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Account Reference	: IMPACC (SH)/ dlshimp17/ HIGH COURT/ DL-NDD
Unique Doc. Reference	: SUBIN-DL.DLSHIMP1740794927343293X
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)



BEFORE BHARAT S KUMAR, SOLE ARBITRATOR

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.IN REGISTRY

INDRP Case No. 2005

DISPUTED DOMAIN NAME: <SOCHKURTLIN>

ARBITRATION AWARD DATED AUGUST 01, 2025



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BEFORE BHARAT S KUMAR, SOLE ARBITRATOR
.IN REGISTRY
NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)
INDRP ARBITRATION
INDRP Case No. 2005
DISPUTED DOMAIN NAME: <SOCHKURTI.IN>
ARBITRATION AWARD DATED AUGUST 01, 2025

IN THE MATTER OF:

Soch Apparels Private Limited,
14, Bachammal Road,
Cox Town, Bengaluru – 560005

Complainant

VERSUS

www.sochkurti.in ,
Registrant/owner - Navya Creations,
Ranasar, Churu,
Rajasthan,
India – 331001

Respondent No. 1

GoDaddy.com LLC,
14455, North Hayden Road,
Suite 219, Scottsdale,
AZ-85260,
U.S.A

Respondent No. 2



1. **The Parties in the proceeding:**

The complainant in this administrative proceeding is Soch Apparels Private Limited, a company under the Companies Act, 2013, having its office at 14, Bachammal Road, Cox Town, Bengaluru - 560005. The complainant has authorized Arjun T. Bhagat & Co., Advocates, Trademark and Patent Attorneys as its authorized representative in the present proceedings. I had through email dated July 23, 2025 requested the complainant's counsel to share a Power of Attorney (POA), since there was no authorization filed with the complaint. That, the complainant's counsel had, vide email dated July 23, 2025 shared a POA dated April 29, 2025 granting authority to the authorized signatory, to initiate and contest for the complainant.

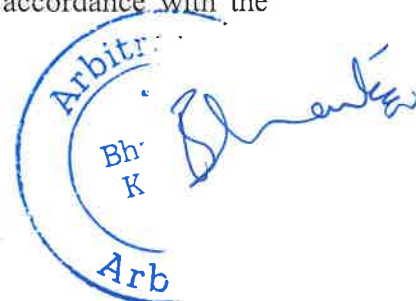
The Respondent No. 1 in the present proceedings is www.sochkurti.in, whose registrant/owner is Navya Creation, having its address at Ranasar, Churu, Rajasthan, India – 331001. The Respondent No. 2 is GoDaddy.com LLC, having its address at 14455, North Hayden Road, Suite 219, Scottsdale, AZ-85260, U.S.A. The complainant has also filed the publicly-available WHOIS record, for the domain name < www.sochkurti.in >.

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

The disputed domain name is < www.sochkurti.in >. The domain name was created/registered on January 13th, 2025. The registrar with which the domain name is registered is GoDaddy.com, LLC: 14455, North Hayden Road, Suite 219 Scottsdale, AZ 85260 United States of America. The email address of the registrar is courtdisputes@godaddy.com and abuse@godaddy.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 16.05.2025, 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 22.05.2025, 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 22.05.2025. NIXI had also served by email an electronic copy of the complainant with annexures, on the respondent at the email address of the respondent no. 1, pahanwaindia@gmail.com, whilst appointing me as an arbitrator.

3.3 On 22.05.2025, I had issued notice to the respondent and directed the complainant to serve the complete paperbook on the respondent, i.e. the amended complaint which was filed by the complainant and the complete annexures (annexures 1 to 13). The service was done by the complainant's counsel, Ms. Apeksha Mehta, on 26.05.2025, on the email address present through a WHOIS lookup, i.e. pahanwaindia@gmail.com. Ms. Mehta had also confirmed that the email was delivered on the respondent. Further, Ms. Mehta had further stated via email dated 10.06.2025 that the courier which was sent to the respondent no. 1 was returned back to her with the remark 'non delivery zone'. It may be noted that I had on 22.05.2025 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.

