



सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

₹100

e-Stamp

Certificate No. : IN-DL02417355255814W
 Certificate Issued Date : 12-Jun-2024 10:34 AM
 Account Reference : IMPACC (SH)/ dlshimp17/ HIGH COURT/ DL-DLH
 Unique Doc. Reference : SUBIN-DL DL SHIMP1760962140440452W
 Purchased by : ALOK KUMAR JAIN
 Description of Document : Article 12 Award
 Property Description : Not Applicable
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : ALOK KUMAR JAIN
 Second Party : Not Applicable
 Stamp Duty Paid By : ALOK KUMAR JAIN
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)

सत्यमेव जयते

₹100 ₹100 ₹100 ₹100

₹100

BEFORE ALOK KUMAR JAIN, SOLE ARBITRATOR

INDRP Case No. 1856

Disputed Domain Name: <1xbetwebsite.in>

ARBITRATION AWARD

Navsard Limited

Complainant

Versus

Sergey yaromich

Respondent

Page 1 of 28

Alok Kumar Jain

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

BEFORE ALOK KUMAR JAIN, SOLE ARBITRATOR

.IN REGISTRY

NATIONAL INTERNET EXCHANGE OF INDIA(NIXI)

INDRP ARBITRATION

INDRP Case No. 1856

Disputed Domain Name: <1XBETWEBSITE.IN>

ARBITRATION AWARD

Dated 14.06.2023

IN THE MATTER OF:

**NAVASARD LIMITED
Aglas Eirinis, 16,
Flat/Office 101, Aglantzia,
2102, Nicosia,
Cyprus**

Complainant

Versus

**Sergey Yaromich
L bedy 2b,
Minsk – 220030,
Belarus**

Respondent

1. The Parties

The Complainant in this arbitration proceeding is NAVSARD LIMITED, a limited liability company, formed under the laws of Cyprus bearing registration number HE341366, having its principal place of business at Aglas Eirinis, 16, Flat/Office 101, Aglantzia, 2102, Nicosia, Cyprus. The Complainant's authorised representative in this administrative proceeding is:

Alok Kumar Jain

Eshwars, Advocates- house of corporate and IPR laws. 6th floor, khivraj complex ii, #480, Annasalai, Aandanam, Chennai, Tamil Nadu,
INDIA- 600035, Telephone: 0091 44 42048235

Respondent in these proceedings is **Sergey Yaromich**, L bedy 2b, Minsk – 220030, Belarus , (+375).447591175 ,E-mail: sergey.yaromich@biggiko.com

1 Domain Name and Registrar:-

1.1 The Disputed Domain name is <**www.1XBETWEBSITE.IN**> registered on 20 July 2021.

Registrar with whom the domain name is registered is Endurance Digital Domain Technology LLP

2 Procedure History:

3.1. This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy") adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules") which were approved in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the Disputed Domain Name with a NIXI accredited Registrar, the Respondent agreed to the resolution of disputes pursuant to the said Policy and the Rules.

As per the information received from NIXI, the history of the proceedings is as follows:

3.2. The Complaint was filed by the Complainant with NIXI against the Respondent . On 15.5.2023 I was appointed as Sole

Arbitrator to decide the disputes between the parties. I submitted statement of Acceptance and Declaration of Impartiality and Independence same day as required by rules to ensure compliance with Paragraph 6 of the Rules. NIXI notified the Parties of my appointment as Arbitrator *via* email dated 15.5.2026 and served by email an electronic Copy of the Complaint with Annexures on the Respondent at the email addresses of the Respondent.

- 3.3. I issued notice to the parties vide email dated 16.5.2024 directing the Complainant to serve complete set of Complaint on the Respondent in soft copies as well as in physical via courier /Post. The Complainant sent hard copies to Respondent vide speed post and also sent soft copies to the Respondent via email. The Respondent was directed to file its response within 10 days from the date of notice. No response was received from the Respondent till 30.5.2023. Therefore, on 30.5.2023, I granted further time to Respondent directing the Respondent to file response on or before 9.6.24 failing which the matter shall be decided on merit. The extra time given to the Respondent also expired. Respondent did not file any reply till 9.6.2023 or thereafter and till date. Accordingly now the complaint shall be decided on merit. No personal hearing was requested by any parties.

