



BEFORE TMT.M.SHIRIJHA, B.SC., M.L.

तमिलनाडु TAMILNADU

SOLE ARBITRATOR, AT CHENNAI

29<sup>th</sup> March 2026

CY 130810.

COMPLAINT INDRP Case No. 2097

IN THE MATTER

ARBITRATION FOR A DISPUTE

RELATING TO THE DOMAIN NAME -

"savaari.co.in". UNDER THE .IN

DOMAIN NAME DISPUTE

SAVAARI Car Rentals Private Limited

1137, 2nd Floor, R.G. Towers, 100 Feet Road,

Indiranagar, Bangalore,

Bengaluru (Urban) 560038

Karnataka, India

...COMPLAINANT

Vs.

Pritam Kumar

Kishorganj Harmu Road Ranchi

Ranchi 834001

Jharkhand, India

RESPONDENT

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M.S. Shirijha  
M.SHIRIJHA B.SC., M.L.  
STS Law Associates  
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**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 SAVAARI Car Rentals Private Limited, 1137, 2nd Floor, R.G. Towers, 100 Feet Road, Indiranagar, Bangalore- 560038, Karnataka, India

2. The Respondent is Pritam Kumar, Kishorganj Harmu Road Ranchi Jharkhand, India. Email: [xceltechnologiesinc@gmail.com](mailto:xceltechnologiesinc@gmail.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 "savaari.co.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 "www.savaari.co.in" into 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 22<sup>nd</sup> January 2025, 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 by the Complainant herein.

3. On 23<sup>rd</sup> January 2026, the Amended Complaint was filed by the Complainant along with the Annexures. On 31<sup>st</sup> January 2026, the Power of Attorney was filed by the Complainant. On 2<sup>nd</sup> February 2026, this Tribunal 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.

#### **IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT**

The particulars of the registration of the domain name "www.savaari.co.in" as found in the .IN Registry database are set out below:

- i. Name: HOSTINGER operations, UAB
- ii. Registrar's Address: Švitrigailos str. 34, Vilnius 03230 Lithuania
- iii. E-mail Address: domains@hostinger.com

#### **V. PROCEDURAL HISTORY**

1. The Sole Arbitrator, Tmt.M.SHIRIJHA was appointed on 22<sup>nd</sup> January 2026, for the present INDRP case.
2. Immediately thereafter, On January 2026, The Complainant filed the Amended Complaint along with Annexures and only on 31<sup>st</sup> January 2026, the Power of Attorney to Represent the Complainant was filed and thereafter the learned Arbitrator 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. On 9<sup>th</sup> February 2026, the Complainant represents that he has effected service to the Respondent and has filed the proof of the same along with the Power of Attorney itself, for which it was clarified that the directions issued in the Notice has to be carried out after the issuance of the same only. On the request of the Complainant, Fresh Notice was issued on 12<sup>th</sup> February 2026, On 17<sup>th</sup> February 2026 it Complainant submitted the proof of delivery of notice to the Respondent both online and offline but

it is seen that the service of the hard copy of the Notice could not be completed due to an incomplete or wrong address. But as the Notice through Email has been served to the Respondent. This Arbitral Tribunal holds that the service on the Respondent was done in accordance with Rule 2(a) of the Rules. Further as the respondent has not filed any objections in proper format as required by him, on 2<sup>5th</sup> February 2026, He was set Exparte.

