



सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

₹100

e-Stamp

₹100 ₹100 ₹100 ₹100

Certificate No.	: IN-DL27368637135387X
Certificate Issued Date	: 30-Jan-2025 03:35 PM
Account Reference	: IMPACC (IV)/ dl886703/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL88670398993665774315X
Purchased by	: V P PATHAK
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: V P PATHAK
Second Party	: Not Applicable
Stamp Duty Paid By	: V P PATHAK
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)

सत्यमेव जयते



Please write or type below this line

IN-DL27368637135387X

BEFORE THE ARBITRAL TRIBUNAL

V.P.PATHAK

SOLE ARBITRATOR

ARBITRAL AWARD

V.P. Pathak
V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

**BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 1990
IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION CONCILIATION ACT, 1996**

INDEX

S.NO.	DESCRIPTION	PAGE NO.
1.	Disputed Domain name and Registrar	2
2.	Arbitration Tribunal	2-3
3.	Parties to the Arbitration	3-4
4.	Facts of the case	5-6
5.	Contentions of the Parties	6-9
6.	Analysis	9-11
7.	Conclusion	11-12
8.	Order	12


V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

**BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 1990
IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION CONCILIATION ACT, 1996**

Acer Incorporated
Republic of China, of 7F-5,
No.369, Fuxing N. Rd.,
Songshan Dist.,
Taipei City 105,
Taiwan, Republic of China

.... Complainant

Versus

Mani
Mathaakaavadanur, Dharmapuri,
Coimbatore – 635301, Tamil Nadu

....Respondent

**DISPUTE RELATING IN THE DOMAIN DISPUTE NAME
www.acerservicecenter.in**

Award Dated- 29.05.2025

**BEFORE V.P. PATHAK
SOLE ARBITRATOR
AT NEW DELHI**

⇒ **DISPUTED DOMAIN NAME & REGISTRAR-**

The disputed domain name is registered through the Registrar of the disputed domain name www.namecheap.com LLC, which is accredited with the .IN registry and is listed on the of the website of the .IN registry.

⇒ **ARBITRATION TRIBUNAL-**

1. The Complainant has filed this Complaint for the disputed domain name, to be transferred to it. To decide this Complaint, NIXI has appointed the undersigned as Arbitrator. A consent letter with a declaration of impartiality by the undersigned to decide this case was sent to NIXI on 26.03.2025.
2. NIXI appointed the undersigned as Arbitrator on 9.04.2025, and on the same day this Tribunal ordered the Complainant to send the hard and soft copies of the complaint along

V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

with annexures to the respondent. The order was followed by the complainant and the soft and hard copies, along with the annexures, were served to the respondent on 10.04.2025, through email and a postal receipt of the hard copy dated 10.04.2025 was attached. The Tribunal sent notice to the Respondent on 24.04.2025 for a reply, but no reply was filed. In the interest of justice, the Tribunal gave an extension to the Respondent for 5 days on 12.05.2025, but there was no response even though the Complainant had sent both soft and hard copies of the Complaint to the Respondent.

3. As per **Rule 5 of the INDRP Rules** the Tribunal issued a notice dated 24.04.2025 calling upon the Respondent to file its reply on the Complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter, but the Respondent has not complied with any of the above directions and has not replied to the notice or extension notice sent to it on 24.04.2025 & 12.05.2025, respectively.
4. The Tribunal is constituted under the INDRP Policy and Rules. Under rule 13, the arbitration proceedings must be conducted according to the Arbitration and Conciliation Act, 2019 (as amended up to date), read with the Arbitration & Conciliation Act, Rules, Dispute Resolution Policy and its by-laws, and guidelines, as amended from time to time.
5. As mentioned above, the Respondent has not replied to any of the notices; hence, this Tribunal is bound to proceed *Ex Parte* against the Respondent.

