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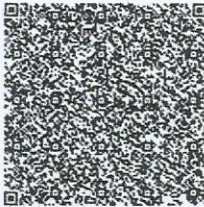
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9<sup>th</sup> Floor, B-Wing, Statesman House  
148, Barakhamba Road,  
New Delhi – 110 001 India

Sopariwala Exports, Mumbai vs. Valerian D'Souza, Mumbai

INDRP Case no. 1644

Arbitrator: Mr. P.K.Agrawal

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## AWARD

### 1. The Parties

The Complainant is M/s Sopariwala Exports, 21st Floor, Nirmal Building, Nariman Point, Mumbai - 400021, India.

The Respondent is Valerian D'Souza, Apex Advisory Services, G/03 Sai Krupa Building, Modi Patel Road, Bhayander West, Mumbai, Maharashtra-401101, India.

### 2. The Domain Name and Registrar

The disputed domain name is <ARIFFAZLANI.IN>. The said domain name is registered with the Registrar – Endurance Digital Domain Technology LLP (IANA ID: 801217). The details of registration of the disputed domain name (as per WHOIS details relevant to the Complaint) are as follows:

- a. Domain ROID: D8383B2FE07B7439D9C07E6CD501D9448-IN
- b. Date of creation: May 12, 2022.
- c. Expiry date: May 12, 2023.

### 3. Procedural History

- (a) A Complaint dated 13.12.2022 by the Complainant has been filed with the National Internet Exchange of India (NIXI). The Complainant has made the registrar verification in connection with the domain name at issue. The print outs confirmed that the Respondent is listed as the registrant and provided the contact details for the administrative, billing, and technical contact. The Exchange verified that the Complaint satisfied the formal requirements of the Indian Domain Name Dispute Resolution Policy (INDRP) (the "Policy") and the Rules framed thereunder.
- (b) The Exchange appointed the undersigned Mr. P.K.Agrawal, Former Addl. Director General in the Government of India, as the sole Arbitrator in this matter. The Arbitrator finds that he has been properly appointed. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Exchange.



- (c) In accordance with the Policy and the Rules, the copies of complaint with annexures were sent by the National Internet Exchange of India on 04.01.2023 by email. The Arbitrator served the Notice under Rule 5(C) of INDRP Rules of procedure along-with copies of complaint and annexures to the parties through email on 04.01.2023. The Complainant was advised to amend the complaint as per WHOIS details and send copy of the amended complaint (physical delivery) to the Respondent's address as reflected in WHOIS details. The Respondent was given 14 days' time by the Arbitrator through Notice dated 04.01.2023 for reply. The Notice email was served upon the Respondent email id given in WHOIS details which was delivered; however, it could not be served upon the *postmaster@ariffazlani.in* as it was returned undelivered by Gmail due to non- acceptance by the recipient's server. The Complainant submitted & served the amended complaint through email, and through "Blue Dart" courier on 05.01.2023. The Complainant, through his email dated 05.01.2023 has submitted the proof of dispatch of the Complaint and annexures to the Respondent through Blue Dart courier and Email. In view of this, the Complaint and its annexures may be regarded to have been served to the Respondents as per Arbitration and Conciliation Act, 1996 and INDRP rules. The Respondent responded to the Complaint on 07.01.2023 and 09.01.2023 by sending short messages through his emails but did not submit detailed reply or defence. Hence, these proceedings have to be conducted *ex parte*.

#### 4. Factual Background

The Complainant in this arbitration proceedings is M/s Sopariwala Exports, 21st Floor, Nirmal Building, Nariman Point, Mumbai - 400021, India.

The Complainant is the leading manufacturer and exporter of tobacco and tobacco related products in manufactured form. The Complainant is also the leading exporter of raw/unmanufactured leaf tobacco and exports to over 75 countries across Asia, Gulf, Europe, and America. The Complainant has made a name for themselves in the tobacco industry and have also been conferred with various national level awards. The Complainant claims that the Govt. of India has awarded the Complainant with the 'Golden Status' among trading houses in recognition of their outstanding growth and financial contribution to the nation's export revenue.



