

ADMINISTRATIVE PANEL DECISION

InterContinental Hotels Group PLC and Six Continents Limited v. klemonce salia, Six Sense
Case No. D2022-4845

1. The Parties

The Complainants are InterContinental Hotels Group PLC, United States of America (“United States or U.S.”), and Six Continents Limited, United States (referred to interchangeably by the Complainants as the “Complainant” as the context requires or allows), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is klemonce salia, Six Sense, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <sixsensehotelsgorup.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 17, 2022. On December 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On the same date, 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 Complainant on December 21, 2022, 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 December 29, 2022.

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 January 3, 2023. In accordance with the Rules,

paragraph 5, the due date for Response was January 23, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 24, 2023.

The Center appointed Edward C. Chiasson K.C. as the sole panelist in this matter on January 30, 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 Complainant Six Continents Limited is the owner of the SIX SENSES trademark (defined below) and is wholly owned by the Complainant InterContinental Hotels Group PLC.

The Complainant InterContinental Hotels Group PLC is one of a number of companies collectively known as "InterContinental Hotels Group" ("IHG"), one of the world's largest hotel groups. Companies within IHG own, manage, lease or franchise, through various subsidiaries, 6,061 hotels and 888,147 guest rooms in about 100 countries and territories around the world.

IHG owns a portfolio of well-recognized hotel brands including "Six Senses Hotels, Resorts & Spas", "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, and also manages one of the world's largest hotel loyalty programs, IHG One Rewards.

The Complainant's "Six Senses Hotels, Resorts & Spas" brand is used in connection with 20 hotels and 1,376 guest rooms in the Americas, Europe, Middle East, Africa, and Asia, including China.

Through Six Continents Hotels, Inc., the Complainant is the registrant of numerous domain names that contain or are similar to the SIX SENSES trademark including <sixsenses.com> (created on April 12, 2000).

The oldest registration for the SIX SENSES trademark, No. 1,016,645, was on August 20, 2004, in Australia, for use in connection with, *inter alia*, "business management of hotels and resorts". It is owned by the Complainant Six Continents Limited.

The following SIX SENSES marks are also owned by the Complainant Six Continents Limited:

U.S. Registration No. 4,551,528 for SIX SENSES (first used in commerce January 31, 2004; registered June 17, 2014) for use in connection with "Organisation of travel; Travel agency services, namely, making reservations and bookings for transportation";

U.S. Registration No. 4,551,846 for SIX SENSES & Design (first used in commerce November 6, 2013; registered June 17, 2014) for use in connection with "Organisation of travel; Travel agency services, namely, making reservations and bookings for transportation";

U.S. Registration No. 4,960,590 for SIX SENSES (first used in commerce January 31, 2004; registered May 17, 2016) for use in connection with "making reservations and bookings for others for accommodations, meals and services at hotels, resorts, restaurants";

U.S. Registration No. 6,115,673 for SIX SENSES (registered August 4, 2020) for use in connection with, *inter alia*, "hotel services";

U.S. Registration No. 6,115,674 for SIX SENSES & Design (filed August 1, 2016; registered August 4, 2020) for use in connection with, *inter alia*, "hotel services";

U.S. Registration No. 6,465,746 for SIX SENSES (registered August 31, 2021) for use in connection with, *inter alia*, “Business management of hotels and resorts”;

U.S. Registration No. 4,960,591 for SIX SENSES & Design (first used in commerce January 31, 2004; registered May 17, 2016) for use in connection with, *inter alia*, “making reservations and bookings for others for accommodations, meals and services at hotels, resorts, restaurants”;

Registrations for the SIX SENSES trademark that include a design in U.S. Registrations Nos. 4,551,846, 4,960,591, and 6,115,674 are referred to herein as the “SIX SENSES Logo”.

The Respondent registered the Disputed Domain Name on December 15, 2022, and is using it in connection with a phishing email scam impersonating the Complainant in an apparent attempt to engage in fraudulent business transactions. It has sent such emails from an address using the Disputed Domain Name, which falsely identifies the sender as an employee of the Complainant.

The Respondent also is using the Disputed Domain Name in connection with a pay-per-click or monetized parking page that includes links for services related to the SIX SENSES trademark including “Hideaway Beach Resort Spa” and “Hotel Accommodation”.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Disputed Domain Name is confusingly similar to its marks.

