



सत्यमेव जयते

## INDIA NON JUDICIAL

### Government of National Capital Territory of Delhi

₹100

e-Stamp

Certificate No.

: IN-DL27365767637276X

Certificate Issued Date

: 30-Jan-2025 03:33 PM

Account Reference

: IMPACC (IV)/ dl886703/ DELHI/ DL-DLH

Unique Doc. Reference

: SUBIN-DL88670398996491609089X

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)



Please write or type below this line

IN-DL27365767637276X

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

**BEFORE THE .IN REGISTRY OF INDIA  
INDRP CASE NO. 2025  
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**

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IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME  
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AND THE ARBITRATION CONCILIATION ACT, 1996**

GAMELOFT S.E  
14, Ru Auber,  
Paris,  
France- 75009

.... Complainant

**Versus**

Ray Winston  
1500, SW8 Street,  
Miami, Florida  
United States of America

.... Respondent

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

**Award Dated- 26.08.2025**

**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 <http://www.dynadot.com> & [abuse@dynadot.com](mailto:abuse@dynadot.com), which is accredited with the .IN registry and is listed on 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 24.07.2025 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.

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3. The Respondent did not file any reply to the Complaint. 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 had 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 an international publisher and developer of digitally distributed video games founded in 1999. Throughout the years, the Complainant has released more than two hundred games and several have been downloaded by millions of players (**Annex 4**).
7. As such, the Complainant is known as a leader in the mobile gaming industry, and consequently owns intellectual property titles over the name GAMELOFT (**Annex 5**).
8. However, the Complainant cannot purchase the domain name GAMELOFT.IN within the framework of its activities, as this one is cyber-squatted by the Respondent. The Complainant owns many trademarks worldwide for the name GAMELOFT, and more. In addition to this, the trademark of the disputed domain name was done since 2001 and the last was done on 20.12.2016. (**Annex 6.a to 22.b**)
9. The domain name GAMELOFT.IN is identical to the abovementioned trademarks as it uses the term GAMELOFT as a second level domain, along with the country code top-level domain “.in”.
10. The Complainant has filed the instant Complaint challenging the registration of the domain name www.gameloft.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.
11. **Rule 2 of INDRP Rules of Procedure** provides for communication/services of Complaint. Per this rule, the Respondent was sent a copy of the Complaint on the email shown in the domain name registration data in the .IN Registry’s WHOIS database.
12. There is no reply to the Complaint so, we are unaware of the Respondent's version.

⇒ **FACTS OF THE CASE -**

• **Complainant-**


9. It makes no doubt that the above trademarks are distinctive and that the name GAMELOFT is not descriptive of any goods or services, which makes it unlikely that the registration of the domain name GAMELOFT.IN by the Respondent is a coincidence.
10. As the decision *Kenneth Cole Productions v. Viswas Infomedia INDRP/093* sets forth, there is a confusing similarity where the disputed domain name wholly incorporates the Complainant’s trademark. (**Annex 23**)

  
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11. Moreover, the registration by the Respondent of the domain name GAMELOFT.IN is confusing as the Complainant has been using similar domain names for many years. **(Annex 24-32).**
12. The registration of GAMELOFT.IN by the Respondent leads to think that the Complainant is the registrant of this domain name due to its identity with the abovementioned GAMELOFT domain names already owned by the company.
13. Furthermore, the country code top-level domain “.in” is insufficient to avoid any confusing similarity with the aforementioned trademarks and domain names. Indeed, a country code top-level domain such as “.in” is an essential part of a domain name.
14. Therefore, it cannot distinguish the Respondent’s domain name GAMELOFT.IN from the Complainant’s trademarks GAMELOFT. This has been held by prior panels in several cases, such as in *Dell Inc. v. Mani, Soniya INDRP/753* and in *M/s Retail Royalty Company v. Mr. Folk Brook JNDRP/705 (Annex 33 & Annex 34).*
15. The Respondent is not sponsored or related in any way with the Complainant. Thus, the Respondent has never been allowed by the Complainant to use the name GAMELOFT to register the domain name GAMELOFT.IN.
16. When searched on the web, the domain name GAMELOFT.IN leads to a SEDO website where the disputed domain name is being offered for sale for the exorbitant amount of \$4.900 USD, which evidences that the Respondent is not making a legitimate or fair use of the litigious domain name in connection with a bona fide offering of goods or services. **(Annex 35)**
17. Furthermore, such a situation is damageable to the Complainant’s image, due to the confusion created between the litigious domain, and the genuine and safe Gameloft services operated through very similar domain names. Customer will be lured into thinking that the disputed domain name GAMELOFT.IN has the same origin as genuine services and is offered for sale by the Complainant.
18. Consequently, the Respondent infringes on the Complainant’s rights, and has no legitimate interests in respect of the domain name GAMELOFT.IN.
19. Furthermore, it is not the first instance of a bad faith domain name registration by the Respondent. Indeed, the Respondent was recently involved in two administrative procedures in 2022 and 2024. In both procedures, the disputed domain names were found to be identical of confusingly similar to the trademarks of the complainants. **(Annexes 36 & 37)**
20. 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 "GAMELOFT" 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-**

21. The Respondent has not replied to the Complaint.

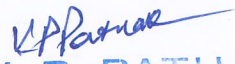
  
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**H.J.S.**  
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⇒ **CONTENTIONS OF THE PARTIES-**