The trademark 'FAZLANI' was adopted commercially by the Complainant in year 2003 and is a registered trademark of the Complainant. The said mark also forms a key, essential and dominant part of the corporate name and trading style of the Complainant's various group companies namely:

- i. Fazlani Enterprises Pvt. Ltd.
- ii. Fazlani Exports Pvt. Ltd
- iii. Fazlani Foundation
- iv. Fazlani Natures Nest LLP
- v. Fazlani Realters LLP

As per Complaint, the Complainant and all the above companies are closely connected to each other, having common partners/directors and belong to the famous 'Fazlani Group', named after the family surname 'FAZLANI' of the partners/directors. Fazlani group was earlier known as Sopariwala Group, which is one of India's largest exporters of tobacco and tobacco products. This is a well-established and highly diversified business group engaged in myriad business activities, such as, agriculture commodities, ready-to-eat food products, tobacco, perfumery products, education, real estate, etc. Since its creation in 1927, the 'Fazlani Group' has earned an enviable reputation for its high-quality products which are sold in India as well as exported to various other countries.

The Complainant claims that the reputation of the Fazlani Group in India, as well as across the globe, and its extensive business operations in various industries has ensured that the trademark 'FAZLANI' has become highly distinctive and is solely associated with the Fazlani Group. As a cumulative result of acquired distinctiveness, wide-ranging products and services, extensive sales network, and widespread promotion and publicity given thereto, the mark 'FAZLANI' belongs to the category of well-known, famous and reputed trademarks. It is instantly identifiable by consumers and members of the trade as being exclusively associated with the business of the Complainant and its group company i.e. 'Fazlani Group'.

Thus, the Complainant is the proprietor of the trademark 'FAZLANI'. The Complainant and its group companies have exclusively used 'FAZLANI' as a trademark, so that it is uniformly perceived as indicative of the source of the products / services i.e. the Complainant and the companies promoted by the 'FAZLANI group'.

The Complainant claims that the earliest trademark registration for the mark 'FAZLANI' by the Complainant dates back to 10th March 2003. The Complainant has numerous trademark registrations over the mark



'FAZLANI' and other 'FAZLANI' formative marks in various classes. By virtue of the said registrations, the Complainant and its group companies have the exclusive right to use the trademark 'FAZLANI' in relation to the goods covered thereunder and to obtain relief in respect of the infringement of the registered trademarks.

The Complainant is the owner of the trade mark 'FAZLANI' as well as has registered the domain name <FAZLANI.COM>. The Complainant, its group companies and senior portfolio holders in the group of companies, approximately own sixty domain names comprising of the mark FAZLANI. Details of some of them are provided herein below –

S/No	Domain name	Registration Date
1	<FAZLANI.COM>	15-01-2003
2	<FAZLANI.NET>	27-08-2010
3	<FAZLANI.BIZ>	10-09-2013

All the above domain names are owned by the Complainant. Through [www.fazlani.com](http://www.fazlani.com), one the group companies of the Complaint are operating its website and providing information about its business activities to its customers and public at large. The impugned domain name <ariffazlani.in> incorporates the Complainant's well-known trademark and service mark 'FAZLANI' in entirety. The impugned domain name <ariffazlani.in> also incorporates the name Arif Fazlani, which is the well-known personal name of the Partner of the Complainant; i.e. Mr. Arif Fazlani.

### **Respondent's Identity and Activities**

The Respondent's activities are not known as per WHOIS details. The Respondent responded to the Notice sent to him through email dated 4.1.2023 by sending short messages as follows:

5.1.2023 : "I have not received any attachment as a complaint form, kindly send me the complaint form so where I can fill it up and send it to you within as mentioned complaint date in the mail."

7.1.2023 : "May I know how can we get this resolve"

9.1.2023 : "I'm not using this domain Ariffazlani.in. you please contact the authority and take the domain away and kindly acknowledge and to this email id you need from my end"

It can be seen that the Respondent has not presented any substantive



reply or evidence to defend himself.

