



தமிழ்நாடு தமில்நாடு TAMILNADU
BEFORE THE SOLE ARBITRATOR
UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY



26 MAY 2026

PRESENT: TMT.M. SHIRIJHA, B.Sc.M.L.,

24th May 2026

EU 689615
K. SANKAR (S.V)
L. No: 1481/94
Nagar. Chennai-17

COMPLAINT INDRP Case No. 2086

IN THE MATTER OF AN ARBITRATION
FOR DISPUTE RELATING TO THE
DOMAIN NAME "destinationholidayinn.in"

Six Continents Hotels, Inc.
Three Ravinia Drive, Suite 100
Atlanta, Georgia 30346
USA

...Complainant

-vs.-

Minati Biswas / Webfuzon
2267 Jaydev Vihar
Bhubaneswar, Orissa 751013

...Respondent

M.SHIRIJHA B.SC., M.L.
STS Law Associates
2/669A, River View Enclave, First Main Road,
Manapakkam, Chennai - 600 125.

**AWARD PASSED UNDER THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION AND CONCILIATION ACT, 1996**

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I. PARTIES TO THE ARBITRATION

1. The Complainant is Six Continents Hotels, Inc. Three Ravinia Drive, Suite 100 Atlanta, Georgia 30346, USA represented by Advocate Douglas M. Isenberg, Esq. THE GIGALAW FIRM, DOUGLAS M. ISENBERG, ATTORNEY AT LAW, LLC., P.O. Box 421924, Atlanta, Georgia 30342, USA. Email: Doug@Giga.Law

2. The Respondent is Minati Biswas / Webfuzon 2267 Jaydev Vihar Bhubaneswar, Orissa-751013. GoDaddy.com, LLC is the Registrant of the disputed domain name "destinationholidayinn.in at 2155 E Godaddy Way, Tempe, AZ 85284, Email: legal@godaddy.com; info@godaddy.com; legal@godaddy.com

II. APPLICABLE LAW AND JURISDICTION


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The .IN Domain Name Dispute Resolution Policy

The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (the Policy) which was adopted by the National Internet Exchange of India (NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name. By registering the domain name "destinationholidayinn.in with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure posted 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

III. Filing of the Complaint and Constitution of the Arbitral Tribunal

1. The Complainant filed the Complaint under the .IN Domain Name Dispute Resolution Policy against the Respondents, seeking transfer of the Domain Name "destinationholidayinn.in to the Complainant, following which, the .IN Registry sought the consent of Tmt. M.SHIRIJHA (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under 5 (a) of the Rules, to act as Arbitrator in the said matter.

2. On 1st January 2026, the Arbitral Tribunal consisting of the said Tmt. M.SHIRIJHA as Sole Arbitrator was constituted under 5(b) of the Rules in respect of the Complaint filed against the Respondent, Registrant of the domain name "destinationholidayinn.in.

3. On perusing the documents, The Arbitral Tribunal on 6th January 2026 issued the Notice of Arbitration under 5(c) of the Rules. to the parties for commencement of Arbitral Proceedings.

4. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.


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IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT

The particulars of the registration of the domain name "destinationholidayinn.in" as found in the .IN Registry database are set out below: GoDaddy.com, LLC, 2155EGodaddyWay, Tempe, AZ85284 Email:legal@godaddy.com; info@godaddy.com;

V. PROCEDURAL HISTORY

1. The Sole Arbitrator, Tmt. M.Shirijha was appointed on 1st January 2026, for the INDRP case no. 2086 regarding the Complaint filed under the INDRP.
2. On perusing the documents, The Arbitral Tribunal on 6th January 2026 issued the Notice of Arbitration under 5(c) of the Rules to the parties for commencement of Arbitral Proceedings and directed the Complainant to serve the said Notice to the Respondent both Online and Offline to the address mentioned therein. The Respondent was given an opportunity to file a response in writing in opposition to the Complaint, if any along with evidence in support of its stand or contention on or before seven working days from the date of receipt of the said Notice.
3. As further communication has not been received from the Complainant, they were directed on 17th April 2026 to file the compliance report regarding the delivery proof of the documents sent to the respondent. On 22nd April 2026, the Complainant informed the Arbitral Tribunal that he has served the copy of the Complaint along with the annexures via email and has also dispatched the hard copies of the same to the Respondent and submitted the said email copy and delivery proof. The Complainant also submitted the proof of Notice sent through Courier to the Respondent's Official address as shown in the WHOIS details. On 22nd May 2026, another direction is issued to the Complainant to file the compliance report regarding the service of hard copy of documents to the respondent. On 23rd May 2026, the Complainant submitted that the Courier has informed that it has been unable to deliver the package due to incomplete contact details and prayed to consider the service made to Respondent itself sufficient and proceed further. As it is evident that the offline service to Respondent could not be affected due to insufficient mailing information, the request of the Complaint is condiered and held

