

मध्य प्रदेश MADHYA PRADESH

CZ 000944

BEFORE THE ARBITRATOR RAJESH BISARIA
UNDER THE
.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)
[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

ARBITRAL AWARD

Date-14.08.2025

Disputed Domain Name: NETFLIX.NET.IN

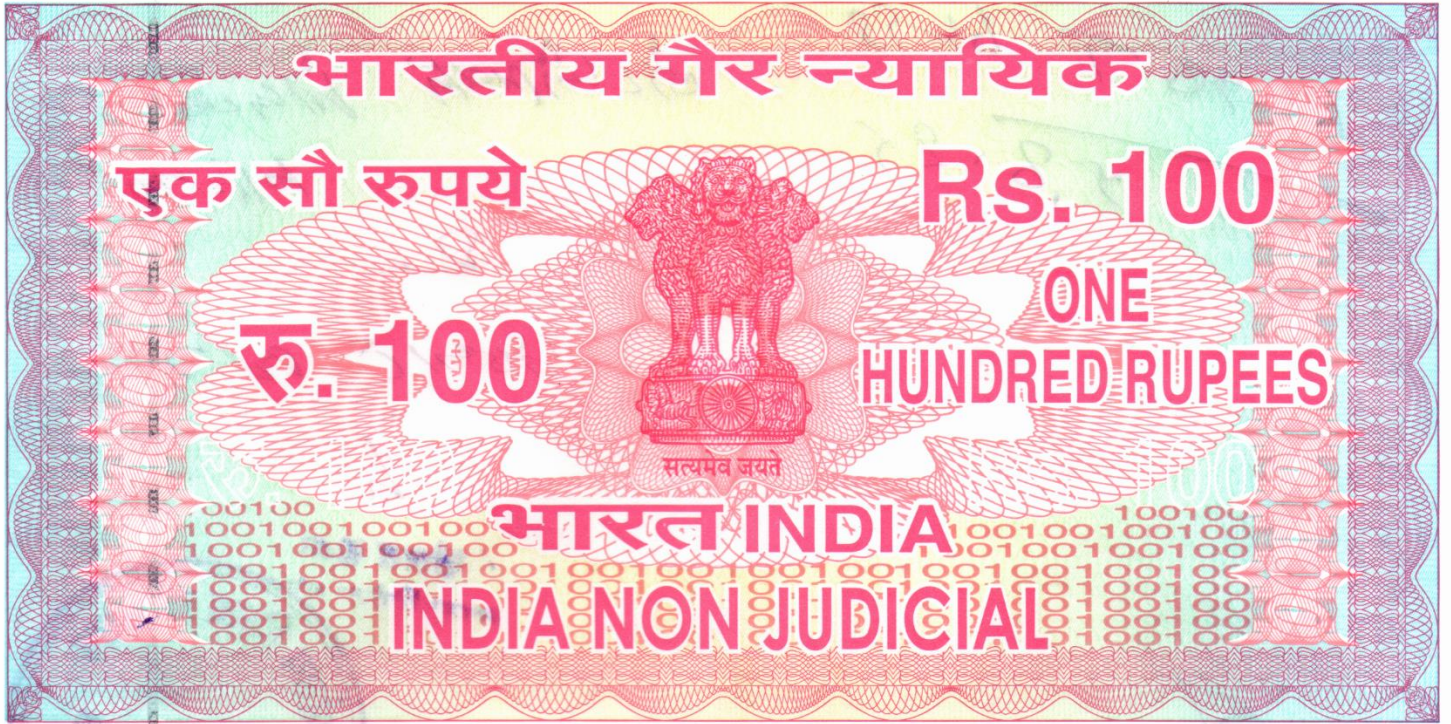
INDRP Case no -2006

THE PARTIES

(1) The Complainant is Netflix, Inc., 121 Albright Way, Los Gatos, California 95032, United States of America

The Respondent is Netflix Software Solutions Hema Durga Plaza, Miyapur, Hyderabad, Telangana, 50085, India





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THE DOMAIN NAME AND REGISTRAR

(2)

(a) This dispute concerns to the domain name **NETFLIX.NET.IN**

(b) The Registrar with whom the disputed domain name is registered is indicated as:

GoDaddy.com, LLC (IANA ID: 146), with address: NOT PROVIDED and Email ID: UDRPdisputes@godaddy.com.

