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Unique Doc. Reference	: SUBIN-DLDL-SELF21675246762769X
Purchased by	: S S RANA AND CO
Description of Document	: Article 12 Award
Property Description	: AWARD
Consideration Price (Rs.)	: 0 (Zero)
First Party	: LUCY RANA
Second Party	: LUCY RANA
Stamp Duty Paid By	: LUCY RANA
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)

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## BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY

(Appointed by the National Internet Exchange of India)

## ARBITRATION AWARD

Disputed Domain Name: &lt;G-STAR.IN&gt;

## IN THE MATTER OF

## TM 25 HOLDING BV

Joan, Muyskenweg 39,  
1114 AN Amsterdam- Duivendrecht,  
The Netherlands

..... Complainant

-----versus-----

## Oversee Domain Management

Dongchuan Rd. 500 Ru. Shanghai, China- 200205

..... Respondent

## Statutory Alert:

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## The Parties

The **Complainant** in this arbitration proceeding is **TM 25 HOLDING BV**, a company organized and existing under the laws of the Netherlands of the address Joan, Muyskenweg 39, 1114 AN Amsterdam- Duivendrecht, The Netherlands.

The **Respondent** in this arbitration proceeding is '**Oversee Domain Management**', of the address 'Dongchuan Rd. 500 Ru. Shanghai, China- 200205', as per the WHOIS records.

### 1. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <G-STAR.IN> with the .IN Registry. The Registrant in the present matter is '**Oversee Domain Management**' as per the WHOIS records, and the Registrar is **Endurance Digital Domain Technology Private Limited**.

### 2. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
March 26, 2025	<ul style="list-style-type: none"> <li>- NIXI sought consent of Ms. Lucy Rana, to act as the Sole Arbitrator in the matter.</li> <li>- The Arbitrator informed of her availability.</li> <li>- The Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.</li> </ul>
April 04, 2025	<ul style="list-style-type: none"> <li>- NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.</li> </ul>
April 08, 2025	<ul style="list-style-type: none"> <li>- Arbitrator directed the Complainant's Counsel to furnish a duly notarised Power of Attorney under the company seal (if available) of the Complainant, within <b>seven (7) days</b> of this email</li> <li>- Further, the Complainant's Counsel was asked to confirm the status of delivery of the domain complaint upon the Respondent and was directed to serve a full set of the domain complaint and annexures upon the Respondent (by email as well as physical mode) and provide proof of service within <b>seven (7) days</b>, if the same was not yet served upon the Respondent by them.</li> </ul>

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April 08, 2025	- Complainant's Counsel confirmed having sent the domain complaint and annexures to the Respondent via email and courier.
April 09, 2025	- Complainant's Counsel provided the duly notarized POA.
April 15, 2025	- Complainant's Counsel informed that they could not send the hard copy of the domain complaint and annexures to the Respondent through physical mode, as the Respondent's postal address in the WHOIS records is incorrect. Complainant's Counsel also confirmed that service by email was successful.
April 17, 2025	- The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response.
May 02, 2025	- As no response was received from the Respondent within the stipulated time period, the Arbitrator granted a final extension of three (3) days to respond to the complaint.
May 06, 2025	- As no response was received from the Respondent within the stipulated time period, Arbitrator concluded the proceedings and reserved the present award.

### 3. Factual Background – Complainant

Counsel for the Complainant, on behalf of the Complainant in the present matter, has submitted as follows:

- That the Complainant owns and operates the brand **G-Star Raw**, and is known for, inter alia, jeans and other clothing.
- That the Complainant's **G-Star Group** was founded by **Mr. Jos Van Tilburg** in Amsterdam in 1989. Initially launched as **GAPSTAR**, it was renamed to **G-STAR** in 1996.
- That the Complainant commenced use of the marks **G-STAR** and **G-STAR RAW (Denim)** in 1994 and 1996 in the Netherlands.
- That the Complainant commenced manufacturing of its products in India under the trademark under **G-STAR** in 2000 and under **G-STAR Raw** in the beginning of 2001.
- That the Complainant and their **G-STAR** branded products have an extensive presence on the internet via their website [www.g-star.com](http://www.g-star.com) (registered on November 13, 1996) and e-commerce platforms. In this regard, the Complainant has provided excerpts from their website and e-commerce platforms as **Annexure C** and **Annexure E**, respectively.
- That the Complainant opened the first **G-STAR RAW** store in India on **July 02, 2015**. Further, they have established themselves in 25 countries with more than 5000 points of

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sale located in prominent cities across the world, including India, which includes outlets at the DLF Mall of India (Noida) and Palladium (Mumbai). In this regard, the Complainant has provided links and web pages of their social media handles as well as celebrity posts endorsing their products as **Annexure-D**.