The Complainant asserts that, as set out in section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), “In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation”. The Complainants also refer to section 1.4 of [WIPO Overview 3.0](#): “A trademark owner’s affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint.” As a result, “[t]he majority of UDRP panels have accepted complaints filed by multiple complainants”. *Diler Demir Çelik Endüstri Ve Ticaret Anonim Şirketi, Diler Yatırım Bankası Anonim Şirketi v. Dr. Mehmet Kahveci*, WIPO Case No. [D2014-0060](#). Previous panels have allowed such consolidation in cases filed by both the Complainants: *InterContinental Hotels Group PLC, and Six Continents Limited v. Privacy service provided by Withheld for Privacy ehf / Tony Carter*, WIPO Case No. [D2022-1913](#) (transfer of <sixsensesgroup.com>); and *InterContinental Hotels Group PLC, Six Continents Limited v. Privacy Service provided by Withheld for Privacy ehf / Nicholas Jaar*, WIPO Case No. [D2022-1579](#) (transfer of <sixsenseshotels.com>) (“[t]he Panel finds that the two parties jointly comprising the Complainant have a specific common grievance, and it would be equitable and procedurally efficient to allow consolidation in these circumstances”).

Previous panels have found that the Complainant Six Continents Limited has rights in the SIX SENSES trademark. (*InterContinental Hotels Group PLC, Six Continents Limited v. Privacy Service provided by Withheld for Privacy ehf / Nicholas Jaar*, WIPO Case No. [D2022-1579](#)).

The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, “sixsensehotelsgorup”, because it is well established that the Top-Level Domain (“TLD”) (*i.e.*, “.com”) may be disregarded for this purpose. It is considered to be a standard registration requirement ([WIPO Overview 3.0](#), section 1.11).

Essentially, the Disputed Domain Name contains the Complainant's SIX SENSES trademark in its entirety. "[T]he fact that a domain name wholly incorporates a complainant's registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy." *Six Continent Hotels v. The Omnicorp*, WIPO Case No. [D2005-1249](#).

The only differences between the Disputed Domain Name and the SIX SENSES trademark are the deletion of the final letter "s" from the SIX SENSES trademark and the addition of the words "hotels" and "gorup" (an obvious typographical error of the word "group"). These differences are irrelevant for purposes of confusing similarity under paragraph 4(a)(i) of the Policy. As set out in section 1.8 of [WIPO Overview 3.0](#): "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

A previous UDRP panel found that a disputed domain name containing the SIX SENSES trademark plus the word "hotels" was confusingly similar to the SIX SENSES trademark. *InterContinental Hotels Group PLC, Six Continents Limited v. Privacy Service provided by Withheld for Privacy ehf / Nicholas Jaar*, WIPO Case No. [D2022-1579](#).

Previous UDRP panels have found that disputed domain names containing a complainant's trademark plus the word "group" (or even the typographical version used here, "gorup") are confusingly similar to the complainant's trademark. See, e.g., *Alstom v. Whois Privacy Service / Marcy Blake*, WIPO Case No. [D2021-4327](#) (finding <alstomgorup.com> confusingly similar to ALSTOM trademark).

The Complainant states that "the overall impression of the designation" of the Disputed Domain Name is one of "being connected to the trademark of Complainant". *L'OREAL v. Lewis Cheng*, WIPO Case No. [D2008-0437](#). It further cites *SANOFI-AVENTIS v. Health Care Marketing Company*, WIPO Case No. [D2007-0475](#) (differences between the disputed domain name and the complainant's trademark are "not sufficient to escape the finding of similarity and does not change the overall impression of the designation as being connected to the trademark of the Complainant"); and *Bellsouth Intellectual Property Corporation v. Netsolutions Proxy Services*, WIPO Case No. [D2005-0169](#) (the addition of a word "does not change the overall impression of the designation").

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

The Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the SIX SENSES trademark in any manner. "Th[is] fact, on its own, can be sufficient to prove the second criterion [of the Policy]." *Six Continents Hotels, Inc. v. IQ Management Corporation*, WIPO Case No. [D2004-0272](#).