This was registered on 04.11.2020

PROCEDURAL HISTORY

(3)

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure	06.06.2025
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI.	07.06.2025
Due date of submission of Statement of Claim by Complainant (instructed by mail dated 07.06.2025)	18.06.2025



Complainant 's response by submitting their Statement of Claim to AT-	
Soft copy	10.06.2025
Hard copy	12.06.2025
Complainant 's response by submitting their Statement of Claim along with all annexures to Respondent-	
<p>Soft copy - Complainant sent the copy of complaint along with all annexures to Respondent vide their two mails dated 10.06.2025(06:31PM and 06:35PM) and further intimated vide their mail dated 18.06.2025 (05:21 PM) that- <i>As mentioned in the Notice, you instructed us to file soft copy and hard copy of the complete set of the domain complaint, including annexures, on the Respondent. Pursuant to the same, we served the domain complaint, along with the annexures, on the Respondent via email on June 10, 2025.</i></p> <p><i>In addition to the above, the complaint was also sent through email on June 10, 2025 and we have not received any delivery failure message for the said email. A copy of the confirmation email 'as sent' is attached herewith for ease of reference of the Learned Arbitrator.'</i></p>	18.06.2025
<p>Hard copy – Complainant vide their mail dated 18.06.2025 (05:21 PM) intimated that – <i>'Additionally, we had dispatched the hard copy of the domain complaint including annexures under cover of our letter dated June 10, 2025, to the Respondent through physical modes (courier and post), as per the postal address mentioned in the WHOIS records provided by the .IN Registry. A copy of the cover letter is attached herewith.</i></p> <p><i>For the purpose of complete disclosure, the Learned Arbitrator is requested to note that the complete set of complaint has not been delivered to the Respondent's postal address and the same was returned with the noting that the 'consignee not available' as per tracking details mentioned by the courier agency. A copy of the</i></p>	18.06.2025



<p><i>tracking report as well as returned packet is attached herewith for your reference and records.</i></p> <p><i>In view thereof, the Learned Arbitrator is also requested to note that the complete set of complaint was also sent to the Respondent's postal address through government post, but the same stands undelivered. The Learned Arbitrator will note that as per tracking details, the consignee has 'refused' to take the documents. A copy of the postal receipt along with tracking report is attached herewith for your reference and records'.</i></p> <p>The complete set of complaint was sent by Speed post with tracking no-ED619903454IN & Blue Dart courier service with tracking no -17705962901</p>	
Due date of submission of Statement of Defense by Respondent as instructed by AT mail dated 07.06.2025	28.06.2025
Respondent's response by submitting their Statement of Defense against the due date of submission as 28.06.2025	Not submitted
Complainant's response by submitting their Rejoinder	Not required
AT by their mail dated 09.08.2025 stated and informed all concerning that- <i>Respondent was directed to file 'Reply of the said complaint (Statement of Defense)' along with complete set of annexure' on or before 28.06.2025. Looking to the request of the Respondent vide mail dated 07.06.2025, almost 60 days was given to Respondent to file the required documents. But Respondent failed to file the said documents even by today ie 09.08.2025. Respondent has also not filed any application for the grant of extension of time for this submission. Therefore, Respondent right to submit the same is forfeited and no further opportunity shall be granted in this regard. The proceedings of this arbitration case is closed and the Award will be published on merit.</i>	09.08.2025
The language of the proceedings	English



FACTUAL BACKGROUND

(4) The Complainant:

The Complainant is Netflix, Inc. is a company duly organized and existing under the laws of the United States of America, having its address at 121 Albright Way, Los Gatos, California 95032, United States of America. with Telephone: NOT PROVIDED and Email: NOT PROVIDED

The Complainant's authorized representative in this administrative proceeding is:

Lall & Sethi, D-17, South Extension – II, New Delhi – 110049 with Telephone: +91-11-4289-9999 , Fax no.: +91-11-4289-9900 and Email: tmalik@indiaip.com and jsharanya@indiaip.com

The Complainant's preferred method of communication directed to the Complainant in this administrative proceeding is:

Electronic: only material: Mail – Email- tmalik@indiaip.com and jsharanya@indiaip.com and contact person: Tia Malik and J. Sharanya of Lall & Sethi

Material including hardcopy: Tia Malik and J. Sharanya of Lall & Sethi, of D-17, South Extension – II, New Delhi – 110 049 on Fax no. +91 11-4289-9999

(5) The Respondent:

The Respondent Netflix Software Solutions having address Hema Durga Plaza, Miyapur, Hyderabad, Telangana, 50085, India, Phone- (+91) 9966115577 and Email- netflixsoftwaresolutions@gmail.com

(6) Complainant's Activities:

(a) Netflix is one of the world's leading streaming entertainment services with over 300 million paid memberships in over 190 countries enjoying TV series, films and games. Members can play, pause, and resume watching as much as they want, anytime, anywhere. Netflix was founded on August 29,



1997 by Reed Hastings and Marc Rudolph. In 2016, the Complainant expanded its geographic scope even further, bringing its streaming services to more than 190 countries and 21 languages around the world, including India. Documents in support of the aforesaid are marked as Annexure D (colly.)



- (b) As a part of its global expansion of the Complainant's streaming services, the Complainant uses the trade mark NETFLIX (the "NETFLIX Mark"), on virtually any device that has an Internet connection and extensively on their website at the domain NETFLIX.COM. Documents in support of the aforesaid are marked as Annexure E.
- (c) As a result of Netflix's longstanding, continuous, and extensive use and advertising for almost a decade, the NETFLIX Mark has become widely and favorably known by the consuming public as a symbol of the substantial goodwill established by Netflix, with consumers associating the mark exclusively with Netflix alone. This rapid and substantial growth has also established Netflix as one of the world's most valuable and widely known brands. For example, brand equity research company Kantar ranked Netflix #36 as Top 100 Most Valuable Global Brands in 2023. According to Interbrand, world-leading organization for brand valuation, Netflix ranked 38th in 2024 in the category of Best Global Brands 2024. Forbes' ranked NETFLIX at #26 position in the world's most powerful brands, in 2020. RepTrak ranked Netflix at #1, in 2019, as the most reputable American companies. Documents in support of the aforesaid are marked as Annexure F (colly.)
- (d) In addition to the above, the NETFLIX Mark of the Complainant also forms a part of the Complainant's official domain name NETFLIX.COM which was registered on November 11, 1997. The said official website of the Complainant is accessible to the consumers all over the world including in India. Documents from the WHOIS report of the Complainant's website www.netflix.com are marked as Annexure G. The aforementioned domain name was registered and used by the Complainant long before the Respondent's registration of the Disputed Domain Name. The

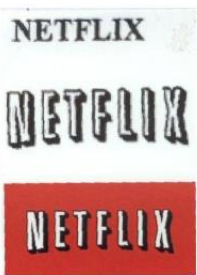
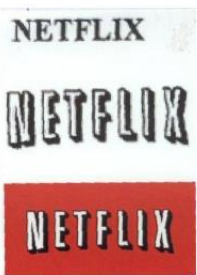



Complainant's trade mark is featured throughout the website on the aforementioned domain, and the Complainant specifically claims ownership of the NETFLIX Mark on webpages of the aforementioned domain. Printouts from the Waybackmachine archives for the said domain are marked as Annexure H. Netflix has become so ubiquitous globally that its website is ranked the 21st most visited website in the world, according to third-party website traffic estimation service Semrush. Documents in support of the aforesaid are marked as Annexure I.