⇒ **PARTIES TO THE ARBITRATION-**

6. The Complainant is a Taiwan-based multinational computer technology and electronics Corporation that manufactures and markets televisions, laptops, desktops, projectors, monitors, tablets, chromebooks, smart devices, electronics and accessories. It was established in 1976 and is one of the world's fastest-growing PC vendors, and is ranked amongst the top 3 computer brands in the world. The Complainant is also one of the leading exporters and the world's fifth-largest computer manufacturer. The Complainant sells its products through dealers and distributors in more than 100 countries.
7. The Complainant's well-known trademark ACER is used as a house mark and forms an essential, key and dominant part of the name of many companies in Complainant's group such as Acer Incorporated (Complainant herein); Acer Computer Australia, Acer Capital Corporation; Acer Property Development Inc.; Acer Technology Ventures; Acer Capital Limited; Acer SoftCapital Incorporated; Acer Computer (Far East) Limited; Acer TWP Innovation Information Co. Ltd.; Acer Technology Ventures Asia Pacific Inc.; Acer America Corporation; Acer Computer GmbH; Acer Computer International Ltd.; Acer Computer (Singapore) Pte. Ltd., Acer India Private Limited and Acer Digital Service Co.
8. The Complainant's Indian subsidiary is Acer India Private Limited, which was incorporated on September 9, 1999 and has offices in various cities across India, such as Bangalore, Mumbai, New Delhi, Chennai, Kolkata and has a manufacturing plant at Puducherry. The Complainant also operates Acer Malls and Acer Points in various cities across India, including Coimbatore, Tamil Nadu, Lucknow, Kochi, Chandigarh,

Ahmedabad, Nagpur, and Hyderabad. Details of the Complainant's details on the website of the Ministry of Corporate Affairs show that the incorporation of the Complainant's Indian subsidiary is attached. **(Annexure A & B)**

9. The Complainant has also obtained several registrations for the trademark ACER in several classes. The registrations are valid and subsisting and confer upon the Complainant the exclusive right to use the said trademarks about the goods/services for which the marks are registered. On 7.10.2024, the mark ACER (as shown in the complaint) has now been included in the list of well-known trademarks in India. Copies of the registration certificates and/or online status of the aforementioned marks are annexed. **(Annexure C)**
10. The Complainant is the owner of trademark ACER and ACER formative marks in different jurisdictions around the world, including but not limited to Australia, Argentina, Andorra, Aruba, Bahrain, Belarus, Bolivia, Botswana, Brunei, Canada, Chile, China, Columbia, Costa Rica, El Salvador, Estonia, Ecuador, European Union, France, Hong Kong etc. Online records of Trademark Offices from various jurisdictions reflecting the Complainant's mark as registered are annexed herewith. **(Annexure D)**
11. The said trademark ACER has acquired a reputation and goodwill of high order and is associated exclusively with the Complainant. A document containing the URLs of the Awards received by the Complainant from the years 2012 onward, evidencing use of the ACER trademark, as well as printouts from www.acer.co,m evidencing the same, are annexed **(Annexure E & F - Colly)**
12. The Complainant is also the owner of numerous internet domain names in different jurisdictions across the globe having the word "ACER" and the predominance of the mark "ACER" is evident from the fact that a mere Google Search reveals voluminous hits pertaining to the Complainant indicating their exclusivity and identifying as a source indicator. The said trademark is also being used by the complainant on various mobile application platforms like Android and iOS **(Annexure G, H & I - Colly)**
13. The Complainant has also been vigilant in securing and protecting its rights and interests in its trademark ACER. Apart from securing registrations for the same, the Complainant has actively taken action against third-party infringers using the mark ACER or any other mark which may be deceptively or confusingly similar to the Complainant's well-known mark ACER, including as part of a domain name and the same is attached. **(Annexure J)**
14. The complaint is based on the ground that the Respondent misappropriated the well-known town trademark ACER (and as shown in the complaint, hereinafter referred to as the "Logo") of the Complainant as a part of its domain name acerservicecenter.in. It is pertinent to mention that the Complainant officially launched the organisation in 1976. The original website for ACER is <https://www.acer.com>
15. The Complainant has filed the instant Complaint challenging the registration of the domain name <acerservicecenter.in> under the ".in" Domain Name Dispute Resolution Policy (INDRP) and the rules framed thereunder. The Complainant has preferred this arbitration by raising this dispute for the resolution of its grievances.

16. **Rule 2 of the INDRP Rules of Procedure** provides for communication/services of the Complaint. Per this rule, the Respondent was sent a copy of the Complaint at the email shown in the domain name registration data in the IN Registry's WHOIS database.
17. There is no reply to the Complaint so we are unaware of the Respondent's version.

