

## **ADMINISTRATIVE PANEL DECISION**

Six Continents Hotels, Inc. v. Tim Parsonson  
Case No. D2024-3839

### **1. The Parties**

The Complainant is Six Continents Hotels, Inc., United States of America (“United States”), represented by The GigaLaw Firm, LLC, United States.

The Respondent is Tim Parsonson, United States.

### **2. The Domain Name and Registrar**

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 20, 2024. On September 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 20, 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 (Redacted for Privacy / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 September 23, 2024.

The Center verified that the Complaint [together with the amendment to the Complaint/amended 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 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 22, 2024.

The Center appointed Kathryn Lee as the sole panelist in this matter on October 25, 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 Six Continents Hotels, Inc. and its affiliate, Six Continents Limited, which are part of the IHG Hotels & Resorts hotel group ("IHG") which own, manage, lease or franchise, through various subsidiaries, 6,430 hotels and 954,836 guest rooms in about 100 countries and territories around the world (collectively the "Complainant"). The Complainant owns a number of trademark registrations for the IHG mark, including United States Trademark Registration Number 3,544,074 registered on December 9, 2008, Canada Trademark Registration Number TMA925879, for IHG GAME CHANGING ADVANTAGE, registered on January 13, 2016, and European Union Trademark Registration Number 915655 for IHG, registered on December 21, 2006.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on September 16, 2024, and does not resolve to any website with content. However, the disputed domain name was allegedly used for a fraudulent email scheme, impersonating one of Complainant's employees.

#### **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 disputed domain name is confusingly similar to the Complainant's IHG mark, since it contains IHS in its entirety, only with the addition of the letters "l" and "s" which do not diminish confusing similarity.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant also contends that the Respondent used the disputed domain name in connection with a phishing scam in which the Respondent impersonated one of the Complainant's employees in a fraudulent attempt to collect payment for an insurance claim that was intended for someone else, which is not use of the disputed domain name in connection with a bona fide offering of goods or services.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that given the fame of the IHG mark, it is implausible for the Respondent to have been unaware of the Complainant when registering the disputed domain name, and also, that the Respondent used the disputed domain name in connection with a phishing scam. The Complainant also contends that the disputed domain name is not linked to a website with content, but under the doctrine of passive holding, this does not prevent a finding of bad faith on the part of the Respondent, especially given the distinctiveness and fame of the IHG mark, the Respondent's use of a privacy service to conceal his identity, and the lack of any good faith use to which the disputed domain name may be put.

##### **B. Respondent**

The Respondent did not reply to the 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 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. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The disputed domain name contains the Complainant's mark in its entirety with additional letters – "l" and "s" – and as the letter "l" has a similar appearance to the letter "i" that it follows, and as the letter "s" is placed at the end of the disputed domain name, the disputed domain name remains confusingly similar when viewed in a side-by-side comparison. WIPO Over 3.0, section 1.7 and 1.9.

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.

Further, panels have held that the use of a domain name for illegal activity – here, claimed phishing and 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, Respondent used the disputed domain name to send fraudulent emails impersonating an employee of the Complainant to one of the Complainant's partners, even using the actual address, phone number and other information related to the employee's position with the Complainant in the email signature, in an apparent attempt to defraud the partner and/or the Complainant financially. Based on such use, it is clear that the Respondent targeted the Complainant when registering the disputed domain name and intentionally registered the disputed domain name which is confusingly similar to the Complainant's IHG mark in order to carry out this scheme.

Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Furthermore, the disputed domain name does not display any content, but from the inception of the UDRP, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#), section 3.3. Considering the use of the disputed domain name for phishing activities, the Respondent's failure to submit a response or provide any evidence of actual or contemplated good-faith use, and the implausibility of any good faith use to which the confusingly similar disputed domain name could be put, the Panel finds that the Respondent's non-use of the disputed domain name does not prevent a finding of bad faith.

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 <ilhgs.com> be transferred to the Complainant.

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: November 9, 2024