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Description of Document : Article 12 Award
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Consideration Price (Rs.) : 0
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First Party : V P PATHAK
Second Party : Not Applicable
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Stamp Duty Amount(Rs.) : 100
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IN-DL27365462226730X

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

BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2013
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 | 4-5 |
| 5. | Contentions of the Parties | 5-7 |
| 6. | Analysis | 7-9 |
| 7. | Conclusion | 10 |
| 8. | Order | 10 |

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Sanviv Services Private Limited
1/3 Kumaran Colony, 8th Street
Kodambakkam,
Chennai- 600024

.... Complainant

Versus

Raja MP, Taximo,
Chennai, Tamil Nadu- 633332

.... Respondent

DISPUTE RELATING IN THE DOMAIN DISPUTE NAME
www.droptaxie.in

Award Dated- 22.08.2025

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 abuse@publicdomainregistry.com , 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 10.07.2025.
2. As per **Rule 5 of the INDRP Rules** the Tribunal issued a notice dated 18.07.2025 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.

V.P. Pathak
V. P. PATHAK
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3. This Tribunal resumed this matter on 18.07.2025, by sending notice to the Respondent for reply, but no reply was filed. Since, no reply was filed by the Respondent so, in the interest of justice, the Tribunal gave an extension to the Respondent of 5 days till 12.08.2025, but there was no response even though the Complainant has sent a hard copy of the Complaint to the Respondent.
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 Private Limited Company incorporated on June 30, 2016, under the Companies Act, 2013. However, the Complainant in its complaint mentioned the year as 2106, but we can ignore it on a technicality. The Complainant is a facilitator of inter-city taxi booking. The Complainant provides services of supporting and auxiliary transport activities and activities of travel agencies.
7. The conventional practice in the market with regards to taxi services involves two-way charges to the customer even for a one-way drop. By harnessing information in the market and communication technologies along with continuous research and due diligence, the promoters of the Complainant Company incorporated the Complainant Company with the sole idea of disrupting the above-mentioned conventional practice. Copy of the Complainant's details from the online records of the Ministry of Corporate Affairs and the GST portal are attached as **Annexure-A**.
8. The Complainant is the prior user and registered proprietor of its trademark 'DROPTAXI' and all variants thereof (hereinafter collectively referred to as 'trademarks') which are well recognized all over India. The Complaint's DROPTAXI trademark and its variants are highly distinctive and unique, and being an arbitrary trademark, enjoys the highest level of protection as a brand under applicable trademark law.
9. In addition to the vast common law rights that accrue to the Complainant in these trademarks, it also holds trademark registrations for the same in India. Copies of Certificate of Trademark Registrations obtained in India and other countries by the Complainant are provided as **Annexure-B**.
10. The Complainant has successfully garnered immense goodwill and reputation in the industry in the due course of time, as evidenced by the turnover of the Complainant Company in relation to its business under the trademarks. Copy of the sales turnover of the Complainant for its services under the trademarks are provided as **Annexure-C**.
11. The Complainant has filed the instant Complaint challenging the registration of the domain name www.droptaxie.in under the ".in" Domain Name Dispute Resolution Policy {INDRP} and the rules framed there under. The Complainant has preferred this arbitration by raising this dispute for the reprisal of its grievances.

V.P. Pathak
V. P. PATHAK
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Respondent amounts to infringement of the Complainant's rights in its trademark DROPTAXI and its variants as mentioned above. The impugned domain name which was registered more than 6 years ago has been continuously renewed, including as recently as on 06.02.2025 and is currently valid until 18.03.2026. The WHOIS Report of the disputed domain is enclosed as **Annexure-I**.

16. The disputed domain name leads to a website ("Respondent's website") wherein services that are highly similar to those of the Complainant's services under its DROPTAXI trademarks are being advertised. The Respondent not only uses an identical domain name but is also engaged in an identical business to that of the Complainant. Extracts from the Respondent's website showcasing the same are annexed as **Annexure-J**.
17. In the light of the Complainant's prior adoption of the mark and the reputation and goodwill created by the Complainant, it is recognized 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 "DROPTAXI" with respect to any of the diversified fields of the market, will lead to confusion and deception amongst the relevant class of consumers and the members of the trade.

