



**AND IN THE MATTER OF:-**

Dispute relating to the domain name <googledrivelink.in >

**AND IN THE MATTER OF:-**

**Google LLC,**

1600 Amphitheatre Parkway

Mountain view,

CA 94043

United States of America

.....Complainant

Versus

**Ve Techno**

Patna, Bihar,

801504

.....Respondent

**AWARD**

**07.03.2025**

1. The present arbitration is initiated under and in accordance with the INDRP which was adopted by the National Internet Exchange of India (NIXI) which governs the dispute in connection with .IN domain name, and the INDRP Rules of Procedure.
2. The Registrant/Respondent has registered the <googledrivelink.in > (hereinafter 'disputed domain name') with the domain name Registrar duly accredited with the NIXI i.e. Endurance Digital Domain Technology Private Limited since 08 March, 2022.

**Procedural History**

3. The consent of the Arbitrator was sought for in the present matter by NIXI vide email dated 16.01.2025, and the Arbitrator gave his consent along with his statement of acceptance and declaration of impartiality vide his email dated 16.01.2025.

  
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4. I was appointed as an Arbitrator by the NIXI in the present matter vide their email dated 24.01.2025 which email containing the complaint and all relevant documents was marked to the Respondent as well. The Arbitrator issued a notice dated 25.01.2025 under Rule 5(c) of INDRP Rules of Procedure whereby the Respondent was directed to file its reply to the Complaint till 17.02.2025. The said notice issued by the Arbitrator was marked via email to the Complainant and to the Respondent, which email did not bounce back. In addition to the foregoing, the Complainant, in compliance of the said notice dated 25.01.2025, vide their email dated 27.01.2025 served the Respondent again with the complaint and annexures thereto through their said email. Therefore, the Respondent was duly served with the present complaint and annexures thereto, and is aware of the present proceedings.
5. Rule 5(d) of the INDRP Rules of Procedure states that the date of commencement of the arbitration proceeding shall be the date on which the arbitrator issues notice to the Respondent. Therefore, the date of commencement of arbitration in the present case is 25.01.2025. Rule 5(e) of the INDRP Rules of Procedure states that an Arbitrator shall pass an award within a period of 60 days from the date of commencement of the arbitration proceeding.

**Issues for consideration**

6. Paragraph 4 of the INDRP provides the grounds on which a Complaint can be filed by the aggrieved Complainant who considers that a registered domain name conflicts with his/her legitimate rights or interests on the following grounds:

- (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.

### **Contention of the Parties**

7. The Complainant in its complaint, *inter alia*, states the following: -
  - a. The Complainant has been carrying on business and internet related services and products since 1998.
  - b. The complainant is the operator of a highly recognized internet search engine under the trademark GOOGLE.
  - c. The trademark GOOGLE was first used in connection with providing a search engine service that was developed by the Complainant in 1998.
  - d. The search engine service under the trademark GOOGLE is available in more than 150 languages. The Complainant owns and operates over 190 Google based domain names and corresponding websites where search and other product services can be accessed.
  - e. The trade mark GOOGLE is also a part of Complainant's company name (trade name) i.e. Google LLC.
  - f. In 2012, the Complainant launched a cloud-based file hosting service for users to create, upload, share, collaborate and

*Vasun Singh*

store multimedia content under the trademark GOOGLE DRIVE.

- g. The platform is a part of the Complainant's suite for productivity tools, google workspace, and over the years, the said platform advanced to offer scalable storage integrated with artificial intelligence for a smooth and enhanced collaboration user experience. The said platform works with over different productivity applications such as Google docs, Google sheets, Google slides, Google forms, PDFs and Microsoft Office document formats, etc.
- h. The platform under the trademark GOOGLE DRIVE is available for download on the Google play store and Apple App Store and the said platform has several downloads.
- i. The Complainant owns various registration for the trade mark GOOGLE and its variations worldwide and in India in several classes with the earliest registration dating back to 16 September 1988 in the United States of America and back to 1999 in India.
- j. The GOOGLE has also been declared as a 'well known' trade mark by the Delhi High Court in 2011, and by virtue of the said order, the trademark GOOGLE has been included in the well-known trademark list maintained by the Indian trademark industry.
- k. The complaint's primary website [www.google.com](http://www.google.com) is accessible around the world, including in India and the complainant has owned the said domain name since 15 September 1997.