Alok Kumar Jain

- 3.4 A Complete set of Complaint was served by NIXI in electronic form by email to the Respondent on 15.5.23 at the email provided by the Respondent with WHOIS ,while informing the parties about my appointment as Arbitrator. All communications were sent to Complainant, Respondent and NIXI by the Tribunal vide emails. The Complainant also served the Respondent by email. None of the emails so sent have been returned so far. Therefore I hold that there is sufficient service on the Respondent through email as per INDRP rules. The Respondent has not filed any response to the Complaint despite two opportunities.
- 3.5. Clause 8(b) of the INDRP Rules requires that the Arbitrator shall at all times treat the Parties with equality and provide each one of them with a fair opportunity to present their case.
- 3.6. Clause 12 of INDRP Rules provides that in event any party breaches the provisions of INDRP rules and/or directions of the Arbitrator, the matter can be decided ex-parte by the Arbitrator and such arbitral award shall be binding in accordance to law.
- 3.7 As stated above, Initially I gave two opportunities to the Respondent to file a Response and additional 5 days time to file response, but the Respondent failed to file any Response to the Complaint despite opportunities and chose not to answer the Complainant's assertions or controvert the Complaint and the contentions raised. As a result, I find that

the Respondent has been given a fair opportunity to present his case but has chosen not to come forward and defend itself.

- 3.8 Further Clause 13(a) of the Rules provides that an Arbitrator shall decide a Complaint on the basis of the pleadings submitted and in accordance with the Arbitration & Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2015 read with the Arbitration & Conciliation Rules, Dispute Resolution Policy, the Rules of Procedure and any by-laws, and guidelines and any law that the Arbitrator deems to be applicable, as amended from time to time.

In these circumstances the Tribunal proceeds to decide the complaint on merit in accordance with said Act, Policy and Rules on Respondent's failure to submit a response despite having been given sufficient opportunity and time to do so.

4. Grounds for Arbitration Proceedings.

INDRP Policy para 4.Class of Disputes provides as under:

Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- (a) the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and

(c) the Registrant's domain name has been registered or is being used in bad faith.

5. **Discussions and findings:**

The Complainant has invoked Clause 4 of the Policy to initiate the Arbitration Proceeding.

Clause 4 of the INDRP Policy provides as under:

4.Class of disputes:

Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- (a) the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) the Registrant's domain name has been registered or is being used in bad faith.

Therefore in order to succeed in the Complaint, the Complainant has to satisfy inter alia all the three conditions provided in clauses 4(a),4(b) and 4(c) quoted above.

6.1 **Condition 4(a):) the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights;**

6.1.1 The Complainant stated in the Complaint that the Complainant is an internationally recognised online sports betting platform that was established in the year 2006 and has since won the recognition of millions of users around the world. Through its betting service available in its official websites and applications, the players/users can place bets on thousands of events in over 60 sports every day. The users can bet on thousands of sporting events or play different online games from top providers, and the Complainant's website and app are available in 70 languages. It is averred that the Complainant registered the official domain www.1xbet.com ("**Complainant's Webpage**") way back in 2006 and has been using the trademark **1xbet** ever since. The screenshot of the whois data page of the said domain is attached as **Annexure 3** to Complaint. It is stated that the Complainant was subsequently incorporated as a limited liability company in the Europe on 9th March 2015 and has a wealth of experience working with major sporting organizations and some of the world's top football clubs, including Serie A, the CAF, FC

Barcelona, Olympique Lyonnais, LOSC Lille, PSG, and other famous sports brands and organizations. The registration certificate of the company is attached to complaint as **Annexure 4**. The Complainant has won various awards and accolades as per details given in the complaint.

