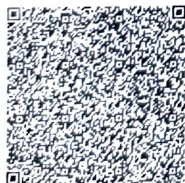




Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL85267256079491X
Certificate Issued Date	: 16-May-2025 04:25 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP1709532136224194X
Purchased by	: BHARAT S KUMAR
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: BHARAT S KUMAR
Second Party	: Not Applicable
Stamp Duty Paid By	: BHARAT S KUMAR
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



Please write or type below this line

BEFORE BHARAT S KUMAR, SOLE ARBITRATOR

IN REGISTRY

INDRP ARBITRATION INDRP Case No. 1981

DISPUTED DOMAIN NAME: <WWW.PRADA.CO.IN>

ARBITRATION AWARD DATED JUNE 08, 2025



Statutory Alert:

- Statutory Alert:**
1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding Corporation of India Ltd. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
 2. The onus of checking the legitimacy is on the users of the certificate.
 3. In case of any discrepancy please inform the Competent Authority.

[illegible]

BEFORE BHARAT S KUMAR, SOLE ARBITRATOR
.IN REGISTRY
NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)
INDRP ARBITRATION
INDRP Case No. 1981
DISPUTED DOMAIN NAME:<PRADA.CO.IN>
ARBITRATION AWARD DATED JUNE 08, 2025

IN THE MATTER OF:

Prada S.A

23, Rue Aldringen,

L - 1118, Luxembourg,

Luxembourg

Complainant

VERSUS

Feifei

Doublefist Limited

A 3, JiaZhao Ye, JiangBei,

Huicheng District,

Huizhou City, Guangdong province,

Huizhou

China



(Wisconsin, US – 516000)

Email: ymgroup@msn.com

Respondent

1. The Parties in the proceeding:

The complainant in this administrative proceeding is PRADA S.A., a company organized and existing under the Laws of Luxembourg, having its principal place

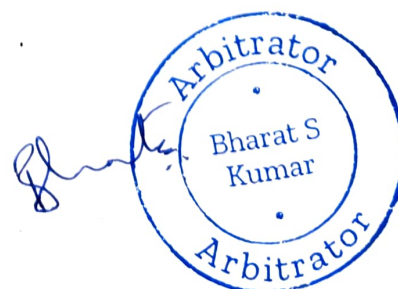


Arbitrator
Bharat S
Kumar
Arbitrator

of business at 23, Rue Aldringen, L-1118 Luxembourg, Luxembourg. (hereinafter referred to as the 'complainant'). The complainant's authorized signatory, Ms. Murielle Vincenti, the group IP director, PRADA SA has authorized Dr. Luca Barbero and his associates in the firm, from Studio Barbero S.p.A, as its authorized representative, vide Special Power of Attorney (POA) dated January 15, 2025 in the present proceedings. The POA has been filed with this present complaint as **Annexure 11**. That, the POA has no seal of the complainant company.

The respondent in the present proceedings is Feifei, Doublefist Limited, having its address at A 3, JiaZhao Ye, JiangBei, Huicheng District, Huizhou City, Guangdong province, Huizhou, China (Wisconsin, US – 516000). The complainant has also filed the copy of the database search report for the Disputed Domain Name conducted on January 30, 2025, as **Annexure 1.1**. The complainant has also filed as **Annexure 1.2**, further WHOIS details. It also lays reliance on **Annexure 1.3**, and states that the registrant of the Disputed Domain Name is Feifei, Doublefist Limited (Contact us:ymgroup@msn.com). The complainant further avers that the respondent's organization, state/province and country, as disclosed after the filing of the complaint are identical to the data published in the public WHOIS database, at the time the original complaint was filed (Annexure 1.1). The complainant further avers that details of the respondent are mostly redacted.

2. **Domain Name and Registrar:-**

The disputed domain name is < prada.co.in >. The domain name was registered on May 10th, 2019. The registrar with which the domain name is registered is Dynadot LLC, P.O. Box 345, San Mateo CA 94401, United States, +1 6502620100. The email address of the registrar is info@dynadot.com.



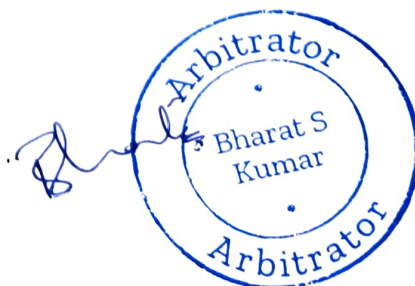
3. **Procedural History:**

3.1 This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy") adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules"). The arbitration proceeding is approved in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the respondent has agreed to the resolution of disputes pursuant to the said Policy and the Rules.

3.2 The complaint was filed by the complainant with NIXI against the respondent. On 26.03.2025, to ensure compliance, I had submitted statement of acceptance and declaration of impartiality and independence as required by the Arbitrator's Empanelment Rules (Rule '5). On 09.04.2025, I was appointed as the sole arbitrator to decide the disputes between the parties. NIXI notified both the parties of my appointment as arbitrator *via* email dated 09.04.2025. NIXI had also served by email an electronic copy of the complainant with annexures, on the respondent at the email address of the respondent, ymgroup@msn.com , whilst appointing me as an arbitrator.

