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Stamp Paper Purchased on : 12/12/2025 11:26:08  
First Party Name : Adv SUNIL V. MOHAMMED  
First Party Address : NIXI, DELHI  
Second Party Name : LEGAL  
Second Party Address : NIXI, DELHI  
Vendor Code & Name : 11102959 - KUNJUBEEVI M A  
Treasury Code & Name : 1110 - Additional Sub Treasury, Eranakulam

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BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA

Adv. SUNIL V. MOHAMMED BA., LL.B.  
(Sole Arbitrator)

AWARD

Dated 12<sup>th</sup> December, 2025

Venue: New Delhi, India



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M.A. KUNJU BEEVI  
High Court Vendor





**In the matter of Arbitration under the .IN Domain Name Dispute  
Resolution Policy; The INDRP Rules and Procedure and  
The Arbitration and Conciliation Act, 1996**

**INDRP CASE No. 2000**

**Between**

**Complainant:**

Tata Motors Limited  
24 Homi Mody Street,  
Fort, Mumbai-400001  
State of Maharashtra,  
INDIA

**And**

**Respondent**

Tejinder Singh,  
709 PSB Complex Sector 49,  
Chandigarh, Chandigarh-160047,  
India

**Disputed Domain Name** : "http://www.tatatrucks.in"  
**Seat of Arbitration** : Office of the NIXI at Delhi, India.  
**Date of commencement  
of Arbitration Proceeding** : 21<sup>st</sup> May, 2025



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Adv. SUNIL V. MOHAMMED BA., LL.B.  
(Sole Arbitrator)

## 1. The Parties to the Arbitration:

1.1 The Complainant in the Arbitration Proceedings is TATA MOTORS LIMITED, having its registered office at 24 Homi Mody Street, Fort, Mumbai-400001. State of Maharashtra, India. The Complainant's authorized representative in these proceedings is Arindam Paul, Ajay Kumar S, Julick Isaiah, Koushik Banerjee, Malavika T Vikram, Mahalakshmi G, Ruchi Singh, Sumeet Basu, Sumit Verma, Vijay Anand A and Venkatesan C of M/s. DePenning & DePenning, 120 Velachery Main Road, Guindy, Chennai-600 032 (Phone: +91 44 4221 3444, Email: *domain@depenning.com*) as per the Power of Attorney dated 19<sup>th</sup> March, 2025.

1.2 The Respondent in the proceedings is TEJINDER SINGH, 709 PSB Complex Sector 49, Chandigarh, Chandigarh 160047, India (E-mail: *falkanmedia@gmail.com*), as per the details publically available in the WHOIS database (**Annexure A**) maintained by the National Internet Exchange of India (hereinafter referred to as NIXI).

## 2. Applicable Law and Jurisdiction:

2.1 The present Dispute Resolution Process is in accordance with Policy No. 5 of the .IN Domain Name Dispute Resolution Policy (hereinafter referred to as the **.IN Policy**) and .IN Domain Name Dispute Resolution Rules of Procedure (hereinafter referred to as the **INDRP Rules of Procedure**), based on the Arbitration and Conciliation Act, 1996 as amended from time to time, adopted by the NIXI and sets forth 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.

2.2 By registering the disputed Domain Name with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the policy and Rules framed there under (See Policy No. 15 and 16 of the .IN Policy and Rule 13 (a) INDRP Rules of Procedure).

## 3. The Domain Name and Registrar:

3.1 The disputed Domain Name "**www.tatatrucks.in**" was registered on 21<sup>st</sup> November, 2024, with Hostinger Operations UAB, Lithuania.