## **VI. COMPLAINANT'S CONTENTIONS**

1. The Complainant is an online cab-booking aggregator headquartered in Bengaluru, India, providing chauffeur-driven intercity, local and airport transfer services across more than 2,000 cities including Respondent's jurisdiction of Ranchi. The official website at [www.savaari.com](http://www.savaari.com) describes 'SAVAARI' as "India's largest intercity and local cab services," noting that it offers one-way and round-trip intercity travel, local rentals and airport transfers, and that over the last decade it has become the largest chauffeur-driven car rental company in India in terms of geographical reach. Over nearly two decades, SAVAARI's services and brand have been extensively featured and discussed in leading national and sector-specific media, consistently in the context of chauffeur-driven intercity cab rentals. Major publications and platforms have reported on SAVAARI's scale, growth, innovative products and leadership in intercity road travel, repeatedly describing it as India's largest, premier or leading intercity car-rental or cab-service provider, with presence in over 2,000 cities and industry-high customer satisfaction metrics. The media record also shows that SAVAARI has been treated as a benchmark player in its segment and as a counterpoint to app-based ride-hailing giants, with commentators highlighting the "SAVAARI advantage," its customer-first positioning, its leadership in one-way intercity routes (scaled to hundreds of thousands of route combinations). MakeMyTrip acquisition, widely reported as the purchase of a "leading" or "premier" car-rental company and framed as a pivotal transaction in the multi-billion-dollar intercity cab market, further reinforces that the term "SAVAARI" is perceived by the press, investors and consumers not as a generic reference to travel,

but as a distinctive badge of origin for the Complainant's business. In these circumstances, and given continuous, large-scale use since 2006 together with extensive nationwide press and digital coverage, the trademark "SAVAARI" has acquired a strong secondary meaning in India, uniquely denoting the Complainant's intercity and chauffeur-driven car-rental services. The Complainant's main domain name was registered in 2006 and has been operational since then. The present official website at <savaari.com> is a comprehensive, unique and acclaimed introduction to the car rental services. Further, it owns the <savaari.in> domain name as well since 2006, which has been mainly redirected to the .com website. The profile and popularity of the Complainant under the trademark "SAVAARI" and "SAVAARI Car Rentals" have been continuously increasing since the date of adoption and the trademark has received wide recognition. A simple Google search of the term "SAVAARI" throws up a huge number of results, which exclusively pertain to the Complainant and its mark. It also has been conferred with accolades & awards including Bronze award for "Innovative digital search SEO" at the Abby Awards 2024 at the Goafest 2024. Further, the Complainant's brand "SAVAARI" has a huge social media.

2. In July 2025, it was brought to the attention of the Complainant that the disputed Domain Name <savaari.co.in> was hosting a website that was deceptively similar to the official website of the Complainant. Upon investigation, it was observed that the website operating from the disputed Domain Name was engaging in wilful infringement and fraudulent activities, with active MX servers / email service. The website was impersonating the Complainant's legitimate online presence by copying the overall look and feel, layout, and branding associated with the Complainant's business and Most notably, it was using the SAVAARI mark without any approval, license, or authorization from the Complainant, SAVAARI Car Rentals Private Limited. Additionally, the MX records for the disputed Domain Name were active, and the possibility of Respondent indulging in phishing activities. The unauthorized use of the SAVAARI mark on the disputed website was clearly intended to mislead members of the public into believing that the website was owned, operated, or endorsed by the Complainant.

Hence they registered the Complaint with the Domain Registrar, Hostinger which led to the suspension of the disputed Domain Name. Accordingly, this 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 copy of the trademark registration certificate of Trademark "SAVAARI" and WHOIS records shows Complainant is the owner of the same in India and because of the extensive use and promotion of the "SAVAARI" trademark, the brand has gained recognition. The Complainant provided evidence with the Annexures, to establish that the Disputed Domain name "[www.savaari.co.in](http://www.savaari.co.in)" is identical or confusingly similar to the Complainant's registered and distinctive trademark. They plead that The Complainant, SAVAARI Car Rentals Private Limited, was the first to conceive and adopt the trademark SAVAARI in 2006 in relation to transport services and has, since then, built up extensive common-law rights and goodwill in that mark in India and the Trade mark "SAVAARI" has been used continuously and exclusively in connection with its business for nearly two decades and By virtue of the same, it qualifies to be a well-