3.3 On 10.04.2025, I had issued notice to the respondent and directed the complainant to serve the complete paperbook on the respondent, i.e. the complaint which was filed by the complainant and the complete annexures (annexures 1.1 to 11). I had directed that the service be done through post and email, both. The service was done by the complainant's representative Studio Barbero, on 10.04.2025, on the email address present through a WHOIS lookup, i.e. ymgroup@msn.com. The complainant's representative had also vide email dated 10.04.2025, stated to me:

"Kindly note that the delivery receipts were returned only from Respondent's email address indicated in the Whols as disclosed by NIXI to our firm for the purpose of the present dispute (i.e. ymgroup@msn.com), while no receipt was delivered from the email address postmaster@prada.co.in."

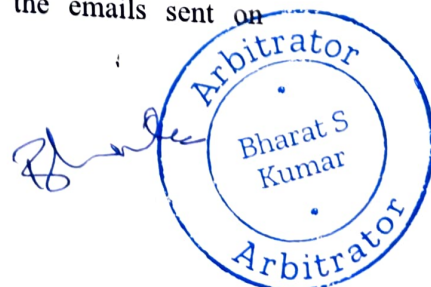


For an update on the physical delivery of the documents on the respondent, the complainant's representative in this proceeding, had vide emails dated 28.04.2025 and 19.05.2025 stated that the courier company had tried to deliver the paper book, however the complete paper book had been returned back to the sender, i.e the complainant's representative due to the following reason:

"(the respondent) is always absent during normal working hours and could not be reached at the telephone number indicated in awb (incorrect) and does not answer emails"

Since the physical delivery could not take place owing to reasons solely from the respondent's end, I had vide email dated 06.06.2025, again confirmed whether the respondent was served through email. The complainant's representative had also on 06.06.2025 confirmed to me that the complete complaint and annexures were served on the respondent through email.

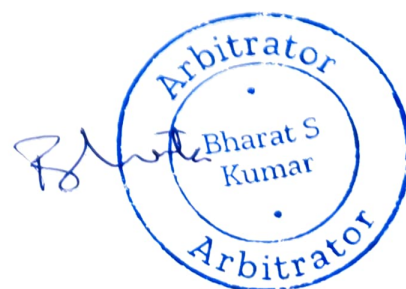
- 3.4 It may be noted that I had on 10.04.2025 I, also granted the respondent a time period of 15 days, to file a response to the complaint, from my email and the delivery of service of the complete paperbook.
- 3.5 That pursuant to no response from the respondent for 15 days after service of the complaint and the documents(annexures), I had on 26.04.2025 sent an email to the respondent apprising it of its rights to file a defence (response), being closed. That in the same email, I had also asked the complainant's counsel whether they wish to seek any personal hearing, to which they, vide email dated 28.04.2025, declined the same and requested that the complaint further proceed on merits. Pertinently, on all of the emails, the respondent was copied and marked too and no communication was received from it.
- 3.6 That, all the communications to the complainant, respondent and NIXI by this tribunal have been through email. None of the emails sent on



ymgroup@msn.com have bounced or returned. I therefore hold that the service is complete as per the INDRP rules as all correspondences effectively took place on ymgroup@msn.com.

Respondent being proceeded *ex-parte*:

- 3.7 I wish to highlight Clause 13(b) of the INDRP Rules of procedure requires that the arbitrator shall at all times treat the parties with equality and provide each one of them with a fair opportunity to present their case. Clause 17 of the INDRP Rules of procedure grant the power to an arbitrator to proceed *ex-parte*, in the event any party breaches the provisions of INDRP rules and/or directions of the arbitrator.
- 3.8 The respondent has been given a fair opportunity to represent itself, respond to the complainant's assertions & contentions and counter the same, if it so wishes to. However, there has been no response by the respondent, despite effective service. It is noteworthy that Clause 18 of the INDRP Rules of procedure mandate that an arbitrator shall decide a complaint on the basis of the pleadings submitted and in accordance with the Arbitration & Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2015 read with the Arbitration & Conciliation Rules, Dispute Resolution Policy, the Rules of Procedure and any by-laws, and guidelines and any law that the arbitrator deems to be applicable, as amended from time to time. In these circumstances this tribunal proceeds to decide the complaint on merits, in accordance with said act, policy and rules on respondent's failure to submit a response, despite having been given sufficient opportunity and time to do so and represent itself. As a result of the aforementioned, the respondent is proceeded *ex-parte*.



4. **Legitimate rights under which a complainant can approach NIXI:**

4.1 The complainant has invoked Clause 4 of the INDRP policy to initiate the arbitration proceeding. Clause 4 reads as under:

4. Any person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

(a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and

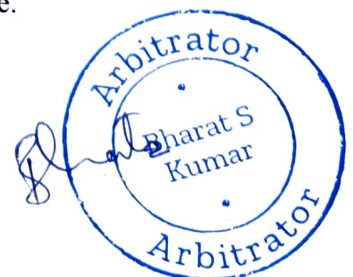
(b) the Registrant has no rights or legitimate interests in respect of the domain name; and

(c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.

The complainant therefore has to satisfy this arbitral tribunal on all the three aforementioned clauses/conditions, i.e 4 (a), (b) and (c).

