

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc. and Six Continents Limited v. Harshvardhan Rana
Case No. D2023-1504

1. The Parties

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

The Respondent is Harshvardhan Rana, India.

2. The Domain Name and Registrar

The disputed domain name <infoihg.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 April 5, 2023. On April 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 7, 2023, 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 Complainants on April 13, 2023 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on April 13, 2023.

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 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 5, 2023.

The Center appointed Peter Burgstaller as the sole panelist in this matter on May 22, 2023. 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 related corporate entities, collectively known as IHG Hotels & Resorts, one of the world's largest hotel groups, including Holiday Inn Hotels, InterContinental Hotels & Resorts, Regent Hotels & Resorts and voco Hotels, as well as the IHG Rewards Club (Annexes 4 and 6 to the Complaint). The Complainants, and its affiliates InterContinental Hotels Group PLC and Inter-Continental Hotels Corporation, are the owners of numerous IHG trademark registrations around the world (Annex 10 to the Complaint), *inter alia*:

- United States Trademark Registration No. 3544074 for the service mark IHG, in class 35, filed on November 14, 2006 and registered on December 9, 2008, subsequently renewed;
- United States Trademark Registration No. 4921698 for the trademark and service mark IHG, in classes 9, 41 and 43, filed on April 1, 2015 and registered on March 22, 2016 (Annex 11 to the Complaint).

Moreover, the first Complainant registered the domain name <ihg.com> on May 4, 1998 (Annex 5 to the Complaint); the domain name <ihg.com> is used to address the Complainants' main business website.

The disputed domain name was registered on November 7, 2022 (Annex 1 to the Complaint) and has been used as email address with information that appeared to be from the Complainants, reproducing the Complainants' IHG trademark and the name "IHG HOTELS & RESORTS" along with a fake profile from a non-existent employee of the Complainants (Annex 7 to the Complaint) and a fake LinkedIn-profile with a fake portrait from that non-existent employee (Annex 8 to the Complaint); currently, the disputed domain name resolves to a parking page showing "Get This Domain" (Annex 9 to the Complaint; Panels independent research on June 2, 2023).

5. Parties' Contentions

A. Complainants

The Complainants are part of the IHG Hotels & Resorts group which owns, manages, leases or franchises, through various subsidiaries, more than 6,000 hotels and 911,627 guest rooms in about 100 countries and territories around the world.

The Complainants and the IHG Hotels & Resorts group, own numerous registrations for the mark IHG around the world, *inter alia* in the United States and the European Union, as well as in other European, Asian, American and African countries.

The disputed domain name comprises the registered trademark IHG, with the prefix "info". The disputed domain name incorporates the entirety of the IHG trademark and is therefore confusingly similar to the registered IHG trademark in which the Complainants have rights.

The Complainants have never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the IHG trademark in any manner; the Respondent moreover clearly has not used or is using the disputed domain name in connection with a *bona fide* offering of goods or services and has never been commonly known by the disputed domain name and has never acquired any trademark or service mark rights in the disputed domain name. Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Finally, the disputed domain name was registered and is being used in bad faith: The Respondent uses the disputed domain name in connection with an employment/phishing scam seeking applicants for non-existent jobs. For example, emails sent by and between the Respondent (using the email address [...]@infoihg.com) and a potential job applicant, in which the Respondent states that (s)he is “Mr. [sic] EILEEN.S.ADAMS, a human resource and assistant manager of INTERCONTINENTAL (IHG) HOTELS & RESORTS” offering a job in Paris. In the email, the Respondent requests the potential applicant’s passport and payment of EUR 108. Furthermore, on April 4, 2023, the Complainants reported to LinkedIn a fake profile of “Eileen Sexton-Adams” that the Complainants believe was created by the Respondent to support its employment scam. No one by the name of “Eileen Sexton-Adams” works for Complainants. In addition, the Respondent uses the disputed domain name in connection with a pay-per-click (“PPC”) or monetized parking page that includes links for services related to the IHG trademark, including “Hotel Inn” and “Hotel Motel.”

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

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

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. This test typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

The Complainants submitted evidence, which incontestably and conclusively establishes rights in the mark IHG.

In the present case, the disputed domain name <infoihg.com> is confusingly similar to the IHG mark in which the Complainants have rights since the Complainants’ IHG mark is clearly recognizable in the disputed domain name. It has long been established under UDRP decisions that where the relevant trademark is recognizable within the disputed domain name the mere addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) will not prevent a finding of confusing similarity under the first element of the Policy (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)). This is the case at present. The addition of the term “info” as prefix in the disputed domain name does not prevent a finding of confusing similarity.

Finally, it has also long been held that generic or country-code Top-Level Domains are generally disregarded when evaluating the confusing similarity under the first element.

Therefore, the Panel finds that the Complainants have satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see section 2.1 of the [WIPO Overview 3.0](#)). Here, the Complainants have put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, which has not been rebutted by the Respondent.

Furthermore, the nature of the disputed domain name, comprising the Complainants’ mark in its entirety together with the term “info”, cannot be considered fair use as it falsely suggests an affiliation with the Complainants that does not exist (see section 2.5 of the [WIPO Overview 3.0](#)). It is also well established under UDRP decisions that using a domain name in connection with an employment/phishing scam can never convey rights or legitimate interests under paragraph 4(c)(i) of the Policy.

Noting the above and the Panel’s findings below, and in the absence of any Response or allegations from the Respondent, the Panel finds that the Complainants have satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

As stated in many decisions rendered under the Policy (e.g. *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainants must show that:

- the disputed domain name was registered by the Respondent in bad faith; and
- the disputed domain name is being used by the Respondent in bad faith.

(i) The Complainants have established rights in the registered trademark IHG, long before the registration of the disputed domain name. Further, the Complainants have a strong Internet presence under its domain name <ihg.com> registered in 1998 and in use for years.

It is therefore inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainants’ rights, which leads to the necessary inference of bad faith. This finding is supported by the fact that the disputed domain name incorporates the Complainants’ registered trademark entirely, together with the prefix “info”.

Therefore, the Respondent must have been aware of the Complainants’ business and trademark when registering the disputed domain name.

Hence, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainants put forward evidence that clearly shows bad faith use of the disputed domain name, especially with respect to the following facts:

- the Respondent used the disputed domain name as email address in connection with an employment/phishing scam seeking applicants for non-existent jobs by a non-existent human resource manager of the Complainants and requesting from these potential applicant’s passport and payments;

- the Respondent has failed to present any evidence of any good faith use with regard to the disputed domain name;
- the disputed domain name incorporates the Complainants' trademark IHG in its entirety, and are thus suited to divert or mislead potential web users from the website they are actually trying to visit (the Complainants' site); and
- there is no conceivable plausible reason for good faith use with regard to the disputed domain name.

Taking all these facts and evidence into consideration, this Panel finds that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) 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 <infoihg.com> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: June 5, 2023