• **By the Complainant-**

22. As per the WHOIS search result of the Respondent's impugned domain name <game loft.in> it appears to be registered on 17<sup>th</sup> June, 2021. It is to be noted that the impugned domain does host a website and is active for the past 4 years and is currently valid.
23. That the Respondent is using the impugned domain to sell similar kinds of services which further establishes the misappropriation intention of the respondent. The respondent is clearly misappropriating illegally and without authority, the trademark "GAMELOFT" which is the exclusive property of the Complainant. Copies of Certificate of Trademarks Registrations as aforementioned fact is already enclosed.
24. The disputed domain name <game loft.in> is identical to the well-known trade/service mark "GAMELOFT" of the Complainant. The Complainant has overwhelming common law as well as statutory rights in the trade/service mark GAMELOFT and is its sole legitimated owner and proprietor.
25. Further the disputed domain name <GAMELOFT.IN> attempts to associate itself with the Complainant by incorporating the name GAMELOFT 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 GAMELOFT. In the present instance, if any user was to search for the Complainant online as GAMELOFT, she/he might be taken to the Respondent's domain name which enhances the possibility of inevitable confusion.
26. Moreover, any use of the word GAMELOFT 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.
27. The Respondent's act of registering the impugned domain <game loft.in>, of which the Complainant's trade/service mark GAMELOFT 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 GAMELOFT.
28. The registration of the Complainant's registered and well-known trademark GAMELOFT, 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 GAMELOFT of the Complainant.
29. Hence, the impugned domain name of the Respondent <GAMELOFT.IN > is identical and confusingly similar to the registered and well-known trademark GAMELOFT of the Complainant in which it has overwhelming common law and statutory rights.
30. That the Complainant has overwhelming common law and statutory right in the trade/service mark GAMELOFT as well as in various GAMELOFT 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 GAMELOFT or to apply for any domain name incorporating its trade/service mark in full.
31. That the impugned domain name <game loft.in> was created by the Respondent on 17<sup>th</sup> June 2021. The factum of argument is that the Respondent has deliberately acquired a

  
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- confusingly similar name in which the Complainant has substantial interest being its registered trade/service mark.
32. That the Respondent was aware of the commercial value and significance of the domain owned by the Complainant of which the word "GAMELOFT" forms a conspicuous part. It is for the exact same reason why the Respondent grabbed the impugned domain name <game loft.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.
  33. It is pertinent to mention here that, when the Respondent registered this impugned domain name <game loft.in>, the Complainant was already selling its services in the market since 1999 and had it trademarked in 2008 even then the Respondent continued to use this disputed domain name for the purpose of monetary benefit with malicious intentions.
  34. 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.
  35. To reiterate the pleadings of the preceding paragraph, the impugned domain name <game loft.in> incorporates the Complainant's well known and famous mark GAMELOFT 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 "GAMELOFT" 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.
  36. That the actual or potential visitors to the website parked on the impugned domain name <GAMELOFT.IN> will be induced to believe that the Complainant has authorized, endorsed or licensed the use of its trade/service mark GAMELOFT by the Respondent including the registration of the impugned domain name <game loft.in>.
  37. The disputed domain name completely incorporates the trademark/service mark of the Complainant and the gTLD.co.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 "GAMELOFT". The Respondent's domain name is identical to the trading style and trademark in which the Complainant has prior rights.
  39. 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>).
  40. In *Wacom Co. Ltd. v. Liheng*, INDRP/634 (<wacom.in>) "the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name.
  41. The Respondent registered the disputed domain name after the Complainant acquired common law trademark rights in its mark "GAMELOFT". The disputed domain name

  
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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 "gameloft.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 gameloft.in is identical and confusingly similar to the trademark or service mark in which the Complainant has rights?**

As per the Complainant, GAMELOFT is more than a 26-year-old company & the website www.gameloft.in was registered more than a decade ago in 2008. The Trademark of the disputed domain name was done since 2001 and the last was done on 20.12.2016. The Complainant has established that it has statutory and common law rights in the trademarks GAMELOFT and its variants as mentioned above and such rights predate the registration of the disputed domain name by 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 GAMELOFT trademark.

As mentioned above, the Complainant relies on cases, such as in *Dell Inc. v. Mani, Soniya INDRP/753* and in *M/s Retail Royalty Company v. Mr. Folk Brook JNDRP/705 (Annex 33 & Annex 34)*.

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

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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 GAMELOFT. The 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 GAMELOFT trademarks and its variants. The Respondent's use of Complainant's GAMELOFT trademarks is unauthorised. Respondent's acts are probative of its intention to make illicit profit from unauthorised use of Complainant's GAMELOFT trademarks. Therefore, the Respondent has no 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 GAMELOFT 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 GAMELOFT. The Complainant clearly has prior rights in the trademark GAMELOFT 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.

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 "GAMELOFT" and not the Respondent. It is also important to note that the term "GAMELOFT" is the disputed domain name, and any gTLD or ccTLDs 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 "game loft.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 17<sup>th</sup> June, 2021 and is providing similar services to its consumers as is the Complainant. The Complainant is a very well-known website worldwide 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 "GAMELOFT". 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 "GAMELOFT.IN" earlier in time (2008) in comparison to the Respondent which was registered in 2021. 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.

  
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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/ccTLD. So, even though the Respondent's domain name is "gameloft.in", the name "GAMELOFT" 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 "gameloft.in" 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 "GAMELOFT.IN" & "GAMELOFT.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-**

39. The.IN Registry of NIXI is directed to transfer the disputed domain name "gameloft.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 26.08.2025.

V.P.Pathak

V. P. PATHAK

Sole Arbitrator

Date: 26.08.2025  
Former Judge  
Sole Arbitrator