



INDIA NON JUDICIAL
Government of Uttar Pradesh



IN-UP94712003791735X

e-Stamp

Certificate No. : IN-UP94712003791735X
Certificate Issued Date : 12-Feb-2025 03:47 PM
Account Reference : NEWIMPACC (SV)/ up14017404/ GAUTAMBUDDH NAGAR 1/ UP-GBN
Unique Doc. Reference : SUBIN-UPUP1401740486606723242266X
Purchased by : RODNEY DAVID RYDER
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) :
First Party : RODNEY DAVID RYDER
Second Party : OTHERS
Stamp Duty Paid By : RODNEY DAVID RYDER
Stamp Duty Amount(Rs.) : 100
(One Hundred only)

₹100

Signature
Acc Name- ANMOL MISHRA
Code: UPI4017404 Acc DD Sec-33,
7703904514
No 191, Noida G.B. Nagar



Please write or type below this line

IN-UP94712003791735X

INDRP ARBITRATION
THE NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]

ADMINISTRATIVE PANEL DECISION
SOLE ARBITRATOR: RODNEY D. RYDER

Omega SA

v.

Ladislav Madzo

INDRP CASE NUMBER - 1950

Statutory Alert:

- The authenticity of this Stamp certificate should be verified at 'www.shclicstamp.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
- The onus of checking the legitimacy is on the users of the certificate
- In case of any discrepancy please inform the Competent Authority.

ARBITRATION AWARD

Disputed Domain Name: www.omega.in

The Parties

The Complainant in this arbitration proceeding is Omega SA having its principal office at Jakob-Stämpflistrasse 96, 2500 BIEL/BIENNE 4, Switzerland; represented by Sebastian Regez of the Swatch Group AG.

The Respondent in this arbitration proceeding is Ladislav Madzo as per the details given by the Whois database maintained by the National Internet Exchange of India [NIXI].

The Domain Name and Registrar

The disputed domain name is www.omega.in. The said domain name is registered with NameCheap, Inc.

Details of the disputed domain name

The dispute concerns the domain name www.omega.in. The said domain name was registered on April 28, 2022. The particulars of the said domain name are as follows:

Registrant Organization: Ladislav Madzo
Registrant Address: Trnavska Cesta 383/75, 92207 Velke Kostolany, Slovakia
Registrant Email: ladislav.madzo@gmail.com

Procedural History [Arbitration Proceedings]

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy [INDRP] and the INDRP Rules of Procedure [the Rules], adopted by the National Internet Exchange of India. The Rules were approved by NIXI on 28th June 2005 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 the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

According to the information provided by the National Internet Exchange of India ["NIXI"], the history of this proceeding is as follows:

In accordance with Rule 2(a), NIXI formally notified the Respondent of the Complaint, and appointed Rodney D. Ryder as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI.

In this matter, the arbitration proceedings commenced on January 24, 2025. A copy of the complaint with the annexures was sent to the Respondent by NIXI through an e-mail dated



January 24, 2025. Thereafter, the Panel sent an e-mail dated January 24, 2025, to the Respondent requesting for submission of a response to the complaint by February 10, 2025. The Respondent did not file a response or seek an extension. No further communication was received by any of the parties. Specifically, the Respondent did not submit any response or send a written communication during the entire duration of the proceedings.

Grounds for the administrative proceedings

1. The disputed domain name is identical or confusingly similar to a trademark in which the Complainant[s] has statutory/common law rights.
2. The Respondent has no rights or legitimate interests in respect of the disputed domain name.
3. The disputed domain name has been registered or is being used in bad faith.

Parties Contentions

Complainant

The Complainant, Omega SA [Hereinafter referred to as 'Complainant'] in their complaint, inter alia, contended as follows:

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

The Complainant, based on the business, common law rights and trademark registrations for the trademark 'OMEGA' and related variations, and based on the use of the said trademark in India and other countries, submitted that they are the lawful owner of the trademark 'OMEGA'.

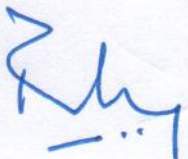
The Complainant submits that as the disputed domain name is 'www.omega.in', the disputed domain name is clearly identical/confusingly similar to the Complainant's trademark in which the Complainant has exclusive rights and legitimate interest.