5. **Case of the complainant**

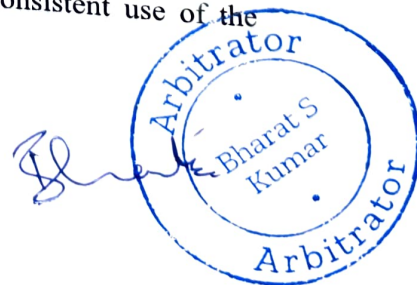
5.1 The complainant avers that the PRADA brand dates back to the beginning of the last century. It states that in 1913, Mario Prada opened a luxury store in the Galleria Vittorio Emanuele II in Milan, selling leather handbags, travelling trunks, leather accessories and beauty cases, luxury accessories and articles of value. That, thanks to its exclusively designed goods, handcrafted using fine materials and sophisticated techniques, PRADA rapidly became a point of reference for European aristocracy and the most elegant members of the *haute-bourgeoisie* in Europe. It states that in 1919, PRADA became an official supplier to the Italian Royal family and over the years, the Prada name gained increasing renown and prestige.



5.2 The complainant avers that the group saw a turning point in the development of its activities at the end of the Seventies, when Miuccia Prada, Mario's granddaughter, launched a partnership with Tuscan businessman Patrizio Bertelli, a partnership that combined creativity and business ideas. In 1977, Patrizio Bertelli set up I.P.I. spa to consolidate the production resources that he had built up over the previous ten years. In the same year, I.P.I. spa obtained an exclusive license from Miuccia Prada to produce and distribute leather goods bearing the Prada brand name. In the following years, it states that the activities of the two families were gradually brought together within a single Group. The complainant avers that in 1983, the Prada family opened a second store in the prestigious Via della Spiga in Milan. That, from 1986, new stores were opened in New York and Madrid, followed by London, Paris and Tokyo. The first PRADA women's wear fashion show was held in Milan in 1988. The complainant avers that over the years there were several launches from footwear to eyewear, to the food segment and even fragrances.

5.3 The complainant further avers that in 2018, PRADA officially started its adventure as Title and Presenting Sponsor of the 36th edition of the America's Cup, as well as Main Sponsor of the sailing team of Luna Rossa, Challenger of Records of the prestigious competition. The complainant avers that over the years, the Group has developed a strong network of Directly Operated Stores encompassing Europe (229), America (107), Japan (85), Middle East and Africa (22) and Asia Pacific (198), accompanied by franchise stores and a significant presence in selected high-end multi-brand stores and luxury department stores. Stating its strong presence, the complainant states that Prada today operates in 70 countries with approximately 14,800 employees.

5.4 The complainant states that in light of its substantial investments in advertising, its marketing and sales worldwide, its consistent use of the



trademark PRADA for decades, and its impressive client base across all product groups, PRADA is indisputably a well-known trademark worldwide, including in India and in the United States, where respondent it states is based.

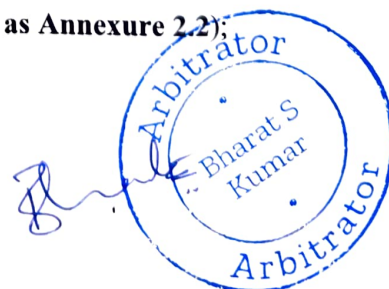
5.5 The complainant avers that in order to protect its trademark PRADA on the Internet and promote its brand online, it has registered over 260 domain names consisting of or comprising the words PRADA under several different TLDs , including, *inter alia*, <prada.com>, registered on June 9, 1997. It avers that its website www.prada.com has become the brand's global flagship, with its clean and elegant layouts which offer vivid and full-screen views of the merchandise, categories organized by product and by theme, photos, videos and text stories frame. In support of the same, it lays reliance on the screenshot at **Annexure 3.1**, filed with this present complaint.

The complainant's statutory claims pertaining to trademark "PRADA":

5.6 The complainant states that it is the registered proprietor and/or owner across jurisdictions of the trademark **PRADA**. It further avers that it has also been using the said trademark in its course of trade. To evidence its statutory rights, the complainant states its registrations as follows:

Trademarks registered and subsisting in India:

- i. Indian Trademark Registration No. 755574 for PRADA (word mark), registered on May 2, 1997, in class 18 (**Attached as Annexure 2.1**);
- ii. Indian Trademark Registration No. 773214 for PRADA (word mark), registered on October 20, 1997, in class 18 (**Attached as Annexure 2.2**);



iii. Indian Trademark Registration No. 755575 for PRADA (word mark), registered on May 2, 1997, in class 25 (**Attached as Annexure 2.3**);

iv. Indian Trademark Registration No. 773215 for PRADA (word mark), registered on October 20, 1997, in class 25 (**Attached as Annexure 2.4**).

Registrations in other countries:

v. European Union Trademark Registration No. 012443362 for **PRADA**, filed on December 18, 2013 and registered on May 13, 2014, in classes 18, 25, 35 (**Attached as Annexure 2.5**);

vi. European Union Trademark Registration No. 271163 for PRADA (word mark), filed on September 3, 1996 and registered on November 8, 2000, in classes 9, 16 and 21 (**Attached as Annexure 2.6**);

vii. International Trademark Registration No. 650695 for **PRADA**, registered on December 15, 1995, in classes 3, 5, 9, 14, 18, 24 and 25 (**Attached as Annexure 2.7**);

viii. United States Trademark Registration No. 1264243 for PRADA (word mark), filed on July 17, 1979 and registered on January 17, 1984, in international class 18 (**Attached as Annexure 2.8**);

ix. United States Trademark Registration No. 1400409 for PRADA (word mark), filed on April 24, 1985 and registered on July 08, 1986, in international class 25 (**Attached as Annexure 2.9**).



The list of the complainant's trademark applications/ registration along with copies of a few representative trademark registration certificates for the mark PRADA have been attached as **Annexure 2.1 to 2.9 (colly)**. The complainant avers that it is also the owner of many additional trademark registrations consisting of or including the trademark PRADA in other countries, copies of which could be submitted, should the same be required to prove its case, further.

