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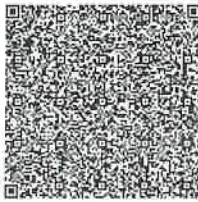
₹100

e-Stamp

Certificate No.	: IN-DL33002881374799X
Certificate Issued Date	: 10-Feb-2025 05:49 PM
Account Reference	: SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH
Unique Doc. Reference	: SUBIN-DL DL-SELF09725144501432X
Purchased by	: S S RANA AND CO
Description of Document	: Article 12 Award
Property Description	: AWARD
Consideration Price (Rs.)	: 0 (Zero)
First Party	: LUCY RANA
Second Party	: LUCY RANA
Stamp Duty Paid By	: LUCY RANA
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)

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**BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY
(Appointed by the National Internet Exchange of India)-
ARBITRATION AWARD**

Disputed Domain Name: <SCOPUS.IN>

IN THE MATTER OF

Elsevier BV
Radarweg 29, 1043 NX Amsterdam,
The Netherlands

..... Complainant

----versus----

Trpub Online
Hyderabad- 500060, Telangana

..... Respondent

Statutory Alert:

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The Parties

The **Complainant** in this arbitration proceeding is **Elsevier BV**, a company organized and existing under the laws of Netherlands of the address Radarweg 29, 1043 NX Amsterdam, The Netherlands.

The **Respondent** in this arbitration proceeding is '**Trpub Online**', of the address 'Hyderabad-500060, Telangana', as per the WHOIS records.

1. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**SCOPUS.IN**> with the .IN Registry. The Registrant in the present matter is '**Trpub Online**' as per the WHOIS records, and the Registrar is **HOSTINGER operations, UAB**.

2. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
January 02, 2025	- NIXI sought consent of Ms. Lucy Rana, to act as the Sole Arbitrator in the matter. - The Arbitrator informed of her availability.
January 16, 2025	Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
January 24, 2025	- NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.

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	<ul style="list-style-type: none"> - Arbitrator directed the Complainant's Counsel to furnish a POA, providing them the requisite authorisation for this domain dispute, within seven (7) days.
January 28, 2025	<ul style="list-style-type: none"> - Complainant's Counsel provides the POA. - Arbitrator directed Complainant's Counsel to furnish a revised Power of Attorney, mentioning the title/ designation of the authorized signatory, within five (5) days.
January 29, 2025	<ul style="list-style-type: none"> - Complainant's Counsel provides the revised POA. - The Arbitrator directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon the Respondent by email as well as physical mode (in case Complaint had already not done so) and provide proof of service within seven (7) days.
February 01, 2025	<ul style="list-style-type: none"> - Complainant's Counsel confirmed having sent the domain complaint, including annexures to the Respondent via email, including the 'postmaster' ID. Complainant's Counsel confirmed successful service upon the Respondent to the email ID mentioned in the WHOIS records, however informed that there was a delivery failure on the 'postmaster' email ID. - Complainant's Counsel further informed that they could not send the hard copy of the domain complaint and annexures to the Respondent through physical mode as the Respondent's postal address in the WHOIS records is incomplete. - Respondent sent a email reply, stating: <i>"Dear we dont using that domain Scopus.in We don't use this domain ."</i>

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February 03, 2025	The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of ten (10) days, to submit a response.
February 13, 2025	As no response was received from the Respondent within the stipulated time period, in the interest of justice, the Arbitrator granted a final extension of three (3) days to respond to the complaint.
February 13, 2025	Respondent replied, stating that: <i>“Dear Team,</i> <i>We already initiated the process of removing the domain scopus.in from our account permanently. But it will take 10 working days to remove from our account completely.</i> <i>Kindly please allow us to complete this whole process as soon as possible.</i> <i>Once after completion of the same will inform you the same.</i> <i>Thank you”</i>
February 17, 2025	In view of the above reply received from the Respondent, Arbitrator granted a time of five (5) days to the Complainant’s Counsel, to furnish a rebuttal/ rejoinder.
February 20, 2025	Complainant’s Counsel submitted a rejoinder.
February 21, 2025	Arbitrator concluded proceedings and reserved the present award.

3. Factual Background – Complainant

Counsel for the Complainant, on behalf of the Complainant in the present matter, has submitted as follows:

- That the Complainant is a global information analytics business that helps professionals and institutions advance healthcare, open science, and improve performance for the benefit of humanity. In this regard, Complainant has provided a copy of their 2022 brochure as Annexure D.

