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**BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2122
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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V. P. PATHAK
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ASPEN PHARMACARE HOLDINGS LIMITED
Building Eight, Healthcare Park
Woodlands Drive, 2148 Gauteng
South Africa

...(Complainant)

Versus

Shubham Dixit
Dream Homes,
Wave City Ghaziabad 614
Ghaziabad,
Uttar Pradesh 201010

...(Respondent)

**DISPUTE RELATING IN THE DOMAIN DISPUTE NAME
www.aspenpharmaceuticals.co.in**

Award Dated- 16.06.2026

**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 HOSTINGER operations, UAB, 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 25.04.2026. The NIXI on 15.05.2026, appointed the undersigned as Arbitrator to proceed with the case.
2. The Tribunal primarily ordered the Complainant on 15.05.2026, to send the soft & hard copy of the Complaint along with Annexure's to the Respondent & to send the Postal Slip of the same to the Tribunal. The Complainant on 18.05.2026 & 19.05.2026, had sent the hard & soft copy, respectively, along with other documents to the Respondent by Courier, the receipt of which was sent to the Tribunal as well on the same day by the Complainant.

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3. As per **Rule 5 of the INDRP Rules** the Tribunal issued a notice dated 20.05.2026 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 did not reply by 5.06.2026.
4. 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 11.06.2026, but there was still no response even though the Complainant had sent a hard copy of the Complaint to the Respondent.
5. 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.
6. 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 ARBITRATION-**

7. The Complainant is ASPEN PHARMACARE HOLDINGS LIMITED, has a legacy of 170 years. The company is incorporated under the laws of South Africa & is a globally renowned pharmaceutical company engaged in the development, manufacture, marketing and distribution of branded and specialty pharmaceutical products across numerous jurisdictions worldwide.
8. That the Complainant operates 23 manufacturing facilities across 15 locations including one in Hyderabad, India and holds international manufacturing approvals from stringent global regulatory agencies, including the United States Food and Drug Administration (FDA), the Australian Therapeutic Goods Administration (TGA), and the European Directorate for the Quality of Medicines (EDQM), among others.
9. The Complainant has placed on record material to show that it has a legacy spanning more than a century and enjoys substantial international goodwill and reputation in relation to its pharmaceutical business. The Complainant operates in more than 115 countries and maintains a significant commercial presence through its pharmaceutical products, manufacturing facilities, official websites and digital platforms.
10. The Complainant is the proprietor of the trademark ASPEN and various formative marks incorporating the expression ASPEN, which have been extensively used and promoted worldwide, including in India. The Complainant has secured statutory protection for its marks in several jurisdictions and has obtained numerous trademark registrations, including registrations in India under Classes 1 and 5.
11. The Complainant has also established a substantial online presence through its official domain name aspenpharma.com, which was created on 26.06.2001 and has been continuously used in connection with the Complainant's pharmaceutical business. The Complainant contends that, by virtue of longstanding use, extensive promotion and international recognition, the mark ASPEN has become exclusively associated with the Complainant and its business activities.
12. **Rule 2 of the 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.
13. Despite valid service of the Complaint & reminder through both electronic & physical modes, the Respondent has not filed any response or objections.