- **Respondent-**

18. The Respondent has not replied to the Complaint.


⇒ **CONTENTIONS OF THE PARTIES-**

- **By the Complainant-**

19. As per the WHOIS search result of the Respondent's impugned domain name <droptaxie.in> it appears to be registered on 18th March, 2019. It is to be noted that the impugned domain does host a website and is active for the past 6 years & has been continuously renewed, including as recently as on 06.02.2025 and is currently valid until 18.03.2026 as mentioned above.
20. That the Respondent is using the impugned domain to sell similar kinds of services which further establishes the misappropriate intention of the respondent. The respondent is clearly misappropriating illegally and without authority, the trademark "DROPTAXI" which is the exclusive property of the Complainant. Copies of Certificate of Trademarks Registrations as aforementioned fact is already enclosed. **Annexure B**.
21. The disputed domain name <droptaxie.in> is identical to the well-known trade/service mark "DROPTAXI" of the Complainant. The Complainant has overwhelming common law as well as statutory rights in the trade/service mark DROPTAXI and is its sole legitimated owner and proprietor.
22. Further the disputed domain name <DROPTAXIE.IN> attempts to associate itself with the Complainant by incorporating the name DROPTAXI 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 DROPTAXI. In the present instance, if any user was to search for the Complainant online as DROPTAXI India, she/he would be taken to the Respondent's domain name which enhances the possibility of inevitable confusion.

V.P. Pathak
V. P. PATHAK
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23. Moreover, any use of the word DROPTAXI 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.
24. The Respondent's act of registering the impugned domain <droptaxie.in>, of which the Complainant's trade/service mark DROPTAXI 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 DROPTAXI.
25. The registration of the Complainant's registered and well-known trademark DROPTAXI, by the Respondent is a mala-fide attempt on its part to squat over the impugned domain name and make illegal economic gains and profits by misusing and free-riding on the enormous good will and reputation associated with the registered and well-known trademark DROPTAXI of the Complainant.
26. Hence, the impugned domain name of the Respondent <DROPTAXIE.IN > is identical and confusingly similar to the registered and well-known trademark DROPTAXI of the Complainant in which it has overwhelming common law and statutory rights.
27. That the Complainant has overwhelming common law and statutory right in the trade/service mark DROPTAXI as well as in various DROPTAXI formative marks is solely entitled to use the same in relation to its services and services including the incorporation of the said mark as a conspicuous part of domains used to describe the activities of the Complainant. The Complainant has not in any way authorized, licensed or otherwise permitted the Respondent to use its well-known trade/service mark DROPTAXI or to apply for any domain name incorporating its trade/service mark in full.
28. That the impugned domain name <droptaxie.in> was created by the Respondent on 19th March 2019. The factum of argument is that the Respondent has deliberately acquired a confusingly similar name in which the Complainant has substantial interest being its registered trade/service mark.
29. That the Respondent was aware of the commercial value and significance of the domain owned by the Complainant of which the word "DROPTAXI" forms a conspicuous part. It is for the exact same reason why the Respondent grabbed the impugned domain name <droptaxie.in>. The registration of the disputed domain name bearing the registered trade/service mark of the Complainant is nothing but an opportunistic bad faith registration on the part of the respondent.
30. It is pertinent to mention here that, when the Respondent registered this impugned domain name <droptaxie.in>, the Complainant was already selling its services in the market since 2016 and even then the Respondent continued to use this disputed domain name for the purpose of monetary benefit with malicious intentions.
31. 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 insure to the benefit of the compliant.
32. To reiterate the pleadings of the preceding paragraph, the impugned domain name <droptaxie.in> incorporates the Complainant's well known and famous mark DROPTAXI in entirety. It is evident that the Respondent can have no rights or legitimate interest in the disputed domain name and the sole purpose of it having adopted the Complainant's well known and famous mark "DROPTAXI" was to misappropriate the same along with the goodwill and reputation accruing to it, and to dupe the Complainant into buying similar services from the respondent.


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

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

As per the Complainant, DROPTAXI is more than a 10-year-old company & the website www.droptaxi.in was registered long back. The Complainant has established that it has statutory and common law rights in the trademarks DROPTAXI and its variants as mentioned above and such rights predate the registration of the disputed domain name by years. The Complainant is also the holder of a domain name registration for www.droptaxi.in which is much prior to the disputed domain name and wherein the Complainant's services under the DROPTAXI trademarks and its variants have been advertised and offered to customers for many years. As mentioned above, the Respondent's website is involved in advertising and offering services identical to that of the Complainant. Unwary customers would avail the Respondent's services which would be of inferior quality. The mala fide of the Respondent is evident as they seek to ride on the goodwill and reputation accrued by the Complainant for its services bearing its DROPTAXI trademark.