Background of the Complainant and its statutory and common law rights Adoption:

The Complainant, Omega SA, is a fully owned subsidiary company of The Swatch Group Ltd. The Complainant, founded in 1848, is a leading luxury watch brand. Previously, the Complaint operated under the name "Omega Louis Brandt & Frere S.A."

The Complainant operates numerous exclusive OMEGA boutiques in India and sells its goods through an extensive network of selected authorized resellers throughout India. Furthermore, the Complainant's parent company, "the Swatch Group Ltd." has established a distribution subsidiary in India that manages the Complainant's business in India and the distribution of the Complainant's products.

The Complainant's parent company, "the Swatch Group Ltd." is also the holding company of numerous worldwide famous brands such as Rado, Harry Winston, Breguet, Longines, Tissot,



Hamilton, and Swatch. Further, the Swatch Group Ltd is the world's largest watch company and employs about 36,000 people in 50 countries.

The Complainant's trademarks are protected through registration and enforcement. The Complainant has obtained trademark protection for its mark 'OMEGA' in India as early as 1944 and has subsequently extensively and continually been using its OMEGA marks in commerce in India starting as early as 1979.

Statutory rights:

The Complainant has registrations for the different variations of the mark 'OMEGA' in India and other countries [including an international registration]. The mark, with its logo, is registered under class 14 in India.

Respondent

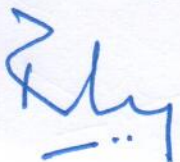
The Respondent failed to reply to the notice regarding the complaint.

Discussion and Findings

The Respondent does not have any relationship with the business of the Complainant or any legitimate interest in the mark/brand 'OMEGA'. Moreover, the Complainant has neither given any license nor authorized the Respondent to use the Complainant's mark. The Respondent has never been commonly known by the domain name in question and registered the domain name on June 12, 2006, which is subsequent to the Complainant's usage of the trademark 'OMEGA'.

The complainant's mark 'OMEGA' and the logo associated with it are extremely popular in India and around the world and the Complainant has valid and subsisting trademark registrations for the mark 'OMEGA' and the associated logo in India and other countries [including an international registration].

The disputed domain name contains the entirety of the Complainant's trademark 'OMEGA'. Furthermore, the addition of the top-level domain ".in" is irrelevant in determining whether the disputed domain name is confusingly similar to the Complainant's mark. It is well established that the specific top-level domain, such as ".com", ".net", ".in", ".co.in", ".org.in" etc. does not affect the domain name for the purpose of determining whether it is identical or confusingly similar [Relevant Decisions: *Magnum Piering, Inc. v. The Mudjacks and Garwood S. Wilson, Sr.*, WIPO Case No. D2000-1525; *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. D2000-0429; *Aon PLC and Ors. v. Guanrui*, INDRP/633, *Nike Inc. v. Nike Innovative CV Zhaxia*, INDRP Case No. 804; *Metropolitain Trading Company v. Chandan Chandan*, INDRP Case No. 811; *Lego Juris A/s v. Robert Martin*, INDRP Case No. 125; *PUMA SE vs Christian Schmidt*, INDRP Case No. 956; *eBay Inc. v. Du Hongxia/Liu Yujiao/WHOIS AGENT, DOMAIN WHOIS PROTECTION SERVICE*, WIPO Case No. D2014-2015; *SWATCH AG v. Boomin Jeong*, WIPO Case No. D2018-2627; *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. D2012-0182].



It is a well-established principle that once the Complainant makes a prima facie case showing that a Respondent lacks the rights to the domain name at issue, the Respondent must come forward with the proof that it has some legitimate interest in the domain name to rebut this presumption.

The Respondent's Default

The INDRP Rules of Procedure require under Rule 13(b) that the arbitrator must ensure that each party is given a fair opportunity to present its case. Rule 13(b) reads as follows

"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."

Rule 17 empowers the Arbitrator to proceed with an ex parte decision in case any party does not comply with the time limits or fails to reply against the complaint. Rule 17 reads as follows:

"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."