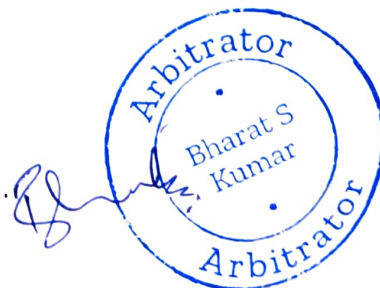
Domain name registrations:

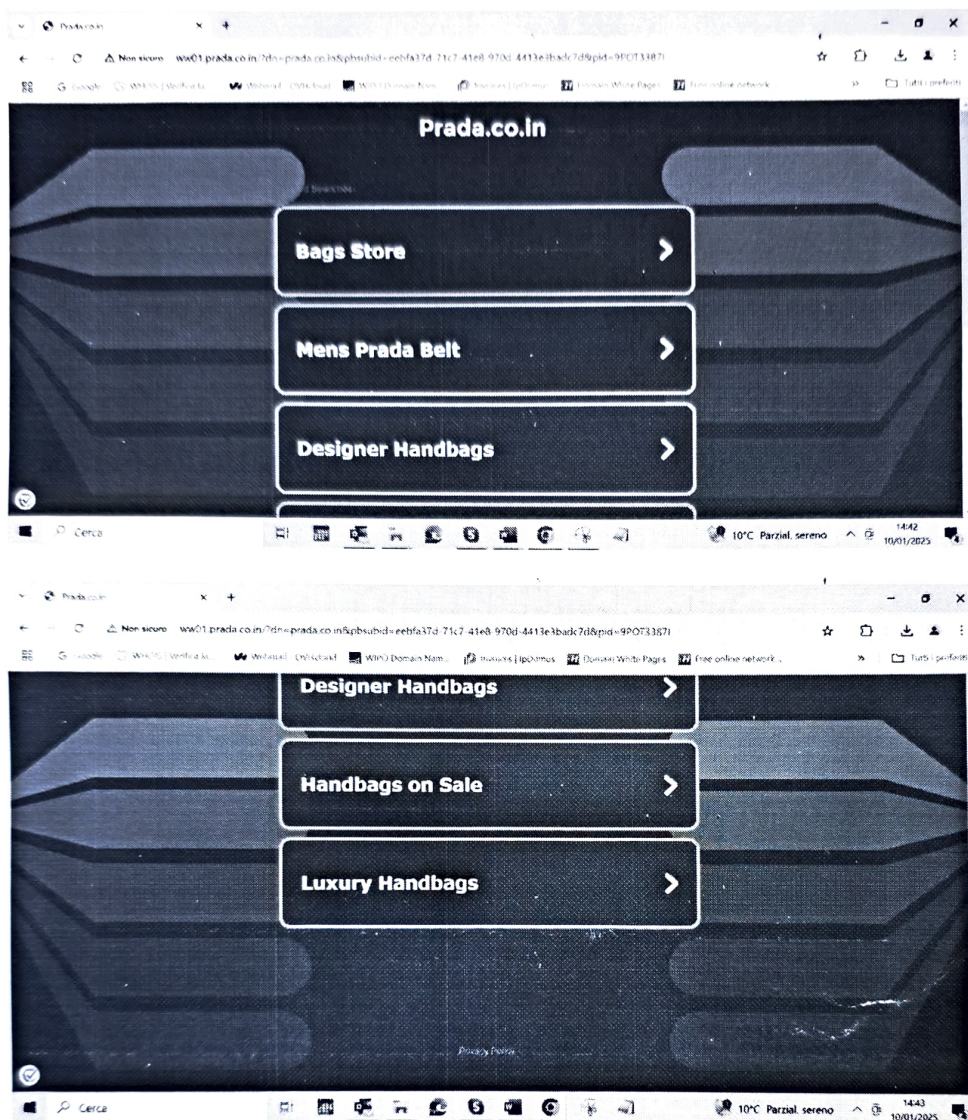
5.7 The complainant states that in additions to the aforementioned trademark registrations, it is also the proprietor of numerous domain names, including but not limited to prada.com, which was registered on 09.06.1997 and prada.in, which was registered on 16.02.2005. The complainant has filed printouts of its website www.prada.com and the WHOIS Records of <prada.com> and <prada.in> registered in its name as **Annexures 3.1, 3.2 and 3.3**. The list of some domain names registered by the complainant and entirely incorporating the trademark PRADA is attached with the complaint as **Annexure 3.4**.

6. The dispute raised before this tribunal – case of the complainant:

The Domain Name and associated website

6.1 The complainant states that the respondent registered www.prada.co.in (hereinafter the Disputed Domain Name), on May 10, 2019, without its authorization. The complainant states that since the time of its registration, the Disputed Domain Name has been redirected to a web page featuring several sponsored links, also related to PRADA branded products and to handbags, i.e. products manufactured and sold by it worldwide. It lays reliance on the following snapshots and **Annexure 6**.





The complainant further avers that as soon as it became aware of such unauthorized registration and use of its celebrated trademark PRADA as a prominent part of the Disputed Domain Name, it deemed it appropriate to inform the respondent of such unauthorized usage and then reclaim the same, should the respondent not transfer the Disputed Domain Name back to it.