By using the Disputed Domain Name in connection with a phishing scam to impersonate the Complainant, the Respondent clearly has not used the Disputed Domain Name "in connection with a *bona fide* offering of goods or services" and cannot establish rights or legitimate interests pursuant to paragraph 4(c)(i) of the Policy. As set forth in section 2.13.1 of [WIPO Overview 3.0](#): "Panels have categorically held that the use of a domain name for illegal activity (e.g.,[...] phishing, [...] impersonation or other types of fraud) can never confer rights or legitimate interests on a respondent." See also, e.g., *BTWN Exhibits, LLC v. Registration Private, Domains By Proxy, LLC / Ahmed Fawzy, ASM Marketing*, WIPO Case No. [D2020-0036](#) ("[t]he use of the Domain Name for an illegal activity such as constructing an email composition containing the Domain Name for deceiving purposes can never confer rights or legitimate interests on Respondent").

By using the Disputed Domain Name in connection with a pay-per-click page that includes links for services related to the SIX SENSES trademark, including "Hideaway Beach Resort Spa" and "Hotel Accommodation, the Respondent has failed to create a *bona fide* offering of goods or services under the Policy. The Respondent cannot demonstrate rights or legitimate interests under paragraph 4(c)(i) of the Policy. (see for example *MBI, Inc. v. Moniker Privacy Services/Nevis Domains LLC*, WIPO Case No. [D2006-0550](#)).

To the Complainant's knowledge, the Respondent 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.

By using the Disputed Domain Name as part of a phishing scam to impersonate the Complainant, the Respondent cannot establish rights or legitimate interests in the Disputed Domain Name under paragraph 4(c)(iii) of the Policy. See, e.g., *Kramer Law Firm, P.A. Attorneys and Counselors at Law v. BOA Online, Mark Heuvel*, WIPO Case No. [D2016-0387](#).

By using the Disputed Domain Name in connection with a monetized parking page, the Respondent's actions are clearly commercial and the Respondent cannot establish rights or legitimate interests pursuant to paragraph 4(c)(iii) of the Policy. (See, e.g., *Volkswagen AG v. Privacy Protection Services*, WIPO Case No. [D2012-2066](#)).

The Complainant contends that the Respondent registered and is using the Disputed Domain Name in bad faith.

It states: "[T]he mere registration of a domain name that is identical or confusingly similar... to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." [WIPO Overview 3.0](#), section 3.1.4.

The SIX SENSES trademark is a famous or widely-known trademark given that it was first registered more than 18 years ago, is protected by at least 310 registrations, has registrations in at least 87 countries or geographic regions worldwide and is used by one of the world's largest hotel groups.

Given the fame of the SIX SENSES trademark and the Complainant's significant presence, "[i]t is implausible that [Respondent] was unaware of the Complainant when he registered the Domain Name given the fame of the Trade Mark" (*Six Continents Hotels v. Lin hongyu, Cheng Qi Lin*, WIPO Case No. [D2017-2033](#)).

"The only explanation of what has happened is that the Respondent's motive in registering and using the [domain name] seems to be... simply to disrupt the Complainant's relationship with its customers or potential customers or attempt to attract Internet users for potential gain. These both constitute evidence of registration and use in bad faith: paragraph 4(b)(iii) & (iv) of the Policy." (*Pancil, LLC v. Jucco Holdings*, WIPO Case No. [D2006-0676](#)).

Because the Disputed Domain Name is "so obviously connected with" the Complainant, the Respondent's actions suggest "opportunistic bad faith" in violation of the Policy. *Research In Motion Limited V. Dustin Picov*, WIPO Case No. [D2001-0492](#).

In light of this long history of the Complainant's trademarks and the Complainant's significant international presence and brand recognition, "[i]t is likely that the Respondent knew of the Complainant's mark, and has sought to obtain a commercial benefit by attracting Internet users based on that confusion". *Western Union Holdings, Inc. v. Manuel Rodriguez*, WIPO Case No. [D2006-0850](#).

By using the Disputed Domain Name as part of a phishing scam to impersonate the Complainant, the Respondent has acted in bad faith pursuant to paragraph 4(b)(iii) of the Policy.

UDRP panels repeatedly have held that using a domain name in connection with a monetized parking page under the circumstances present in this case, constitutes bad faith. (*Columbia Pictures Industries, Inc. v. North West Enterprise, Inc.*, WIPO Case No. [D2006-0951](#)).

A further indication of bad faith under the Policy is the fact that all of the Complainant's registrations for the SIX SENSES trademark were registered before the Respondent's registration of the Disputed Domain Name, including the Complainant's oldest registration in Australia, which was registered more than 18 years before the Respondent's registration of the Disputed Domain Name (section 3.2.2 of [WIPO Overview 3.0](#)).