- That the Complainant has secured registration for the trademark **G-STAR** and variations thereof in various classes in India. Copies of the registration certificates for the said marks have been provided as **Annexure B**.
- That the WIPO Arbitration and Mediation Centre has recognized the Complainant's **G-STAR** marks in the following domain disputes:
  - G-STAR International Ltd and G-STAR International B.V. v. James Hobart.
  - Facton Ltd. and G-STAR Raw C.V. v. Kezheng li

In this regard the Complainant has provided list containing URLs redirecting to webpages hosting the orders passed by the arbitral panels in the above mentioned cases as **Annexure-F**.

- That the Hon'ble Delhi High Court in CS (Comm.) 78/ 2021 and CS (Comm.) 313/2020, had granted final decrees in favour of the Complainant against the infringers of their trade mark **G-STAR**.

In this regard the Complainant has annexed a list containing URL's of orders passed by the Hon'ble Delhi High Court in favour of the Complainant, as **Annexure-H**

#### **Disputed Domain Name- <G-STAR.COM>**

- That in September 2024, the Complainant came across the disputed domain name <<https://g-star.in/>>. The disputed domain name has subsumed the Complainant's trademark G-STAR in its entirety.
- That the disputed domain name has been made available for sale on the marketplace [www.sedo.com](http://www.sedo.com). In this regard, the Complainant has annexed a dated PDF of the webpage hosted on the domain name as **Annexure-J**.
- That a perusal of the WHOIS Details of the disputed domain name revealed that the domain name was registered on April 01, 2012, by the Respondent organisation. A copy of the said WHOIS report has been provided as **Annexure I**.
- That the Respondent has simply parked the domain and has offered the same for sale to the highest bidder at an exorbitant price of 9500 USD (INR 7, 97,827/- approx.).

- That the Respondent is aware of the immense reputation and goodwill carried by the **G-STAR** marks and is squatting on the Disputed Domain Name with a view to arm-twist the Complainant into buying the said domain for an unreasonable and inflated amount.

#### 4. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

#### A. The Domain Name is identical and/or confusingly similar to a name, trademark, or service mark in which the Complainant has right

- The Complainant has established that it holds statutory and common law rights in respect of the trademark **G-STAR** in many parts of the world including India.
- The Disputed Domain Name <**g-star.in**> is identical to the domain name registered and operated by the Complainant <**https://www.g-star.com/**>. Furthermore, the Disputed Domain Name is simply the '.in' variant of the Complainant's domain name, which is very likely to confuse consumers into believing that the Disputed Domain Name is the Indian website of the Complainant.
- The Disputed Domain Name <**g-star.in**> not only incorporates the Complainant's **G-STAR** mark in its entirety but consists of the identical mark **G-STAR** with no other distinguishing features or elements.

#### B. The Respondent has no rights or legitimate interests in respect of the Domain Name.

- The Complainant, being the prior adopter of the names/marks **G-STAR**, has never granted the Respondent any right to use/register the **G-STAR** marks either in connection with a domain name or for offering goods or for any other reason (s).
- The Respondent is not making any legitimate non-commercial/ fair use of the Disputed Domain Name.
- The Respondent is attempting to monetize the Disputed Domain Name by offering the same for sale for USD 9500 whilst infringing on the legitimate and statutory rights of the Complainant.
- If the Disputed Domain Name <**g-star.in**> were to be sold to any person or entity, including the Complainant's competitors, it would lead to a blatant infringement of the Complainant's rights. Such use of the domain name could mislead or divert customers, causing significant harm to the Complainant's brand and business.

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- The Respondent's rights in the disputed domain name <g-star.in> (registered since April 01, 2012) are **subsequent to** the Complainant's rights in <<https://www.g-star.com/>> (registered since November 13, 1996).
- That due to the extensive and continuous use, the trademark **G-STAR** has become well known and is exclusively associated with the Complainant.
- The Respondent is merely attempting to capitalize on the goodwill vested in the Complainant's **G-STAR** marks. Therefore, under no circumstances does the Respondent have a legitimate interest in the said trademark or domain name.

**C. The Domain Name was registered or is being used in bad faith**

- That the Respondent had knowledge about the Complainant and its rights in the trademark **G-STAR** at the time of registering the Disputed Domain Name. Therefore, the action of the Respondent in registering/acquiring the domain name is mala fide and clearly falls foul of Clause 7, sub-clause (a) of the INDRP Policy.
- That the manner of use of the Disputed Domain Name by the Respondent is a clear example of cybersquatting.

