

## **ADMINISTRATIVE PANEL DECISION**

Six Continents Hotels, Inc. and Six Continents Limited v.  
Domain Administrator, Fundacion Privacy Services LTD  
Case No. D2025-3066

### **1. The Parties**

The Complainants are Six Continents Hotels, Inc., United States of America (“United States”), and Six Continents Limited, United Kingdom, represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States (collectively referred to as “the Complainant”).

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

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

The disputed domain name <ihgmelin.com> is registered with Media Elite Holdings Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 1, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2025.

The Center appointed José de Pierola as the sole panelist in this matter on September 12, 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 forms part of the InterContinental Hotels Group ("IHG"). IHG, through various subsidiaries, owns, manages, leases, or franchises more than 6,688 hotels and nearly 990,116 guest rooms across approximately 100 countries and regions worldwide.

The Complainant is the registrant of the domain name <ihg.com> created in May 1998, which is used to promote and arrange bookings for hotels within IHG. It is also the registrant of the domain name <ihgmerlin.com> that the Complainant uses in connection with a website for its employees and hotels.

The Complainant (and/or its affiliated companies) is the owner of several registered trade/service marks around the world with the relevant brand "IHG", including (but not limited to) the following:

- United States registration No. 3,544,074, for service mark IHG, in class 35, registered on December 9, 2008.
- United Kingdom registration No. UK00002436937, for service mark IHG, in classes 35 and 43, registered on April 27, 2007.
- European Union registration No. 0915655, for service mark IHG, in classes 35 and 43, registered on December 21, 2006.

The disputed domain name was created on March 20, 2009. The disputed domain name has two uses based on the evidence submitted by the Complainant:

1. Redirects visitors to a suspicious website that appears to provide a "security check", but automatically downloads a software onto the user's computer, as seen in Annex 9; or
2. Resolves to a pay-per-click ("PPC") or monetized parking page that includes links for services related to the Complainant's services and the IHG trade/service mark, such as "HOTEL VOUCHER PROGRAMS", "HOTEL DEALS" and "EXCLUSIVE HOTEL BOOKING DISCOUNTS", as seen in Annex 10.

#### **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 its IHG mark (the "Mark") and its registered domain name <ihgmerlin.com>, and that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy

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

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

#### **6. Discussion and Findings**

In this case, the Complainant must prove that:

- i. The disputed domain name is identical or confusingly similar to its IHG trade/service marks;
- ii. The Respondent has no rights or legitimate interests in the disputed domain name; and
- iii. The disputed domain name was registered and is being used in bad faith

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

Although the addition of other terms here, "melin" 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 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.

Panels have held that the use of a domain name for illegitimate activity, such as here, the claimed distribution of malware, 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 Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. Taking into account that the Complainant is also the owner the domain name <ihgmerlin.com>, it is clear that the disputed domain name evokes the trade/service marks IHG and resembles the above mentioned Complainant's domain name with a slight typographical change (by the absence of the letter "r").

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, such as here, the claimed distribution of malware, 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.

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 <ihgmelin.com> be transferred to the Complainant.

*/José de Pierola/*

**José de Pierola**

Sole Panelist

Date: September 23, 2025