1.

Therefore, 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.

The Panel notes the Respondent's name shares no similarities with the disputed domain name, and nothing in the available record indicates the Respondent may own any rights or legitimate interests over the terms "six senses" or "six senses residences". The Panel, under its general powers, has further corroborated, through a search over the Global Brand Database, that the Respondent owns no trademark rights over these terms, or any other mark.³

The Panel further notes the disputed domain name is apparently inactive, as it resolves to an Internet browser message indicating, "Forbidden. You don't have permission to access this resource", and the Respondent communicated to the Center that its website was no longer available to the public. However, according to the evidence provided by the Complainant, the disputed domain name has been used in connection to a website, in English language, purportedly offering for sale apartments at the "SIX SENSES Residences", a building located in Dubai, where the Complainant owns and operates a hotel and residence complex identified as the "Six Senses Residences The Palm, Dubai". The Respondent's website included various images of a skyscraper, as well as various indoor images and floor plans of various apartments purportedly for sale in the same building, and included complete information about its indoor and outdoor facilities and prices (in AED). This website prominently displayed the text "SIX SENSES RESIDENCES" at its heading and within the content of the site, and it did not include any information about its lack or relationship with the Complainant, its hotels and residences, or its reputed SIX SENSES mark.

The Panel finds such use of the disputed domain name generates a risk of confusion or affiliation with the Complainant, its business and its reputed trademark, which precludes considering it a bona fide offering of goods or services under the Policy.

The Panel further notes the additional term included in the disputed domain name, the term "residences", and even the use of the gTLD ".sale", refer to the Complainant's business in the hotel and residences field, where the SIX SENSES mark has been continuously and internationally used and enjoys reputation. The Panel, under its general powers, has consulted the Complainant's official international website at "www.sixsenses.com", and has corroborated that the Complainant operates under the SIX SENSES mark a number of hotels, resorts, spas and residences. The Complainant offers residences in various locations, and one of them is Dubai. Therefore, the Panel finds the composition of the disputed domain name indicates targeting of the Complainant, and of its trademark, and generates confusion with the Complainant, its trademark, and its reputed residences and other locations, and, particularly, with its property in Dubai (the "Six Senses Residences The Palm, Dubai"). The disputed domain name gives the impression of being owned by or associated to the Complainant or its business in Dubai, as another residence building owned and/or operated by the Complainant or one of its subsidiaries, and the Panel finds such use cannot be considered a bona fide offering of goods or services under the Policy. WIPO Overview 3.0, section 2.5.1.

The Panel further finds remarkable the Respondent's reaction to the Complaint. The Respondent, according to its email communication to the Center dated October 25, 2024, blocked or took down its website instead of alleging any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds nothing in the record or in its assessment of this case indicates the existence of any rights or legitimate interests on the Respondent, and the composition of the disputed domain name as well as the content of the website that was linked to the disputed domain name indicate targeting of the Complainant and of its SIX SENSES mark and generates confusion.

³ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

It is further to be noted that, according to the Complainant's allegations, the Panel finds the circumstances of this case point to an intention on the part of the Respondent to impersonate the Complainant or one of its subsidiaries. Particularly, (i) the prominent use of the reputed SIX SENSES mark at the heading and within the content of the Respondent's website; (ii) the lack of any information in this site about the real absence of any relationship with the Complainant and its reputed trademark; (iii) as well as the composition of the disputed domain name. In this respect, panels have held that the use of a domain name for an illegitimate or 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, therefore, 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 SIX SENSES mark is internationally used and well-known, including in Thailand, where the Respondent is located according to the Registrar information, and in the United Arab Emirates, more specifically in Dubai. The Complainant operates and have reputed hotels, resorts, and residences in these locations.

The Panel has further corroborated through searches over the Internet for the terms "six senses" and "six senses residences" that these searches reveal the Complainant, its luxury hotels and residences, and its reputed SIX SENSES mark.

The Panel thus finds the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith.

The use of the disputed domain name and the composition of the disputed domain name corroborate a targeting of the Complainant and its reputed trademark. The Panel finds the inclusion of the term "residences" (with hyphens separating the terms in the disputed domain name), refers to one of the main type of properties operated by the Complainant, and particularly its property in Dubai "Six Senses Residences The Palm, Dubai", and the content of the Respondent's website, related to a property in the same city identified as "SIX SENSES RESIDENCES", point to the Complainant and its reputed trademark with an intention on the part of the Respondent to confuse Internet users seeking or expecting the Complainant. The circumstances of this case lead to this conclusion. Particularly: (i) the international reputation and long continuous use of the SIX SENSES mark (for 20 years); (ii) the inclusion of the term "residences" in the disputed domain name, which is one of the main focus of the Complainant's business under the SIX SENSES mark, and particularly in Dubai; (iii) the lack of any apparent rights or legitimate interests on the Respondent; (iv) the Respondent's reaction to the Complaint by blocking or taking down the website that was linked to the disputed domain name, and failing to provide any explanation for the registration and use of the disputed domain name; and (iv) the use of the disputed domain name in connection to a website that purportedly promoted the sale of apartments in a building located in Dubai, a location where the Complainant operates and sales residences in direct competition. These circumstances show, in the Panel's view, a targeting to the Complainant and its reputed mark.

The Panel finds the Respondent registered and has used the disputed domain name targeting the Complainant and its trademark in bad faith with the intention of generating a risk of confusion and false affiliation with the reputed mark to increase the traffic to the Respondent's website for a commercial gain.

Furthermore, panels have held that the use of a domain name for illegitimate or illegal activity here, claimed impersonation or passing off, or other types of fraud, constitutes bad faith. WIPO Overview 3.0, section 3.4.

Regarding the current apparent non-use of the disputed domain name, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under

the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness, continuous use, and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, 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 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 <six-senses-residences.sale> be transferred to the Complainant.

/Reyes Campello Estebarez/

Reyes Campello Estebarez

Sole Panelist

Date: November 29, 2024.