that service made to respondent is sufficient. As the Respondent who received the notice via email has neither appeared nor sent any objections, inspite of grating sufficient opportunity, is set exparte.

4. As The Respondent did not respond to the notice issued via Email, even after giving sufficient time, The Arbitral Tribunal recorded the nonappearance of the Respondent and set him exparte.

VI. COMPLAINANT'S CONTENTIONS

1. The Complainant is one of a number of companies collectively known as IHG Hotels & Resorts ("IHG"), one of the world's largest hotel groups. Companies within IHG own, manage, lease or franchise, through various subsidiaries, 6,845 hotels and 1,010,756 guest rooms in about 100 countries and territories around the world. IHG owns a portfolio of well-recognized and respected hotel brands. Complainant's Holiday Inn brand was founded in 1952 and today is used in connection with 1,242 hotels, offering 224,654 rooms worldwide. Complainant and its related companies (including Inter-Continental Hotels Corporation) have prevailed in numerous domain name dispute proceedings involving the HOLIDAY INN Trademark including the largest complaint ever filed under the Uniform Domain Name Dispute Resolution Policy ("UDRP"), which resulted in a decision ordering the transfer of 1,519 domain names to Complainant, many of which contained the HOLIDAY INN Trademark, Inter-Continental Hotels Corporation, Six Continents Hotels, Inc. v. Daniel Kirchof, WIPO Case No. D2009-1661. Complainant is the registrant of numerous domain names that contain the HOLIDAY INN Trademark including holidayinn.com, which was created on March 21, 1995 (30 years before the Disputed Domain Name). Complainant owns approximately 182 registrations in approximately 136 countries or geographic regions worldwide for trademarks that consist solely of the mark HOLIDAY INN. Complainant's registrations for the HOLIDAY INN Trademark include the following in India, just to cite a few: Mark Reg. No. Date of Registration, HOLIDAY INN 1,240,888 September 30, 2003, HOLIDAY INN 1,240,889 September 30, 2003, , HOLIDAY INN 1,546,346 April 3, 2007.4 In addition, Complainant

owns hundreds of other registrations that include "HOLIDAY INN," such as design marks and those with additional words, such as "HOLIDAY INN EXPRESS."

2. Respondent registered the Disputed Domain Name on July 24, 2025, after Complainant obtained its first registration for the HOLIDAY INN Trademark and 30 years after Complainant registered the domain name holidayinn.com. Respondent is using the Disputed Domain Name in connection with a website that appears to be a website for, or otherwise associated with, Complainant, by offering users the ability to purchase tour packages, including hotel reservations. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

Hence the Complaint.

VII. DISCUSSIONS AND FINDINGS:

1. The Hon'ble Apex Court of India has repeatedly held that even in an uncontested matter the Plaintiff's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Accordingly, A Complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements required by Paragraph 4 of the INDRP Policy namely:

a) The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.

b) The Respondent has no rights or legitimate interests in respect of the domain name

c) The Respondent's domain name has been registered or is being used in bad faith.

Accordingly, the Arbitral Tribunal shall deal with each of the elements as under

a) Whether the Respondent domain name is identical and/or deceptively similar to domain name and trademarks of the Complainant?

i) The Complainant provided evidence with the Annexures, to establish that the Disputed Domain name is identical or confusingly similar to the Complainant's registered and distinctive trademark

ii) The copy of the trademark registration certificate of Domain Name and WHOIS records shows Complainant is the owner of the said trademark HOLIDAY INN registrations in India.

iii) It is further evident from the WHOIS records that the disputed domain name by Respondent, was acquired long after the HOLIDAY INN trademark was recognised.

iv) The Extensive Annexures shows that The Complainant holds HOLIDAY INN trademark registrations in India and because of the extensive use and promotion of the said trademark, the brand HOLIDAY INN has gained recognition.