(7) Complainant's Trade Marks and Domain Names:

(a) The Complainant is the registered proprietor of the NETFLIX Mark in India, particulars of which are as under:

Trade Mark	Registration No.	Class	Application Date	Status
NETFLIX	3571412	03, 09, 14, 16, 18, 21, 25, 28, 30, 35 41	June 15, 2017	Registered
NETFLIX	3575861	09, 35 & 41	June 21, 2017	Registered
	1782351	35	February 6, 2009	Registered
	1782352	38 & 41	February 6, 2009	Registered

NETFLIX	IRDI- 2947590	09, 38 & 41	September 15, 2014	Registered
	2701860	38	March 19, 2014	Registered
	2701861	41	March 19, 2014	Registered
	2113237	09	March 10, 2011	Registered
NETFLIX	3575860	09	June 21, 2017	Registered
नेटफिलक्स	3240303	09	April 21, 2016	Registered
नेटफिलक्स	2572803	41	April 21, 2016	Registered
नेटफिलक्स	2572802	38	July 30, 2013	Registered

(b) The aforementioned registrations are valid and subsisting on the Trade Marks Register. By virtue of the aforesaid registrations, the Complainant

has the exclusive right to use the said trade marks, and by virtue of the provisions of Section 31 of the Trade Marks Act, 1999, the registrations are prima facie evidence of their validity. Copies of relevant certificates of registration / registration renewal notices / status page from the online records of the Trade Marks Registry, are marked as Annexure J.

(c) In addition to the above, the Complaint has also attained registrations for the NETFLIX Mark in virtually every jurisdiction in the world, including but not limited to the United States, Canada, the European Union, Switzerland, Australia, New Zealand, South Korea, United Arab Emirates to name a few. Copies of the registration certificates are marked as Annexure K.

(d) Netflix also has extensive presence on social media platforms with webpages solely dedicated to the Indian consumer base, the details of which are tabulated below:

India Specific Social Media Account	Account Name	Weblink
Facebook	Netflix	https://www.facebook.com/NetflixIN/
Instagram	Netflix India	https://www.instagram.com/netflix_in/
Threads	Netflix India	https://www.threads.net/@netflix_in
X (formerly known as, Twitter)	Netflix India	https://x.com/NetflixIndia
	Netflix India South	https://x.com/netflix_insouth
YouTube	Netflix India	https://www.youtube.com/@NetflixIndiaOfficial

(e) Documents in support of the aforesaid are marked as Annexure L.

(8) Respondent's Identity and activities:

Respondent failed to submit their Statement of Defense, so his identity and activities are not clear.

(9) Response by Respondent:

No Response.

(10) Rejoinder by Complainant:

Since the Respondent failed to submit their reply to the Complaint of Complainant, so Rejoinder was not required to be submitted by Complainant.

(11) Submissions of Documents by Complainant:

Complainant submitted Domain name complaint with pages 1 to 14 (words 4997) and annexure from A to O with pages 105.

As per the INDRP Rules of Procedure, Clause 4(a) – *The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator's discretion.*

The Complainant submitted pleadings of 4997 words, which are as per the above norms of the INDRP Rules and annexures of 105 pages, which is marginal than the prescribed limit and thus the AT accepts the annexures in the interest of justice.

THE CONTENTIONS OF COMPLAINANT**(12) The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights:****Submission by Complainant**

- (a) Based upon information and belief, the Respondent registered the Disputed Domain Name on November 04, 2020. An extract of the Database where the creation date is mentioned has already been annexed.
- (b) The Disputed Domain Name is identical to the NETFLIX Mark. The Disputed Domain Name uses the Complaint's registered NETFLIX Mark in its entirety. Additionally, the fact that the Disputed Domain Name uses the ccTLD <net.in> does nothing to create a meaningful distinction from Complainant's NETFLIX Mark. Overall, it is clear that the Disputed Domain Name is identical to Complainant's NETFLIX Mark.
- (c) As stated above, the Complainant has registered the NETFLIX Mark with the Trade Marks Registry in India and other intellectual property offices around the world. These registrations serve to establish Complainant's rights in its NETFLIX Mark and provide constructive notice of its trademark rights to third parties. At the time the Respondent registered the Disputed Domain Name, the Complainant



had been using its NETFLIX Mark for a considerable period of time. The Respondent cannot claim or show any rights to the Disputed Domain Name that are superior to Complainant's rights, goodwill and reputation as established by way of documentary evidence which is being filed with the present Complaint.