known mark and is liable to be protected. They plead that The Registrant's domain name is identical and/or confusingly similar to the Name, Trademark or Service Mark etc. in which the Complainant has rights (clause 4(a) of INDRP). The Complainant further asserts extensive common-law rights in the word mark 'SAVAARI', independent of its device registration, arising from continuous, uninterrupted and substantial use in India since 2006, and the domain names <savaari.com> and <savaari.in>, used for an active cab-booking website from 2006; that The Trade mark has been widely promoted through extensive advertising. Online search results for SAVAARI predominantly direct users to the Complainant's official website. Through nearly two decades of consistent, widespread and exclusive use of the trademark SAVAARI has become uniquely associated in the minds of consumers and the trade with the Complainant's chauffeur-driven car-rental and inter-city cab services, conferring strong goodwill, reputation and enforceable common-law rights against confusing or deceptive third-party use; The Complainant had clearly acquired these common-law rights long before the Respondent registered the disputed Domain Name on 16 January 2025. The significant investment by MakeMyTrip in early 2024, and the widely reported acquisition of a controlling stake in SAVAARI as a "leading" or "premier" car-rental company, further underline the strength and market recognition of the SAVAARI brand. The disputed Domain Name <savaari.co.in> is identical to the Complainant's trademark SAVAARI and to its primary domain names incorporating that mark, and thus falls squarely within the approach taken in various INDRP precedents, where domain names incorporating the complainant's trademarks have been ordered transferred.

ii) It is the contention of the Complainant that the Respondent acquired the disputed Domain Name in violation of clause 3 of the INDRP, with the clear intent to target the Complainant and its mark which show use of the combination "SAVAARI Car Rentals" and a website impersonating the Complainant while engaging in phishing activity; It further contends that the disputed Domain Name had active MX records in June 2025, enabling email misuse and Hence, In July 2025, the Complainant filed a detailed fraud and phishing-abuse complaint with the Registrar Hostinger seeking

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suspension of the domain name which was complied with; Reliance is placed on the following UDRP precedents:

a) "The Complainant's evidence indicates an intention of the Respondent to target the Complainant's director and the Complainant's domain name <droit-technologie.org>. According to the Panel, this circumstance supports that the Complainant's domain name has achieved some significance as a source identifier..." *Max & Zoe SRL v. Frederic Peters, (CAC-UDRP-105154):*

b) "Finally, the Respondent's use of the SPACE FALCON trademark in its e-mail address to impersonate the COO (at the time of the scam) of the Complainant for fraudulent purposes further affirms the Complainant's position regarding its claim to unregistered trademark rights in this term, as it indicates that the Respondent is targeting the trademark, by making deliberate reference to the Complainant's business. As noted in section 1.3 of the WIPO Overview 3.0, "The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used) may support the complainant's assertion that its mark has achieved significance as a source identifier." *Space Falcon LLC v. John Iadrok, (CAC-UDRP-105490):*

c) "Finally, the Respondent's use of the PERYOURHEALTH mark to brand a cloned version of the Complainant's website itself further affirms the Complainant's position regarding its claim to unregistered trademark rights in this term, as it indicates that the Respondent is targeting the said mark, making deliberate reference to the Complainant's business as conducted via the online portal at <peryourhealth.com>." *Change Healthcare Operations, LLC v. Privacy Service Provided by Withheld for Privacy ehf / Yogesh Kumar, WIPO D2022-0063:*

iii) They would further argue that the ccTLD ".co.in" is necessary for India-specific top level domains on the Internet and is not taken into consideration, while comparing the disputed Domain Name with the Complainant's well-known trademark and Thus, the disputed Domain Name is identical/confusingly similar to the Complainant's registered marks.