3.2 The particulars of the registration of Domain Name as found in the .IN Registry database are as follows:

DNS Form	tatatrucks.in
User Form	tatatrucks.in
ROID	D1246623970F24C8E905A495A842DA733-IN
Registrar Name	HOSTINGER operations, UAB
IANA ID	1636
Create Date	2024-11-21T04:22:43Z
Expiry Date	2025-11-21T04:22:43Z
Last Updated Date	2025-03-28T09:01:23Z
EPP Status	serverUpdateProhibited serverDeleteProhibited serverRenewProhibited serverTransferProhibited clientTransferProhibited
Domain Status	Registered
Assigned Nameservers	ns1.dns-parking.com ns2.dns-parking.com
Registrant Client ID	H-66A06DD52FDB1
Registrant ROID	CA338B4D6D6EC4545B05D5086D4521B77-IN
Registrant Create Date	2024-07-24T02:58:30Z
Email	falkanmedia@gmail.com
Phone	(+91)9779784816
International Postal Name	Tejinder Singh
International Postal Street Line 1	709 PSB Complex Sector 49 Chandigarh
International Postal City	Chandigarh
International Postal State	Chandigarh
International Postal Postcode/ Zip Code	160047
International Postal Country	

#### 4. Procedural History

4.1 The Sole Arbitrator, Adv. Sunil V. Mohammed was appointed on 21<sup>st</sup> May, 2025, in the above INDRP case to resolve the domain dispute raised in the Complaint dated 17<sup>th</sup> April, 2025, in accordance with Rule 2(a) and 4(a) of the **INDRP Rules of Procedure**.

4.2 After obtaining the Statement of Acceptance and Declaration of Impartiality of Independence of the Sole Arbitrator, the NIXI has forwarded the



amended complaint along with **Annexures IA and A to H** and also the WHOIS details of the domain and the Authorisation of Agent.

4.3 Accordingly, on 22<sup>nd</sup> May, 2025, the Tribunal issued Notice under Rule 5(c) of the INDRP Rules of Procedure to the Respondent through e-mail and the Complainant was directed to serve copies of the domain complaint along with complete set of documents in soft copies as well as in physical via courier or post to the Respondent registrant at the address provided in the WHOIS details of the domain, in compliance of Rule 2 and 3(d) of the INDRP Rules of Procedure and to furnish proof of such service and delivery. In the said Notice, the Respondent was directed to file Reply to the domain complaint within 15 days.

4.4 The Complainant by email dated 27<sup>th</sup> May, 2025, informed the Tribunal about the compliance with Rule 2 and 3(d) of the INDRP Rules of Procedure with proof of service of the soft copies of the Complaint and Annexures to the known e-mail ID of the Respondent viz., *falkanmedia@gmail.com* and through courier.

4.5 After declaring the service of the domain complaint along with the Annexures and the Notice to the Respondent in compliance of Rule 3(d) and 2(d) of the INDRP Rules of Procedure, on 29<sup>th</sup> May, 2025, the Tribunal in accordance with Rule 13 of the INDRP Rules of Procedure granted a further period of 10 days to the Respondent to submit response/reply to the domain complaint.

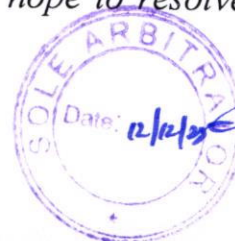
4.6 In the meantime, the Respondent in vide email dated 5<sup>th</sup> June, 2025, informed as follows:

*"I understand your concerns about the domain and wish to avoid any dispute or legal proceedings.*

*I am willing to cooperate fully and transfer the domain "tatatrucks.in" to Tata Trucks at the earliest opportunity.*

*Kindly provide me with the necessary instructions, including the contact details of the designated recipient, the process for transfer, and any specific requirements or documentation needed to complete this transfer.*

*Please let me know if there are any additional steps I should take to facilitate this process. I look forward to your guidance and hope to resolve this matter amicably."*





4.7 Considering the nature of the reply of the Respondent expressing willingness to co-operate fully and transfer the disputed domain to the Complainant upon necessary instructions, the matter was adjourned for further proceedings under Rule 5(e) of the INDRP Rules of Procedure.

4.8 While so, as per email dated 21<sup>st</sup> July, 2025, the Complainant has informed that the Respondent wants to settle the matter amicably and in-house discussions are going on and further sought to extend the deadline fixed by the Tribunal. Therefore, as a matter of precaution, the Tribunal kept the proceedings on hold till 25.07.2025 and on the same day directed the Respondent to submit a formal response/reply to the domain compliant along with an undertaking in explicit form.