The Respondent was given notice of this administrative proceeding in accordance with the Rules. The .IN Registry discharged its responsibility under Rule 2(a) to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint.

As previously indicated; the Respondent failed to file any reply to the Complaint and has not sought to answer the Complainant's assertions, evidence or contentions in any manner. The Panel finds that the Respondent has been given a fair opportunity to present his case.

The 'Rules' under paragraph 13(a) provides that the Arbitrator shall decide the Complaint on the basis of the statements and documents submitted in accordance with the INDRP and any law that the Arbitrator deems fit to be applicable. In accordance with the Rules, paragraph 17, the Arbitrator may draw such inferences as are appropriate from the Respondent's failure to reply to the Complainant's assertions and evidence or to otherwise contest the Complaint. In the circumstances, the Arbitrator's / Panel's decision is based upon the Complainant's assertions and evidence and inferences drawn from the Respondent's failure to reply.

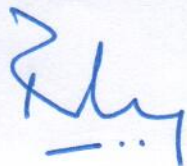
The issues involved in the dispute

The Complainant in their complaint has invoked paragraph 4 of the INDRP which reads:

"Types 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, etc. 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 or for illegal/unlawful purpose."

According to paragraph 4 of the INDRP, there are 3 essential elements of a domain name dispute which are being discussed hereunder in light of the facts and circumstances of this case.

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

It has been proved by the Complainant that they have intellectual property, particularly trademark rights, and other rights in the mark 'OMEGA' by submitting substantial documents. The disputed domain name contains the Complainant's registered trademark 'OMEGA' in its entirety.

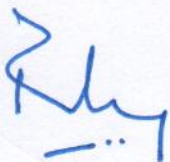
It has been previously decided under the INDRP that incorporating a trademark in its entirety is sufficient to establish the identical and confusingly similar nature of the disputed domain name. [Relevant Decisions: *Asurion, LLC v. Registration Private, Domains by Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico, WIPO Case No. D2019-1650*; *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale, WIPO Case No. D2000-0662*].

Moreover, the Indian Courts have also held time and again that the incorporation of a pre-existing trademark in a name or trademark leads to the presumption of deceptive similarity for the lay consumer having average attention and imperfect recollection. [Relevant Decisions: *Exide Industries Limited v. Exide Corporation, ORA/110/2011/TM/MUM*; *Subhash Chand Bansal v. Khadim's, CS(OS) 2392/2006*; *Dr. Reddy's Laboratories Ltd. V. Reddy Pharmaceuticals Ltd., 2004 (29) PTC 435 (Del)*].

It has also been previously decided under the INDRP that a domain name is confusingly similar if a distinctive trademark is readily recognisable within the disputed domain names and, accordingly, the addition of a variety of descriptive terms is insufficient to avert a finding of confusing similarity. [Relevant Decisions: *Amazon Technologies, Inc. v. Jack Worli, INDRP Case No. 868*; *Petsmart International Ip Holdings, Inc. vs. Mr Prashant Bhikare, INDRP Case No. 1764*; *Amazon Technologies, Inc. v. Surya Pratap, INDRP Case No. 868*; *Kenneth Cole Productions Inc v. Viswas Infomedia, INDRP Case No. 093*; *Inter IKEA Systems B.V. v. Lee Jin Ho, WIPO Case No. D2017-1649*].

According to paragraph 3 of the INDRP, it is the responsibility of the Respondent to find out before registration that the domain name he is going to register does not violate the rights of any proprietor/brand owner.