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Arbitrator
Bharat S
Kumar
Arbitrator

Notice issued by the complainant prior to the commencement of the present proceedings:

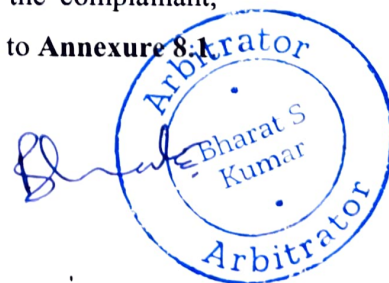
6.2 The complainant states that it instructed a web agency to contact respondent in order to ascertain its real intentions pertaining to the Disputed Domain Name. It avers that the web agency sent an email, on 23.02.2024, – to the email address ymgroup@msn.com, indicated in the public WHOIS records - requesting to the respondent to reveal its projects related to the Disputed Domain Name. The complainant further states that the respondent was also asked if it is possible to consider transferring the same, mentioning the complainant company as prospective client. The complainant avers that on 24.02.2024, the web agency received a response from Mr. Fei, who requested 3890 Euros for handing over the Disputed Domain Name, as per message below:

*“Dear [...],
Thanks for your email.
The price is only 3890 EUR, and Sedo is ok.
Best regards,
Fei”*

The complainant states that the full exchange of correspondence between the web agency and the respondent is attached as **Annexure 7**.

6.3 The complainant avers that the price put forth by the respondent was well in excess of the out-of-pocket costs requested for the transfer of the Disputed Domain Name. It states that this clearly evidences the respondent's bad faith. The complainant avers that it then instructed its representative to send a Cease & Desist letter to the respondent, based on its priority and statutory trademark rights in **PRADA**.

6.4 The complainant states that its representative subsequently sent a Cease & Desist letter to the respondent on 21.03.2024, requesting it to immediately deactivate the website <prada.co.in> and transfer it to the complainant, without any charges. It draws the attention of this tribunal to **Annexure 8.1**



The complainant states that on the same date, the respondent replied to its representative, requesting 3890 Euro for transferring the Disputed Domain Name to the complainant. The complainant avers that its representative promptly replied to such communication, reiterating their arguments and requests. At states that in absence of any further response, a reminder was sent on 20.04.2024. The complainant states that till date the respondent has refused to comply with its requests.

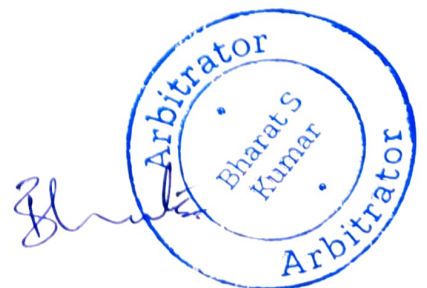
- 6.5 The complainant avers that due to the respondent's failure to comply with its requests and in view of the fact that the respondent, notwithstanding receipt of the complainant's Cease and Desist letter and subsequent follow up correspondence, is continuing to use the disputed domain name, identical to complainant's registered trademark, **PRADA**, by redirecting it to a pay-per-click page. The complainant avers that being constrained to protect its legitimate interests and rights, it instructed its representatives to file the present complaint.

The complainant relies and has filed the full exchange of correspondence between its representative and the respondent as **Annexure 8.2**.

7. Analysis

- 7.1 It is pertinent to note that Paragraph 4 of the INDRP Domain Name Dispute Resolution Policy, mentions about class of disputes, which grants any person who considers that a registered domain name conflicts with his/her legitimate rights or interests, the right to file a complaint with the .IN Registry. There are 3 conditions which an aggrieved right holder may file the complaint under. The complainant has in the present complaint mentioned that its rights under all the three conditions have been violated:

- i. Condition 4(a) - The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the complainant has rights;

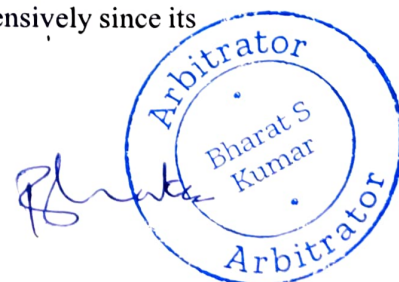


The complainant states that the Disputed Domain Name <prada.co.in> entirely reproduces the complainant's trademark PRADA. The complainant further avers that PRADA is its registered trademark in India and across myriad jurisdictions. It further states that PRADA is well-known, being amongst the most popular luxury brands worldwide.

The complainant states that the Disputed Domain Name is visually and phonetically identical to complainant's trademark, since, as stated in a number of prior cases, the mere addition of the suffix ".co.in" is not a distinguishing feature. For the same, it lays reliance on *PUMA SE v. Christian Schmidt* [INDRP/956], *FMTM Distribution Ltd. v. Bel Arbor* [INDRP/681]. It specifically states *Perfetti Van Melle Benelux BV v. Jing Zi Xin* [INDRP/665], in averring that numerous courts and UDRP panels have recognized that "if a well-known trademark is incorporated in its entirety, it may be sufficient to establish that a domain name is identical or confusingly similar to Complainant's registered mark. Further it states that in *Disney Enterprises, Inc. v. John Zuccarini, Cupcake City and Cupcake Patrol* [WIPO Case No. D20010489], the panel held that "domain names that incorporate well known trademarks can be readily confused with those marks".