iv) The contentions of the Complainant seem to be convincing and acceptable. Moreover, it is needless to say that the addition of the word 'the' and The replacement of the top-level domain name ".com" with ".in" makes no difference to the impugned domain name, as a prefix to the Complainant's registered trademark 'venetian' is incapable of lending the Disputed Domain Name any distinctiveness or reduce its similarity with the Marks. Hence, any use of the Disputed Domain Name will, in all likelihood, make Internet users believe that the Respondent's purported services belong to the Complainant and/or originate from the Complainant - which is not the case. In this regard, it is relevant to mention that a mere search for the words contained in the Disputed Domain Name, i.e. 'venetian', on the popular search engine Google.com leads to the Complainant's websites only, which establishes beyond doubt that the two concerned words will always be associated with the Complainant alone and therefore, the term 'the' as prefix to the prior and registered trademark 'VENETIAN' is not sufficient to avoid confusion between the consumers. The Arbitral Tribunal also took notice of the decision in *Fendi Sr.I. v. Ndiaye Therese, WIPO Case No. D2018-0179*; *Birdies, Inc. v. Registration Private, Domains By Proxy, LLC/Fu Li, WIPO Case No. D2019- 2134*, which through a catena of Orders passed by this Panel and WIPO (under the UDRP), states that domain extensions such as ".com" and ".in" are to be ignored while assessing whether a domain name is identical or confusingly similar to a trade mark, the disputed domain name is regarded confusingly similar to that mark for the purposes of UDRP standing. The Arbitral Tribunal also took note of the decisions of "It is well established under the .IN Policy that the ccTLD ".IN" may be disregarded when assessing whether a domain name is identical or confusingly similar to a complainant's trade mark (*AB Electrolux v. GaoGou of YERECT, INDRP/630 (<zanussi.in>*) and hence holds that the Domain Name is confusingly similar to the Complainant's trade mark. *Nike Inc. v. Nike Innovative CV Zhaxia, INDRP Case No. 804*; *Metropolitan Trading Company v. Chandan Chandan, INDRP Case No. 811*; *Lego Juris A/s v. Robert Martin, INDRP Case No. 125*, wherein it was held that if a disputed domain name completely incorporates the trademark of the Complainant, then the



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mere addition of domain codes such as ".in" and/or ".co.in" will not distinguish the Respondent's disputed domain name.

v) Following the said dicta referred above, and upon the facts and circumstances of the present case and the evidence placed before it, The Tribunal finds that The subject domain name <"www.savaari.co.in". Is not only identical but deceptively similar to the trademark SAVAARI" of the Complainant. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy Paragraph 4(a) is satisfied.

**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. In support of their contention, they emphasised that The Trade mark 'SAVAARI' has been used continuously in India since 2006 and through long-standing and widespread use, has gained significant recognition nationwide. Owing to nearly two decades of consistent and extensive use, the SAVAARI mark is widely and exclusively associated with the Complainant's chauffeur-driven car-rental services. The Complainant submits that the Respondent has no connection or relationship with the Complainant (or with any licensee of the Complainant) and has never been authorised to register, hold or use the disputed Domain Name in any manner; Specifically, in terms of clause 6 of the INDRP: a) Respondent's use of the domain name is not in connection with a bona fide offering of goods or services in terms of clause 6(a) of INDRP; b) Respondent is not commonly known by the disputed Domain Name or the trademark in terms of clause 6 (b) of INDRP; c) Respondent is not making a legitimate non-commercial or fair use of the domain name, in terms of clause 6 (c) of INDRP. & Accordingly, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed Domain Name and as the Respondent has not fulfilled any of the afore-mentioned conditions for it to have demonstrable rights or legitimate interests in the Disputed Domain Name and there is every likelihood that