v) It is the contention of the Complainant that the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. Many domain name dispute panels have found that Complainant has strong rights in and to the HOLIDAY INN Trademark as in *Six Continents Hotels, Inc. v. Ahmed Marzooq, WIPO Case No. 2012-0757* ; "the HOLIDAY INN Trademarks are entitled to a high level of protection due to fame and notoriety" (*Six Continents Hotels, Inc. Jan Pavlik, WIPO Case No. D2007-0472*); "the HOLIDAY INN mark, more than famous, has become iconic" (*Six Continents Hotels, Inc. v. CredoNIC.com / Domain For Sale, WIPO Case No. D2005-0755*); the HOLIDAY INN Trademarks are inherently distinctive, have been used extensively for many years throughout the world in connection with its hotels and services, and are some of the most widely recognized lodging brands in the world" (*Six Continents Hotels, Inc. v. Asia Ventures, WIPO Case No. D2003-0659*); "the HOLIDAY INN name and trademark are famous, are identifiable with Complainant, and have considerable good will" (*Six Continent Hotels, Inc. v. The Omnicorp, WIPO Case No. D2005-1249*). The second-level portion of the Disputed Domain Name contains the HOLIDAY INN Trademark in its entirety. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain the said panels have also held that "name will normally be considered confusingly similar to that mark for purposes of UDRP

standing; "the fact that a domain name wholly incorporates a complainant's registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy" (*Oki Data Americas, Inc. v. Asdinc.com*, WIPO Case No. D2001-0903); "incorporating a trademark in its entirety can be sufficient to establish that a domain name is identical or confusingly similar to a registered trademark" (*PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS Computer Industry (a/k/a EMS)*, WIPO Case No. D2003-0696) ; Indeed, previous panels have found that a domain name containing a complainant's trademark plus a descriptive word that is associated with the trademark given that the word "destination" is associated with Complainant's hotel services offered in connection with its HOLIDAY INN Trademark) does nothing to diminish – and, if anything, may actually increase – confusing similarity between the trademark and the disputed domain name. The learned Counsel for the Complainant pleads that in view of the above, it is evident that the Impugned Domain Name is confusingly similar to the Complainant's HOLIDAY INN Trademark.

vi) Perused the Annexures placed in support of his contention, to show that the subject domain name is virtually identical to the trademark HOLIDAY INN Trademark of the Complainant which shows that the Complainant's adoption of the mark predates the registration of The Impugned Domain Name by decades. As submitted by the Complainant, although the Disputed Domain Name contains the descriptive word "destination" in addition to the HOLIDAY INN Trademark, this addition is irrelevant for purposes of confusing similarity. Section 1.8 of WIPO Overview 3.0 reads as follows: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element."

vii) As cited by the Complainant, the decisions in *Media West-DMR et al. v. Phil Nagy*, WIPO Case No D2005-1322 wherein it was held that "confusion is only heightened when the generic word added by a respondent is descriptive of a complainant's goods or services marketed in relation to the mark"; "when a domain name is registered which is a well-known trademark in combination with another word, the nature of the other word will largely determine the confusing similarity" (*Yellow Corporation v. MIC*, WIPO Case No. D2003-0748); "inclusion of "a word that describes the products or services with which

it is used... increases the likelihood of an association with the Complainant and its activities" (E.I. Dupont de Nemours and Company Guo Haibo, yangyinghong, WIPO Case No. D2011-1445) squarely applies to the case in hand.

viii) Further the non-appearance of the Respondent to disprove the claim of the Complainant also implies that he has no case to say in this regard. Hence this Tribunal observes that the Complainant has established their case under Paragraph 4 of INDRP i.e. The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights and decides in favour of them.

b) Whether the Respondent has no rights or legitimate interests in respect of the domain name?

i) To pass muster under Paragraph 4(b) of the INDRP Policy, the Complainant has to show that the Respondent has no rights and legitimate interests in the disputed domain name under Paragraph 6 of the Policy.