4.9. As per email dated 25<sup>th</sup> July, 2025, the Complainant has informed that a draft undertaking has been forwarded to the Respondent instructing him to execute the same. The Complainant has also shared the email dated 30<sup>th</sup> July, 2025, which is in the form of a reminder issued to the Respondent. Thereafter, vide email dated 31<sup>st</sup> July, 2025; the Complainant intimated the Tribunal that the Respondent hasn't provided the undertaking or responded to the amicable settlement offer.

4.10 Accordingly, as the Respondent did not place any response/reply to the domain compliant in a formal and proper format and as the extended time period for the same had expired on 25<sup>th</sup> July, 2025, the Respondent was set exparte on 5<sup>th</sup> August, 2025 going by Rule 17 of the INDRP Rules of Procedure. Thereafter, the matter was adjourned for further proceedings in accordance with Rule 5(e) of the INDRP Rules of Procedure.

4.11 The Award in the matter ought to have been passed within 60 days from the date of handover. However, due to the aforementioned reasons the said time limit could not be followed. That apart, further time was necessitated due to health issues of the Arbitrator and consequent bed rest.

## **5. Grounds urged for the Administrative Proceedings:**

5.1 The disputed domain name is identically and/or confusingly similar to Complainant's domain name/trademark or service marks in which Complainant has rights.

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



A handwritten signature in blue ink, appearing to be "J. K. Singh".



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

## 6. Complainant's Contentions:

6.1 The Complainant submits that the **TATA Group of Companies** consists of over 100 operating companies in seven business sectors and has operations in more than 80 countries. According to the Complainant, **Tata Sons Pvt. Ltd** is the promoter of the major operating Tata companies and also the statutory owner of the '**Tata**' name and several '**TATA Trademarks**', which are registered in India and around the world. It is the contention of the Complainant that these are used by various Tata companies, including it, under a license from Tata Sons as part of their corporate name and/or in relation to their products and services. It is pointed out by the Complainant that terms of use of the group mark and logo by Tata companies are governed by the **Brand Equity and Business Promotion Agreement**, entered between Tata Sons Pvt. Ltd and Tata Group of Companies and that the word '**TATA**' is the dominant and essential feature of the Complainant's corporate name. The Complainant would submit that it is one of the prominent companies within the TATA Group and India's largest automobile company with consolidated revenue of Rs. 4368 trillion in 2024 and that it is among the top five commercial vehicle manufacturers in the world, India's market leader in commercial vehicles and among the top three in passenger vehicles. The Complainant also claims that it is the world's fourth largest truck and bus manufacturer and further that the '**TATA Trademark**' is prominently badged on the Complainant's commercial vehicles.

6.2 According to the Complainant, the name '**TATA**' has been respected in India for more than 140 years for quality, adherence, strong values and business ethics. The Complainant would further content that the Respondent has adopted and registered the disputed domain name, which is identical to the **well-known** '**TATA Trademarks**' and it was noticed only on 16<sup>th</sup> April, 2025. To prove the said fact and the misuse of its '**TATA Trademark**', the Complainant has produced **Annexure 1A** WHOIS record **Annexure B** printouts of the web link page about the disputed domain.

6.3 The Complainant relies on its prior Trademark registrations and also produced **Annexure D** E-Register and Journal Notification in support of its contentions.





6.4 The Complainant would point out that various judicial forums have upheld the Complainant's and its Group Companies trademark over the well-known 'TATA Trademark'. Relying on **Annexure E** snapshot of Google search results, the Complainant explained that the use of the key word 'TATA TRUCKS' in any leading search engine throws up the web pages of Tata Motors Limited among the leading hits.

6.5 The Complainant has produced **Annexure F** copy of a previous WIPO decision held in recognition of its rights in the 'TATA Trademark'.

6.6 The Complainant alleged bad faith on part of the Respondent from the online content linked to the impugned domain name, which is nothing but a slavish copy from its website '**www.tatamotors.com**' and in support of that, **Annexure G** extract from the impugned domain address is produced.

6.7 According to the Complainant, considering the incessant use, reputation, and well-known status of the trademark 'TATA' in India, the illegitimate adoption and use of the impugned domain name will result in brand dilution, which cannot be compensated monetarily.