⇒ **FACTS OF THE CASE -**

• **Complainant-**

18. The Complainant is the first and original adopter of the trademark "ACER", and the domain name www.acer.com was first created by the Complainant on September 07, 1994, for marketing and soliciting its electronic products under the trademark "ACER". The website is popularly known as ACER, and by its extensive and substantial use, the word ACER has acquired a secondary meaning/significance and has become exclusively identified with the Complainant.
19. Further, the extensive use by the Complainant of the trademark and trade name ACER in several jurisdictions across the globe (as aforesaid) has naturally brought about its global character and therefore the mark ACER is well recognised by the Complainant. By virtue of extensive users, registrations, vast publicity and excellent quality of the electronic goods, the trademark ACER and its variants have become a well-known trademark under the provisions of the Indian Trademark Law and have come to be exclusively associated with the Complainant.
20. Recently, the Complainant noticed the impugned domain name, i.e., www.acerservicecenter.in, which contains the Complainant's well-known mark ACER in its entirety and is using the India-specific ccTLD ".in", and gives a mistaken impression that the same is connected/authorised domain name/website of the Complainant.
21. Further, the term "service centre" only seeks to give an impression to unwary customers seeking after-sales services of their products purchased from the Complainant, that the website is related to the Complainant, as the technical support is the core field of the Complainant. It is pertinent to mention that the Complainant provides technical support for its products through its professionals and experts who have received necessary and extensive training for the purpose of delivering technical support to the customers dealing with ACER products. **(Annexure K)**
22. The Respondent has been maliciously soliciting its business, i.e., Laptop Repair Services, specifically for Acer-branded laptops through the website operated under the impugned domain name and is using the Complainant's registered trademark as shown in the Complaint.
23. It is submitted that as per the impugned website, the location is purported to be Chennai, Tamil Nadu; Mumbai and Pune, Maharashtra; Bangalore, Karnataka; Hyderabad, Telangana; Kolkata, West Bengal, etc, wherein the Complainant also operates its Acer Mall. However, an investigation at two such cities being Chennai and Mumbai, was

conducted by the Complainant, wherein it was found that the impugned domain name is owned by an entity called Laptop Store and is engaged in the business of providing laptop repair services. The screenshots of the same are shown in the Complaint. Currently, the Respondent's website is not operating, and the infringing content has been removed.

(Annexure L)

24. Such unauthorised use of the trademark ACER by the Respondent is without due cause and is a misappropriation of the extensive goodwill and reputation earned by the Complainant under its trademark ACER over these years. Needless to state, the Respondent registered the impugned domain name using the Complainant's ACER trademark with the intention of deceiving unsuspecting customers into seeking assistance on their platform, which operates under the impugned domain name.
25. Accordingly, the Complainant, through its advocate, addressed a Cease-and-Desist letter dated February 04, 2025, to the Respondent. **(Annexure M)**
26. In the light of the Complainant's prior adoption of the mark and the reputation and goodwill created by the Complainant, it is recognised as the proprietor of the said mark, which is perceived and identified by consumers and members of the trade as the Complainant's mark alone. Thus, the adoption and use of a mark by a third party, that is similar and/or identical to the Complainant's Trademark and trading style "ACER" with respect to any of the diversified fields of activities, will lead to confusion and deception amongst the relevant class of consumers and the members of the trade.

Respondent-

27. The Respondent has not replied to the Complaint.

⇒ CONTENTIONS OF THE PARTIES-

• By the Complainant-

28. As per the WHOIS search result of the Respondent's impugned domain name <acerservicecenter.in> it appears to be registered recently. That the Respondent is using the impugned domain to provide similar services which further establishes the misappropriate intention of the respondent. The Respondent clearly is misappropriating illegally and without authority, the trademark "ACER" which is the exclusive property of the Complainant.
29. The disputed domain name <acerservicecenter.in> is identical to the well-known trade/service mark "ACER" of the Complainant. The Complainant has overwhelming statutory rights in the trade/service mark ACER and is its sole legitimated owner and proprietor.
30. Further the disputed domain name <acerservicecenter.in> attempts to associate itself with the Complainant by incorporating the name ACER in full in their domain name. The malicious intention of the Respondent is evident from its blatant misappropriation of the Complainant's trade/service mark ACER.