It is stated in the complaint that the Complainant is the registered proprietor of the trademark “1XBET”(“**Subject Mark**”) across several countries including India and the list of trademarks held by the Complainant is as provided in para no.5 of the Complaint (reference Annex,6) The Complainant has given a list of domain names containing the Subject Mark as owned by the Complainant in para no.6 of the Complaint as also mentioned herein below:

S.NO. DOMAIN NAME DATE OF CREATION

1. 1xbet.com 01-09-2006
2. 1xbet.co 27-07-2016
3. 1xbet.network 19-06-2023
4. 1xbet.soccer 25-01-2023
5. 1xbet.host 20-05-2023

Alok Kumar Jain

6. 1xbet.exchange 23-05-2022

7. 1-xbet.in 26-02-2021

8. 1xbet.direct 05-09-2023

9. 1xbet.bot 09-11-2023

Screenshots of Whois Data page are enclosed with complaint as **Annexure**. It is further averred that the Complainant owns and uses the trademark "1xbet" in connection with its business since 2006. The Complainant has been using the Subject Mark continuously and extensively in respect of its business and services worldwide including in India. The Complainant has, since inception, been steadily expanding its operations through quality delivery of its services to its customers which has helped the Complainant create long-lasting relationships with its customers. Due to its long and continuous use of the Subject Mark for almost two decades now, the same has become a well-known mark and public associate the mark "1xbet" exclusively with the Complainant and no one else. The Complainant has taken several measures to publicise the Subject Mark widely in India in the recent past

and all such publicity materials are available for general access to all the internet users globally including India, owing to which the public in India recognise the Subject Mark only with the Complainant and no one else. Upon consideration of all of the above, in accordance with the Paragraph 4 (a) of the Policy and Paragraph 4(b) (vi) of the Rules of Procedure, it is evident that the Complainant has rights over the Subject Mark and the Disputed domain name is identical or confusingly similar to the Subject Mark, thereby satisfying the threshold requirement of the INDRP rules for filing of the case. The Disputed Domain name contains the Subject Mark in entirety along with a non-significant element "website" and even though the Disputed Domain Name, differs from the Subject Mark of the Complainant by the addition of a descriptive word i.e., "website", it does not serve sufficiently to distinguish or differentiate the Disputed Domain Name from the Complainant's Subject Mark. Complainant submits that the precedents have shown that a domain name is identical to a trademark when the domain name contains or is confusingly

similar to the trademark, regardless of the presence of other words in the domain name (*Amazon Technologies, Inc. v. Jack Worli INDRP Case*)

I have gone through the complaint and perused all the documents annexed with the Complaint. As per averments made in the complaint mark '1xbet' was first adopted by the Complainant in the year 2006 and has been used continuously and extensively since then with respect to the services of the Complainant. The Complainant is the registered owner of mark '1xbet' and is having various domain name using the said mark '1xbet'. A perusal of the complaint and documents annexed with the Complaint shows that the Complainant has sufficiently established its rights in the mark '1xbet'.

A comparison of disputed domain name '1xbetwebsite.in' With the Complainant trade name '1xbet' shows that the disputed domain name is identical or confusingly similar to the Complainant mark '1xbet'. The addition of the top level domain ".in" does not make the disputed domain name distinguishable from the Complainant's registered and well-known mark '1xbet'. Further use of common dictionary word "website" as a suffix and as part of the disputed domain name along with the word "1xbet" does nothing to differentiate the disputed domain name from that of the Complainant's

Alok Kumar Jain

trademarks and various other domain names held by the Complainant containing the word and trademark "1xbet"

Following cases may be referred in this regard.