6.8 The Complainant placing reliance on **Annexure H** order in *Mozilla Foundation and Mozilla Corporation Vs. Lina, Double Fist Limited (INDRP Case No. 934 <mozilla.co.in>)* would assert that the very use of a domain name by someone with no connection with the Complainant or any of the TATA group companies suggests opportunistic bad faith.

6.9 Accordingly, the Complainant sought to transfer to it the Respondent's domain name under the .IN Policy as it is identical, deceptive and confusingly similar and used in bad faith, to protect its rights and legitimate business.

## **7. Respondent's Contentions:**

7.1 Despite service of Notice dated 29<sup>th</sup> April, 2025 to the Respondent's e-mail *falkanmedia@gmail.com* and even after the extended time period, the Respondent failed to submit a formal reply/response in proper format to the domain complaint. Accordingly, the Tribunal proceeded further in the matter by setting the Respondent set ex-parte.

7.2 Rule 13(b) of the INDRP Rules of Procedure provides that the Arbitrator shall ensure that at all time treat the parties with equality and provide each one of them a fair opportunity to present their case. Further, Rule 17 of the said





Rules of Procedure empowers the Arbitrator to proceed with an ex-parte Award in case any party breaches the provisions of the INDRP Rules of Procedure or directions of the Arbitrator.

7.3 Infact, the Respondent was given notice under Rule 2(a) of the INDRP Rules of Procedure to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint. As stated above, the Respondent failed to submit any formal reply/response in proper format to the domain complaint and never answered the Complainant's assertions, evidence or contentions in any manner. Therefore, it is clear that despite the Respondent being given a fair opportunity to present its case, the Respondent does not comply with the direction of the Tribunal.

7.4 In this context, it is relevant to note that vide email dated 5<sup>th</sup> June, 2025, the Respondent, though informal in nature had stated in categorical terms that to avoid any dispute or legal proceedings, he is willing to co-operate fully and transfer the disputed domain.

7.5 Going by Rule 18(a) of the INDRP Rules of Procedure, the Arbitrator shall decide the Complaint based on the pleadings submitted in accordance with the Arbitration and Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2019, the .IN Policy, INDRP Rules of Procedure and any law that the Arbitrator deems to be applicable. Therefore, the Tribunal is justified in drawing inferences as are appropriate from the Respondent's failure to reply to the Complainant's assertions and evidence or to otherwise contest the Complaint, particularly in the light of the admission made in the email dated 5<sup>th</sup> June, 2025.

## **8. Discussions and Findings:**

8.1 Accordingly, the Tribunal framed the following issues for consideration:

- (i) Whether the Respondent's Domain name is identical and/or deceptively similar to domain name and trademarks of the Complainant?*
- (ii) Whether the Respondent has any rights or legitimate interests in respect of the domain name?*
- (iii) Whether the Respondent's domain name was registered or is being used in absolute bad faith?*
- (iv) Reliefs and cost.*





8.2 The Complainant has produced Annexure 1A and A to I to substantiate its contentions. As per Rule 13(d) of the INDRP Rules of Procedure, the Arbitrator is to determine the admissibility, relevance, materiality and weight of the evidence placed for consideration in the proceedings while deciding the Complaint.

8.3 Policy No. 4 of the .IN Policy categorises the class of disputes on three premises. **The Complainant's specific case is that the Respondent's domain name is identical and confusingly similar to its name/marks or services, that the Respondent has any rights or legitimate interests in respect of the disputed domain name and that the Respondent's domain name was registered and is being used in absolute bad faith.**