- l. Complainant has successfully pursued domain name complaints before NIXI, WIPO, and other national arbitration forums and received decisions in its favour in respect of numerous names, targeting the Complainant and its trademarks.
  - m. The goods and services under the GOOGLE trademarks and the trademark GOOGLE DRIVE have huge social media presence.
  - n. The disputed domain name was registered on 8 March 2022, much subsequent to the use and registration of the trade mark GOOGLE of the Complainant. It is further stated that the Complainant has common law rights in the trademark GOOGLE DRIVE since 2012.
  - o. The disputed domain name website contains posts on a variety of subjects and promotional advertisements for educational courses and services. It is stated that the content on the said website has no relevance to the Complainant's offerings. The said website features the trademarks of the Complainants namely GOOGLE and GOOGLE DRIVE.
  - p. The complainant had sent a legal notice dated 23 August 2024, calling upon the Respondent to take down the website content of the disputed domain and cancel the domain registration and cease all use of marks similar to the Complainant's trademarks among other demands. The complainant did not receive any response from the respondent to the said legal notice.
8. The Complainant has also submitted its written submission through their email dated 18.02.2025.

9. The Respondent has not filed any reply to the Complaint filed by the Complainant.

**Respondent's disputed domain name identical to Complainant's trade mark**

10. The trade mark GOOGLE is recognized as a well-known trade mark by the Hon'ble Delhi High Court in CS (OS) 317/2011; CS (OS) 2907/2011 and the same is recognized as such by the Indian Trade Mark Registry. The word GOOGLE forms the part of the trade name of the Complainant. The WHOIS record shows that the website of the Complainant www.google.com was registered in 1997 and is in use since then.
11. Moreover, the trade mark GOOGLE is registered as a trademark in USA and in India vide trade mark registration no. 1480385 in class 38 since 21.08.2006. Section 28 of the Trade Marks Act, 1999, confers rights to the Complainant by registration of the trade mark GOOGLE including the right to exclusive use of the said trade mark.
12. The Complainant in the year 2012 launched its cloud-based file hosting services for users to create, upload, share, collaborate and store content under the trademark GOOGLE DRIVE. The Complainant has filed extracts from the Complainant's website displaying information about the platform under the trademark GOOGLE DRIVE.
13. The Complainant pursued domain name complaints before NIXI, WIPO and other National Arbitrations. The Complainant has filed the Arbitration Awards passed by the arbitration panel of NIXI wherein the Complainant was

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awarded transfer of domain names <googlemaps.in><sup>1</sup> and <googleclassroom.in><sup>2</sup>.

14. The Complainant has produced documents including trade mark registrations in India and abroad, WHOIS record, extracts from its website to show the prior use of the trade marks GOOGLE and GOOGLE DRIVE.
15. It is well established law that the specific top-level domain such as '.com', '.net', '.in' etc does not affect the domain name for the purpose of determining whether it is identical or confusingly similar (*Relevant decision:- Rollerblade, Inc. v. Chris McCrady*<sup>3</sup>). Therefore, TLD '.in' is to be disregarded while comparing the disputed domain name with the trademark of the Complainant.
16. The Respondent's disputed domain name, by entirely using the word 'googledrive' and the registered trademark GOOGLE is similar to the Complainant's registered trademark GOOGLE and the trade mark GOOGLE DRIVE.
17. The trade mark GOOGLE DRIVE is prior in use and actively used world over. The Respondent has merely mentioned the suffix 'link' to the widely used trade mark GOOGLE DRIVE and a TLD '.in' in the disputed name and the same cannot distinguish the disputed domain name from the trade marks of the Complainant.