However, the Complainant claims that as per the WHOIS details available online the Respondent has registered the impugned domain <ariffazlani.in> as recently as on 12th May 2022 and the details of the registrant have been masked so as to avoid identification. A perusal of the website shows that no functional or legitimate website is being operated under the disputed domain. It is pertinent to note that the impugned domain name resolves to a website which appears to be parked and has pay-per-click links listed on it through which the Respondent is generating illegal profits. It is verily believed that the Respondent had no intention of making use of the impugned domain for any purpose and only registered the impugned domain name to resell it at a higher price.

## 5. Parties Contentions

### A. Complainant

The Complainant contends that each of the elements specified in the Policy are applicable to this dispute.

In relation to **element (i)**, the Complainant submits that:

- (a) The disputed domain name <ariffazlani.in> is confusingly similar as a whole to the well-known trademark of the Complainant 'FAZLANI' and to the Complainant's domain name <fazlani.com>. There is nothing in the Respondent's domain name to distinguish it from the Complainant's well-known trademark or its domain name.
- b) Further the disputed domain name <ariffazlani.in> attempts to associate itself with the Complainant's business by adopting not only the Complainant's trade mark and domain name comprising of the trademark 'FAZLANI' but also the name of the Complainant's Partner, Mr. Arif Fazlani. In the present instance if any user searching for the Complainant's service online as 'FAZLANI' and/or 'ARIF FAZLANI' will be taken to the Respondents domain name, which enhances the possibility of inevitable confusion.
- (c) The Complainant submits that the Complainant has exclusive proprietary rights in its trademark 'FAZLANI' because the same has acquired immense distinctiveness, reputation and goodwill, and is exclusively identified with the Complainant and Fazlani Group of Companies' goods and services. As a result of which, the use of the trade mark 'FAZLANI' as a domain name would be understood with reference to the Complainant and the Fazlani Group, thus perpetuating confusion among consumers who wish to access the Complainant's web page.



Reliance is placed on the decision in *Magnum Piering Inc. v. The Mudjackers* (WIPO case No. D2000-1525) wherein it was held that when a domain name wholly incorporates a complainant's registered mark, the same is sufficient to establish identity or confusing similarity.

(d) Reliance is also placed on WIPO's Administrative Panel Decisions in *Kentucky Fried Chicken International LLC v. Donmai Inc, Frank Makange* (WIPO Case No. DTZ2016-0001) and *Missoni S.p.A v. Colin Zhao* (WIPO Case No. DCC2010-0004) where the Panel held that country code top level domains were a functional element of the domain name system and may be disregarded for the purposes of inquiry into identity or similarity of domain names. In both the decisions, the domain names were transferred to the complainants.

(e) The Complainant contends that the Internet user or the unwary general public who do not know that the Complainant and the Respondent have no affiliation with each other or that the Complainant has not licensed or authorized or endorsed the use of its famous and well-known mark FAZLANI will thus confuse the Respondents activities as those authorized or endorsed or affiliated with the Complainant which would lead to the dilution of the Complainant well-known and famous trademarks.

(f) Further, the *mala fides* of the Respondent are evident from the fact that the Respondent has incorporated the name of the Complainant's Partner Mr. Arif Fazlani in entirety in the impugned domain name. It is pertinent to mention that a simple search for the name 'Arif Fazlani' on the search engine 'Google' returns with information exclusively related to Mr Arif Fazlani, the Partner of the Complainant. This not only shows that the impugned domain name will inevitably be confused with Mr. Arif Fazlani. In this regard, the Complainant places reliance on the case titled *Jaitley v Network Solutions Private Limited* ([181(2011)DLT716]. In this case, an Indian political leader, Mr. Arun Jaitley sought a permanent injunction from the Delhi High Court to restrain the defendants from misusing the domain name 'arunjaitely.com', and to order the immediate transfer of such domain name. Mr. Jaitley wished to register the domain name 'arunjaitley.com', which the defendants had already registered. An interim injunction order was granted by the Hon'ble High Court of Delhi restraining the transfer, alienation or offer for sale of the domain name 'arunjaitley.com' to any third party and the creation of any third-party interest therein. It was contended that as far as individual persons or eminent personalities are concerned, their identity is established in the virtual world of the Internet. Therefore, it is incumbent to protect domain names so that the identified names of companies and individuals which are distinct in the marketplace may not fall into the hands of individuals who have no genuine link to those names. In order to prevent cybersquatting or