B. Respondent

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

6. Discussion and Findings

A. Consolidation of Complainants

Based on the available record and the Complainant's contentions, in accordance with section 4.11.1 of [WIPO Overview 3.0](#) the Panel accepts the Complaint filed by the Complainants against the Respondent, noting that it would be equitable and procedurally efficient to permit the consolidation.

B. Identical or Confusingly Similar

The Complainant Six Continents Limited has provided clear evidence that it has rights in the trademark SIX SENSES and that the trademark is well known.

The Disputed Domain Name merely deletes the letter "s" from the word "senses", adds a misspelling of the word "group" and the word "hotels" to the Complainant's SIX SENSES mark. The trademark clearly remains recognizable in the Disputed Domain Name (sections 1.7 and 1.8 of the [WIPO Overview 3.0](#)). The addition of the TLD ".com" is irrelevant for purposes of the first element (section 1.11.1 of the [WIPO Overview 3.0](#)).

The Disputed Domain Name is confusingly similar to the trademark in which the Complainant has rights. The Panel concludes that the Complainant Six Continents Limited has established the requirements of the Policy, paragraph 4(a)(i).

C. Rights or Legitimate Interests

The Complainant did not authorize the Respondent to use its trademark. The Respondent has not been identified with and is not commonly known by the Complainant's mark or by the name of the entity that carries on business using the mark, there is no evidence that the Respondent is commonly known by the Disputed Domain Name. The Respondent has advanced no explanation for using the Complainant's mark or shown any legitimate interests or rights in the Disputed Domain Name.

The Disputed Domain Name was registered and used after the Complainant registered its trademarks.

The incorporation of the Complainant's mark in the Disputed Domain Name does not constitute fair use because it effectively impersonates the Complainant's business (section 2.5.1 of the [WIPO Overview 3.0](#)). Deleting the letter "s" and the misspelling of the word "group" in the composition of the Disputed Domain Name are obvious attempts to mislead; the word "hotels" refers to the Complainant's business. The Panel finds that the overall impression of the Disputed Domain Name is one of being connected to the trademark of Complainant.

The Respondent uses the Disputed Domain Name as part of a phishing scam to impersonate the Complainant. The Respondent cannot establish rights or legitimate interests in the Disputed Domain Name under paragraph 4(c)(iii). See, e.g., *Kramer Law Firm, P.A. Attorneys and Counselors at Law v. BOA Online, Mark Heuvel*, WIPO Case No. [D2016-0387](#). Such use can never confer rights or legitimate interests upon a respondent, further to section 2.13.1 of the [WIPO Overview 3.0](#).

The Respondent uses the Disputed Domain Name in connection with a monetized parking page. Its actions are likely commercial. The Respondent cannot establish rights or legitimate interests pursuant to paragraph 4(c)(iii) of the Policy, as the advertised links compete with or capitalize on the reputation and goodwill of the Complainant's mark. (See, e.g., *Volkswagen AG v. Privacy Protection Services*, WIPO Case No. [D2012-2066](#)).

The Panel finds that the Complainant has made a *prima facie* case showing that the Respondent does not have rights to or legitimate interests in the Disputed Domain Name, which the Respondent has not rebutted. The Panel concludes that the Complainant Six Continents Limited has established the requirements of the Policy, paragraph 4(a)(ii).

D. Registered and Used in Bad Faith

The Disputed Domain Name was registered and used long after the Complainant had registered its trademark SIX SENSES, which is well known. It was first registered more than 18 years ago, is protected by at least 310 registrations, has registrations in at least 87 countries or geographic regions worldwide and is used by one of the world's largest hotel groups.

UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. (See section 3.1.4 of the [WIPO Overview 3.0](#)).

The Respondent deleted the letter "s" and added a misspelling of the word "group", and the word "hotels" to the Complainant's trademark in an obvious attempt to mislead Internet users into thinking it was associated with the Complainant.

The attempt at phishing and soliciting payments from the Complainant's clients and, in the circumstances of this case, the use of pay-per-click techniques by the Respondent clearly evidence bad faith.

The Panel finds that the Respondent registered and is using the Disputed Domain Name in bad faith. The Panel concludes that the Complainant Six Continents Limited has established the requirements of the Policy, paragraph 4(a)(iii).

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, <sixsensehotelsgorup.com>, be transferred to the Complainants.

/Edward C. Chiasson K.C./

Edward C. Chiasson K.C.

Sole Panelist

Date: February 13, 2023