3.4 That pursuant to no response from the respondent for 15 days after service of the complaint and the documents (annexures), I had on 11.06.2025, in the interest of justice, sent an email to the respondent no. 1, granting it an

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pahanwaindia@gmail.com (respondent no. 1) have bounced or returned. I therefore hold that the service is complete as per the INDRP rules as all correspondences effectively took place on pahanwaindia@gmail.com.

Respondent being proceeded *ex-parte*:

3.8 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.

3.9 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 it is an old, established and well-reputed business house engaged inter alia in the business of manufacturing and marketing wide variety of clothing and wearing apparels of all types viz., readymade/stitched and unstitched garments and hosiery which are also sold since nearly three decades through its predecessors. The complainant states that it has had a remarkable growth and is known for its quality of hand-picked fabrics and exclusive collection of ethnic wear. The complainant avers that it is one of the leading fashion brands with a wide consumer base and its operations span across 65 cities with around 174 retail outlets across India and a retail outlet in Canada opened in the year 2024. Further, apart



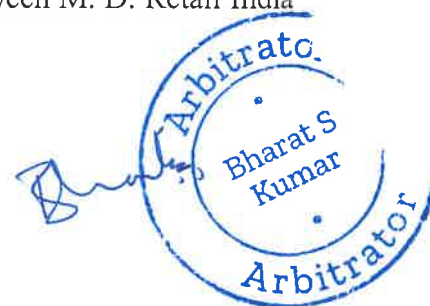
from its offline presence, the complainant claims to offer convenient shopping experience through its website www.soch.com and also has online presence on various e-commerce platforms such as Amazon, Myntra, Tata Cliq and Ajio. The complainant has also annexed and marked as **Annexure-1**, screenshots taken from it's website www.soch.com along with screenshots taken from Amazon, Myntra and Ajio which it claims evidence its online presence.

5.2 The complainant claims its presence spreads not only across the length and breadth of India, but also spreads across international borders, with exports of its goods to different jurisdictions across the globe such as Australia, Indonesia, Bangladesh, Canada, European Union, United Kingdom, Malaysia, Mauritius, Pakistan; UAE, USA, Saudi Arabia, Singapore, Sri Lanka, Thailand, Nepal, Bahrain and Kuwait.

5.3 The complainant avers that it is the owner and subsequent proprietor of a number of trademarks, one amongst them being trade mark SOCH. The complainant avers that the same is being used by it in respect of its clothing, readymade garments for women, ethnic wear clothing for women including salwar-kameez, kurtis, sarees, dresses and the like goods. The complainant avers that such goods are sold by it through its retail outlets named 'SOCH'.

The complainant's adoption of the trademark 'SOCH'

5.4 The complainant states that the trademark SOCH was first conceived and adopted in June 2005 by its predecessor viz. Sona's Favourite Shop, a partnership firm. It avers that vide deed of assignment dated 18.04.2013 all rights in the trade mark SOCH, stood assigned and transferred to M.D. Retail LLP. The complainant further states that by virtue of deed of assignment dated 08.04.2016 all rights in the trade mark SOCH and its variants were assigned, sold and transferred to M.D. Retail India Private Limited. It states that thereafter, vide a scheme of amalgamation between M. D. Retail India



Private Limited and the complainant and an order dated 28.06.2017, passed by the National Company Law Tribunal, Bengaluru Bench, all rights including the Intellectual Property Rights in the trademarks and copyrights held by M. D. Retail India Private Limited were transferred to the complainant. Though the complainant has not filed the assignment documents, it states that it wishes to refer to and rely upon the said deed of assignments dated 18.04.2013 and 08.04.2016 and the said order dated 28.06.2017 as and when required in the present proceedings.

5.5 The complainant states that, accordingly, it is the present subsequent proprietor of the trade mark SOCH and its variants. The trade mark SOCH is represented in a stylized label bearing a unique get-up, representation and style of writing. The said label is an original work of art and the complainant claims a subsisting copyright therein. The complainant has also filed as **Annexure-2**, a colour representation of its SOCH label. The complainant avers that by virtue of continuous use of the trade mark SOCH in relation to its goods/services since the year 2005 by the complainant through their predecessors, enormous business has been transacted therein and unique goodwill and reputation has been generated, which is presently associated with it.