In support of their submissions, Complainant has relied on the below prior decisions/cases:

- i) Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903
- ii) EAuto, L.L.C. v. Triple S. Auto Parts, WIPO Case No. D2000-0047 (WIPO Mar. 24, 2000)
- iii) Six Continent Hotels Inc. vs The Omni Corp., WIPO Case No. D2005-1249.
- iv) Indeed, Inc. vs. Uli Ali, Elearning Service Pvt. Ltd.
- v) Colgate-Palmolive Company vs Zhaxia (INDRP Case No. 887 decided on May 26, 2017).
- vi) The Goodyear Tire & Rubber Company vs. Mr. Gao Gou (INDRP Case No. 741 decided on February 08, 2016).
- vii) Dell Inc., vs James Jeni & Synergy Systems and Peripherals, INDRP/1327.
- viii) Television Food Network, G.P. vs. Arif Siddiqui, INDRP/1387.
- ix) Ducati Motor Holding S.p.A v. Abhishek Chordia, INDRP/834.
- x) Microsoft Corporation v. Chun Man Kam, INDRP/119
- xi) Voltas Ltd. v. Sergi Avalianu (INDRP 1257 decided on September 22, 2020).

The list of URLs redirecting to webpages hosting the cases relied on by the Complainant has been annexed as **Annexure-K**.

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## 5. Reliefs claimed by the Complainant

The Complainant has requested that the domain name <G-STAR.IN> be transferred to them, and further seeks an award for the costs of the proceedings

## 6. Respondent's Contentions

As already mentioned in the procedural history of the matter, despite having been duly served with a copy of the Domain complaint as filed, and thereafter granted adequate time and multiple opportunities to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to the Arbitrator during the pendency of the arbitral proceedings in the captioned matter.

## 7. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, a Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
- ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
- iii. The Registrant's domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.

i. **The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights.**  
(Paragraph 4(a) of the INDRP)

- The Complainant herein has provided details of their G-STAR and G-STAR formative trademarks registrations in India (annexed as Annexure-B), which predate the registration of the disputed domain name by Respondent:
- The Complainant has also put on record that it has been using its marks in India, specifically the mark G-STAR since 2000 and G-STAR RAW since the beginning of 2001.

In view of the aforesaid, the Arbitrator finds that Complainant has been successful in establishing their rights in the trademark G-STAR. It is well established that trade mark registration is recognized as prima facie evidence of rights in a mark.

Accordingly, it may be stated that the disputed domain name <G-STAR.IN> is confusingly similar to the Complainant's G-STAR trademark and incorporates the same in entirety.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the INDRP)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name by demonstrating any of the following circumstances:

- (a) 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;*
- (b) 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*
- (c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.*

As the documents on record show that the Disputed Domain Name <g-star.in> is available for sale at an exorbitant price of 9500 USD, the same does not confer any legitimate right on the Respondent. The registration of the disputed domain name for reselling, diverting the Complainant's consumer base, or preventing the Complainant's use is not legitimate.

Furthermore, in the absence of any submissions from the Respondent and in light of the Complainant's assertions, the Arbitrator accepts that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. **The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) and Paragraph 7 of the INDRP)**

In this regard, Complainant has *inter alia* contended the below points regarding Respondent's bad faith:

- The Complainant has established its prior rights in the name/mark G-STAR. Further, the complaint owns the domain name <<https://www.g-star.com/>> (registered since November 13, 1996) which is prior to the registration of the disputed domain name <g-star.in> (registered since April 01, 2012) by the Respondent.



- From the **Annexure-J** provided by the Complainant, it is evident that the Disputed Domain Name has been made available for sale on the marketplace. Further, it has been more than 13 years since the Disputed Domain Name has been acquired and a website has not been developed by the Respondent.

In view of the consolidated submissions of the Complainant, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(a) of the Policy, namely *“(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.”*

It has been held by numerous INDRP panels over the years, that offering a disputed domain name for sale at an exorbitant price is indicative of bad faith, for instance:

- <manipalcigna.co.in>, INDRP/1359;
- <coffeebean.co.in>, INDRP/1575;
- <tek.in>, INDRP/1415;
- <fxcm.in>, INDRP/1314 (*in this case as well, the disputed domain name was listed for sale on Sedo.com, for USD 3800*)

In view of the aforesaid, the Arbitrator finds that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

## **8. Decision**

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and hereby directs the .IN Registry to transfer the domain <G-STAR.IN> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.

**Lucy Rana, Sole Arbitrator**

**Date: June 10, 2025.**

**Place: New Delhi, India.**