In the case of 3M Company v. Machang INDRP/856 (decided on February 6, 2017) wherein it was held that *"the disputed domain name www.futuro.co.in of the Respondent bears the Complainant's registered trade mark FUTURO as its essential and memorable feature. It is the word/ trade mark FUTURO that the disputed domain name would be remembered by the general internet users who would access the internet services being offered by the Respondent....Having regard to the complete similarity/ Identity between the Complainant's trade mark domain name FUTURO and the disputed domain name www.futuro.co.in of the Respondent, I am of the considered view that an average consumer with imperfect memory would be led into the belief of a possible nexus between the Complainant and the Respondent or of the disputed domain name."*

The Respondent has not filed any response to the complaint as such all the averments of the complainant has remained un rebutted.

In view of the above facts and submissions of the complainant, panel decisions and on perusal of the documents annexed with the Complaint, I hold that the

Disputed Domain Name <1XBETWEBSITE.IN> of the Registrant is identical and or confusingly similar to the trademark '1XBET' of the Complainant.

6.2 **Condition no.4 (b) the Registrant has no rights or legitimate interests in respect of the domain name;**

It is stated by the Complainant that the Disputed Domain Name resolves to an active webpage, where the Respondent is purportedly operating an online sports betting site under the Subject Mark of the Complainant which is, to the utter shock and surprise of the Complainant, strikingly similar in terms of its trade dress, get up and user interface to that of the Complainant's Webpage.

The Complainant states that the word "1xbet" is a coined word and as such it is not one that traders would legitimately choose unless the sole purpose is to create an impression of an association with the Complainant who is the registered proprietor of the Subject Mark and has been using the Subject Mark for more than a decade. In addition, by virtue of its long term use, the Subject Mark has attained a status of well-known trade mark in the online betting domain space and has been adopted by the Respondent merely to take a piggy back ride on the goodwill and reputation acquired by the Complainant in relation to the Subject Mark over the years. Further there is no evidence to show that the Respondent has trademark rights

corresponding to the Disputed Domain Name. The Disputed Domain Name contains the Subject Mark and the business name of Complainant in entirety and the Complainant states that it has not licensed or otherwise permitted the Respondent to use its Subject Mark or to apply for or use any domain name incorporating the Subject Mark and hence the Respondent has no rights in respect of the Disputed Domain Name. Further, there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name. The Complainant further wishes to state that the Respondent does not have legitimate interest in the disputed domain name for the reasons summarised below:

a. From the Whois Data page, it is evident that the Disputed Domain Name was registered in 2021 by the Respondent whereas the Disputed Domain in the homepage actually contains that it has been registered in the year 2007, which is patently false and misleading. It is also pertinent to note that the Complainant's Webpage has been active since 2007 which is the actual year of commencement of its operations and hence is also indicative of the fact that the Respondent has blatantly copied the entire contents and copyrighted materials from the Complainant's Webpage to fraudulently mislead the internet traffic and create an implied affiliation with the Complainant which is not the case and also to unjustly enrich itself by duping and possibly scamming the innocent users

who would be led to falsely believe that the disputed domain name is indeed an offering of the Complainant, which is not the case.

b. The content of the Disputed Domain in itself is plagiarised and infringes the proprietary rights of the Complainant as the look and feel of the Disputed Domain is exact replica of the Complainant's Webpage content. This is further evidenced by the fact that the Respondent had replicated the screenshot/images from the Complainant's Webpage and thus having reference of the Complainant's Webpage in the Disputed Domain itself and hence clearly indicating that the Respondent has no legitimate interest on the Disputed Domain, but it is intended only to divert the internet traffic to the site and to unduly enrich itself by riding upon the goodwill of the Complainant and by sailing as close as possible to the trade name and Subject Mark of the Complainant. Screenshot image of the Disputed Domain Name containing reference of the Complainant's Webpage with respect to the license for gaming and the actual license as appearing in the Complainant's Webpage is annexed with the complaint as **Annexure 9.**

c. Further, the Disputed Domain Name contains contact details/ email addresses which belong to the Complainant and have been merely copied from the Complainant's Webpage. It is pertinent to note that all the email addresses provided by the

