

## ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc. and Six Continents Limited v. Red220 LLC  
Case No. D2024-4721

### 1. The Parties

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

Respondent is Red220 LLC, U.S.

### 2. The Domain Names and Registrar

The disputed domain names <ihgapp.top>, <ihgapp.xyz>, <ihgwork.com>, and <ihgwork.top> (the “Domain Names”) are 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 15, 2024. On November 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On November 18, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainants on November 18, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amendment to the Complaint on November 18, 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 Respondent of the Complaint, and the proceedings commenced on November 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 10, 2024.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on December 18, 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**

Complainant, Six Continents Hotels, Inc., a Delaware, U.S. corporation; and its affiliate and co-Complainant, Six Continents Limited, a public limited company in the U.K, (“Complainants”), is one of a number of companies collectively known as IHG Hotels & Resorts (“IHG”), one of the world’s largest hotel groups. Companies within IHG own, manage, lease or franchise, through various subsidiaries, 6,505 hotels and 968,112 guest rooms in about 100 countries and territories around the world. IHG owns a portfolio of well-recognized and respected hotel brands including Staybridge Suites; Crowne Plaza Hotels & Resorts; Holiday Inn Hotels; Holiday Inn Express Hotels; Holiday Inn Club Vacations; Hotel Indigo; InterContinental Hotels & Resorts; Candlewood Suites; Six Senses Hotels, Resorts & Spas; 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 Rewards Club.

Complainants (or its affiliates InterContinental Hotels Group PLC and Inter-Continental Hotels Corporation) owns about 523 registrations in about 116 countries or geographic regions worldwide for trademarks that consist of or contain the mark IHG, including:

- U.S. registered trademark number 3,544,074 for the IHG word mark, registered on December 9, 2008;
- U.S. registered trademark number 4,921,698 for the IHG word mark, registered on March 22, 2016;
- and
- European Union registered trademark number 011676988 for the IHG word mark, registered on August 14, 2013.

Complainants also owns registered trademarks for the STAYBRIDGE SUITES word and design logo, including U.S. registered trademark number 2,304,373, registered on December 28, 1999. Complainant’s Staybridge Suites hotel brand is used in connection with 332 hotels and 36,071 guest rooms.

Complainants also are the registrants of numerous domain names that contain the IHG Trademark, including <ihg.com>, created on May 4, 1998.

The Domain Names <ihgapp.top> <ihgapp.xyz>, <ihgwork.com>, and <ihgwork.top> were all registered on October 19, 2024. At the time of the filing of the Complaint, three of the Domain Names resolved to an identical website that prominently displayed the IHG trademark, and the STAYBRIDGE SUITES Logo, along with a photograph of hotels, while the Domain Name <ihgwork.com> redirected to Domain Name <ihgapp.xyz>. In addition, the Domain Name <ihgwork.top> was reported by VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans, and other kinds of malicious content, as being connected with phishing activities. At the time of the Decision, the Domain Names each resolved to an error or inactive page.

#### **5. Parties’ Contentions**

##### **A. Complainants**

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Domain Names. Complainants contend that (i) the Domain Names are confusingly similar to Complainants’ trademarks; (ii) Respondents have no rights or legitimate interests in the Domain Names; and (iii) Respondents registered and are using the Domain Names in bad faith.

In particular, Complainants contend that they have trademark registrations and rights for the IHG marks that Respondents registered and are using the Domain Names with the intention to confuse Internet users looking for bona fide and well-known IHG products and services.

Complainants note that they have no affiliation with Respondents, nor authorized Respondents to register or use a domain name, which includes Complainants' trademarks, and that Respondents have no rights or legitimate interests in the registration and use of the Domain Names. Rather, Complainants contend that Respondents have acted in bad faith in acquiring and setting up the Domain Names, when Respondents clearly knew of Complainants' rights.

## **B. Respondent**

Respondent did not reply to Complainants' contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed Complainants must satisfy the Panel that:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainants have rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names were registered and are being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainants to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

### **A. Identical or Confusingly Similar**

Complainants have submitted evidence attesting to their ownership of various IHG trademarks, as noted above in Section 4. Complainants have also submitted evidence which supports that the IHG trademarks are widely known and a distinctive identifier of Complainants' products and services. Complainants have therefore proven that it has the requisite rights in the IHG trademarks.