31. Moreover, any use of the word ACER is understood only as making a reference to the Complainant since the said trade/service mark of the Complainant is a registered and a well-known trademark. Incorporation of a trademark in the entity in a domain name is sufficient for establishing confusing similarity is a settled principle of law and has been upheld in numerous UDRP adjudications such as-

Magnum Piercing Inc. vs The Mudjackers: WIPO Case No. D2000-1525.

32. The Respondent's act of registering the impugned domain <acerservicecenter.in>, of which the Complainant's trade/service mark ACER forms a conspicuous part, is an infringement of the Complainant's overwhelming common law and statutory rights as is vested in its registered and well-known mark ACER.
33. The Complainant is the proprietor of the well-known trademark ACER worldwide, including in India. The trade mark ACER has been in continuous, extensive and uninterrupted use since the year 1987. The Complainant's domain name www.acer.com has acquired distinctiveness and is associated with the business of Complainant and the mark ACER is registered world over including in India. The Respondent's impugned domain name www.ACERservicecentre.in incorporates the Complainant's registered trade mark ACER in its entirety. It is further submitted that the Complainant including its subsidiaries owns/controls various domain names for or that include ACER, including but not limited to www.acer.com, www.acer.in, amongst others.
34. The Respondent's impugned domain name completely incorporates the Complainant's mark ACER. The addition of the words "SERVICE", "CENTRE" and ".com" do not make the impugned domain name distinguishable from the Complainant's registered and well-known mark ACER. In fact, the same is likely to suggest that the said domain name is related to the services provided by the Complainant. It is clear that the website on the impugned domain name is attempting to create confusion in the minds of customers by associating itself with the Complainant and thereby generating revenue by directing the said users to its website.
35. The Complainant has submitted several prior INDRP panels which have recognized that the incorporation of a trademark in its entirety and/or use of an almost identical trademark may be sufficient to establish that a domain name is identical or confusingly similar to Complainant's registered mark. The Complainant relies on –

Eureka Forbes versus RO Care & Ors INDRP/856 (decided on January 28, 2019) wherein it was held that the disputed domain name www.aquaguard-ro-service-centre.in incorporates the variations of trademark "AQUAGUARD in its entirety and this is adequate to prove that the disputed domain name is either identical or confusingly similar to the mark. A domain name that entirely incorporates a Complainant's mark is sufficient to establish the confusing similarity of the disputed domain name with the mark.

Similarly, in *Humor Rainbow Inc. Yin Jun, China (INDRP/1153)*: the Hon'ble Arbitral Tribunal has held that incorporation of a trade mark in its entirety without any addition, subtraction or any other modifications results in an identical domain name and that the ".in" suffix of the domain name would be immaterial for the comparison. Further, recently WIPO has held the domain name www.acer-servicecentre.com to be confusingly similar to the Complainant's trade mark ACER. It further held "Although the addition of other terms, here "-servicecenter", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

In *Aditya Birla Management Corporation v. Chinmay INDRP/1197* (decided on January 23, 2020) wherein the tribunal observed that the Respondent is involved in cyber-squatting by registering domain name containing the well-known trade mark of the complainant and thereby gaining illegal benefits.

The Respondent had registered the present domain name with a mala fide intent to generate the profits either by using the domain name for its own commercial purpose or through sale of the disputed domain name to competition or any other third party.

36. The Complainant submits that the Respondent was aware, prior to its registration of the impugned domain, that there was substantial reputation and goodwill associated with the Complainant's trademark and/or service mark, which inure to the benefit of the complainant.
37. The disputed domain name completely incorporates the trademark/service mark of the Complainant and the gTLD **.in** (According to Google, gTLD means- a generic Top-Level Domain – the last part of a domain name after the final dot (that makes up the URL of a web address aka the site's domain name) will not distinguish the disputed domain name from the Complainant's Trademark.
38. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use their registered and famous trademark "ACER". The Respondent's domain name is identical to the trading style and trademark in which the Complainant has prior rights.
39. It is again submitted that the Complainant already owns and operates the domain name *acer.com* worldwide, with the same domain name and website. Therefore, the disputed domain name *<acerservicecenter.in>* would inevitably confuse and deceive the consumers, the members of the trade and the public.
40. Prior panels have found under the .IN Policy that "where a Complainant makes out a *prima facie* case that a Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element." See *Instagram LLC v. Ding RiGuo.*, INDRP/1183 (*<instagram.in>*).
41. The Respondent registered the disputed domain name after the Complainant acquired common law trademark rights in its mark "ACER". The disputed domain name appears to

be registered by the Respondent with the sole purpose of selling it to the Complainant's competitors. This shifts the burden of proof on the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the disputed domain name.