Paragraph 3 of the INDRP is reproduced below:



"The Registrant's Representations -

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

- (a) the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;*
- (b) to the knowledge of Registrant, the registration of the Domain Name will not infringe upon or otherwise violate the rights of any third party;*
- (c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and*
- (d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility of the Registrant to determine whether their domain name registration infringes or violates someone else's rights."*

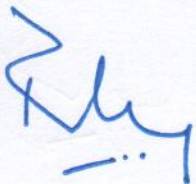
The Respondent has failed in its responsibility discussed above and in the light of the pleadings and documents filed by the Complainant; the Panel has come to the conclusion that the disputed domain name is identical with or deceptively similar to the Complainant's trademark 'OMEGA'. Accordingly, the Panel concludes that the Complainant has satisfied the first element required by Paragraph 4 of the INDRP. [Relevant Decisions: *Magnum Piering, Inc. v. The Mudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. D2000-1525; *Aon PLC and Ors. v. Gangadhar Mahesh*, INDRP/632; *Wells Fargo & Co. and Anr. v. DeepDas Kumar*, INDRP/628; *Natures Basket Limited & Ors. v. Dipti Singla*, INDRP/683; *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma*, INDRP/799; *Havells India Limited and Anr. v. Whois Foundation*, WIPO Case No. D2016-1775; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers* WIPO Case No. D2017-0754; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare*, INDRP/886; *TransferWise Ltd. vs. Normand Clavet*, INDRP/1150]

The Registrant has no rights or legitimate interests in respect of the domain name

The second element that the Complainant needs to prove and as is required by paragraph 4(b) of the INDRP is that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has never assigned, granted or in any way authorised the Respondent to register or use the 'OMEGA' trademark or any other related mark. The Complainant has been using the 'OMEGA' mark for a bonafide purpose in relation to its business for several years.

Moreover, the burden of proof on the Complainant regarding this element of the domain name dispute lies most directly within the Respondent's knowledge. Once the Complainant has made a prima facie case showing that the Respondent does not have any rights or legitimate interest in the domain name, the evidentiary burden shifts to the Respondent to rebut the contention by providing evidence of its rights or interests in the domain name.



The Respondent has not rebutted the contentions of the Complainant and has not produced any documents or submissions to show his interest in protecting his own right and interest in the domain name.

Further, the Respondent has linked the domain name to a monetized parking page with links for "watches" and "Armbanduhren" [German for "wristwatches"], which are the Complainant's main product categories. The Complainant contends that through these links, the Respondent generates revenue for each click on the shown advertisements generated by Internet users visiting said page built on the disputed domain name.

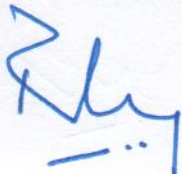
The Respondent has no rights over the 'OMEGA' mark used in the disputed domain name and has not made any legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain. The Respondent is thus misleading consumers by using the Complainant's mark 'OMEGA' in the disputed domain name.

Moreover, the Respondent's use of the disputed domain name cannot be considered bona fide or legitimate since the Respondent has made offers for the sale of the disputed domain name for a monetary consideration of EUR 400,000 [approximately INR 35,820,800, or USD 424,511]. Such an amount is in the clear excess of the Respondent's out-of-pocket costs for obtaining the disputed domain name. This practice establishes that the disputed domain name was acquired with the sole *malafide* intention of offering it for sale, indicating that the Respondent has no legitimate interests in the disputed domain name.

Furthermore, the Respondent's use of the disputed domain name cannot be considered bona fide or legitimate since the Respondent has made deliberate attempts to be associated with and to encash on the goodwill and reputation of the Complainant and their mark 'OMEGA' by including explicit references to their products and adding the links for the same.

In addition to this, the very fact that the disputed domain name was registered by the Respondent subsequent to Complainant's use of the mark 'OMEGA' clearly establishes that the Respondent must have registered the domain name to cash-in on the popularity of the Complainant's brand. Additionally, the fact that the Respondent has not submitted any response in its defence as well as the fact that the WHOIS details provided by the Respondent are either incomplete or incorrect indicates, under the present circumstances, the lack of rights and legitimate interests of the Respondent in the disputed domain name.

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. [Relevant Decisions: *Aon PLC and Ors. v. Guanrui*, INDRP/633; *Wells Fargo & Co. and Anr. v. SreeDas Kumar*, INDRP/666; *QRG Enterprises Limited & Anr. v. Zhang Mi*, INDRP/852; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers WIPO Case No. D2017-0754*; *Havells India Limited and Anr. v. Whois Foundation*, WIPO Case No. D2016-1775; *Mahendra Singh Dhoni and Anr. v. David Hanley*, WIPO Case No. D2016-1692]



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

It has been contended by the Complainant that the Respondent has registered and has used the disputed domain name in bad faith. The language of the INDRP paragraph 4(c) is clear enough, and requires that either bad faith registration or bad faith use be proved.