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potential or unwary persons in the future could be misled into using the services of the Respondent under the impression that the same are being offered by the Complainant; The Complainant has not approved, assigned, granted, licensed, sold, transferred or in any way authorized the Respondent the right to use its 'Savaari' Marks in connection with any domain name; the impugned domain name is being used to offer identical hotel services to mislead viewers and consumers looking for the Complainant's services. The Respondent has laid bare its intent to commercially exploit the Complainant's trade mark and trading style SAVAARI", for the sole purpose of causing irreparable damage and injury to the Complainant's goodwill and reputation, resulting in dilution of the Complainant's trade mark and trading style. In fact, by acquiring the impugned domain name, the Respondent has shown crass opportunism in encashing the popularity of the Complainant's trade mark and trading style. It is apparent that the Respondent's intention, while registering the impugned domain name for offering identical hotel services, was to misappropriate the reputation and goodwill of the Complainant's trade mark and trading style, and unfairly benefit therefrom. Reliance is placed on the decision in *Levine in The Clash of Trademarks and Domain Names on the Internet* (2024, p. 321) wherein it was held that "In all likelihood, complainants are ignorant of respondents' credentials, but there are two, or possibly three, critical pieces of evidence known for a certainty by the complainant: 1) it has no business relationship with the respondent and 2) it did not authorize respondent to register the disputed Domain Name. The possible third piece of information is the content of the resolving webpage. To this, there is what can be called 'negative proof' by turning upside down the three defenses of paragraph 4(c)." They summed up that In such circumstances, the evidential burden shifts to the respondent to demonstrate that one of the clause 6 defence is available which they have failed to do so.

ii) They would further plead that the Respondent, seemingly a technology company (evident from WHOIS email ID:xceltechnologiesinc@gmail.com), has attempted to defraud prospective customers by exploiting the Complainant's reputation and creating a false impression of authorisation, affiliation, or nexus with the

Complainant, which does not exist. Additionally, the Respondent has not made any legitimate non-commercial or fair use of the domain name within the meaning of clause 6(c) of the INDRP, but instead acted with the intention of commercial gain by misleadingly diverting consumers and tarnishing the SAVAARI mark and This approach is consistent with Paris Hilton v. Deepak Kumar (WIPO D2010-1364), wherein the Panel held that if a domain name is used "to unfairly capitalise upon or otherwise take advantage of a similarity with another's mark then such use would not provide the registrant with a right or legitimate interest in the Domain Name." in *ATC IP LLC v. Rakul Kumar (INDRP/1221 atc-tower.in; 2020)*: "the Respondent cannot be said to be having any rights or legitimate interest in the use of the ATC Trademarks . The adoption of the disputed Domain Name by the Respondent is a deliberate attempt to piggyback on the goodwill and reputation of the Complainant and or/ATC Group in relation to the ATC Trademarks and illegally direct traffic to the disputed Domain Name. The Complainant has further submitted that the Respondent's sole intention is to mislead ATC's prospective customers and to reap illegal monetary benefits from the same, by creating an illusion of association with the Complainant." The same reasoning applies and Therefore, it is submitted that the Complainant has made a prima-facie case, that the Respondent has no rights or legitimate interests in respect of the disputed Domain Name.

iii) The Annexures produced before the Tribunal shows that the Respondent is not commonly known by the Disputed Domain Name '[www.savaari.co.in](http://www.savaari.co.in)' and nor does the Respondent operate a legitimate business or other organisation under the 'savaari' Domain name. it is already decided that a mere search for the words contained in the Disputed Domain Name, i.e. '[www.savaari.co.in](http://www.savaari.co.in)', on the popular search engine Google.com leads to the Complainant's websites only and the said 'savaari' trademark was registered years before the disputed domain name was registered and due to the wide publicity of the said Trademark, it cannot be accepted that the Respondent was not aware of the said Domain name linked with the complainant. Annexures of the screenshots of the prior website, together with evidence of active MX records, showing


that the disputed Domain Name was used to host a fraudulent imitation of the Complainant's site and to support email-based phishing, which can never confer rights or legitimate interest. 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.