42. Clause 3(d) of the INDRP requires a Respondent to not knowingly use the domain name in violation or abuse of any applicable laws or regulations. The obligations imposed by clause 3(d) are an integral part of the INDRP applicable to all the Respondents, and cannot be ignored, as was observed by the Ld. Arbitrator in the case- *Momondo A/S vs. Ijorghe Ghenrimopuzulu*, INDRP Case No 882.
43. Thus, the Complainant prays for IN Registry of NIXI to transfer the disputed domain name "acerservicecenter.in" to the Complainant along with the costs of the proceedings of the Complainant.

- **By the Respondent-**

44. The Respondent has not replied to the Complaint.

⇒ **ANALYSIS-**

45. According to the above-mentioned facts of the case, the Tribunal has to decide the following points-

A. Whether the Respondent's domain <acerservicecenter.in> is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.?

As per the Complainant, ACER was established in the year 1976 and is a very old, known company & the website <https://www.acer.com> was registered long back.

The company is a Taiwan based multinational computer technology and electronics Corporation that manufactures and markets televisions, laptops, desktop, projectors, monitors, tablets, chrome books, smart devices, electronics and accessories. It was established in 1976 and is one of the world's fastest growing PC vendors and is ranked amongst the top 3 computer brands in the world. The Complainant is also one of the leading exporters and the world's fifth largest computer manufacturer. The registrations of their trademark are valid and subsisting and confer upon the Complainant the exclusive right to use the said trademarks in relation to the goods / services for which the marks are registered. On 7.10.2024, the mark ACER (as shown in the complaint) has now been included in the list of well-known trademarks in India. The said trademark ACER has acquired a reputation and goodwill of high order and is associated exclusively with the Complainant. The Complainant is also the owner of numerous internet domain names in different jurisdictions across the globe having the word "ACER" and the predominance of the mark "ACER" is evident from the fact that a mere Google Search reveals voluminous hits pertaining to the Complainant indicating their exclusivity and identifying as a source indicator. The said trademark is also being used by the complainant on various mobile application platforms like Android and iOS. The Complainant is the first and original adopter of the trademark ACER" and the domain name www.acer.com was first created by the Complainant on September 07, 1994 for marketing and soliciting its electronic products under the trademark "ACER ". The website is popularly known as ACER and by virtue of its extensive and substantial

use, the word ACER has acquired a secondary meaning/significance and become exclusively identified with the Complainant. Further, the extensive use by the Complainant of the trademark and trade name ACER in several jurisdictions across the globe (as aforesaid) has naturally brought about its global character and therefore the mark ACER is well recognized with the Complainant. By virtue of extensive users, registrations, vast publicity and excellent quality of the electronic goods, the trademark ACER and its variants have become a well-known trademark under the provisions of the Indian Trademark Law and has come to be exclusively associated with the Complainant. Here, it is important to understand that a domain name is registered so that there is an internet address. A trademark is registered to identify a product or service. The meaning of the word "domain name" is "a unique name that identifies a website on the internet" which in this case is "ACER" which came into use when the Complainant came into business almost 50 years ago, in 1976. The domain name then further ends with an extension, without which the website is incomplete and cannot be opened such as - .in, .com, .org and so on. This extension is called gTLD (generic Top-Level Domain)- the last part of a domain name after the final dot (that makes up the URL of a web address aka the site's domain name). Thus, the Respondent's domain name is identical and similar to the trademark or service mark to that of the Complainant. In *ITC Limited vs. Travel India (INDRP Case No. 065)* it was opined that- the fact that a disputed domain name wholly incorporates a Complainant's Trademark is sufficient to establish the identity or confusing similarity for the purpose of INDRP.