5.6 The complainant states that the trade mark SOCH is highly distinctive of the goods sold by it. It avers that by virtue of such long, extensive use and publicity, the trade mark SOCH has acquired a secondary meaning associated and identified with only the complainant. The complainant further asserts that valuable common law rights have thus come to vest in the trade mark and artistic depiction of SOCH being synonymous with it, the complainant.



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Complainant's trademark registrations of the trademark 'SOCH'

5.7 The complainant states that it is the present subsequent registered proprietor of the trade mark SOCH and of marks wherein SOCH occupies an essential feature, being the SOCH variants/formative marks, in different classes under the provisions of the Trade Marks Act, 1999 vide registration Nos. 1465959, 1795877 and 2544499 in Class 25; Nos. 1465958, 1795880 and 2544501 in Class 35; Nos. 1795878 and 2544500 in Class 24; Nos. 2817061 and 2817064 in Class 3; Nos. 2817062 and 2817065 in Class 14; Nos. 2817063 and 2817066 in Class 18 and 2122101 in Class 41 respectively. It avers that such registrations were originally applied for by the predecessor and presently rights in the said registrations vest with the complainant. The complainant has also filed as **Annexure-3**, copies of trade mark registration certificates and/or online status pages of the aforementioned registrations.

5.8 The Complainant also states that it is the registered proprietor of the trade mark SOCH and of marks wherein SOCH occupies an essential feature, being the SOCH variants/formative marks, in different classes under the provisions of the Trade Marks Act, 1999. The complainant states that the following are trade mark registrations of SOCH in various classes, which it has applied for:

- i. SOCH: (label): Registration No. 4116636 dated 13.03.2019 in class 24;
- ii. SOCH CIRCLE (label): Registration No. 4049052 dated 07.01.2019 in class 24;
- iii. SOCH CIRCLE (label): Registration No. 4049053 dated 07.01.2019 in class 25;
- iv. WEEK WEAR BY SOCH (word): Registration No. 3879759 dated 05.07.2018 in class 35;
- v. WEEK WEAR BY SOCH (label): Registration No. 3879760 dated 05.07.2018 in class 35;

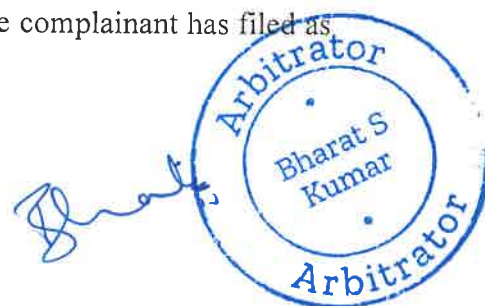


- vi. SOCHCIRCLE (label): Registration No. 4049054 dated 07.01.2019 in class 35.

The complainant avers to have filed as **Annexure 4**, copies of the trade mark registration certificates and/or online status pages of the aforementioned registrations. The complainant states that overall, it has 21 valid registrations in its trade mark SOCH including SOCH variants/formative marks. The complainant states that on account of its use, registrations and being the subsequent registered proprietor, the complainant thus has the exclusive right to the trade mark SOCH.

5.9 The complainant states that its trade name and mark SOCH is recognized by a large section of society. It further avers that the public associates SOCH as a well-known trade mark associated with the complainant only and none else. The complainant claims that it has reported sales turnover of Rs. 38970 lakhs and has spent an amount of Rs. 2164 lakhs towards advertisements, sales promotion and publicity expenses in India and has reported sales turnover in excess of Rs. 95 lakhs in the international markets in relation to the trade mark SOCH, for the financial year 2023-2024. The complainant has also filed as **Annexure-5**, a statement of annual sales and advertisement figures in respect of the trade mark SOCH, first by the predecessors and presently by the complainant. The complainant has also filed as **Annexure-6**, copies of few sales and advertisement invoices, advertisement cuttings etc. where its goods are sold, demanded and/or advertised under the trade name and mark SOCH. The complainant avers that it has been bestowed with multiple recognitions and awards. Copies and photographs/pictures of some of which have been filed as **Annexure-7**.