(d) Accordingly, 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.

(13) The Respondent has no rights or legitimate interests in respect of the domain name:

Submission by Complainant

- (a) The Complaint's NETFLIX Mark, which is coined by the Complainant herein, is a highly distinctive and well-known trade mark, there can be no plausible justification for the adoption of the Disputed Domain Name. The Respondent can demonstrate no legitimate interest in the Disputed Domain Name. The Respondent registered the Disputed Domain Name after Complainant had established rights in the NETFLIX Mark through extensive use and registration in various countries. At the outset it should be noted that where, as here, the Complainant's trade mark is so well known and recognized, there can be no legitimate use by the Respondent.
- (b) Furthermore, there exists no relationship between the Complainant and the Respondent that would give rise to any license, permission, or authorization by which the Respondent could own or use the Disputed Domain Name, which is identical to the Complainant's NETFLIX Mark. The Respondent is not commonly known by the Disputed Domain Name and is not making legitimate non-commercial or fair use of the Disputed Domain Name. The Respondent is clearly trying to associate itself with the Complainant with the mala fide intention to ride upon the immense goodwill and reputation of the Complainant's NETFLIX Mark to gain undue benefits. Such adoption is against the Indian Domain Name Dispute



Resolution Policy. Therefore, the Respondent does not have and / or cannot be permitted to own or even be considered to have any legitimate right or interest in the Disputed Domain Name as the same has been registered only to make unlawful monetary gains.

- (c) Such adoption and use of the Disputed Domain Name is likely to confuse the members of trade and public that services under the Disputed Domain Name are being provided by the Complainant, which is not the case. Such adoption and use of the Disputed Domain Name is likely to dilute the brand equity of the Complainant's NETFLIX Mark.
- (d) From all of the above it is amply clear that the Respondent has not made any legitimate or fair use of the Disputed Domain Name. The only interest of the Respondent is to earn undue monetary gains by such illegal adoption and use of the Complainant's NETFLIX Mark and to create an impression in the minds of members of trade and public that the Respondent is in some way affiliated or associated with the Complainant, when such is not the case. In fact, by such illegal adoption and use of the Disputed Domain Name, the Respondent is trying to create an impression to the customers of the Complainant that the services from the Disputed Domain Name originate from the Complainant. Therefore, the Respondent has no rights or legitimate interest in the Disputed Domain Name which contains the Complainant's NETFLIX Mark in its entirety.
- (e) Given the fame of the Complainant's Mark as a trade mark, trade name and domain name, it is not possible to conceive any use by the Respondent of the Disputed Domain Name that would not constitute an infringement of the Complainant's rights in its Trade Mark. See *Veuve Clicquot Ponsardin v. The Polygenix Group Co.*, WIPO Case No. D2000-0163 at Section 6. Mere registration by Respondent of the Disputed Domain Name is thus further evidence of Respondent's bad faith. See *Telstra Corporation Limited v. Nuclear Marshmallows*, Case No. WIPO D2000-0003. See *Red Bull GmbH v. Harold Gutch* WIPO case No. D2000-0766. In *Inter-Continental Hotels v. Abdul Hameed INDRP/278*, where it was observed that trade mark registration is recognized as prima facie evidence of rights in a mark. In



Shulton Inc. v. Mr. Bhaskar INDRP/483, it was established that if the Respondent does not have trade mark rights in the word corresponding to the disputed domain name and in the absence of evidence that the Respondent was commonly known by the disputed domain name, the Respondent can have no rights or legitimate interest.

- (f) In short, there is no evidence that Respondent (i) is using the Disputed Domain Name for a bona fide offering of goods or services, (ii) is known by the trade mark NETFLIX or (iii) is making any legitimate noncommercial or fair use. Rather, the website associated with the Disputed Domain Name features content that includes information about software or information technology-related services, that are similar to the streaming services provided under the Complainant's NETFLIX Mark, thereby infringing the Complainant's rights. It is humbly submitted that using another's mark to resolve to a website that offers products or services in competition with a Complainant's business is not using the domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Accordingly, the Respondent cannot establish any rights or legitimate interests in the Disputed Domain Name. Accordingly, the second condition that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as per Paragraph 4 (b) of the Policy has been satisfied.