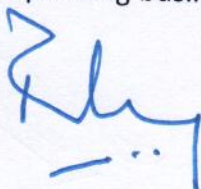
Paragraph 7 of the INDRP provides that the following circumstances are deemed to be evidence that a Respondent has registered and used a domain name in bad faith:

"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.; or*
- (d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor."*

From the circumstances of the case and from the evidences put before the Panel by the Complainant, the Panel is of the opinion that the Respondent had no previous connection with the disputed domain name or the mark 'OMEGA', and any use of the disputed domain name by the Respondent would result in confusion and deception of the trade, consumers and public, who would assume a connection or association between the Complainant and the Respondent's page or other online locations of the Respondent or links to the product/services on the Respondent's website and otherwise, due to the use by Respondent of the Complainant's trademark 'OMEGA' in the disputed domain name, which trademark has been widely used by the Complainant and which trademark is associated exclusively with the Complainant.

The Panel is prepared to accept the Complainant's contention that its mark, logo and corresponding business are famous. With regard to famous names, successive UDRP panels



have found bad faith registration because the Complainant's name was famous at the time of registration: *WIPO/D2000-0310 [choyongpil.net]*.

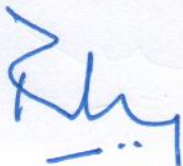
Based on the submissions and evidence put forth before the Panel, the Panel is of the belief that the Respondent would have definitely known about the Complainant's mark 'OMEGA' and its reputation at the time of registering the disputed domain name.

Further, the explicit references and links to "watches" [the Complainant's main product category], and in particular, the watches that form part of the Complainant's brand through the disputed domain name, as well as the offer to sell the disputed domain name in exchange for an exorbitant amount, is in view of the Panel, clearly indicative of the *mala fide* intentions of the Respondent. The INDRP as well as the Indian Courts have held such registration and/or usage of a domain name an explicit indication of bad faith under the INDRP Policy [Relevant Decisions: *Britannia Industries Limited v. 14 Ramaswamy Nathan*, INDRP Case No. 1817, <*britannia.in*>; *LOTUS HERBALS PVT. LTD. v. Weisheng Zheng*, INDRP Case No. 1519, <*lotus.in*>; *ITC Limited v. Jayasankar Kotanath*, INDRP Case No. 1514, <*blueleaf.in*>; *Super Magnificent Coffee Company Ireland Limited v. Ding RiGuo*, INDRP Case No. 1575, <*coffeebean.co.in*>; *Deloitte Touche Tohmatsu v. Lina/Doublefist Limited*, INDRP Case No. 1032, <*deloitte.in*>; *Pfizer Products Inc. v. Mr. Altamash Khan and Anr.* [2006 (32) PTC 208 (DEL)].

The domain name is deceptively similar to the trademark of the Complainant and will lead to confusion with the Complainant's mark 'OMEGA' as to the source, sponsorship, affiliation or endorsement of the Respondent's business by the Complainant. Moreover, the portrayal of an association with the Complainant's brand is in view of the Panel, constituent of bad faith on the part of the Respondent.

The fact that the disputed domain name was registered by the Respondent subsequent to the Complainant's use of the mark 'OMEGA' makes it apparent that the Respondent must have registered the domain name to cash in on the popularity of the Complainant's 'OMEGA' brand. Additionally, the fact that the Respondent has not submitted any response in its defence as well as the fact that the WHOIS details provided by the Respondent are either incomplete or incorrect, are both indicators of bad faith under the present circumstances.

On bad faith registration and use [generally], panels have noted: "Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith": *NAF/FA95314 [thecaravanclub.com]*, *WIPO/D2000-0808* [very use of domain name by Respondent who had no connection whatsoever with Complainant's mark and product suggests opportunistic bad faith - *4icq.com*]; "Registration of a domain name that is confusingly similar or identical to a famous trademark....is itself sufficient evidence of bad faith registration and use" [*Wells Fargo & Co. and Anr. v. Krishna Reddy*, INDRP/581; *QRG Enterprises Limited & Anr. v. Zhang Mi*, INDRP/852, *Fox Media LLC v. Ada Pascal*, INDRP Case No. 1875, <*fox-news.in*>].



