

ADMINISTRATIVE PANEL DECISION

Six Continents Hotels, Inc. v. NGUYEN HOANG NHAN (NGUYỄN HOÀNG NHÂN)

Case No. D2025-1399

1. The Parties

The Complainant is Six Continents Hotels, Inc., United States of America, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States of America.

The Respondent is NGUYEN HOANG NHAN (NGUYỄN HOÀNG NHÂN), Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <holidayinofficial.com> is registered with iNET Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 6, 2025. On April 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 2025, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 9, 2025, 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 April 9, 2025.

On April 9, 2025, the Center informed the parties in Vietnamese and English, that the language of the registration agreement for the disputed domain name is Vietnamese. On April 9, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 2, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on May 9, 2025. 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 owns and operates hotels and is part of the international hotel group IHG Hotels & Resorts. The Complainant owns several hotel brands including Holiday Inn Hotels, Holiday Inn Express Hotels, and Holiday Inn Club Vacations which correspond to well over a thousand hotels.

The Complainant owns many HOLIDAY INN trade marks including the following:

- United States HOLIDAY INN trade mark registration number 592539, registered since July 13, 1954;

Additionally, the Complainant also owns and uses the domain name <holidayinn.com> as its main commercial website for its Holiday Inn range of hotels.

As for the Respondent, the only information available to the Complainant is as disclosed by the Registrar.

The disputed domain name was registered on March 26, 2025.

The disputed domain name pointed and still points to a website mimicking the Complainant's official website at the domain name <holidayinn.com> and inviting Internet users to log in.

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 Complainant asserts that it has rights in the HOLIDAY INN trade mark through the use of the trade mark for more than seventy years. The Complainant contends that the disputed domain name is confusingly similar to the HOLIDAY INN trade mark given that it contains the HOLIDAY INN trade mark in its entirety with the mere addition of the non-distinguishing term "official".

The Complainant argues that the Respondent does not have rights or a legitimate interest in the disputed domain name as it (i) is not affiliated with or licensed by the Complainant, (ii) is not commonly known by the disputed domain name, and (iii) has not used the disputed domain name for a bona fide offering of goods or services or other legitimate purpose. The Complainant highlights the fact that the disputed domain name is used in connection with a website that falsely appears to be a website of the Complainant or otherwise associated with the Complainant.

Lastly, the Complainant contends that the disputed domain name has been registered and used in bad faith as the disputed domain name fully incorporates the Complainant's famous HOLIDAY INN mark that has been in use for over 70 years. The Complainant further notes that the Respondent's bad faith is established by the use of the disputed domain name to point to a website falsely suggesting an affiliation with the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Vietnamese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- the disputed domain name contains the English words "holiday," "inn" and "official";
- the content of the website associated with the disputed domain name contains English words; and
- it would be unfair and create unwarranted delay for the Complainant to translate the Complaint into another language.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the HOLIDAY INN trade mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "official", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the HOLIDAY INN trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The disputed domain name points to a website mimicking the Complainant’s official website, with a log in window inviting unsuspecting Internet users to enter personal information. Based on the Complaint and in the absence of a response from the Respondent, the Panel concludes that the Respondent’s purpose in registering and using the disputed domain name is to fraudulently impersonate the Complainant so as to create confusion in the mind of Internet users in a potential effort to defraud them.

Panels have held that the use of a domain name for illegitimate activities here, claimed impersonation, 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, the Panel notes that the disputed domain name reproduces the exact HOLIDAY INN trade mark of the Complainant and this cannot be a coincidence given the overall circumstances of the present case including (i) the renown of the Complainant’s HOLIDAY INN trade mark, as substantiated by the Complainant and acknowledged by several previous UDRP panels, (ii) the fact that the disputed domain name was registered relatively recently and several decades after the registration of the HOLIDAY INN trade mark and (iii) the targeted choice of term added to the HOLIDAY INN trade mark in the disputed domain name, here “official”, which is consistent with the subsequent use of the disputed domain name to impersonate the Complainant.

Thus, the Panel finds that the disputed domain name was registered in bad faith.

As for use of the disputed domain name in bad faith, given the circumstances described in the Complaint, the evidence provided by the Complainant, the Panel considers that the disputed domain name is used in bad faith.

The use of the disputed domain name to redirect to a website mimicking the Complainant's official website with a log in window inviting unsuspecting Internet users to enter personal information can only be seen as a deliberate attempt to fraudulently impersonate the Complainant and seek to defraud unsuspecting Internet users. In these circumstances, the disputed domain name constitutes a potential threat hanging over the head of the Complainant.

Panels have held that the use of a domain name for an illegitimate activity here, claimed impersonation, 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.

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 <holidayinofficial.com> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: May 23, 2025