5.10 The complainant also avers that it has its presence on various social media platforms and has over 1.7 million followers on such websites/platforms like Facebook, Instagram, LinkedIn, Pinterest etc. The complainant has filed as



Annexure-8 , screenshots of the official pages of its social media platforms evidencing use of the trade mark and its artwork of SOCH.

5.11 The complainant states that it has used its trademark SOCH in relation to its aforementioned goods/services business since the year 2005. The complainant avers that it has also engaged numerous popular and famous social media influencers/celebrities, to endorse it's said goods sold under the said trade mark SOCH. The complainant has also filed as **Annexure-9**, photographs of such endorsements where the said social media influencers/celebrities have endorsed the complainant's trade mark SOCH.

5.12 The complainant avers that owing to the continuous, extensive, open use and advertisement of the trade mark SOCH undertaken by it, through its predecessor, the said trade mark has earned a unique goodwill and reputation in the minds of the public and in the trade and markets. It further avers that the goods branded under the trade mark SOCH has become distinctive of the it's aforementioned goods/services and any use of the mark SOCH in the industry is exclusively identified with the complainant and its predecessor before them and with no one else. The complainant further avers that its trademark SOCH has even acquired a secondary meaning.

The complainant noticing the impugned website sochkurti.in for the first time:

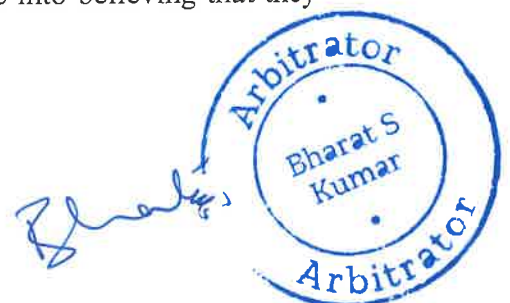
5.13 The complainant avers that in and around the first week of April 2025 while browsing through the internet, it noticed that the respondent, has obtained registration of the impugned website and domain name sochkurti.in. The complainant further avers that the impugned domain name has been registered by the respondent only on 13.01.2025, which it claims is clearly subsequent to the use and registration of the complainant's trade mark SOCH. The complainant has also filed as **Annexure-10** , a printout of

A handwritten signature in blue ink is written over a circular blue stamp. The stamp contains the text "Arbitrator" at the top and bottom, and "Bharat S. Kumar" in the center.

the WHOIS page relating to the respondent's impugned website www.sochkurti.in.

5.14 The complainant further avers that the WHOIS document further revealed that the name and contact details, i.e. the email address of the respondent is concealed by the registrar therein. It states that, the "Registrant Email" and the "Tech Email" columns appearing on the said page all mention: Select Contact Domain Holder link at <https://www.godaddy.com/whois/results.aspx?domain=sochkurti.in>. It avers that this clearly proves that the details of the respondent, though not shared on the WHOIS page, is known to the registrar of the disputed/impugned domain name viz. GoDaddy.com LLC. It claims that, therefore, it allegedly appears that the said Domain Registrar is looking after/managing/has access to the disputed domain name including having access to the registrant, its name, address and email. The complainant claims that only after the complainant filed this present complaint with NIXI, that the Domain Registrar revealed the details of the Registrant. It has also filed as **Annexure 11**, a copy of WHOIS page as provided by NIXI. The complainant's claims it was made aware only of the usage of the impugned website, www.sochkurti.in only recently.

5.15 The complainant states that the disputed domain name is sought to be used by the respondent to lure the unwary people into believing that the same is in some way connected with or associated to the complainant and the goods/services sold/offered therein by the respondent are an extension of the complainant's group company. The complainant has also filed as **Annexure 12** screenshots taken from the respondent's impugned website using the impugned domain name. The complainant claims that the respondent is also using the complainant's trade mark label and artwork of SOCH on its impugned website. It avers that in doing so, the aim, object and purpose of the respondent appears to be to mislead the public into believing that they



are in some way connected or associated with the complainant. The complainant has also filed as **Annexure 13**, a screenshot taken from the impugned website evidencing the use of the complainant's trade mark label and artwork of SOCH.