- That they provide information analytics solutions and digital tools in the areas of strategic research management, research and development performance, clinical decision support, and professional education.
- That the Complainant employs 8,700 people globally. The Complainant's products are used in about 25,000 academic and governmental institutions around the world. The Complainant serves the global research community, publishing over 600,000 peer-reviewed articles in 2021 — 89% more than a decade ago. Over 1.6 billion articles available through Elsevier's product offerings were downloaded by researchers in 2021.
- That the Complainant has an extensive presence on the internet via <https://www.scopus.com/>. Further, the said website is used and was applied for registration long before the Respondent's registration of the Disputed Domain Name. In this regard, Complainant has provided excerpts from its website as Annexure E.
- That SCOPUS is the Complainant's abstract and citation database launched in 2004. In this regard, Complainant has provided its 'Wikipedia' page as Annexure F.
- That SCOPUS is a source-neutral abstract and citation database curated by independent subject matter experts who are recognized leaders in their fields. The SCOPUS database includes 84+ millions records, 27,100+ active serial titles, 249,000+ books. 1.8+ billion cited references dating back to 1970, 17.6+ million author profiles, 94,800+ affiliation profiles, and 7,000+ publishers. In this regard, Complainant has provided a copy of Complainant's "Scopus Factsheet" (as excerpts from the website <https://www.elsevier.com/>), as Annexure G.
- That the Complainant has secured registration for the trade mark SCOPUS in India in many classes for a variety of goods and services. In this regard, Complainant has provided details of the below two marks filed in India:
 - (i) Registration no. 4848783 dated 04-Feb-2021 in class 09 for 'SCOPUS'; and
 - (ii) Registration no. 4848784 dated 04-Feb-2021 in class 42 for 'SCOPUS'

Copies of the registration certificates for the above marks have been provided as Annexure H.



- That the Complainant has registered its SCOPUS mark in numerous jurisdictions. In this regard, Complainant has provided details of a registration in the USA (trademark no. 2952563) as well as in the UK (trademark no. UK00903052214), as Annexure I.
- That since as early as 2004, Complainant, or Complainant's predecessors in interest, have substantially, exclusively, and continuously used the SCOPUS trade mark in connection with Complainant's abstract and citation database. In this regard, Complainant has provided relevant excerpts from its website as Annexure J.
- That a renowned Indian institution, Jindal Global Law School (JGLS) of O.P. Jindal Global University (JGU) has reached the milestone of 300+ academic research publications by its faculty members of which 280+ are indexed in SCOPUS during 2020-2021. In this regard, Complainant has provided an excerpt from 'Livelaw.in', as Annexure K.
- That SCOPUS indexed journals are popular and broadly recognized in India's academic network. Indian researchers and students prioritize publishing their work in Scopus-indexed journals because it reflects the exceptional impact of their studies. Many universities and research institutions in India prioritize publication in Scopus Journal while also evaluating their individuals research output and productivity. In this regard, Complainant has provided a copy of a third-party article featuring the features of Scopus Indexed Journals, as Annexure L.
- That many Indian universities and research institutes encourage and support their school contributors and researchers to post their work in SCOPUS-listed journals as a part of their educational and research goals.
- That SCOPUS indexed journals play a crucial position in disseminating and recognizing Indian studies on the countrywide and worldwide levels. SCOPUS indexed journals have gained reputation in India as dependable and legitimate resources for academic research, contributing to the advancement of knowledge and enhancing the Indian research era. In this regard, Complainant has provided a third-party article as Annexure M.
- That their trade mark has been extensively advertised and discussed in many magazines and trade journals. In this regard, Complainant has provided a few samples as Annexure N.



- That the Complainant has been active over popular social media platforms. In this regard, Complainant has provided screenshots of a few social media accounts as Annexure O.
- That the goods and services under their trade mark have been extensively advertised and promoted on the internet through the Complainant's website <https://www.scopus.com/>.
- That the Complainant's earlier trade mark is universally recognized and relied upon as identifying the Complainant as the sole source of the products and services, thereby making it one of the Complainant's most valuable assets.
- That the Complainant has been very diligent in protecting its rights against anyone adopting SCOPUS name/mark and/or any other similar mark as part of their marks and has maintained the distinctiveness of the trade mark and name SCOPUS.
- That the Complainant alone has the exclusive rights in the earlier well-known trade mark SCOPUS as part of its domain name and/or in any other manner whatsoever. The earlier trade mark SCOPUS and the domain names <<https://www.scopus.com/>> merit protection from third party's unlawful schemes, including that of the Respondent.
- That the disputed domain name has subsumed the Complainant's trade mark SCOPUS in its entirety. The dominant and distinctive feature of the Disputed Domain Name is the incorporation of the Complainant's entire well-known trade mark, with the addition of the .IN domain extension.
- That as on August 12, 2024, the below website was hosted on the disputed domain name:



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- That on September 02, 2024, the Complainant filed a complaint against the Respondent before the concerned Registrar regarding infringing use of the Complainant's Intellectual Property by the Respondent. In this regard, Complainant has provided a copy of the email sent by them to the Registrar, as Annexure P.
- That on the same day, the concerned Registrar responded to the complaint filed by the Complainant by stating that the disputed domain name has been suspended. Copy of the said response by the Registrar has been provided as Annexure Q.

4. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

A. The Domain Name is identical and/or confusingly similar to a name, trademark, or service mark in which the Complainant has right

- That the Complainant has established that it holds statutory and common law rights in respect of the trade mark SCOPUS in many parts of the world including India.
- That the Disputed Domain Name is visually, phonetically and structurally virtually identical and/or deceptively and confusingly similar to the earlier, well-known and registered trade mark SCOPUS of the Complainant.
- That at the time the Respondent registered the Disputed Domain Name <https://scopus.in/>, the Complainant had already been using its SCOPUS mark as a trade mark and as domain name and had firmly established rights in the said mark. Furthermore, at the time the Respondent registered the Disputed Domain Name, the Complainant's SCOPUS trade mark had acquired the status of a well-known mark. The Respondent cannot claim or show any rights to the Disputed Domain Name that are superior to Complainant's rights in its trade mark as evidenced by Complainant's prior and well-known use of the mark and registration thereof. Nor can the Respondent



demonstrate that it was unaware of the Complainant's Mark at the time the Disputed Domain Name was registered.

- That since the Complainant's mark is well-known and the Respondent has no rights in this mark, the only reason the Respondent could have wanted to register a domain name that so prominently features the Complainant's SCOPUS mark was with the intention to trade upon the fame of the Complainant's mark by using the Disputed Domain Name for substantial commercial gain, in violation of Section 4(a) of the Policy.

B. The Respondent has no rights or legitimate interests in respect of the Domain Name.

- That as the Complainant's earlier and well-known trade mark SCOPUS is highly distinctive, there can be no plausible justification for the adoption of the Disputed Domain Name.
- That such adoption and use of the Disputed Domain Name creates a likelihood of confusion and deception amongst the members of trade and public that the goods and services from the website under the Disputed Domain Name originate from the Complainant, which is not the case.
- That such adoption and use of the Disputed Domain Name is likely to dilute the brand equity of the Complainant.
- That the Respondent's actions evidence the Respondent's intent to make an unlawful commercial gain by using the mark SCOPUS and Disputed Domain Name for goods and services under the name of the Complainant, thereby with the ignition to debase the goodwill of the Complainant thus causing loss to the Complainant's interests.
- That the Respondent is not affiliated with the Complainant in any way, nor is Respondent licensed to use the SCOPUS mark.



C. The Domain Name was registered or is being used in bad faith

- That the bad faith of the Respondent in registering the Disputed Domain Name can be simply established from the fact that the Respondent has registered the Disputed Domain Name by adopting the Complainant's earlier well-known trade mark SCOPUS in their entirety.
- That internet users are likely to believe that the Disputed Domain Name is related to, associated with, or authorized by the Complainant. Considering the Complainant already uses sites such as <<https://www.scopus.com/>>, internet users would be confused into thinking that the Respondent enjoys authorization of the Complainant to do business in India or is in fact their Indian website considering that the country code top-level domain name in the disputed domain name is “.IN”. It is precisely because of this association with Complainant's mark that Respondent saw the value in the Disputed Domain Name and registered it.
- That in this case, the Respondent has not only adopted and used SCOPUS, but also rendered services, which are identical to the Complainant's area of operations being the journal articles, reports and research materials. This would show that the Respondent has done its utmost to come as close as possible to the Complainant's earlier trade mark and the only conclusion to be derived is dishonest intent and effort of the Respondent to ride on the goodwill, reputation and popularity of the Complainant's brand which incrementally damages the goodwill of the Complainant's earlier trade mark.
- That where a person or party copies another person's or party's well-known trade mark or trade mark similar thereto to dilute the trade mark, such adoption or alleged use takes undue advantage of the goodwill of the well-known trade mark and constitutes an act of unfair competition.
- That there exists no relationship between the Complainant and the Respondent which would give rise to any license, permission, or authorization by which Respondent could own or use the Disputed Domain Name, which is identical to Complainant's trade marks.