(14) The domain name was registered and is being used in bad faith:

Submission by Complainant

- (a) The bad faith of the Respondent in registering the Disputed Domain Name can be simply established from the fact that the Respondent has registered the Disputed Domain Name by adopting the Complainant's NETFLIX Mark.
- (b) The Respondent has registered the Disputed Domain Name for sole purpose of designing the website to mislead consumers. By doing so the Respondent has intentionally attempted to create a likelihood of confusion with the Complainant's registered NETFLIX Mark as to the source,



sponsorship, affiliation, or endorsement of the Disputed Domain Name. On logging on to the Disputed Domain Name users come across the Respondent's website featuring content that includes information about broad category of information technology-related services, that are similar to the streaming services provided under the Complainant's NETFLIX Mark, by way of their website at the domain NETFLIX.COM. This clearly evidences the fact that the Respondent is using the Disputed Domain Name in "bad faith" with the intention of diverting traffic by attracting internet users for commercial gain to its website by creating a likelihood of confusion with the Complainant's NETFLIX Mark as to the source, sponsorship, affiliation or endorsement of its website and the services on them. Printouts of the website on the Disputed Domain Name, evidencing the same are attached herewith and marked as Annexure M.

- (c) The Respondent had both constructive and actual notice of Netflix's trademarks by virtue of its registrations in India and internationally.
- (d) Bad faith is further evidenced by the Respondent having affirmatively concealed its true identity by means of a proxy service. A review of the WHOIS information for the Disputed Domain Name shows that Respondent's name and address are redacted for privacy. Considered in light of Respondent's illegitimate selection and use of the Disputed Domain Name, this supports the inference that the Respondent has knowingly engaged in the registration and use of the Disputed Domain Name in bad faith.
- (e) This clearly evidences the fact that the Respondent is using the Disputed Domain Name in "bad faith" with the intention of diverting traffic by attracting internet users for commercial gain to its website by creating a likelihood of confusion with the Complainant's NETFLIX Mark as to the source, sponsorship, affiliation or endorsement of its website and the services on them. In *Yahoo! Inc. v. Akash Arora & Anr.* (1999 PTC (19) 210



Delhi) it was held that defendant's domain name could be perceived as being another domain of the plaintiff. In Colgate Palmolive (India) Ltd. v. Zhaxia INDRP/887 it was observed that by registering the impugned domain name, the Respondent has attempted to attract internet users by creating likelihood of confusion with the Complainant's mark/source of origin.

(f) Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith, Caravan Club v Mrgsale NAF Decision FA 95314.

(g) In Bennett Coleman & Co Ltd v. Steven S. Lalwani (Case No. D 2000-0014) and Bennett Coleman & Co Ltd v. Long Distance Telephone Company (Case No. D 2000-0015) decided by WIPO, the Complainant, publisher of the daily newspaper "The Economic Times" and "The Times of India" held domain names, <economictimes.com> and <timesofindia.com> for publication of their respective newspapers. The two respondents had registered the sites <theeconomictimes.com> and <thetimesofindia.com> and the Complainant contended that this was use of identical marks in which it had prior rights. Moreover, the site <thetimesofindia.com> redirected traffic to the site <indiaheadlines.com> while the site <theeconomictimes.com> redirected traffic to <ifindyourperfectmate.com> without having any legitimate interests in respect of the domain names. Hence, the Complainant alleged that the respective respondent's registrations and use of the domain names was in "bad faith" in the sense that their use amounted to an attempt to intentionally attract, for commercial gain, internet users to their websites by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation or endorsement of those websites and the services offered therein. The Administrative Panel held that it is not a sufficient answer to suggest that the defendant will dispel any misleading first impression by use of a different design of the web site.



The Panel further held that the necessary implication is that the domains were specifically selected in order to take advantage of the Complainant's very considerable reputation in the two titles of its publications by misleading internet users into believing that the respondent's sites came from or were associated with the Complainant. The Panel ordered that the two domain names be transferred to the Complainant.