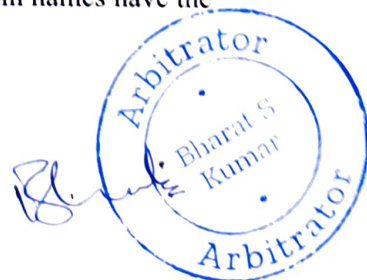
The complainant further avers that the respondent has willingly and deliberately has incorporated its celebrated trademark PRADA as a part of its domain name.

I have gone through the pleadings and documents filed by the complainant. With regard to the fulfilment of paragraph 4(a) of the INDRP policy, it is evident that the complainant is one of the world's foremost fashion conglomerates. Further there is no quarrel over the fact that the complainant has been using the PRADA trademark continuously and extensively since its



adoption in the early 20th century. Pertinently, the trademark PRADA is registered in India and even dates back to the year 1997. The complainant has also other registered domain names/websites, such as prada.com and prada.in, with the former dating back to the year 1997. The complainant has also registered its trademark PRADA across myriad classes (trademark registrations) and across numerous jurisdictions. Its statutory rights thus, in the trademark PRADA is well established. It is pertinent to note that the disputed domain name <prada.co.in> was created/registered on 10.05.2019, in contrast to the registration of the trademark PRADA in India in 1997 and its website, www.prada.com accessible to everyone on the world wide web again from the year 1997. Needless to mention that the complainant avers the adoption and usage of PRADA from the early 1900's.

It is noteworthy that a perusal of the disputed domain name 'prada.co.in' of the registrant/respondent shows that the respondent has used the complainant's celebrated trademark PRADA in its entirety. The disputed domain name 'prada.co.in' is near identical, to the 'PRADA' trademark of the complainant. It is well established that the mere addition of a TLD such as "co.in" to a registered trademark, is not significant in distinguishing a domain name. It has been held by prior panels deciding under the INDRP, such as in *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, that there is confusing/deceptive similarity where the disputed domain name wholly incorporates a complainant's trade mark. It is further noteworthy that, a TLD/ccTLD such as "co.in " is an essential part of domain name. Therefore, it cannot be said to distinguish the respondent's domain name 'prada.co.in' from the complainant's trademark PRADA. In **Satyam Infoway Ltd vs Siffynet Solutions Pvt. Ltd AIR 2004 SC 3540**, the Hon'ble Supreme Court of India stated that the law pertaining to the Trademark Act, 1999 shall be applicable to domain names in India. The Hon'ble Supreme Court of India also observed that domain names have the



same characteristics of a trademark and thus act as a source and business identifier.

A precedent, pertinent to the present case at hand, it being *WhatsApp, Inc. v. Nasser Bahaj*, WIPO Case No. D2016-058. The relevant excerpts are highlighted as hereinunder:

"The disputed domain name <ogwhatsapp.org> comprises the Complainant's trademark WHATSAPP combined with the letters "og" which are the initials of the developer Osama Ghoraib as indicated on the website of the Respondent. Adding these two letters does not in any way eliminate the confusing similarity with the Complainant's trademark. As for the gTLD ".org", it is established that a gTLD does not typically eliminate confusion.

The disputed domain name <whatsapp-plus.org> comprises the Complainant's trademark WHATSAPP in its entirety. Adding the term "plus" not only does not eliminate confusion but on the contrary gives the impression that new and enhanced versions of the Complainant's application are available through the website the disputed domain name resolves to."

The complainant has rights in the trademark PRADA by way of trademark registrations across myriad classes, and by virtue of use in the course of trade, as part of their company. Pertinently, the use is much much prior to the date on which the respondent created the impugned domain <prada.co.in> incorporating the complainant's trademark and trade name PRADA in totality and as a whole. I agree that adding the word PRADA not only creates confusion, but may even make a potential web user believe that this may well be associated with the complainant.

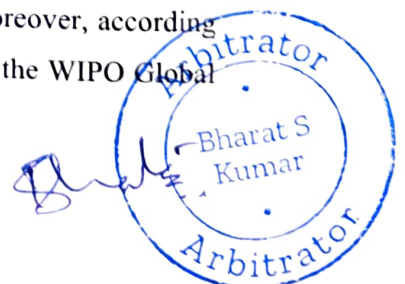
The respondent has not filed any response to the assertions put forth by the complainant. The averments of the complainant thus remain rebutted.



In view of the above facts and submissions of the complainant, on perusal of the documents filed and annexed with the complaint, I therefore hold that the disputed domain name <prada.co.in> of the registrant (respondent) is near identical and/or confusingly similar to the trademark PRADA of the complainant.

- ii. Condition no.4 (b) the Respondent (Registrant) has no rights or legitimate interest in respect of the domain name:

The complainant asserts that the respondent is unable to invoke any of the circumstances set out in Paragraph 6 of the .IN Policy to demonstrate rights or legitimate interests in the domain name. To further its claims, the complainant states that the disputed domain name has not been used in connection with *bona fide* offering of goods or services by the respondent. The complainant asserts that the respondent through the website www.prada.co.in (Disputed Domain Name) clearly demonstrates the intention of being a cyber squatter. That the impugned website is neither authorized, nor licensed by it. The complainant further asserts **the cease and desist notice by complainant to respondent yielded no results and the respondent instead showed his intention to 'sell' the disputed domain name with the complainant's registered trademark "PRADA" as a prominent part, back to it at a humongous cost.** The complainant further asserts that the respondent is neither commonly or popularly known in the public by the Disputed Domain Name nor has applied for any registration of the trademark PRADA. It states that on the contrary, respondent's name, according to the information provided by NIXI after the filing of the original complaint, is "Feifei" and the respondent's organization is "Doublefist Limited (Contact us:ymgroup@msn.com)". It further states that, moreover, according to the searches performed by its representative on the WIPO Global

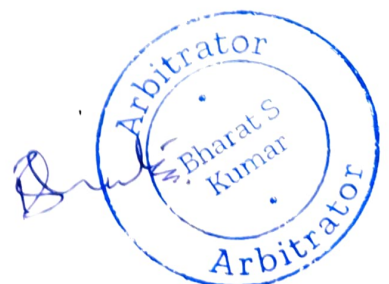


Brand Database, the respondent does not own any trademark registration encompassing PRADA. It draws the attention of this tribunal to Annexure 10 for the same.