In *ITC Limited v. Travel India (INDRP Case No.065)*, wherein 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 and similarly in *Jaguar Land Rover v. Yitao (INDRP Case No. 641)*.

The Complainant also relies on past INDRP decisions in *Nike Inc. v. Nike Innovative CV Zhaxia (Case No. INDRP/804)*; *Lego Juris A/s v. Robert Martin (Case No. INDRP/125)*, where it was held that if a disputed domain name completely incorporates the trademark / service mark of the Complainant, then the mere addition of domain codes such as ".in" and/or ".co.in" will not distinguish the Respondent's disputed domain name. 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 also ".in" which are identical and confusing. The disputed domain name has not been used in connection with bona fide offering of goods or services by the Respondent. The disputed domain name is being used by the Respondent to attract consumers by portraying itself as an affiliate of the Complainant and making commercial gains by offering services bearing the Complainant's trademarks DROPTAXI and its variants and merely affixing the letter 'e' at the end. Respondent's use of the disputed domain name is for commercial gain as the Respondent's website offers services identical to that of the Complainant under the DROPTAXI trademarks and its variants. The Respondent's use of Complainant's DROTPAXI trademarks is unauthorised. Respondent's acts are probative of its intention to make illicit profit from unauthorised use of Complainant's DROPTAXI trademarks. Therefore, the Respondent has no

V. P. Pathak
V. P. PATHAK
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legitimate interest in the disputed domain name, rather the sole purpose of its registration is to misappropriate the reputation associated with the Complainant's famous trademark DROPTAXI and mislead unsuspecting customers into availing its services who might believe they are availing the Complainant's services. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the trademark DROPTAXI. The Complainant clearly has prior rights in the trademark DROPATXI and its variants, which precedes the registration of the disputed domain name. The Complainant has therefore established a prima facie case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby the burden of proof shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the domain name. The Complainant relies on the decisions in *Eurocopter, an EADS Company v. Bruno Kerrien (Case No. INDRP Case No. 116)*, *Voltas Ltd. v. Sergi Avaliani (INDRP Case No. 1257)*; and *Do The Hustle, LLC v. Tropic Web, (WIPO Case No. D2000-0624)*.

It is clear from the record that the Complainant started its business, before the Respondent, which establishes that the Complainant is the first and only user of the domain name "DROPTAXI" and not the Respondent. It is also important to note that the term "DROPTAXIE" is the disputed domain name, and any gTLD or ccTLDs and in this case an extension of a letter following this name is irrelevant, as the Complainant is the sole holder of the disputed domain name. So, to answer the above-mentioned question, the Respondent has no rights or legitimate interests concerning the domain name "droptaxie.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 on 19.03.2019 and is providing similar services to its consumers as is the Complainant. The Complainant is a very well-known website in India 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 "DROPTAXI". 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 "DROPTAXI.IN" earlier in time (2016) in comparison to the Respondent which was registered in 2019. Again, the registration by the Respondent was for reasons un-known 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.

V. P. Pathak
V. P. PATHAK
 H.J.S.
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⇒ CONCLUSION-

- 43. 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/ccTLD or even an extension by a letter. So, even though the Respondent's domain name is “droptaxie.in”, the name “DROPTAXI” 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.
- 44. The Complainant brought the name "DROPTAXI.IN" to life, so the Respondent does not have any standing in this domain name anymore by adding a letter “e” to it.
- 45. 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.
- 46. The Complainant has the full right and ownership of the domain name "DROPTAXI.IN" & “DROPTAXIE.IN” So, the Complaint is allowed.
- 47. This Award is being passed as per Clause 5 (e) of the INDRP Rules, and Arbitration Act, 1996.

⇒ ORDER-

- 39. The.IN Registry of NIXI is directed to transfer the disputed domain name “droptaxie.in.” to the Complainant forthwith. Registry to do the needful.
- 40. Parties to bear their own costs.
- 41. This Award is passed today at New Delhi on 22.08.2025.

V.P. Pathak
22/08/2025
V.P. Pathak
V. P. PATHAK
H.J.S.
Sole Arbitrator
Former Judge
Date- 22.08.2025
Sole Arbitrator

V. P. PATHAK
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