5.16 The complainant further avers that has it not given any consent, authority, permission or license in favour of the respondents to use the impugned domain name. Further, it avers that the respondents also do not have any right to use or copy the original artistic work in the complainant's SOCH label. It states that such unauthorized use, undertaken by the respondents is and would therefore be clearly violative of the complainant's rights in the trade mark SOCH. The complainant further avers that hence it was constrained to file this present complaint.

6. Analysis

6.1 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 in the complaint that it has statutory and common law rights in the trademark SOCH and its variants as mentioned above and such rights predate the registration of the disputed domain name by many years. It further states that the complainant's goods bearing its said

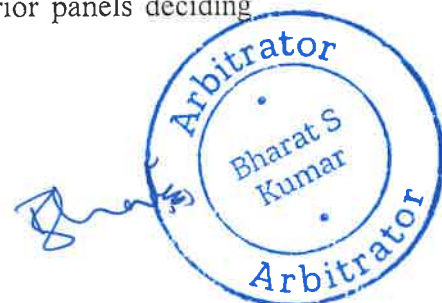


trademark SOCH and its variants are being sold for many years. The complainant states that the *mala fide* of the respondent is evident as they seek to ride on the goodwill and reputation accrued by the complainant for its goods bearing its SOCH trademark.

The complainant thus states that in the present case, the disputed domain name is deceptively/confusingly similar to the complainant's trademark SOCH and its variants and the complaint has successfully satisfied the first requirement set out in clause 4(a) of the INDRP.

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 has been continuously and extensively using the registered trademark SOCH in the course of trade and commerce since the year 2005 (by its predecessor and subsequently by it). The complainant has also registered its trademark SOCH across myriad classes (trademark registrations). Its statutory rights thus, in the trademark SOCH is well established. It is pertinent to note that the disputed domain name sochkurti.in was registered on January 13, 2025, almost two decades after the adoption and many years after the registration of the complainant's registered trademark, SOCH.

It is noteworthy that a perusal of the disputed domain name 'sochkurti.in' of the registrant/respondent shows that the respondent has used the complainant's trademark SOCH in its entirety and merely added a word "kurti", further to it. Significantly, 'kurti' is an attire commonly referred to in India and also sold by the complainant herein. The disputed domain name 'sochkurti.in' is thus deceptively similar, or some may say near identical to the 'SOCH' trademark of the complainant, with merely 'kurti' added to it. It is well established that the mere addition of a TLD such as "in" and even a suffix, such as 'kurti' to a registered trademark(s), are 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 ".in" is an essential part of domain name. Therefore, it cannot be said to distinguish the respondent's domain name 'sochkurti.in' from the complainant's trademark SOCH. 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. In *M/s Retail Royalty Company v. Mr. Folk Brook INDRP/705*, wherein on the basis of the complainant's registered trademark and domain names for "AMERICAN EAGLE", having been created by the complainant much before the date of creation of the disputed domain name <americaneagle.co.in> by the respondent, it was held that:

"The disputed domain name is very much similar to the name - and trademark of the complainant. The Hon'ble Supreme Court of India has recently held that the domain name has become a business identifier. A domain name helps identify the subject of trade or service that an entity seeks to provide to its potential customers. Further that there is a strong likelihood that a web browser looking for AMERICAN EAGLE products in India or elsewhere would mistake the disputed domain name as of the complainant."

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 SOCH by way of trademark registrations across myriad classes, and by virtue of use in the course of trade, as part of their company. Annexures 3 of the documents filed by the complainant affirm to the same. Pertinently, the use is much prior to the date on which the respondent created the impugned domain <sochkurti.in> incorporating the complainant's trademark and trade name SOCH in totality and as a whole. I agree that merely adding the word "kurti" not only creates confusion, but may even make a potential web user believe that this may well be associated with the complainant. This is specifically so because the complainant itself is in the business of selling apparel.