8.4 Accordingly, now the issues raised in the matter are answered separately for the sake of brevity.

8.5 **Issue No. 1:** As per Policy No. 3(b) of the .IN Policy, the Respondent Registrant is to ensure that to its knowledge the registration of the domain name will not infringe upon or otherwise violate the rights of any third party. In this case, the Respondent's domain name is identical to the trademark and domain name of the Complainant in accordance with Policy No. 4(a) of the .IN Policy. To prove the same, the Complainant has produced sufficient documents and would submit that the Respondent has registered the domain name on 21<sup>st</sup> November, 2024 with malafide intention to gain leverage from it and make illicit gains by adopting the Complainant's trademark and domain name 'TATA' in its entirety. According to the Complainant, the Respondent has registered the disputed domain name with full knowledge of the Complainant, its business activities and IPR Rights. It is clear from the WHOIS records (**Annexure A**) that the domain name "*www.tatatrucks.in*" was registered only on 21<sup>st</sup> November, 2024, which is much after the registration of the Complainant's domain name dedicated website "*www.tatamotors.com*" which was created on 9<sup>th</sup> May, 2002. Further, going by **Annexure D**, it is clear that the Complainant had registered the 'TATA Trademarks' from 1974 onwards.

8.6 The fact that the said infringement remained unnoticed till 16<sup>th</sup> April, 2025 as contented by the Complainant is believable in view of **Annexure 1A** procured from the NIXI on the said date.

8.7 The Hon'ble High Court of Delhi in the matter of **Thoughtworld Inc. Vs. Super Software Pvt. Ltd. & Others** (MANU/DE/0064/2017) has held





that "with the domain name taking up the entire name of the petitioner, there could be no doubt that the use of such domain name by the Respondent would be deceptively confusing and erroneously indicate a connection of Respondent with the Petitioner where there is none". In **F Hoffmon-La Roche AG Vs. Relish Enterprises (WIPO) D2007-1629**, it was held that "If the Complainant owns a registered trademark, then it satisfies the threshold requirement of having the trademark rights and the domain name is confusingly similar to Complainant's trademark because the disputed domain name looks and reads like Complainant's trademark". Moreover, in the decisions in **Kenneth Cole Productions Vs. Viswas Infomedia (INDRP/093)**, **Inter-Continental Hotels Corporation Vs. Jaswinder Singh (INDRP/278)**, **Starbucks Corporation Vs. Mohanraj (INDRP/I18)** and, **Raddison Hospitality Belgium BV/SRL Vs. Najim (INDRP/I818)** deceptive similarity is answered in similar lines. Over and above this, as per email dated 5<sup>th</sup> June, 2025, the Respondent, though informal in nature had stated in categorical terms that to avoid any dispute or legal proceedings, he is willing to co-operate fully and transfer the disputed domain. The said statement of the Respondent would categorically prove that the Respondent does not materially dispute the contentions of the Complainant. Thus, it is clear that the Respondent's domain name is identical to the trademark of the Complainant. Accordingly, Issue No. I is answered in favour of the Complainant.

**8.8 Issue No.2:** It is the contention of the Complainant that the Respondent has no rights or legitimate interests in respect of the Domain Name 'TATA' as the Respondent has not established one or more of the circumstances enumerated in Policy No. 6 of the .IN Policy. The Complainant's specific case is that the Respondent's adoption of the disputed domain name, its dishonest use and confusing similarity would not constitute a bonafide offering of services and that intentional ignorance of the Respondent while registering the domain name is malafide. Policy No. 3(d) of the .IN Policy provides that the registrant while applying to register a domain name must represent that the registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations and infringing or violating someone else's rights. In this context, it is relevant to note that nothing is brought on record to show that prior to any notice of this dispute, the Respondent was using, or had made demonstrable preparations to use the Domain Name in connection with a bonafide offering of services in accordance with Policy No. 6(a) of the .IN Policy. Further, there is nothing to show that the Complainant had authorised, licensed or otherwise





allowed the Respondent to make any use of its domain name. It also a fact that in view of the e-mail dated 10<sup>th</sup> May, 2025 the Respondent does not materially dispute the contentions of the Complainant in that regard.

8.9 Therefore, it is clear that the Respondent's adoption of the disputed domain name, its dishonest use and confusing similarity would not constitute a bonafide offering of goods/services and that intentional ignorance of the Respondent while registering the domain name is malafide. Policy No. 3(d) of the .IN Policy provides that the registrant while applying to register a domain name must represent that the registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations and infringing or violating someone else's rights. In **Wacom Co. Ltd. Vs. Liheng, INDRP/634 (<wacom.in>)**, it was held that no legitimate interest is made out where *"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"*.