trafficking or trading in domain names or marks, trademark law has been stretched to cover the Internet and domain names may be protected just like trademarks. The name 'Arun Jaitley' fell within the category of personal names that have acquired a distinctive connotation or identity of their own. Therefore, due to its distinctive nature and popularity in several fields, the name had become a well-known personal name or mark under trademark law, thus enabling Jaitley to restrain others from using his name unjustifiably, in addition to his personal right to sue them for the misuse of his name.

(g) Hence the Respondent's domain name is identical and confusingly similar as a whole to the trademark in which the Complainant has rights. Further the domain name is in total violation of the publicity / privacy rights of Mr. Arif Fazlani, Partner of the Complainant.

Accordingly, the Complainant contends that the first condition that Respondent's domain name is identical or confusingly similar to a name, trademark, or service mark in which the Complainant has rights, as per Paragraph 4 (a) of the Policy has been satisfied.

In relation to **element (ii)**, the Complainant contends that:

(a) Since the disputed domain name comprises the Complainant's registered and well-known trademark 'FAZLANI', it is evident that the Respondent can have no right or legitimate interest in the domain name.

(b) The Complainant / its Partner has not licensed or otherwise permitted the Respondent to use its trade/service mark FAZLANI/ ARIF FAZLANI or to apply for any domain name incorporating the said trade/service mark/personal name. The Respondent is not commonly associated with the disputed domain name.

(c) The Respondent has not made any legitimate offering of goods or services under the impugned domain name <ariffazlani.in>. The domain name has been created by the Respondent to make unjust gains by depriving the Complainant / its Partner of their legitimate rights to register an identical domain name. The Respondent may also offer to sell the impugned domain name in future for an exorbitant price. This act of the Respondent amounts to domain name squatting as well.

(d) The Respondent's domain name is not *bona fide* since the Respondent is trading on the fame and recognition of the Complainant's well-known trademark in order to cause initial interest, confusion, and bait internet users to accessing its website and force the Complainant to buy the Respondent out in order to avoid the said confusion as is typically the



strategy of such cyber squatters. The Respondent has no right or legitimate interest in the disputed domain name.

(e) The Respondent is using the disputed domain to divert Internet users seeking online content associated with Complainant. The Respondent is resorting to domain parking for making illegitimate gains by exploiting the goodwill and reputation of the Complainant. The Complainant has placed reliance on *David Duchovny vs Alberta Hot Rods c/o Jeff Burgar* (Claim number: FA1706001734414) wherein the domain name <davidduchovny.com> was transferred from Respondent to Complainant.

(f) Reliance is also placed on the decision of the administrative panel in *M/s Merck KGaA v. Zeng Wei* (INDRP/323), where it was held that where the respondent is not known by the domain name and has not made any legitimate offering of any goods or service, or any legitimate non-commercial use, the respondent cannot be found to have any legitimate right or interest over the domain name.

(g) It is further stated that there could be *no plausible* explanation for the use of the domain name <ariffazlani.in> by the Respondent since the Complainant's trade/service mark 'FAZLANI' is exclusively used by the Complainant and its Group Companies.

(h) Reliance is placed on the decisions in *Telstra Corporation Limited v. Nuclear Marshmallows* (WIPO Case No. D2000-03) and in *Vodafone Group Plc. v. Syed Hussain* (INDRP Case No. 1009) where it has been held that when the disputed domain name uses a well-known brand or trade mark, it is very difficult to conceive the possibility of the Respondent having any legitimate right or interest over the domain name and, thus, the panels have concluded that the respondents in the cases had no legitimate right or interest over the disputed domain names.

Hence the Respondent has no rights or legitimate interest in the domain name.