With Complainants' rights in the IHG trademarks established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the Top- Level Domains ("TLD") in which they are registered (in this case, ".top", ".xyz", and ".com"), are identical or confusingly similar to Complainants' trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Names are confusingly similar to Complainants' IHG trademarks. These IHG trademarks are recognizable in the Domain Names.

In particular, the Domain Names' inclusion of Complainants' trademarks IHG in their entirety, in each case, with an addition of various generic terms such as "app" (which is generally known as an abbreviation for "application") and "work" does not prevent a finding of confusing similarity between each of the Domain Names and the IHG trademarks. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that Complainants have satisfied the first element of the Policy.

## **B. Rights or Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainants and their IHG trademarks, and does not have any rights or legitimate interests in the Domain Names. Complainants have confirmed that Respondent is not affiliated with Complainants, or otherwise authorized or licensed to use the IHG trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the IHG trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Names.

In addition, Respondent has not used the Domain Names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of the filing of the Complaint, three of the Domain Names resolved to identical websites, while the Domain Name <ihgwork.com> redirected to one of these websites, all of which offered products and services identical to those provided by Complainants.

In particular, these websites prominently displayed the IHG trademark, and the STAYBRIDGE SUITES Logo, along with a photograph of hotels. In addition, the <ihgwork.top> Domain Name was reported by VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans, and other kinds of malicious content, as being connected with phishing activities. The website appeared to pose as the actual websites of Complainants, purporting to offer Complainants' branded products, featuring trademarks of Complainants' products and trademarks, without any disclaiming statement as to the lack of relationship with Complainants.

Such use does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Names. See, e.g., *Intesa Sanpaolo S.p.A. v. Charles Duke / Oneandone Private Registration*, WIPO Case No. [D2013-0875](#).

Accordingly, Complainants have provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Names. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Names. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Names and Complainants have met their burden under paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainants have provided ample evidence to show that registration and use of the IHG trademarks long predate the registration of the Domain Names. Complainants are also well established and known. Indeed, the record shows that Complainants' IHG trademarks and related products and services are widely known and recognized. Therefore, and also noting the competing use to which the Domain Names were put, Respondent was aware of the IHG trademarks when it registered the Domain Names. See section 3.2.2 of the [WIPO Overview 3.0](#); see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

Moreover, the Domain Names' inclusion of Complainants' trademarks IHG in their entirety, in each case, with an addition of various generic terms as noted above, in relation to the products associated with Complainants' trademarks, reflects the potentially heightened confusion caused to Internet users when such customers are looking for Complainants' legitimate products and services, and thus the awareness of Respondent's use of the Domain Names at the time of registration.

The Panel therefore finds that Respondent's awareness of Complainants' trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, three of the Domain Names resolved to identical websites, while the Domain Name <ihgwork.com> redirected to one of these websites, all of which prominently displayed the IHG trademark, and the STAYBRIDGE SUITES Logo, along with a photograph of hotels. In addition, the <ihgwork.top> Domain Name was reported by VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content, as being connected with phishing activities.

The websites appeared to pose as the actual websites of Complainant, purporting to offer Complainants' branded products, using trademarks representing Complainants' products and trademarks. Such use of Complainants' trademarks at the time of registration of the Domain Names is evident of Respondent's awareness of Complainants' trademarks and its effort to opportunistically capitalize on the registration and use of the Domain Names.

Such use of the Domain Names is also disruptive to Complainants' business and potentially damaging to Complainants' reputation and goodwill, particularly because their use is in the same business and industry as Complainants', for activities for which Complainants' trademarks are well-known, and is evidence of bad faith. See *Lennar Pacific Properties Management, Inc., Lennar Corporation v. Registration Private, Domains By Proxy, LLC / IAutomation Contractors*, WIPO Case No. [D2022-1768](#).

Further, the Panel also notes the failure of Respondent to submit a response, or to provide any evidence of actual or contemplated good-faith use, its use of what appeared to be false contact information, and the implausibility of any good-faith use to which the Domain Names may be put.

Accordingly, the Panel finds that Respondent registered and is using the Domain Names in bad faith and Complainants succeed under the third element of paragraph 4(a) 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 Domain Names <ihgapp.top>, <ihgapp.xyz>, <ihgwork.com>, and <ihgwork.top> be transferred to Complainant Six Continents Limited.

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Sole Panelist

Date: January 1, 2025