- That the Respondent's sole interest in the Disputed Domain Name is to unlawfully profit from it.

In support of their submissions, Complainant has relied on the below prior decisions/ cases:

- i) Veuve Clicquot Ponsardin v. The Polygenix Group Co., WIPO Case No. D2000-0163
- ii) Entrust, Inc. vs, Mr. Sergey Krishtal
- iii) Yahoo! Inc. v. Akash Arora & Anr. (1999 PTC (19)210 Delhi)
- iv) Playboy Enterprises International, Inc. v. Hector Rodriguez, WIPO Case No. D2000-1016
- v) Guerlain S.A. v. Pei Kang, WIPO Case No. D2000-0055
- vi) Charles Jourdan Holding AG v. AAIM, WIPO Case No. D2000-0403
- vii) Caravan Club v. Mrgsale, NAF Claim Number: FA0007000095314
- viii) CBS Broadcasting Inc. v. Worldwide Webs, Inc., WIPO Case No. D2000-0834
- ix) Bennett Coleman & Co Ltd v. Steven S. Lalwani (Case No. D 2000-0014)
- x) Bennett Coleman & Co Ltd v. Long Distance Telephone Company (Case No. D 2000-0015)

5. Reliefs claimed by the Complainant

The Complainant has requested that the domain name <SCOPUS.IN> be transferred to them.

6. Respondent's Contentions

Respondent has not provided any substantive response to the Domain Complaint. As already mentioned in the Procedural History of the matter, Respondent had only submitted that:

*"Dear we dont using that domain
Scopus.in
We don't use this domain ."*



AND

“Dear Team,

We already initiated the process of removing the domain scopus.in from our account permanently. But it will take 10 working days to remove from our account completely.

Kindly please allow us to complete this whole process as soon as possible.

Once after completion of the same will inform you the same.

Thank you”

7. Complainant’s Rebuttal

Complainant vide email dated February 20, 2025, has reiterated the contents of the domain complaint.

8. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, a Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The Registrant’s domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
- ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
- iii. The Registrant’s domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.

- i. **The Registrant’s domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights.**

(Paragraph 4(a) of the INDRP)

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Complainant herein has provided details of their below 'SCOPUS' registrations in India, which predate the registration of the disputed domain name by Respondent:

- Registration no. 4848783 dated 04-Feb-2021 in class 09 for 'SCOPUS'; and
- Registration no. 4848784 dated 04-Feb-2021 in class 42 for 'SCOPUS'

Complainant has also put on record that it has been using its **SCOPUS** mark since the year 2004.

In view of the aforesaid, the Arbitrator finds that Complainant has been successful in establishing their rights in the trademark **SCOPUS**. It is well established that trade mark registration is recognized as prima facie evidence of rights in a mark.

Further, it has been held by prior panels deciding under the INDRP that there exists confusing similarity where the disputed name incorporates the Complainant's trade mark, such as the recent case of *Tata Communications Limited v. Chandan [INDRP/1880]* on August 29, 2024 – *"It is well established that the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identical or confusing similarity"*.

Accordingly, it may be stated that the disputed domain name <**SCOPUS.IN**> is confusingly similar to the Complainant's **SCOPUS** trade mark, and incorporates the same in entirety.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the INDRP)

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name, by demonstrating any of the following circumstances:



(a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;

(b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights; or

(c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.

In this regard, in the absence of any rebuttal from the Respondent and in light of the Complainant's assertions, the Arbitrator accepts that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. **The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) and Paragraph 7 of the INDRP)**

In this regard, Complainant has *inter alia* contended the below points regarding Respondent's bad faith:

- The disputed domain name incorporates the SCOPUS mark in entirety, which shows bad faith.
- Internet users are likely to believe that the Disputed Domain Name is related to, associated with, or authorized by the Complainant.
- The Respondent is also showing itself as rendering services which are identical to the Complainant's area of operations.



In view of the consolidated submissions of the Complainant, including the above, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(c) of the Policy, namely "*(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*".

In view of the aforesaid, the Arbitrator finds that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

9. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and hereby directs the .IN Registry to transfer the domain <SCOPUS.IN> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



Lucy Rana, Sole Arbitrator

Date: February 26, 2025.

Place: New Delhi, India.