Based on the above-mentioned arguments, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as per Paragraph 4 (b) of the Policy.

Regarding the **element (iii)**, the Complainant contends that:

a) The Complainant mark 'FAZLANI' is a well-known trademark which has been continuously and extensively by the Complainant and its Group Companies since 2003 and considering that the Respondent has registered the impugned domain name <ariffazlani.in> that comprises of not only the trade mark of the Complainant but also the name of the Partner of the Complainant is testament to the bad faith adoption by the Respondent.



b) The Respondent has acquired the impugned domain name to illegitimately gain monetary gratification by misleading the public in believing that the Respondent is associated or affiliated with the Complainant.

c) The Respondent has registered the impugned domain name in bad faith because it wants to illegally exploit the goodwill and reputation of the Complainant's mark. The Respondent is making illegitimate commercial use of the disputed domain name, with the intent to either divert consumers or to tarnish the fame and goodwill associated with Complainant's goods and services.

d) It was held in **David Duchovny vs Alberta Hot Rods c/o Jeff Bugar** (Claim number: FA1706001734414) held, *"When the disputed domain name is obviously connected with the Complainant's well-known mark, there is likelihood of creating confusion for the purpose of commercial gain and in such a use, the Panel may infer that the Respondent has registered and is using the disputed domain name in bad faith."*

e) Respondent is using the disputed domain to divert Internet users seeking online content associated with the Complainant. Respondent is resorting to domain parking for making illegitimate gains by exploiting the goodwill and reputation of the Complainant's mark and brand name. The Complainant also submits when the disputed domain name resolves to parking pages, containing pay-per-click sponsored links, based on the proprietary value of the domain names, such registration and use is in bad faith. The Complainant has placed reliance on **Sodexo vs Domain Privacy, Above.com Domain Privacy** (Case No. D2021-0592) wherein it was held, *"Furthermore, the Panel finds that Respondent is not making bona fide use of the Domain Name under paragraph 4(c), as the Domain Name links to what appears to be a "parked" page. This Panel agrees with the viewpoint that to register domain names and park them to earn rental revenue by allowing a third party to use the domain name is not by itself to be considered a bona fide use of the domain name in connection with the offering of goods or services by the registrant of that domain name."*

f) The Complainant would also like to place reliance on **Perot Sys. Corp vs Perot.net (FA 95312)** wherein it was held that the Respondent was attracting Internet users to a website, for commercial gain, by creating likelihood of confusion with the Complainant's mark. It was also held that linking users to advertising is evidence of bad faith.

g) The Complainant states that in the light of aforesaid submissions, the bad faith registration and bad faith use of the domain name <ariffazlani.in> on the part of the Respondent is thus proved.

h) Further, there is a likelihood that a visitor to the Respondent's webpage, will be induced to:



- Believe that the Complainant has licensed usage of his trade mark and brand name 'FAZLANI' to the Respondent or has authorized the Respondent to register the disputed domain name.
- Believe that the Respondent has some connection with the Complainant in terms of a direct nexus or affiliation with the Complainant or has been authorised by the Complainant.
- Believe that the website to which the disputed domain name resolves to is affiliated to the Complainant or that it is the Complainant's web presence for the Indian and international market.

In view of the aforesaid, the Complainant submits that the disputed domain name has been registered and is being used in bad faith, and that paragraph 4(c) of the INDRP is satisfied.

## **B. Respondent**

The Respondent has not responded to the complaint with a detailed reply. He has not submitted any evidence or argument indicating his relation with the disputed domain name <ariffazlani.in> or any trademark right, domain name right or contractual right.

## **6. Discussion and Findings**

The Rules instruct this arbitrator as to the principles to be used in rendering its decision. It says that, "a panel shall decide a complaint on the basis of the statements and documents submitted by the parties in accordance with the Policy, the Arbitration and Conciliation Act, 1996, the Rules and any rules and principles of law that it deems applicable".