This proves that the Respondent is running its business under the Complainant's domain name making the Respondent's domain name unauthentic. Thus, the Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights, and the Respondent should not think of it as its own and run its business using this name.

B. Whether the Respondent has any rights or legitimate interests in respect of the domain name?

The Respondent has not replied to the Complaint. This point was to be proved by the Respondent. The Complainant's domain name and the Respondent's domain name are similar since it has used the gTLD ".in" and the Complainant has used ".in" which are identical and confusing. It is clear from record that the Complainant started its business, almost 50 years ago, way before the Respondent, which establishes that the Complainant is the first and only user of the domain name "ACER" and not the Respondent. It is also important to note that the term "ACER" is the disputed domain name, and any gTLD following this name is irrelevant, as the Complainant is the sole holder of the disputed domain name. In the decision of INDRP in the case-

Nike Inc. v. Nike Innovative CZ Zhaxia (Case No- INDRP/804) which said that- the disputed domain name completely incorporates the trademark/service mark of the Complainant and the gTLD ".in" will not distinguish the disputed domain name from the Complainant's Trademark. It is a settled principle that gTLD is not to be considered when determining the similarity of the domain name with a mark under

the first element. So, to answer the above-mentioned question, the Respondent has no rights or legitimate interests concerning the domain name “acerservicecenter.in”.

C. Whether the Respondent's domain name is registered or is being used in absolute bad faith?

The Complainant in its statement supported with evidence has contended that the Respondent registered the disputed domain recently and is providing similar services to its consumers as is the Complainant. The Complainant is a world known high-end brand and has a website, it is hard to never come across such a prominent brand, which in today's day and age is known by almost everyone, all over the world and the same can be seen as an offline store in many malls or other markets. So, the doubt that the Respondent could have missed such an important fact about the Complainant is not believable. The Respondent has registered this website only to mislead and divert customers and to tarnish the trademark or service mark "ACER". It is to be noted that, the practice of selling domain names is a common practice but the practice is valid only when the domain name is of the rightful and legitimate owner. The Complainant registered the domain name “acer.com” earlier in time (1976 and in 1994 registered the Trademark) in comparison to the Respondent which was registered recently. Again, the registration by the Respondent was for reasons unknown since it has not bothered to comply with the orders of this Tribunal but can only presume that it was done for malicious reasons and to probably get monetarily benefits.

The above-mentioned facts themselves disclose the malice of the Respondent. To answer the question above - the Respondent's domain name registered is being used in absolute bad faith and such use demonstrates that the Respondent has used the disputed domain name to derive a commercial benefit and to tarnish the Complainant's website and domain name image.

⇒ **CONCLUSION-**

46. Considering the above facts, this Tribunal is of the view that the Complaint has merit. The Respondent did not have the Complainant's permission to use its domain name and hence it had no right to treat the domain name as its own. It is being mentioned again, that without the domain name, there is no gTLD. So, even though the Respondent's domain name is “acerservicecenter.in”, the name “ACER” belongs to the Complainant. The whole dispute in this Complaint is for the domain name and the mere alteration of a domain name or its extension does not affect or alter the ownership thereof.
47. The Complainant brought the name "ACER" to life, so the Respondent does not have any standing in this domain name anymore.

48. In addition to everything mentioned above, it is pertinent to mention that the Respondent is using the Complainant's domain name, but it has not once responded to the Complaint made against it. The Respondent was given notice by the Complainant and by the tribunal. The hard copy of the Complaint was also sent to it through courier (receipt enclosed). This clearly shows that the Respondent has nothing to say and is not interested in its domain name and it's all just fable.
49. The Complainant has the full right and ownership of the domain name "ACER" & "acerservicecenter.in." So, the Complaint is allowed.
50. This Award is being passed as per Clause 5 (e) of the INDRP Rules, and Arbitration Act, 1996.

⇒ **ORDER-**

51. The.IN Registry of NIXI is directed to transfer the disputed domain name "acerservicecenter.in." to the Complainant forthwith. Registry to do the needful.
52. Parties to bear their own costs.
53. This Award is passed today at New Delhi on 29.05.2025.

V.P.Pathak

V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator
Sole Arbitrator
Date- 29.05.2025