(h) In *Playboy Enterprises International, Inc. v. Hector Rodriguez*, WIPO Case No. D2000-1016 (playboychannel.com and playboynetwork.com), it was said that "People, who manifest an intent to traffic in domain names that incorporate well-known or famous trade marks, as the Respondent does here, simply do not expend their efforts with the sole intention of relinquishing those domain names for just their out-of-pocket registration costs. The goal of their efforts, simply put, is an expectation of receiving an adequate reward, i.e. sufficient profit, from this trafficking." transfer awarded). Consequently, the Complainant submits that bad faith use of the Disputed Domain Name is quite clear in this case, given the content on the Respondent's web site and his intent to sell the Disputed Domain Name.

(i) Copies of the aforementioned orders are being filed with the present complaint and are attached herewith and marked as Annexure N (colly).

(j) In the case of *Satyam Infoway Ltd. vs. Sifynet Solutions Pvt. Ltd.* [2004 Supp (2) SCR 465], wherein the Appellant was the registrants of the domain names www.sifynet.com, www.sifymall.com, www.sifyrealestate.com, etc. since the year 1999. The Respondents subsequently adopted the domain names www.siffynet.net and www.sijfynet.com in the year 2001. The Supreme Court of India while allowing the Appeal, held the following:

"11. Analysing and cumulatively paraphrasing the relevant parts of the aforesaid definitions, the question which is apposite is whether a domain name can be said to be a word or name which is capable of distinguishing the subject of trade or service made available to potential users of the internet?"



"12. The original role of a domain name was no doubt to provide an address for computers on the internet. But the internet has developed from a mere means of communication to a mode of carrying on commercial activity. With the increase of commercial activity on the internet, a domain name is also used as a business identifier. Therefore, the domain name not only serves as an address for internet communication but also identifies the specific internet site. In the commercial field, each domain name owner provides information/services which are associated with such domain name. Thus a domain name may pertain to provision of services within the meaning of Section 2(z). A domain name is easy to remember and use, and is chosen as an instrument of commercial enterprise not only because it facilitates the ability of consumers to navigate the Internet to find websites they are looking for, but also at the same time, serves to identify and distinguish the business itself, or its goods or services, and to specify its corresponding online Internet location. Consequently a domain name as an address must, of necessity, be peculiar and unique and where a domain name is used in connection with a business, the value of maintaining an exclusive identity becomes critical. "As more and more commercial enterprises trade or advertise their presence on the web, domain names have become more and more valuable and the potential for dispute is high. Whereas a large number of trademarks containing the same name can comfortably co-exist because they are associated with different products, belong to business in different jurisdictions etc, the distinctive nature of the domain name providing global exclusivity is much sought after. The fact that many consumers searching for a particular site are likely, in the first place, to try and guess its domain name has further enhanced this value". The answer to the question posed in the preceding paragraph is therefore an affirmative."

"16. The use of the same or similar domain name may lead to a diversion of users which could result from such users mistakenly accessing one domain name instead of another. This may occur in e- commerce with its rapid progress and instant (and theoretically limitless) accessibility to users and potential customers and particularly so in areas of specific overlap. Ordinary consumers/users seeking to locate the functions available under one domain name may be confused if they accidentally arrived at a different but similar web site which offers no such services. Such users could well conclude that the first domain name owner had mis-represented its goods or services through its promotional activities and the first domain owner would thereby lose their custom. It is apparent therefore that a domain name may have all the characteristics of a trademark and could found an action for passing off."

"18. However, there is a distinction between a trademark and a domain name which is not relevant to the nature of the right of an owner in connection with the domain



name, but is material to the scope of the protection available to the right. The distinction lies in the manner in which the two operate. A trademark is protected by the laws of a country where such trademark may be registered. Consequently, a trade mark may have multiple registrations in many countries throughout the world. On the other hand, since the internet allows for access without any geographical limitation, a domain name is potentially accessible irrespective of the geographical location of the consumers. The outcome of this potential for universal connectivity is not only that a domain name would require world wide exclusivity but also that national laws might be inadequate to effectively protect a domain name. The lacuna necessitated international regulation of the domain name system (DNS). This international regulation was effected through WIPO and ICANN. India is one of the 171 states of the world which are members of WIPO. WIPO was established as a vehicle for promoting the protection, dissemination and use of intellectual property throughout the world. Services provided by WIPO to its member states include the provision of a forum for the development and implementation of intellectual property policies internationally through treaties and other policy instruments."