According to the Policy, the Complainant must prove that:

- (i) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;
- (ii) The Registrant's has no rights or legitimate interests in respect of the domain name that is the subject of Complaint; and
- (iii) The Registrant's domain name has been registered or is being used in bad faith.

Although Respondent has not offered any arguments to defend himself on this complaint, the default does not automatically result in a decision in favour of the Complainant. The burden remains with Complainant to establish the three elements of the Policy by a preponderance of the evidence.



## A. Identical or Confusingly Similar

The disputed domain name <ariffazlani.in> was registered by the Respondent on May 22, 2022.

The Complainant is an owner of the registered trademark "FAZLANI" for the last many years. The Complainant is also the owner of the similar domains as referred to in the Complaint. These domain names and the trademarks have been created by the Complainant much before the date of creation of the disputed domain name by the Respondent. In the present case the disputed domain name is <ariffazlani.in>. Thus, the disputed domain name is very much similar to the name, activities and the trademark of the Complainant.

The Hon'ble Supreme Court of India has 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 "FAZLANI" products would mistake the disputed domain name as of the Complainant.

In the case of *Wal Mart Stores, Inc. v. Richard MacLeod*, (WIPO Case No. D2000-0662) it has been held that "When the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name" it is identical or confusingly similar for purposes of the Policy.

Therefore, I hold that the domain name <ariffazlani.in> is phonetically, visually and conceptually identical or confusingly similar to the trademark of the Complainant.

## B. Rights or Legitimate Interests

The Respondent may demonstrate its rights to or legitimate interest in the domain name by proving any of the following circumstances:

- (i) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the Registrant (as an individual, business or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights; or



- (iii) The Registrant is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

In Case No. INDRP/776, *Amundi v. GaoGou*, the arbitration panel found that the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4 (II) of the INDRP Policy.

The Respondent has not responded with a detailed reply in this case despite sufficient notice. There is no evidence to suggest that the Respondent has been known by the disputed domain name anywhere in the world. The name of the Registrant / Respondent is not FAZLANI or ARIFFAZLANI as per WHOIS details. Based on the evidence adduced by the Complainant, it is concluded that the above circumstances do not exist in this case and that the Respondent has no rights or legitimate interests in the disputed domain name.

Further, the Complainant has not consented, licensed, or otherwise permitted the Respondent to use its name or trademark "FAZLANI" or to apply for or use the domain name incorporating said trademark. The domain name bears no relationship with the Registrant. Further that, the Registrant has nothing to do remotely with the business of the Complainant.

As has been contended by the Complainant, the Respondent is not making a legitimate, fair or bona fide use of the said domain name for offering goods and services. The Respondent registered the domain name for the sole purpose of creating confusion and misleading the general public.

I, therefore, find that the Respondent has no rights or legitimate interests in the domain name <ariffazlani.in> under INDRP Policy, Para- 4(ii).

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

Any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration or use of the domain name



in bad faith:

- (i) 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
- (ii) 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
- (iv) by using the domain name, the Registrant has intentionally attempted to attract the 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.

The contention of the Complainant is that the present case is covered by the circumstances mentioned herein above. There are circumstances indicating that the Respondent has intentionally attempted to attract, for commercial gain, internet users to its web site, by creating a likelihood of confusion with the Complainant's mark. It may also lead to deceiving and confusing the trade and the public.

In WIPO Case No. D2007-1695, Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe - "Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not of itself qualify as a bona fide use."

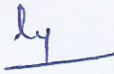
The circumstances as evident from the foregoing paragraphs lead to the conclusion that the domain name in dispute was registered and used by the Respondent in bad faith.



## 7. Decision

In light of the foregoing findings, namely, that the domain name is confusingly similar to the trademark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the domain name was registered in bad faith and is being used in bad faith, it is clear beyond doubt that the Respondent has violated the provisions of Rule-3 of the Policy. Therefore, in accordance with the Policy and the Rules, the Arbitrator orders that the domain name <ARIFFAZLANI.IN> be transferred to the Complainant.

No order to the costs.



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**Prabodha K. Agrawal**

**Sole Arbitrator**

Dated: 19<sup>th</sup> January, 2023