

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc., Six Continents Limited v. Sophia
Case No. D2024-4615

1. The Parties

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

The Respondent is Sophia, United States.

2. The Domain Name and Registrar

The disputed domain name <ihg-vip.net> is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 10, 2024. On November 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 13, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 13, 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 November 13, 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 November 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 5, 2024.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on December 17, 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 related corporate entities and are part of IHG Hotels & Resorts thus it is appropriate to refer to the Complainant in the singular.

The disputed domain name <ihg-vip.net> was created on November 4, 2024 (the "Disputed Domain Name").

The Respondent uses the Disputed Domain Name in connection with a web page for cryptocurrency products that falsely appears to be a web page for, or associated with, the Complainant, by prominently displaying the INTERCONTINENTAL Trademark and the INTERCONTINENTAL Logo.

Google's Chrome browser identifies the web page associated with the Disputed Domain Name as a "Dangerous site," and Google Safe Browsing² reports that it "recently found phishing on the site." A security vendor has reported that the Disputed Domain Name is associated with malicious activities, according to a report from VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content.

The Complainant 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 owns a portfolio of well-recognized and respected hotel brands including Hotel Indigo; 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; 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 is the registrant of <ihg.com>, which was created on May 4, 1998, more than 26 years before the Disputed Domain Name was created.

The Complainant owns about 523 registrations in about 116 countries or geographic regions worldwide for trademarks that consist of or contain the mark IHG (the "IHG Trademark") including:

- U.S. Reg. No. 3,544,074 for IHG (registered December 9, 2008) for use in connection with, inter alia, "business management; business advisory and business consultancy services relating to hotel management and to hotel franchising"
- U.S. Reg. No. 4,921,698 for IHG (registered March 22, 2016) for use in connection with, inter alia, "hotel services"
- International Reg. No. 915655 for IHG (registered December 21, 2006) for use in connection with, inter alia, "hotel services"

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.

The Disputed Domain Name is confusingly similar to the IHG Trademark. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “ihg-vip”), as it is well-established that the generic Top-Level Domain (“gTLD”) (i.e., “.net”) may be disregarded for this purpose.

The Disputed Domain Name contains the IHG Trademark in its entirety, with the addition of a hyphen and the word “vip” (an acronym for “very important person”). Where, as here, a disputed domain name contains a complainant’s trademark plus another word, the disputed domain name is confusingly similar to the trademark. The inclusion of a hyphen in the Disputed Domain Name is irrelevant for purposes of the Policy, because the presence or absence of “punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity.”

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 IHG Trademark in any manner.

By using the Disputed Domain Name in connection with a web page which falsely appears to be a web page for, or otherwise associated with, the Complainant (by prominently displaying the INTERCONTINENTAL Trademark and the INTERCONTINENTAL Logo along with photographs of hotels and a statement that specifically refers to “InterContinental Hotels Group” and “IHG”) and by using the Disputed Domain Name in connection with phishing and malicious activities, the Respondent cannot establish rights or legitimate interests in the Disputed Domain Name. 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.

Given the global reach and popularity of the Complainant’s services under the IHG Trademark as well as the Disputed Domain Name’s similarity to the Complainant’s own domain name (created May 4, 1998), it is inconceivable that the Respondent chose the Disputed Domain Name without knowledge of the Complainant’s activities and the name and trademark under which the Complainant is doing business. The Respondent is using the Disputed Domain Name in connection with phishing and malicious activities.

B. Respondent

The Respondent did not reply to the Complainant’s contentions

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns global registered trademark rights in the IHG trademark and has shown that no other entity has rights in or uses the Complainant’s mark. The gTLD “.net” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The Disputed Domain Name contains the additional wording “-vip” and the Complainant’s IHG trademark is incorporated in its entirety. With the Complainant’s trademark being recognizable the additional term “-vip” does not prevent a finding of confusing similarity between the Complainant’s trademark and the Disputed Domain Name. Therefore, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

Consequently, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name more than 26 years after the Complainant had begun using its globally famous IHG mark indicates the Respondent sought to piggyback on the mark for illegitimate reasons, namely, to associate itself and attract Internet users looking for the Complainant's services to illicit some commercial gain. This indicates to the Panel that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#) and [WIPO Overview 3.0](#), section 2.1.

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Furthermore, the Panel finds that because the Disputed Domain Name incorporates the Complainant's mark entirely, along with a term descriptive of the Complainant's services, and was used to resolve to a web page for cryptocurrency products that falsely appears to be a web page for, or associated with, the Complainant, by prominently displaying the INTERCONTINENTAL Trademark and the INTERCONTINENTAL Logo, such use cannot grant onto the Respondent rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.13.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Names, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered years after the Complainant first registered and used its famous IHG trademark. The evidence on the record provided by the Complainant with respect to the extent of use and fame of its IHG trademark, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's IHG trademark.

There is prima facie no reason for the Respondent to have registered the Disputed Domain Name using the Complainant's IHG mark with the term "-vip" (a well-known acronym for "Very Important Person") which can be associated with the Complainant's high-end hotel services. The Disputed Domain Name is currently inactive but the Complainant has shown that it previously resolved to a web page for cryptocurrency products that falsely appears to be a web page for, or associated with, Complainant, by prominently displaying the INTERCONTINENTAL Trademark and the INTERCONTINENTAL Logo. This website was deemed a malicious website engaged in phishing. UDRP panels have found that given that the use of a domain name for per se illegitimate activity such as phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#). Moreover, it is clear that the Respondent sought to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark for the Respondent's likely commercial gain, which is per se evidence of bad faith registration and use under Policy paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the Complainant has satisfied 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 <ihg-vip.net> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: December 31, 2024