ii) Evidence was provided by the Complainant to show that The Respondent is not affiliated with Complainant in any way and has never been authorised or licensed by Complainant to use or register its trademarks, or to seek registration of any domain name incorporating the trademark in question. The Complainant argues that they have never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the HOLIDAY INN Trademark in any manner. Reliance is made on the decisions in *Sony Ericsson Mobile Communications AB v. Salvatore Morelli, NIXI Case No. INDRP/027*, wherein it was held that "the Respondent is neither a licensee of the Complainant, nor has it otherwise obtained authorization of any kind whatsoever, to use the Complainant's mark, the panel should find a lack of rights or legitimate interests under the INDRP";

iii) The complainant would submit that the Respondent is not commonly known by any of the disputed domain names or any variation thereof and And given Complainant's registration of the HOLIDAY INN Trademark for 71 years (including in India), it is impossible that the Respondent is commonly known by this trademark.

iv) Once the Complainant makes a prima facie case showing that the Registrant does not have any rights or legitimate interest in the domain name, the evidentiary burden shifts to the Registrant to rebut the contention by providing evidence of its rights or interests in the domain name. But inspite of receiving notice, he has remained exparte, which implies that he has no case in his favour.

v) Given the long and widespread reputation of the Complainant's trademarks, the compelling conclusion is that the Respondent, by choosing to register and use a domain name which is not only confusingly similar to the Complainant's widely known and distinctive trade mark but identical, intended to ride on the goodwill of the Complainant's trademark in an attempt to exploit, for commercial gain, Internet traffic destined for the Complainant. Potential partners and end users are led to believe that the website is either the Complainant's site, or the site of official authorized partners of the Complainant, while in fact it is neither of these. By using the Disputed Domain Name in connection with a website that appears to be a website for, or otherwise associated with, Complainant – by offering users the ability to purchase tour packages, including hotel reservations – Respondent has failed to create a bona fide offering of goods or services under the Policy, and, therefore, Respondent cannot demonstrate rights or legitimate interests under Paragraph 6(a) of the Policy. Section 2.13 of WIPO Overview 3.0 says "Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent." Further, by engaging in such activity, Respondent has failed to create a Bonafide offering of goods or services under the Policy, and, therefore, Respondent cannot demonstrate rights or legitimate interests under paragraph 6(b) of the INDRP.

vi) Moreover, the Respondent is using the Disputed Domain Name in connection with a website that appears to be a website for, or otherwise associated with, Complainant, by offering users the ability to purchase tour packages, including hotel reservations. This implies an association with Complainant and, therefore, is clearly misleading pursuant to paragraph 6(c) of the Policy. In *Six Continents Hotels v. "m on"*, WIPO Case No. D2012-2525 it was held that "the heart of the Complaint is the

Complainant's contention that the Respondent has taken the trademark of the Complainant with a view to attracting Internet users to a website offering [competitive] services, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to a website" and The Panel accepts that such activity clearly does not provide the Respondent with a legitimate interest in the Domain Name. further the decision is BHP Billiton Innovation Pty Ltd v. Zong Wang, WIPO Case No. D2017-0537

wherein it was held that "Where complainant alleged that "the disputed domain name resolved to a website purporting to be an official website of the Complaint," such "use of the disputed domain name in connection with a website that creates a misleading impression of association with the Complainant does not give rise to any rights or legitimate interests in the disputed domain name on the part of the Respondent" and in Pfizer Inc. v. Freda Tagamet, Michael Chucks, WIPO Case No. D2014-2207 where complainant alleged that respondent's website enabled it to falsely hold itself out as the Complainant or the Complainant's affiliate, it was held that "the Respondent appears to aim at commercial gain" and cannot establish rights or legitimate interests under paragraph 4(c)(iii) of the Policy.

Accordingly, the Arbitral Tribunal finds that the Complainant has made out a prima facie case that the Respondent has no rights and legitimate interests in respect of the disputed domain name as Complainant has never assigned, granted, licensed, sold, transferred, or otherwise authorised Respondent to register or use the Disputed Domain Name or Trademark and the same is also not used for making legitimate non-commercial use. Thus, it satisfies the second element under Paragraph 4 (b) of the Policy.

c) Whether the Respondent domain name was registered or is being used in absolute bad faith?

i) The Complainant provided the following reasons to show that the Respondent acquired the disputed domain name in bad faith:

Firstly, the Respondent used the HOLIDAYINN trademark without consent from the Complainant.

Secondly, Respondent was aware of Complainant's rights in its well-known trademark as a consequence of Complainant's substantial use of the trademark which predates before the Respondent acquired the domain name.

Thirdly, the domain name is only registered with no apparent legitimate purpose and holding on to the same with absolutely no justification except to make wrongful profit therefrom. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith registration.