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<sup>1</sup> Google LLC V. Rachel Bailey: INDRP Case No. 1469/2021

<sup>2</sup> Google LLC V. Xiamen Tianmu Zhuangshi Sheji Youxian Gongsi: INDRP Case No. 1308/2020

<sup>3</sup> WIPO Case No. D2000-0429



18. Therefore, the disputed domain name <googledrivelink.in> is similar to the domain name www.google.com of the Complainant, and the registered trademark GOOGLE of the Complainant and its prior used trademark GOOGLE DRIVE. Furthermore, the disputed domain name is similar to the trade name of the Complainant. Therefore, The Complainant has established its case under paragraph 4 (a) of the INDRP.

**Respondent has no rights or legitimate interests in disputed domain name**

19. The Respondent has entirely used the well-known trade mark GOOGLE in its disputed domain name. Furthermore, the disputed domain name comprises in its entirety the word 'GOOGLEDRIVE' in its domain name. The Respondent is not known by the domain name. The disputed domain name is used by the Respondent for its commercial activity. Furthermore, the registration of the domain name is created and used without any consent of the Complainant. The Respondent has used the well-known registered trade mark of the Complainant in its domain name for its use, commercial or otherwise.
20. The disputed domain name also makes a hopeless attempt to make an association with the Complainant's domain name which can never be termed as legitimate use of the disputed domain name. The disputed domain name uses in its entirety the word 'GOOGLEDRIVE' which is the trade mark of the popular cloud-based platform of the Complainant to divert the internet users from the Complainant's platform.
21. Furthermore, the courses, educational or otherwise, that are being offered on the disputed domain name, which is similar

to the registered trademark GOOGLE of the Complainant, would lead to an erroneous impression in the general public that the said courses emanate from the Complainant. The Respondent by using the disputed domain name is riding on the goodwill and reputation of the Complainant. Therefore, the usage of the disputed domain name cannot be termed as legitimate use.

22. The Respondent cannot be said to have any legitimate right or interest in the disputed domain name which is similar to a well-known trade mark of the Complainant.
23. The disputed domain name incorporates a trade mark which is neither owned by the Respondent, nor the Respondent is known by the name GOOGLE or GOOGLE DRIVE.
24. Therefore, the Respondent/Registrant has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established its case under paragraph 4 (b) of the INDRP.

### **Bad Faith**


25. The Respondent registered the disputed domain name in a bad faith attempt to confuse Internet users as to a possible association between the disputed domain name and the Complainant. The registration of the disputed domain name is in bad faith according to paragraph 7(c) of the INDRP.
26. The registration of the disputed domain name affects the rights of the Complainant vis-à-vis its registered and well-known trade mark GOOGLE which finds its place prominently in its trade name, domain name and its registered trade mark. Therefore, the Complainant's right to exclusively

use its registered trademark GOOGLE is negatively affected by the registration of the disputed domain name. Moreover, the trade mark GOOGLE DRIVE is also a widely used trade mark associated with the Complainant, and the use thereof in the disputed domain name disturbs the rights of the Complainant.

27. There is no doubt that the disputed domain name damages the goodwill and reputation of the Complainant thereby disrupting business of the Complainant. Therefore, the registration of the disputed domain name is in bad faith according to paragraph 7(d) of the INDRP.
28. In view of foregoing, it is apparent that the registration of the disputed domain name is in bad faith to hurt the commercial activity of the Complainant. The Complainant has established its case under paragraph 4 (c) of the INDRP.

### **Decision**

29. In view of foregoing, it is ordered that the disputed domain name <googledrivelink.in> be transferred to the Complainant with a request to NIXI to monitor the transfer. Parties are ordered to bear the cost of the present proceedings.



**(Varun Singh)**

Sole Arbitrator

**Advocate-on Record**

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Uttar Pradesh-201303