8.10 Mere technical requirement of the addition of the TLD and CCT.Ds does not grant any distinction to the Respondent (See the decisions of the INDRP Panel in **Urban Outfitters Inc. Vs. Hua An Holdings (H.K.) Limited (INDRP/601)**, **Starbucks Corporation Vs. Aditya Khanna (INDRP/614)** and **Sudhir Kumar Segar Vs. John Doe (INDRP/645)**). Infact, a generic TLD/CCTLD such as ".in" is a standard registration requirement and therefore cannot be said to distinguish the Respondent's domain name from the Complainant's registered trademark or its domain name as held in **Equifax Inc. Vs. Nikhlesh Kunwar (INDRP/1038)** and **Walmart Stores, Inc. v. Richard MacLead (WIPO Case No. D2000-0662)**. As such, when the disputed domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name, it is to be considered identical or confusingly similar for the purposes of the Policy as held by the Hon'ble Supreme Court of India in **Satyam Infoway Ltd. Vs. Sifynet Solutions Pvt. Ltd. (2004 Supp. (2) SCR 4651)** that the domain name has acquired the characteristic of being a business identifier when it identify the subject trade or service that an entity seeks to provide to its potential customers (See the decisions in **Dell Inc. Vs. Mani, Soniya (INDRP/753)**, **Patagonia Inc. Vs. Doublefist Ltd. (INDRP/I185)**, **Factory Mutual Insurance Company Vs. Rhianna Leatherwood (WIPO Case No. D 2009)** and **Avanti Feeds Limited Vs. Pradeep Chaturvedi (INDRP/I388)** that followed the dictum of the





Hon'ble Supreme Court of India). Further, in **Zippo Manufacturing Company Inc. Vs. Zhaxia (INDRP/840)**, it has been observed that *"the Respondent has picked up the mark without changing even a single letter and when a domain name wholly incorporates a complainant's registered mark that is sufficient to establish identity or similarity for purpose of the Policy."*

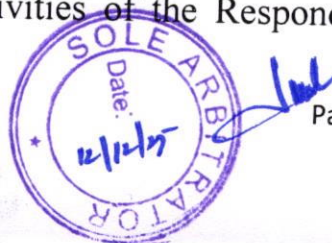
8.11 In view of the above discussion, the Respondent herein cannot legitimately claim that it is commonly known by the Domain Name in accordance with Policy No. 6(b) of the .IN Policy and it can be concluded that the Domain Name carries with it an implied risk of affiliation with the Complainant, which cannot constitute fair use. Therefore, it is found that the Respondent has no rights or legitimate interests in the Domain Name, in accordance with Policy No. 4(b) of the .IN Policy and Issue No. 2 is answered in favour of the Complainant.

8.12 **Issue No. 3:** The Complainant would point out that its domain and trademarks were registered much prior to the registration of the disputed domain name of the Respondent and that its 'TATA Trademarks' is a well-known mark. The Complainant relies on the following Trademark registrations to prove the said point:

S. No.	Number	Nice classification	Status	Trademark	Country
1	299110	12	Registered	TATA	India
2	362741	6	Registered	TATA	India
3	362742	7	Registered	TATA	India

The Complainant has also placed reliance on **Annexure D** E-Register and Journal Notification in support of its contentions.

8.13 Moreover, the Complainant has succeeded in proving evident identity between Respondent's domain name and that the Complainant's marks, domain name incorporating 'TATA' is likely to mislead, confuse and deceive Complainant's customers as well as the general lay public as to the source, sponsorship, affiliation or endorsement of Respondent's domain name. Moreover, the use of the word '**trucks**' as suffix in the disputed domain is intentional and aimed only to affiliate the activities of the Respondent with





Complainant as it denotes its activities. The Complainant through **Annexure E** has succeeded in establishing that the key word TATA TRUCKS in any leading search engine throws up the web pages of TATA MOTORS LIMITED among the leading hits.