Fourthly, The Respondent impersonated the Complainant's domain name which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business by redirecting people to the infringing domain name and also making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

ii) In support of their contention, the Complainant relied upon the following decisions : "*the practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith*" (*Arla Foods amba v. Jucco Holdings, WIPO Case No. D2006-0409*); "*Respondent intentionally uses the domain name... aiming to profit from Complainant's renowned trademark by attracting Internet users. The confusion created by the domain name makes potential customers to choose other services than the Complainant's, disrupting Complainant's business*" (*Six Continents Hotels, Inc. v. NA InterMos, WIPO Case No. D2006- 1313*); "*by using disputed domain name in connection with a website that offers services in competition with the Complainant... the Respondent, by such use, intentionally attempted to attract Internet users, expecting to reach the website corresponding to the Complainant's services and to obtain information about the Complainant's activity, to services related to another company, by creating a likelihood of confusion with the Complainant's trademark and business, and damaging the Complainant's business*" (*Six Continents Hotels, Inc., v. Bunjong Chaiviriyawong, WIPO Case No. D2013-1942*); "it is implausible that Respondent was unaware of the Complainant when it registered the Domain Name given the fame of

the Trade Mark." (*Six Continents Hotels v. Lin hongyu, Cheng Qi Lin, WIPO Case No. D2017-2033*).

iii) The Annexures produced shows that the only explanation of what has happened is that the Respondent's motive in registering and using the domain name seems to be... simply to disrupt the Complainant's relationship with its customers or potential customers or attempt to attract Internet users for potential gain. These both constitute evidence of registration and use in bad faith" as decided in *Pencil, LLC v. Jucco Holdings, WIPO Case No. D2006-0676*.

iv) In addition, by using the Disputed Domain Name in connection with a website that Falsely appears to be a website for, or otherwise associated with, Complainant by offering users the ability to purchase tour packages, including hotel reservations – Respondent is clearly "creating a likelihood of confusion" with the HOLIDAY INN Trademark, constituting bad faith pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *Arla Foods amba v. Jucco Holdings, WIPO Case No. D2006-0409*. The practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith as held in *Six Continents Hotels, Inc. v. NA InterMos, WIPO Case No. D2006-1313*).

v) Even WIPO Overview 3.0, section 3.1.4. reads thus: "The mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." Further The HOLIDAY INN Trademark is clearly famous and/or widely known, given that it is protected by at least 182 trademark registrations in approximately 136 jurisdictions worldwide, the oldest of which was registered 71 years ago. The HOLIDAY INN Trademark is "well-known and well-established as held in *Six Continents Hotels, Inc. v. Ahmed Marzooq, WIPO Case No. 2012-0757*) & in *Six Continents Hotels, Inc. v. CredoNIC.com / Domain FforSale, WIPO Case No. D2005-0755*.

vi) The Claim of the Complainant seems to be convincing and the Respondent's bad faith registration of the Impugned Domain Name is established by the fact that (a)

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the Impugned Domain Name is confusingly similar to the Complainant's prior trademark/name HOLIDAY INN; (b) the Respondent is providing services identical to those of the Complainant; (c) the Respondent is portraying itself to be the Complainant and/or closely associated with the Complainant; (d) Respondent has concealed its identity while securing registration of the Impugned Domain Name; and (e) Respondent has furnished an incorrect address on the Impugned Domain Name.

viii) upon the facts and circumstances of the present case and the evidence placed before it, The Tribunal accepts the contentions of the Complainant and holds that the Respondent's domain name "destinationholidayinn.in" has been registered with an opportunistic intention and is being used in bad faith and this issue is also decided in favour of the Complainant.

VIII. DISPOSITIONS

The Arbitral Tribunal holds that the three elements set out in paragraph 4 of the INDRP Policy that

i) The Respondent domain name "destinationholidayinn.in" is identical and confusingly similar to the name, trademark and brand name HOLIDAY INN by the Complainant.

ii) The Respondent has no rights or legitimate interests in the domain name "destinationholidayinn.in" and

iii) the same has been registered in bad faith.

have been established by the Complainant and hence It is entitled for the relief sought for.

For the foregoing reasons stated above, The Arbitral Tribunal directs that:

The Disputed Domain name "destinationholidayinn.in" be transferred to the Complainant.

Place: Chennai

Dated: 24TH May 2026

(M. SHIRIJHA)
Sole Arbitrator,

The Arbitral Tribunal

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