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

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 < sochkurti.in> of the registrant (respondent) is identical and/or confusingly/deceptively similar to the trademark SOCH 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. It avers that the disputed domain name is being used by the respondent to attract consumers by portraying itself as an affiliate of the complainant and making commercial gains.

The complainant also avers that the respondent's use of the disputed domain name is unauthorised. The complainant states that the respondent's acts are probative of its intention to make profit from unauthorised use of complainant's SOCH trademark. Therefore, it states that the respondent has no legitimate interest in the disputed domain name, rather the sole purpose of its registration is to misappropriate the reputation associated with the complainant's known trademark, SOCH.

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 SOCH. It is significant to note that the use of SOCH 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 to

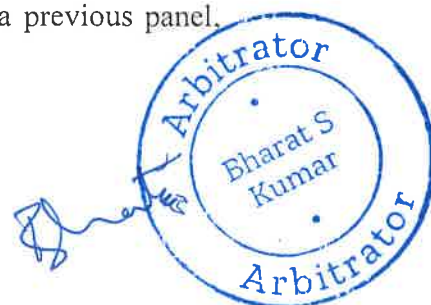


is affiliated to the complainant in some manner. The respondent cannot conceivably claim that its use of the complainant trademark is *bona fide* as per paragraph 6(a) of the .IN Policy or is commonly known by the domain name in accordance with paragraph 6(b) of the .IN Policy.

The mere fact that the disputed domain name is registered does not imply that the respondent has any rights or legitimate interests in them. In *Deutsche Telekom AG v. Phonotix 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 word/mark "SOCH", therefore in the disputed domain name affirms the malafide 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. In the *Sports Authority Michigan, Inc. v. Internet Hosting*, NAF Case No. 124516, it was held '*It is neither a bona fide offerings of goods or services, nor an example of a legitimate non-commercial or fair use under Policy 4(c)(i) and (iii), when the holder of a domain name that is confusingly similar to an established mark uses the domain name to earn a profit without approval of the holder of the mark*'.

It is pertinent to note that the complainant has also not licensed the use of the mark, SOCH, to the respondent. In such a situation, there is no reason for the respondent to use the same as its domain name. The use is therefore 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"

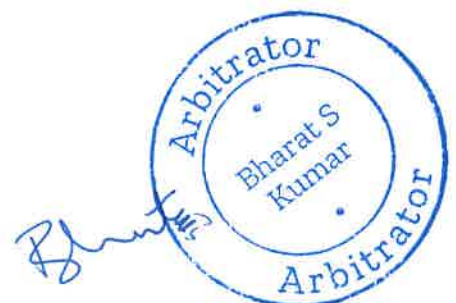
It is reiterated that the respondent (registrant) has not filed any response to counter the complainant's assertions, despite service. The respondent has thus failed to satisfy the conditions contained in clauses 6(a), (b) and (c) of INDRP Policy. Significantly, the respondent has never been identified 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 complainant and its trademark/label marks, SOCH.

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 states that the issue at hand falls 7 (a) and (c) of the INDRP policy as the Registrant (respondent) has intentionally attempted to attract users to the Registrant's website. The complainant states that the respondent has registered the disputed domain name subsuming the complainant's trademark SOCH, with the sole reason of attracting prospective customers to its website and gain commercially. The complainant states that by using the disputed domain name, the respondent is attempting to sell the domain name at a higher price and make unjust commercial gains. Therefore, it states that the respondent's use of its trademark 'SOCH' in the



disputed domain name is solely to ride on the complainant's reputation.

It is pertinent to reiterate that the complainant is vested with statutory rights across myriad classes in its SOCH trademark in India. The use of the trademark SOCH has been from the year 2005. 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 SOCH trademark has attained over the past 20 years. It is also noteworthy that the actions of the respondent seem to fall squarely within subclauses (a) and (c) hereinabove.

Given the success of the complainant's business, its trademark SOCH, 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.

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 SOCH 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, <**sochkurti.in**> is identical and/or confusingly similar to the complainant's 'SOCH' trademark(s). I further hold that the respondent no. 1 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 no. 1.

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: 01.08.2025

Place: New Delhi