(k) A copy of the said judgment is being filed with the present complaint and is attached herewith and marked as Annexure O.

(l) The activities of Respondent rise to the level of a bad faith usurpation of the recognition and fame of Complainant's Mark to improperly benefit the Respondent financially, in violation of applicable trademark and unfair competition laws. Moreover, these activities demonstrate bad faith registration and use of the Disputed Domain Name in violation of the Policy under paragraph 7 which promulgates that bad faith can be found where there is evidence of:

(c) by using the domain name, the [Respondent has] intentionally attempted to attract Internet users to the [Respondent'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 [Respondent's] website or location or of a product or service on the Registrant's website or location.



OTHER LEGAL PROCEEDINGS:**(15) Submission of Complainant**

As required under paragraph 3 (viii) of the Rules, the Complainant submits that other than the filing of this Complaint, no legal proceedings have been brought in connection with the Disputed Domain Name.

REMEDY SOUGHT:**(16) Submission of Complainant**

In accordance with Paragraph 10 of the Policy, for the reasons described in Section V above, the Complainant requests that the Panel appointed in this proceeding issues a decision that the Disputed Domain Name be immediately transferred to Complainant. Costs as may be deemed fit, may also be awarded.

DISCUSSION AND FINDINGS:

(17) After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure and Respondent has been notified of the complaint of the Complainant.

(18) Respondent was directed to file 'Reply of the said complaint (Statement of Defense) 'along with complete set of annexure' on or before 28.06.2025. But the Respondent's vide their email dated 07.06.2025 informed that –

"Hello Sir/Madam

We are in the process of changing the Company Name, please allow us some days to complete the whole process, till then we request you to be patience without any further proceedings."

As per AT's mail dated 09.08.2025- Looking to the request of the Respondent vide mail dated 07.06.2025, almost 60 days was given to Respondent to file the required documents. But Respondent failed to file the said documents even by today ie 09.08.2025. Respondent has also not filed any application for the grant of extension of time for this submission. Therefore, Respondent right to submit the same is



forfeited and no further opportunity shall be granted in this regard. The proceedings of this arbitration case is closed and the Award will be published on merit.

Therefore, the time line for publishing the award was extended up to another 30 days as per provision of clause 5(e) of INDRP Rules of Procedure.

(19) Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant has filed a complaint to .IN Registry on the following premises:

- (a) the Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights; and
- (b) the Registrant's has no rights or legitimate interest 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.

(20) The Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights:

Facts & Findings

On the basis of above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(21) The Registrant's has no rights or legitimate interest in respect of the domain name:

Facts & Findings

On the basis of the referred Awards of WIPO & INDRP cases, above mentioned facts by Complainant and non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.



- (22) **The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose:**

Facts & Findings

On the basis of the referred Awards & judgements of WIPO, INDRP & Hon. Supreme Court cases, above mentioned facts by Complainant and non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(23) **ARBITRAL AWARD**

I, **Rajesh Bisaria**, Arbitrator, after examining and considering the pleadings and documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 5 and 18 of the INDRP Rules of Procedure and Clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP), as follows:

Arbitral Tribunal orders that the disputed domain name

"NETFLIX.NET.IN"

be forthwith TRANSFERRED from Respondent to Complainant.

Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs. 10000/- (Rs. Ten thousand only) is being imposed on the Respondent, as per the provision in clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to .IN Registry for putting the administration unnecessary work.

AT has made and signed this Award at Bhopal (India) on 14.08.2025 (Fourteenth Day of August, Two Thousand Twenty-Five).

Place: Bhopal (India)

Date: 14.08.2025



(RAJESH BISARIA)

Arbitrator