Respondent for contact/ support purposes are email extensions of .com which evidently indicates that the Respondent is illegally attempting to pass off the Disputed Domain as that of the Complainant's Webpage which has a gTLD extension of .com. Screenshots of comparison of the Disputed Domain Name of the Respondent and the Complainant's Webpage evidencing the misleading indication by the Respondent of the email addresses are annexed as **Annexure 10**.

d. In November 2022, an INDRP action has been initiated by some third party against the same Respondent with respect to a domain "POKERMATCH.IN", in which all three elements were established by the complainant thereunder and that the said domain was held by the Respondent in bad faith without legitimate interest and hence the registration of the said domain was transferred from the Respondent. Copy of the arbitral award passed against the Respondent is attached as **Annexure 10A**.

From the aforementioned facts it is clear that there is no bonafide offering of services by the Respondent, but rather involved in passing off the services of the Respondent as that of the Complainant by riding on the goodwill of the Complainant that it has carefully garnered over a decade. The Respondent is not making a legitimate non-commercial or fair use of the Disputed Domain Name, but rather using it with a malafide intent of commercial gain to mislead and divert

consumers or to tarnish the trademark or service mark of the Complainant at issue. It is evident from the aforementioned submissions that the Respondent's intent is to unjustly enrich through the well-known status of the Subject Mark of the Complainant. Thus, for the reasons stated above, the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Respondent has not filed any response as such the facts stated in the complaint had remained unrebutted. Further the Respondent has failed to satisfy the conditions contained in clause 6(a),(b) and 6(c) of INDRP Policy.

On the contrary the Complainant has established that the Registrant has no rights or legitimate interest in respect of the Disputed Domain Name and has never been identified with the Disputed Domain Name or any variation thereof. The Registrant's use of the Disputed Domain Name will inevitably create a false association and affiliation with Complainant and its well-known trade mark.

In this regard following case may be referred.

In the case of *Paris Hilton v. Deepak Kumar, [WIPO Case No. D2010-1364] (September 23, 2010)*, if the owner of the domain name is using it in order "...to unfairly capitalize 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. The Respondent's choice of the Domain Name here seems to be a clear attempt to unfairly capitalize on or otherwise take advantage of the Complainants' trade marks and resulting goodwill."

Therefore, in view of the submissions made in the complaint and on perusal of the accompanying documents, I am of the opinion that the Respondent has no rights or legitimate interests in respect of the domain name;

Accordingly I hold that the Registrant has no rights or legitimate interests in respect of the Disputed Domain Name.

6.3

Condition 4(C): the Registrant's domain name has been registered or is being used in bad faith

It is stated by the Complainant that the Subject Mark of the Complainant "1xbet" is a coined word that is distinctive and has acquired a strong reputation and goodwill over the years globally considering it is an internationally available service having players and users all over the world. It is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the distinctiveness and strong reputation of the Complainant's Subject Mark "1xbet". On the contrary, in fact the Respondent was very well-aware of the goodwill and reputation of the Subject Mark and the

Complainant's Webpage that the Respondent registered the Disputed Domain with a malafide intent to mislead the internet traffic of the Complainant towards the Respondent's Disputed Domain Name and thereby unlawfully enrich itself. The contents of the web pages in the Disputed Domain Name make it abundantly clear that the Respondent was very well aware of the Complainant and its service offerings and hence indicative of the fact that the Disputed Domain Name was registered in bad faith and also being used in bad faith by the Respondent.

Complainant relies on *Societe des Produits Nestle S.A. v Dotpe Pvt. Ltd (Case no. INDRP Case no._1778/2023)* wherein the Panel held that where the sole purpose of the respondent is to create confusion in mind of ordinary internet users, it is indicative of bad faith registration. Further, Complainant relies on *New cross healthcare solutions ltd. v. Amelia Gibbs (INDRP Case_No. 1798/2024)* wherein the Panel held that "*the intent of the respondent to profit from the reputation of the complainant's mark's/domain is definitely a bad faith registration use*". Reliance is also placed on *Virgin Enterprises Limited v. Alex Willian (INDRP_Case no. 1790/2023)*