iv) When 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 and If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have proved their case. In the case in hand, 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 "www.savaari.co.in" as Complainant has never assigned, granted, licensed, sold, transferred, or otherwise authorised Respondent to register or use the Disputed Domain Name or the SAVAARI" Trademark and the same is also not used for making legitimate non-commercial use. But the Respondent has failed to appear before this Tribunal and prove if he has any right or interest over the said Trade Mark of the Complainant to use it in the Disputed Domain name. Hence it is held that the Complainant has satisfied 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's case is that despite being aware of the reputation and goodwill in the Complainant's trade mark and trading style; The Respondent's conduct clearly reflects its dishonesty and its mala fide intention. Registration of a domain name containing a well-known trade mark is strong evidence of bad faith in order to capitalize on the commercial value and significance of the Complainant's domain name www.savaari.com.; The Respondent is not making any legitimate or fair use of The

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impugned domain name at all, since it is used for offering identical hotel services in India, with mala fide intention to wrongfully gain benefits at the cost of the Complainant's trade mark and are prejudicial to the Complainant's rights and to the members of the trade and public and thus, the Respondent's bad faith registration of the impugned domain name is established. Reliance is placed on the decision in *ITC Limited v Travel India, INDRP Case No. 065*: "registration of a domain name identical to a trademark, with actual knowledge of the trademark holder's rights, constitutes strong evidence of bad-faith registration".

ii) It is well settled that registration of an identical or confusingly similar domain name that is patently connected with a well-known trademark, by a party with no connection or authorisation from the trademark owner, is indicative of "opportunistic bad faith". UDRP panels have repeatedly been held in cases such as *Cho Yong Pil v. Sinwoo Yoon, WIPO D2000-0310*, and *America Online, Inc. v. Chinese ICQ Network, WIPO D2000-0808*. Additionally, the Respondent has made available false/incomplete WHOIS information. The Respondent's registration and use of disputed Domain Name <savaari.co.in> clearly constitutes bad faith under Paragraph 7 of the INDRP. The circumstances demonstrate that the disputed Domain Name was registered and used with the intent to capitalize on consumer confusion for the Respondent's commercial gain, which amounts to bad faith under the Policy. Hence this Complaint. Therefore, the Complainant has established a prima facie case for the impugned domain name, registered in bad faith by the Respondent, to be transferred to the Complainant.

iii) From the evidence placed before this Tribunal it is evident that *Firstly*, the Respondent used the 'Savaari' 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 absolute 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 Trademark "SAVAARI" which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith. In *HSBC Holdings [!\_lc v. Hooman Esmail Zadeh*, INDRP Case no 032, dated March 20, 2007; *Visteon Corporation v. Prahlad S.*, INDRP Case No. 1535, dated May 6, 2022; *Solidium Oy v. Privacy Service Provided by Withheld for Privacy ehfl EstormH Etormhosting. Estorm Programming*, WIPO Case No. D2022-3139; *LPL Financial LLC v. Privacy Service Provided by Withheld for Privacy ehf I Steffen Hain*, WIPO Case No. D2022-0542 it was held that the mere registration of an identical domain name by an unaffiliated entity can by it creates a presumption of bad faith.

iv) On careful consideration of the above findings, the Arbitral Tribunal accepts the contentions of the Complainant and holds that the Respondent domain name 'savaari.co.in' has been registered with an opportunistic intention and is being used in bad faith and Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

### **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 'savaari.co.in' is identical and confusingly similar to the name; trademark "SAVAARI" and "www.savaari.com' and 'www.savaari.in'by the Complainant.

ii) The Respondent has no rights or legitimate interests in the Complainant's Trademark 'SAVAARI'.

iii) The Disputed Domain name 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 www.savaari.co.in is transferred to the Complainant as prayed for.

In the Result, Complaint Allowed as prayed for. No Costs.

Place: Chennai

Dated: 29<sup>th</sup> March 2026



**(M.SHIRIJHA)**

Sole Arbitrator.

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