The complainant further states that the respondent has not provided the complainant with any evidence of its use of, or demonstrable preparations to use, the Disputed Domain Name in connection with a *bona fide* offering of goods or services before any notice of the dispute. The complainant relies upon *Paris Hilton v. Deepak Kumar, WIPO Case No. D2010-1364*, to state that if the owner of the domain name is using it in order “...to unfairly capitalise upon or otherwise take advantage of a similarity with another's mark then such use would not provide the registrant with a right or a legitimate interest in the domain name”.

The complainant claims that it has therefore established a *prima facie* case that the respondent has no rights and legitimate interests in the disputed domain name.

I agree with the assertions put forth by the complainant. I believe that the complainant has established its rights in the trade mark PRADA. It is significant to note that the use of PRADA in the respondent's domain name is definitely likely to give a false impression to internet users that the disputed website is either owned by the complainant or is affiliated to the complainant in some manner. The respondent cannot conceivably claim that its use of the complainant's trademark is *bona fide* as per paragraph 6(a) of the .IN Policy or is commonly known by the domain name in accordance with paragraph 6(b) of the .IN Policy.



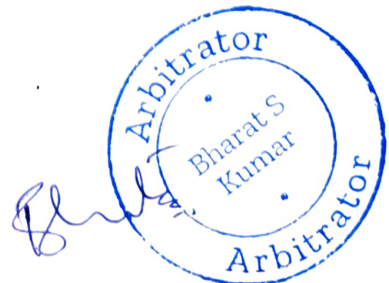
The mere fact that the disputed domain name is registered does not imply that the respondent has any rights or legitimate interests in them. Further, the *mala fides* of the respondent seem to be writ large from the fact that it had had offered a sale to the complainant, for a humongous price, after a notice from the complainant.

In *Deutsche Telekom AG v. Phonotic Ltd.* (WIPO Case No. D2005-1 000), it has been held that "*Registration of a domain name in itself does not establish rights or legitimate interests for purposes of paragraph 4(a)(ii) of the Policy*". Therefore, any use of the disputed domain name by the respondent is not a legitimate, non-commercial or fair use. The respondent thus has no rights or legitimate interests in, the disputed domain name.

The adoption of a celebrated trademark "PRADA", therefore in the disputed domain name affirms the *mala fide* intention of the respondent to make use of and ride on the coat tails of the complainant for earning commercial benefits. Such a conduct demonstrates anything, but a legitimate interest in the domain name.

It is pertinent to note that the complainant has also not licensed the use of the mark, PRADA, to the respondent. In such as situation, there is no reason for the respondent to use the same as its domain name. The use is therefore clearly unauthorized. A decision of a previous panel, *Wacom Co. Ltd. v. Liheng*, INDRP/634, is relevant in this case. It was stated that:

"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"



It is reiterated that the respondent (registrant) has not filed any response to counter the complainant's assertions, despite service. The respondent has thus failed to satisfy the conditions contained in clauses 6(a), (b) and (c) of INDRP Policy. Significantly, the respondent has never been identified with the disputed domain name or any variation thereof. The respondent's (Registrant) use of the disputed domain name will inevitably create a false association and/or affiliation with the complainant and its trademark mark, PRADA.

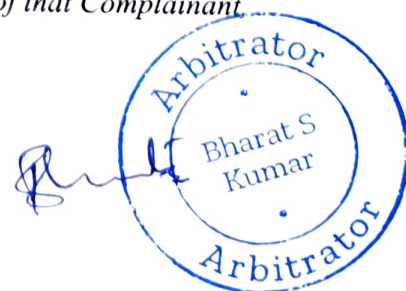
Therefore, in view of the submissions made in the complaint and on perusal of the accompanying documents, I am of the opinion that the respondent has no rights or legitimate interests in respect of the disputed domain name. Accordingly, condition 4(b) of the INDRP policy is decided in the favour of the complainant.

- iii. Condition 4(c): The Registrant's domain name has been registered or is being used in bad faith:

To look into condition 4 (c) of the INDRP policy, clause 7 is to be looked into. Clause 7 of the INDRP policy states as under:

For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the Registration and use of a domain name in bad faith:

(a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the Trademark or Service Mark, or to a competitor of that Complainant.



for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or


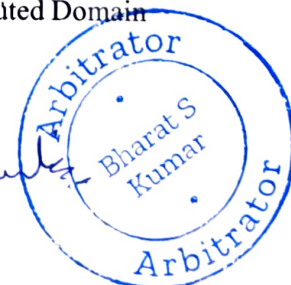
(b) the Registrant has registered the domain name in order to prevent the owner of the Trademark or Service Mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or

(c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location; or

(d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor.

The complainant submits that respondent was well aware of its trademark rights at the time of registration and that it registered and has been using the Disputed Domain Name in bad faith, even after being notified of the infringement of complainant's rights via Cease and Desist letter, sent on March 21, 2024.