The Respondent has intentionally attempted to confuse Internet users and attract them to the Disputed Domain for commercial gain by creating the content of the Disputed

Domain identical or confusingly similar to the Complainant's Webpage. Not only does this further the argument of the Complainant that the Respondent has registered and is using Disputed Domain Name in bad faith, but also confirms that the Respondent has infringed the intellectual property rights of the Complainant at various levels. A side-by-side comparison of the Complainant's Webpage and the Disputed Domain Name is enclosed with complaint as **Annexure 11**. Reference in this regard is made to *Mattel Inc. v. Ria Sardana (INDRP Case no. 1780/2023)* in which it was established through intentional diversion of internet traffic to respondent's site and whereby respondent was also guilty of trademark infringement and passing off.

Considering that the Respondent has registered the Disputed Domain solely to pass-off its services as that of the Complainant, it is also likely that the unlawful adoption of the Disputed Domain Name by the Respondent would result in the dilution of the Complainant's Subject Mark "1xbet". The illegal adoption of the Disputed Domain name is causing irreparable damage and injury to the Complainant's reputation and goodwill which cannot be ascertained and/or quantified due to the intangible nature of goodwill. Further, it is an established principle that a domain name adopted by the complainant is entitled to equal protection against passing off as in the case of a trademark. Reliance is placed upon the

judgments in *Yahoo! Inc. vs Akash Arora & Anr.* (78 (1999) DLT 285); and *Rediff Communication Ltd Vs. Cyberbooth and Anr* AIR 2000 AIR Bom. 274. The Complainant wishes to reiterate that the Disputed Domain's whois page indicates that the website was registered in 2021, but the homepage of the Disputed Domain indicates that it was registered in 2007, which is actually the year the Complainant's website established. This simply demonstrates the Respondent's dishonest intention to mislead customers to the Disputed Domain and take undue advantage of the goodwill of the Complainant.

Considering that the Disputed Domain Name is held by the Respondent to misleadingly attract internet traffic by creating a false impression of a connection between the Disputed Domain and the Complainant, the present use of the Disputed Domain itself constitutes a threatened abuse hanging over the head of the Complainant as it is used for illegal and unlawful purposes to deceive the users and potentially dupe them of their monies through the scam website. Reference in this regard is drawn to *Massachusetts Financial Services Company v SI Mandowara*, (INDRP Case No. 1808/2024) wherein Panel observed that "*act of the respondent registering the impugned domain name WWW.MFS.NET.IN incorporating identical trademark as that of the complainant's registered mark "MFS" is a malafide attempt*

on its part to scam innocent members of the public and make illegal economic gains and profits by misusing and free riding on the goodwill and reputation associated with the registered and known trademark of the complainant". Reliance is also placed on *M/s. Dropbox, Inc. vs. M/s Kristina Ivanova (INDRP Case no. 1807/2024)* Thus from the above, it is established that the Respondent has intentionally attempted to attract Internet users to the Disputed Domain Name by creating a likelihood of confusion with the Complainant's Subject Mark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain and hence the registration and the usage of the Disputed Domain Name is bad faith.

I have gone through the averments made in the complaint and have perused the documents filed with complaint as well the cases cited by the Complainant.

The Respondent has not filed any reply as such the averments made in the complaint have remained un rebutted.

Clause 7 of INDRP Policy provides as under:

Clause 7. Evidence of Registration and use of Domain Name in Bad Faith

For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator

to be present, shall be evidence of the registration and use of a domain name in bad faith:

(a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the trademark or service mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or

(b) the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or

(c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

A perusal of the complaint, the documents filed and the circumstances detailed in the complaint shows that the