Thus, all three conditions given in paragraph 4 of the INDRP are proved in the circumstances of this case and thus the registration of the impugned domain name by the Respondent/Registrant is a registration in bad faith.

Decision

The Respondent has failed to comply with Para 3 of the INDRP which requires that it is the responsibility of the Respondent to ensure before the registration of the impugned domain name by him that the domain name registration does not infringe or violate someone else's rights.

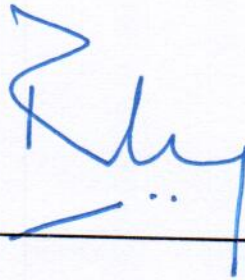
The Complainant has given sufficient evidence to prove extensive trademark rights over the disputed domain name. Further, the Respondent's adoption and registration of the disputed domain name is dishonest and malafide.

While the overall burden of proof rests with the Complainant, panels have recognized that this could result in the often-impossible task of proving a negative, requiring information that is often primarily within the knowledge of the Respondent. Therefore, the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such a *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. In this case, the Respondent did not file any response in its defense. Based on the facts of the case, it is apparent that the Respondent is using the disputed domain name in bad faith and has registered the domain name to cash in on the reputation of the Complainant's mark and to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name.

[Relevant Decisions: *Lego Juris AS v. Robert Martin* INDRP/125; *Societe Air France v. DNS Admin* INDRP/075; *Kelemata SPA v. Mr Bassarab Dungaciu* WIPO D2003-0849; *Croatia Airlines d.d. v. Modern Empire Internet Ltd.* WIPO D2003-0455; *Uniroyal Engineered Products, Inc. v. Nauga Network Services* WIPO D2000-0503; *Microsoft Corporation v. Chun Man Kam* INDRP/119; *AB Electrolux v. Liheng*, INDRP/700; *Equitas Holding Limited v. Sivadas K P*, INDRP/724; *BearingPoint IP Holdings B.V. v. Deborah R. Heacock*, INDRP/822; *Dell Inc. v. Jack Sun*, INDRP/312; *HID Global Corporation v. Zhaxia*, INDRP/652; *McDonald's Corporation v. Ravinder*, INDRP/746; *MontBlanc-Simplo G.M.B.H. v. M S Mohamed Salihu*, INDRP/678; *Orica Australia Proprietary Limited v. Bev Gran, D N Solutions*, INDRP/237; *Sopra Steria Group v. Xu Xiantao*, INDRP/796; *Panasonic Corporation v. Sun Wei*, INDRP/527; *Wal-Mart Stores, Inc. v. Machang*, INDRP/539; *PJS International S.A. v. Xiangwang*, INDRP/616; *Aon PLC and Ors. v. Gangadhar Mahesh*, INDRP/632; *Aon PLC and Ors. v. Guanrui*, INDRP/633; *Wells Fargo & Co. and Anr. v. Krishna Reddy*, INDRP/581; *Wells Fargo & Co. and Anr. v. SreeDas Kumar*, INDRP/666; *Wells Fargo & Co. and Anr. v. DeepDas Kumar*, INDRP/628; *Natures Basket Limited & Ors. v. Dipti Singla*, INDRP/683; *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma*, INDRP/799; *QRG Enterprises Limited & Anr. v. Zhang Mi*, INDRP/852; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe*

Packers, Packers Movers WIPO Case No. D2017-0754; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare, INDRP/886]

The Respondent's registration and use of the domain name [www.omega.in] is abusive and in bad faith. The Respondent has no rights or legitimate interests in respect of the domain name. In accordance with Policy and Rules, the Panel directs that the disputed domain name [www.omega.in] be transferred from the Respondent to the Complainant; with a request to NIXI to monitor the transfer.



Rodney D. Ryder
Sole Arbitrator

Date: February 14, 2025