The complainant states that the issue at hand falls both 7 (a) and 7 (c) of the INDRP policy as the Registrant (respondent) has intentionally attempted to attract users to the Registrant's website and also to attempt to sell the website to a reseller at a huge price. The complainant avers that that the respondent was well aware of its trademark rights at the time of registration and that it registered and has been using the Disputed Domain Name in bad faith. More so, it states that the respondent, even after being notified of the infringement of the complainant's rights through a Cease-and-Desist letter, sent on March 21, 2024, continued to use the Disputed Domain



Arbitrator
Bharat S
Kumar
Arbitrator

Name. The complainant states that by using the Disputed Domain Name, the respondent was attracting users to its website in order to make commercial gains. The complainant further states that the respondent's bad faith is readily established by its brazen and unauthorized use of the trademark PRADA in connection with the Disputed Domain Name, which subsequently upon clicking is a redirection (from the Disputed Domain Name/webpage), featuring several sponsored links related to PRADA branded products and to handbags, *i.e.* the same products manufactured and sold by the complainant worldwide. The complainant states that circumstances of the case clearly suggest that respondent's purpose in registering the Disputed Domain Name, which encompasses complainant's mark PRADA in its entirety, was to capitalize on the reputation of complainant's trademark by diverting internet users seeking products under the PRADA mark to its own website, for commercial gain. The complainant relies on, *Sparkol Limited v. Mr. Shripal* [INDRP/1069], where it states it was held that - *In light of the respondent's presumed knowledge of the complainant's rights, it is reasonable to infer that the respondent registered the disputed domain name without any intention of using it for genuine business or commercial activities.* The complainant also relies on *Bulgari S.p.A. v DomainBook* [INDRP/1002].

The complainant further states that the respondent seems to be a cybersquatter as, as found in the cited case INDRP/936 (paragraph 7.17) concerning <goldmansachs.in>, the respondent has used several aliases company names and fake addresses to register domains with the email address ymgroup@msn.com.

It is pertinent to reiterate that the complainant is vested with statutory rights across myriad classes in its PRADA trademark in India and across the globe. The use of the trademark PRADA has been from the



year 1913, the complainant claims. The respondent's registration of a Disputed Domain Name wholly incorporating the complainant's trademark is most certainly to ride on the coat tails of the complainant's commercial success which its PRADA trademark has attained over the past 100+ years. It is also noteworthy that the actions of the respondent seem to fall squarely within subclause (a) and (c) hereinabove.

Given the enormous success of the complainant's business, its known trademark PRADA, there seems to be no reason for the respondent to adopt an identical name/ mark with respect to the impugned domain name. This adoption by the respondent, of course seems to create a deliberate and false impression in the minds of users that the respondent is somehow associated with or endorsed by the complainant. A case by a previous panel, *M/s Merck KGaA v Zeng Wei JNDRP/323*, can be referred wherein it was stated that:

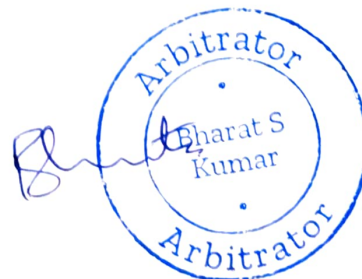
"The choice of the domain name does not appear to be a mere coincidence, hut a deliberate use of a well-recognized mark... such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration. "

It is noteworthy that Rule 3 of .IN Domain Name Dispute Resolution Policy (INDRP), casts obligations on a registrant, such as the respondent here. The same provides as under:

3. Registrant's Representations

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

(a) the credentials furnished by the Registrant for registration of domain name are complete and accurate;



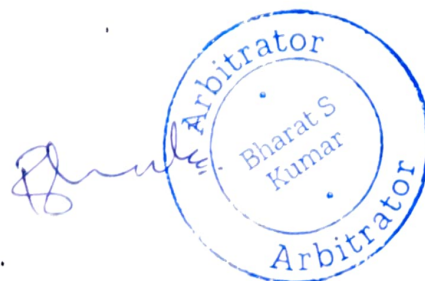
(b) to the knowledge of Registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;

(c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and

(d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility' of the Registrant to determine whether their domain name registration infringes or violates someone else's rights.

It is evident from above rule that rule 3(b) and (d) puts an obligation on the Registrant, the respondent herein, before registering a domain name. The registrant is to verify that the registration of the domain name will not infringe upon or otherwise violate the rights of any third party. That, a notice sent by the complainant affirms that the respondent would have been aware of the complainant's PRADA trademark since the registration of the disputed domain name.

From a perusal of the averments and documents filed herewith, there is therefore no doubt that the respondent has got the disputed domain name registered in bad faith and to ride on the complainant's PRADA trademark's goodwill and reputation. The actions of the respondent are thus in contravention with paragraph 4(c) of the INDRP policy. I therefore hold that the respondent's domain name has been registered in bad faith.




Decision

In view of the foregoing, I hold that the disputed domain name, <prada.co.in> is similar to the complainant's 'PRADA' trademark. I further hold that the respondent has no rights or legitimate interests in respect of the disputed domain name and that the same was registered in bad faith by the respondent.

In accordance with the INDRP Policy and Rules, I direct that the disputed domain name registration be transferred to the complainant.
No order as to costs.

Date: 08.06.2025

Place: New Delhi

 Bharat S Kumar
Sole Arbitrator