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⇒ **FACTS OF THE CASE-**

• **Complainant:**

14. The Complainant has placed on record documentary evidence establishing its statutory and common law rights in the trademark ASPEN and formative marks incorporating the expression ASPEN. The material on record demonstrates that the Complainant has secured trademark registrations in several jurisdictions worldwide, including India, and has extensively used the said mark in relation to pharmaceutical and healthcare products.
15. The Complainant has produced material evidencing its trademark registrations in India, including registrations under Classes 1 and 5, and submits that such registrations substantially pre-date the registration of the disputed domain name. The Complainant claims exclusive statutory as well as common law rights in the trademark ASPEN.
16. The Complainant has submitted that it is a multinational pharmaceutical company with operations spanning more than 115 countries and maintains a substantial commercial presence through its products, manufacturing facilities and business operations. The Complainant asserts that the mark ASPEN has acquired considerable goodwill and reputation internationally as well as in India owing to its longstanding and continuous use. **ANNEXURE A**
17. The Complainant has further placed on record evidence showing its official website and domain name "aspenpharma.com", which was created on 26.06.2001 and has been continuously used in connection with the Complainant's pharmaceutical business. The Complainant also maintains a significant digital presence through various online and social media platforms. **ANNEXURE B**
18. As per the WHOIS records placed on record, the disputed domain name "aspenpharmaceuticals.co.in" was registered on 26.02.2025 by the Respondent through the Registrar HOSTINGER operations, UAB. The Complainant submits that the registration of the disputed domain name is subsequent to its longstanding trademark rights and prior domain name registrations.
19. The Complainant has further submitted that the disputed domain name wholly incorporates its distinctive trademark ASPEN together with the descriptive expression "pharmaceuticals", which directly relates to the Complainant's core field of business. According to the Complainant, such adoption is calculated to create an impression of association, sponsorship or affiliation with the Complainant.
20. The Complainant contends that internet users encountering the disputed domain name are likely to assume that it belongs to, or is authorized by, the Complainant, particularly because the dominant element "ASPEN" is reproduced in its entirety and is coupled with a term describing the pharmaceutical industry in which the Complainant operates.
21. The Complainant has also submitted that it became aware that the Respondent had registered the disputed domain name on 26.02.2025 and, upon further investigation, found that the Respondent had adopted the disputed domain name despite the Complainant's longstanding rights in the ASPEN mark and its prior registered domain name "aspenpharma.com". **ANNEXURE C**
22. The Complainant has further placed on record material showing that the Respondent has no authorization, licence, permission or other legal relationship with the Complainant permitting the use of the ASPEN trademark or any deceptively similar variation thereof.
23. The Complainant has additionally drawn attention to the Respondent's prior conduct relating to applications and attempted adoption of marks containing the expression ASPEN, including trademark applications which were opposed by the Complainant and

subsequently abandoned or refused. According to the Complainant, this pattern of conduct demonstrates knowledge of the Complainant's rights and supports the allegation of bad-faith adoption of the disputed domain name. **ANNEXURE D**

- **Respondent:**

24. The Respondent has not filed any reply, explanation, or justification in response to the Complaint, despite due service of notice. The Respondent has therefore failed to rebut the Complainant's assertions or establish any rights or legitimate interests in the disputed domain name.

⇒ **CONTENTIONS OF PARTIES-**

- **Complainant:**

25. The Complainant contends that it is the proprietor of the well-known trademark ASPEN and various formative marks incorporating the expression ASPEN, which have been extensively used in relation to pharmaceutical and healthcare products across numerous jurisdictions worldwide. The Complainant submits that it has secured several trademark registrations, including registrations in India, and has acquired substantial goodwill and reputation in the said mark through longstanding and continuous use.
26. The Complainant further submits that it is the registered proprietor of the domain name "aspenpharma.com", which was created on 26.06.2001 and has been continuously used in connection with the Complainant's pharmaceutical business. According to the Complainant, the said domain name has become an important identifier of its business and online presence. **ANNEXURE B**
27. The Complainant contends that the disputed domain name "aspenpharmaceuticals.co.in" is identical and confusingly similar to its trademark ASPEN and its registered domain name "aspenpharma.com". It is submitted that the dominant and distinctive component of the disputed domain name is the expression ASPEN, which has been incorporated in its entirety, while the addition of the descriptive expression "pharmaceuticals" does not serve to distinguish the disputed domain name from the Complainant's mark.
28. The Complainant submits that consumers and members of the trade are likely to be misled into believing that the disputed domain name is associated with, endorsed by, or affiliated with the Complainant. According to the Complainant, the adoption of the disputed domain name creates a likelihood of confusion and deception amongst internet users seeking information regarding the Complainant and its pharmaceutical products.
29. The Complainant further contends that, by virtue of its prior adoption, extensive use and goodwill accrued in the trademark ASPEN, consumers and members of the trade associate the said mark exclusively with the Complainant. Therefore, the adoption and use of a domain name incorporating the dominant expression ASPEN by an unrelated third party is likely to cause confusion and deception amongst the relevant class of consumers.
30. The Complainant submits that the Respondent has no rights, legitimate interests, authorization, licence or permission to use the trademark ASPEN or any deceptively similar variation thereof. It is contended that the Respondent is neither commonly known by the disputed domain name nor has acquired any independent trademark rights therein.
31. The Complainant further relies upon the Respondent's prior conduct relating to trademark applications containing the expression ASPEN, including applications which