8.14 In support of its above contention, the Complainant placed reliance on the **Annexure F** Administrative Panel decision dated 31<sup>st</sup> January, 2015 in **Tata Sons Limited Vs. Domain Admin, Private Registrations Aktien Gesellschaft of Kingstown, Saint Vincent and the Grenadines/DomainAdmin, Privacy Protection Service INC d/b/a PrivacyProtect.org of Nobby Beach, Queensland, Australia (WIPO Case No. D2014-2132)**, wherein the domain name *www.tatatrucks.com* was transferred to the Complainant in identical circumstances.

8.15 The documents produced by the Complainant would show that the disputed domain name is identical and confusingly similar to that of the name and mark of the Complainant. As such, it is to be concluded that actual knowledge of a well-known trademark at the time of registration of a domain name constitutes evidence of bad faith. In the decision dated 16<sup>th</sup> June, 2005 in **Viacom International Inc & MTV Networks Europe Vs. Web Master (Case No. D2005-0321-WIPO)**, it was observed that *"Given long and widespread reputation of the Complainant's mark, the compelling conclusion is that the Respondent, by choosing to register and use a domain name which is not only confusingly similar to the Complainant's widely known and distinctive mark but identical thereto, intended to ride on the goodwill of the Complainant's trademark in an attempt to exploit, for commercial gain, Internet traffic destined for the complainant. Potential partners and end users are led to believe that the website is either the Complainant's site, especially made up for bearings, or the site of the official authorized partners of the Complainant, while, in fact, it is neither of these"*. In **QRG Enterprises Limited & Havells India Limited Vs. Zhang Mi (INDRP/852)** it was held that *"Such registration of a domain name based on awareness of a trade mark is indicative of bad faith registration under the Policy."*

8.16 Further, in **Amazon Technologies Inc. Vs. Mr. Alex Parker (INDRP/I166)** it was held that *"The Respondent's registration of the domain name <amazonemi.in> is likely to cause immense confusion and deception and lead the general public into believing that the said domain name enjoys endorsement or authorized by or is in association with and/or originates from*





*the Complainant. The foregoing circumstances lead to the presumption that the domain name in dispute was registered and used by the Respondent in bad faith."* The Tribunal is also of the view that the case of the Complainant is well supported by the decision in **M/s. Merck KGa Vs. Zeng Wei (INDRP/323)**, wherein it was held 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."* In that view of the matter, it is to be presumed that the Respondent has adopted identical name as opportunistic bad faith as held in **Mozilla Foundation and Mozilla Corporation Vs. LINA Double fist Limited (INDRP/934)**. In the decision dated 5<sup>th</sup> April, 2008 in **ITC Ltd Vs. Travel India (Case No. L-2/5/R4 OF 2008-NIXI)**, it has been held that *"Registration of domain name which is identical to trademark, with actual knowledge of the trademark holder's rights is strong evidence that the domain name was registered in bad faith"*. Further, in **Wockhardt Ltd. Vs. Kishore Tarachandani: (INDRP No: INDRP/382)**, it has been held that *"The Respondent cannot have a right or legitimate interest in the disputed domain name when it incorporates the entire mark of the Complainant, a clear case of abusive registration of a well-known mark."*

8.17 Therefore, it is be concluded that the Respondent's use of the Domain Name, is an intentional attempt to attract internet users to online locations by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website, in accordance with Rule 4(c) of the INDRP Rules of Procedure and Policy No.7(c) of the .IN Policy. Accordingly, Issue No. 3 is also answered in favour of the Complainant.

8.18 The fact that in identical circumstances, the Complainant has obtained **Annexure F** decision domain complaints against third party infringers assumes importance in this context. In the light of the above discussions and on an analysis of the documents produced and on the facts and circumstances of this case, the Tribunal is of the firm view that the Complainant has succeeded in establishing that the registration of the disputed domain prima facie conflicts with its legitimate rights and interests, that the registration is in bad faith, that the Respondent did not produce evidence to rebut the Complainant's case, that in the absence of such evidence, the Complainant is deemed to have satisfied the requirements of Policy No. 4(b) of the .IN Policy, that the Complainant has also succeeded in establishing that the disputed Domain Name is identical and