Respondent has registered the Disputed Domain Name with dishonest intention to mislead and divert the consumers and to tarnish the well-known trademark/ corporate name/e '1XBET' of the Complainant. The Respondent has registered and is using the Disputed Domain Name in bad faith for commercial gain and to benefit from the goodwill and fame associated d with the Complainant's 1XBET' mark and from the likelihood that internet users will mistakenly believe that the disputed domain name and its associated websites are connected to the Complainant and its products. The Respondent has registered and is using the Disputed Domain Name primarily for the purpose of disrupting the business of the Complainant and diverting the public, who is searching for the Complaint, to the Disputed Domain Name of the Respondent and has no prior rights in and no authorization to use given by the Complainant for the 1XBET' trade mark. A Consumer searching for information concerning Complainant is likely to be confused as to whether the Respondent's Disputed Domain Name is connected, affiliated or associated with or sponsored or endorsed by Complainant. Respondent's bad faith registration of the disputed domain name is established by the fact that the disputed domain name completely incorporates the Complainant's 1XBET mark and was acquired long after the trademark 1XBET was first used by the Complainant.

Alok Kumar Jain

In this regard following judgement can be referred.

In the case of **Pentair Inc. v. Bai Xiqing INDRP 827 (decided on November 10, 2016)** in which the panel had accepted that “the complainant has established its prior adoption and rights in the trade mark PENTAIR. Further the complainant’s trade mark applications were clearly made before the disputed domain name PENTAIR.IN was registered. The evidence on record shows that the complainant’s trade mark is well-known. Thus, the choice of the domain name does not appear to be a mere coincidence, but is a deliberate use of a well-recognized mark to attract unsuspecting users to the respondent’s website, such registration of a domain name, based on awareness of a trade mark is indicative of bad faith registration under the Policy”

Complainant stated that the fact that the mark **1XBET** is a coined word. Respondent’ bad faith is evident as the Respondent is using the identical combination with respect to the disputed domain name. There can be no other plausible explanation as to how the Respondent arrived at the disputed domain name which incorporates the Complainant’s mark **1XBET** in toto and selling similar products..In the decision of prior Panel in *M/s Merck KGaA v Zeng Wei INDRP/323* it was stated that:

“The choice of the domain name does not appear to be a mere coincidence, but a deliberate use of a well-recognized mark...

such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration. ”

The Respondent had no reason to adopt an identical name/ confusingly similar mark with respect to the disputed domain name except to create a deliberate and false impression in the minds of consumers that the Respondent is somehow associated with or endorsed by the Complainant, with the sole intention to ride on the massive goodwill and reputation associated with the Complainant and to unjustly gain enrichment from the same.

The facts and contentions enumerated in the complaint establish that Respondent's domain name registration for < **1XBETWEBSITE.IN** > is clearly contrary to the provisions of paragraph 4(c) of the INDRP and is in bad faith.

It is shown by the complainant that the Complainant is a well known reputed and global entity with extensive operations around the world since 2006. The Registrant was most certainly was aware of the repute and goodwill of the Complainant. Therefore adoption of the substantially identical Disputed Domain Name by the Registrant in 2021 is with the sole intention to trade upon and derive unlawful benefits from the goodwill accruing to the Complainant. The Registrant has in fact knowingly adopted the Disputed Domain Name which wholly contains the Complainant's prior trademark **1XBET** to attract customers to the Disputed Domain Name by creating confusion

with the Complainant's reputed trademark **1XBET** and corresponding domain name.

In view of above facts, submissions of the Complainant and on perusal of the documents annexed with the Complaint , I find that the Complaint has proved the circumstances referred in Clause 7(a)(b) and (c) of INDRP policy and has established that the registration of disputed domain name is in bad faith.

Accordingly I hold that the Registrant's Domain Name has been registered in bad faith.

Decision

- 7.1. In view of the foregoing, I hold that the Disputed Domain Name is identical and or confusingly similar to the Complainant's well-known '**1XBET**' Trademarks and that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Disputed Domain Name was registered in bad faith.

In accordance with the INDRP Policy and Rules, I direct that the Disputed Domain Name registration be transferred to the Complainant.

Delhi

Dated 14.6.2024.

Alok Kumar Jain
Alok Kumar Jain

Sole Arbitrator