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were opposed by the Complainant and subsequently abandoned or refused. According to the Complainant, such conduct demonstrates the Respondent's prior knowledge of the Complainant's rights and establishes a pattern of adopting marks associated with the Complainant. **ANNEXURE D**

32. The Complainant contends that the disputed domain name was registered on 26.02.2025, long after the Complainant had acquired statutory and common law rights in the ASPEN mark and had established its online presence through the domain name "aspenpharma.com". The registration of the disputed domain name is therefore alleged to be deliberate, mala fide and intended to exploit the goodwill and reputation of the Complainant.
33. In support of its contentions, the Complainant has relied upon, inter alia, *Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.* ; *Oki Data Americas, Inc. v. ASD Inc.* ; *Infosys Technologies Ltd. v. Adinath Infosys Pvt. Ltd. & Ors.*, □ wherein protection was recognized against deceptive adoption of trademarks and domain names, cybersquatting, passing off and unauthorized exploitation of established goodwill.
34. The Complainant further submits that the principles governing protection of domain names and trademarks have also been recognized in various judicial and arbitral precedents including *Yahoo! Inc. v. Akash Arora & Anr.*, *Rediff Communication Ltd. v. Cyberbooth & Anr.*, *Dr. Reddy's Laboratories Ltd. v. Manu Kosuri*, *Morgan Stanley v. Bharat Jain*, *Google India Pvt. Ltd. v. Gulshan Khatri*, *Instagram LLC v. Ding Riguo* (INDRP/1183), *Wacom Co. Ltd. v. Liheng* (INDRP/634). According to the Complainant, the principles laid down therein are applicable to the facts of the present dispute.
35. Thus, the Complainant accordingly seeks appropriate relief under the INDRP, including cancellation of the disputed domain name, removal of the Respondent's registration rights therein, and such further directions as may be necessary to prevent misuse or unauthorized transfer of the disputed domain name.
36. 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.
37. Thus, the Complainant prays for directions to the .IN Registry of NIXI to transfer the disputed domain name "aspenpharmaceuticals.co.in" to the Complainant."

- **Respondent:**

38. The Respondent has not filed any reply. In the absence of any rebuttal, the Complainant's assertions remain uncontroverted, and adverse inference is liable to be drawn against the Respondent.

⇒ **ANALYSIS-**

According to the above-mentioned facts of the case, the Tribunal must decide the following points-

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

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The Complainant has placed sufficient material on record to establish its statutory as well as common-law rights in the trademark ASPEN. The record further demonstrates that the Complainant has been using the said mark extensively in relation to pharmaceutical products and has also established its online presence through the domain name "aspenpharma.com", which was created on 26.06.2001. The disputed domain name "aspenpharmaceuticals.co.in" incorporates the Complainant's trademark ASPEN in its entirety. The addition of the descriptive expression "pharmaceuticals", which directly relates to the Complainant's field of business, does not distinguish the disputed domain name from the Complainant's mark. Rather, it is likely to strengthen an association with the Complainant and its business. The suffix ".in", being a country-code top-level domain (ccTLD), is merely a technical requirement of registration and does not diminish the confusing similarity between the disputed domain name and the Complainant's mark. The principles governing deceptive similarity in domain name disputes have been recognized in *Yahoo! Inc. v. Akash Arora & Anr.*, *Rediff Communication Ltd. v. Cyberbooth & Anr.*, and *Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.*, & they support the conclusion that where a domain name reproduces a complainant's mark in a manner likely to cause confusion, the element of deceptive similarity stands established irrespective of the addition of descriptive expressions or domain suffixes.

In conclusion, the disputed domain name is confusingly similar in appearance, structure, commercial impression, and overall identity to the Complainant's trademark ASPEN, and is therefore liable to create an impression of association or affiliation with the Complainant.

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

The Complainant has established a prima facie case that the Respondent has no rights, claims, or legitimate interests in respect of the disputed domain name. There is nothing on record to indicate that the Respondent is commonly known by the name "ASPEN" or "ASPEN PHARMACEUTICALS", nor is there any material to show that the Respondent has acquired any independent trademark or trade name rights in the said expression. The Complainant has specifically asserted that no licence, permission, or authorization was ever granted to the Respondent to use its trademark in any manner. Once such a prima facie case is made out, the burden shifts upon the Respondent to demonstrate some plausible right or legitimate interest in the disputed domain name. This principle has been consistently recognized under the INDRP, including in *Instagram LLC v. Ding Riguo (INDRP/1183)* and *Wacom Co. Ltd. v. Liheng (INDRP/634)*. In the present case, despite due service of the Complaint and notice of these proceedings, the Respondent has chosen not to appear or file any material in support of its registration.