confusingly similar to the inherently distinctive and known trademark of the Complainant (Policy No. 4(a) of the .IN Policy), that it was registered or is being used in bad faith (Policy No. 4(c) and 7 of the .IN Policy), that the Respondent by all means is presumed to have knowledge of the Complainant's name/marks when it registered the Domain Name and therefore the registration of the domain name constitutes evidence of bad faith, that through the Respondent's use of the Domain Name, it has intentionally attempted to attract customers by creating a likelihood of confusion with the Complainant's trademarks/name as to the source, sponsorship, affiliation or endorsement of the website, in accordance with Policy No. 7(c) of the .IN Policy and that the Respondent ultimately derives commercial advantage from the Respondent's unauthorized use of the Complainant's domain name and marks, which is covered by Policy No. 7(d) of the .IN Policy.

8.19 As regarding, the claim to award of cost of the proceedings, the Complainant has succeeded in persuading the Tribunal to allow the same. From the very nature of the duplication of the trade mark, name and service and the business generated by misusing the same clearly proves that the Respondent was acting fraudulently with the sole intent of making financial gain at the cost of the Complainant. In such circumstances, the Tribunal feels that the Respondent is to be mulcted with exemplary compensatory cost.

8.20 Therefore, on the basis of the aforementioned findings, the Tribunal is pleased to order as follows:

### **Decision**

- i) *The disputed domain name is confusingly similar to Complainant's name/trademarks or services.*
- ii) *The Registrant has no rights or legitimate interests in respect of the domain name.*
- iii) *The Registrant's domain name has been registered or is being used in bad faith.*



A handwritten signature in blue ink, appearing to be "J. K. Singh", written over a horizontal line.

- iv) *The NIXI is to transfer the registration of the Domain Name in dispute "www.tatatrucks.in" to the Complainant, as prayed for, after of receipt of this decision. The Complainant shall also be at liberty to contact NIXI for implementation of this decision.*
- v) *The Respondent shall pay a cost of Rs. 25,000/- to the Complainant.*

## **9. Dispositions**

9.1 The complainant has given sufficient material evidence to prove extensive trademark rights over the disputed domain name and the Respondent's adoption and registration of the impugned domain name is dishonest and malafide.


9.2 The various Panels have recognized that the Complainant if makes out a prima facie case that the Respondent lacks rights or legitimate interest, it is sufficient that the case put forward by the Complainant is to be accepted. In this case, the Complainant has proved a prima facie case that the Respondent is using the disputed domain name in bad faith.

9.3 The Respondent has no rights or legitimate interests in respect of the domain name in accordance with .IN Policy and INDRP Rules of Procedure and the Tribunal directs that the disputed domain name be transferred from the Respondent to the Complainant with a request to NIXI to monitor the transfer and the Respondent to pay costs to the Complainant.

9.4 A cost of Rs 25,000/- is awarded to Complainant for the reason that by the very nature of the duplication of the trade mark, name and service, the Respondent has acted with the sole intent of making financial gain at the cost of the Complainant.

Dated this the 12<sup>th</sup> December, 2025




  
**Adv. SUNIL V. MOHAMMED**  
(Sole Arbitrator)



### List of Annexures

- Annexure A:** Details obtained from *www.whois.com* for the Domain Name *www.tatatrucks.in*.
- Annexure 1A:** Impugned domain name *www.tatatrucks.in* procured from NIXI on 16<sup>th</sup> April, 2025.
- Annexure B:** Printout of the Respondent's website available in English.
- Annexure C:** Copy of the INDRP Policy and INDRP Rules of Procedure that applies to the domain name in question.
- Annexure D:** A few copies of the E-Register and Journal Notification.
- Annexure E:** Snapshot of 'TATATRUCKS' online presence.
- Annexure F:** Copy of the decision passed by the WIPO Arbitration and Mediation Centre WIPO Case No. D2014-2132 concerning the Complainant.
- Annexure G:** Extracts from the impugned Domain Address.
- Annexure H:** Copies of a few trademark registrations obtained by the Complainant.
- Annexure I:** Decision in INDRP Case No. 934 in Mozilla Foundation and Mozilla Corporation Vs. Lina Double Fist Limited (<*www.mozilla.co.in*>)



  
**Adv. SUNIL V. MOHAMMED**  
(Sole Arbitrator)