In the absence of any explanation or defence, the Respondent has failed to establish any legitimate interest in the disputed domain name.

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

The facts and circumstances of the present case indicate that the disputed domain name has been registered and is being used in bad faith. The Respondent registered the disputed domain name on 26.02.2025, long after the Complainant had established goodwill and reputation in the trademark ASPEN and had acquired an online presence through its domain name

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"aspenpharma.com", which was created on 26.06.2001. The disputed domain name incorporates the Complainant's trademark ASPEN in its entirety together with the expression "pharmaceuticals", which directly relates to the Complainant's field of business. Such adoption is likely to create an impression of association or affiliation with the Complainant.

The Tribunal also finds significance in the material placed on record regarding the Respondent's prior attempts to adopt marks containing the expression ASPEN, including trademark applications which were opposed by the Complainant and subsequently abandoned or refused. This pattern of conduct demonstrates prior knowledge of the Complainant's rights and weakens any claim of bona fide adoption.

The present case is not one where the Respondent can plausibly claim ignorance of the Complainant's rights. The material placed on record indicates that the Respondent had, on multiple occasions, sought to adopt marks containing the expression ASPEN and had been met with opposition proceedings initiated by the Complainant. In such circumstances, the registration of the disputed domain name incorporating the very same dominant expression cannot be viewed in isolation and strongly suggests conscious adoption with prior knowledge of the Complainant and its trademark rights.

The Respondent has neither appeared before this Tribunal nor offered any explanation for adopting the disputed domain name. The Complainant's case also finds support in *Morgan Stanley v. Bharat Jain and Momondo A/S vs. Ijorghe Ghenrimopuzulu*, INDRP Case No. 882.

In conclusion, the Respondent's registration and use of the disputed domain name "aspenpharmaceuticals.co.in" is not bona fide, but is tainted with bad faith, and is liable to be dealt with accordingly under the INDRP.

⇒ **CONCLUSION-**

39. Considering the pleadings, documents, and material placed on record, this Tribunal is of the view that the Complaint has merit and deserves to be allowed. The Complainant has successfully established prior statutory and common-law rights in the trademark ASPEN, and has further shown that such rights substantially pre-date the Respondent's registration of the disputed domain name.
40. The disputed domain name "aspenpharmaceuticals.co.in" incorporates the Complainant's trademark ASPEN in its entirety together with the descriptive expression "pharmaceuticals", which is directly connected with the Complainant's field of business. The Respondent has failed to establish any rights or legitimate interests in the disputed domain name and the material on record further supports a finding of bad-faith registration and use.
41. The Respondent's prior attempts to adopt marks containing the expression ASPEN, coupled with the absence of any response in the present proceedings, reinforce the conclusion that the disputed domain name was adopted with knowledge of the Complainant's rights and goodwill.
42. It is further clarified that the presence of a generic or country-code top-level domain, whether ".com", ".org", or ".in", is merely a technical requirement of domain name registration and does not, by itself, confer any distinctiveness or legitimacy upon the registrant. In the present case, the use of the suffix ".co.in" does not alter the

identity of the disputed domain name nor diminish the likelihood of confusion arising from the incorporation of the Complainant's trademark.

43. In view of the foregoing, this Tribunal holds that the disputed domain name aspenpharmaceuticals.co.in is confusingly similar to the Complainant's trademark ASPEN, that the Respondent has no rights or legitimate interests therein, and that the said domain name has been registered and used in bad faith.
44. Accordingly, the **Complaint is allowed** and the disputed domain name "aspenpharmaceuticals.co.in" is directed to be transferred in favour of the Complainant."

⇒ **ORDER-**

1. The .IN Registry of NIXI is directed to transfer the disputed domain name "aspenpharmaceuticals.co.in" to the Complainant forthwith. Registry to do the needful.
2. Parties to bear their own costs.
3. This Award is passed today at New Delhi on 16.06.2026.

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Sole Arbitrator
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Sole Arbitrator
Date- 16.06.2026