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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: <ezerx.co.in>

IN THE MATTER OF

EzeRx Health Tech Private Limited

Plot No.: CP-52 & 53, Sector-IV, Niladri,
 Vihar, Bhubaneswar, Odisha-751021

..... Complainant

-----versus-----

Effico Softwares

Bally Halt, Madhyapara, Bally,
 Howrah, West Bengal, India- 711201

Email: efficosoftwares@gmail.com

..... Respondent

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Vikrant Rana

1. The Parties

The Complainant in this arbitration proceeding is **EzeRx Health Tech Private Limited**, a Med-Tech and Biotech startup with its principal place of business at Plot No. CP- 52 & 53, Sector-IV, Niladri Vihar, Bhubaneswar, Odisha - 751021.

The Respondent in this arbitration proceeding is **Effico Softwares**, of the address: Bally Halt, Madhyapara, Bally, Howrah, West Bengal, India- 711201 as per the WHOIS records.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**EZERX.CO.IN**> with the .IN Registry. The Registrant in the present matter, while not clearly outlined in the WHOIS records, appears to be **Effico Softwares**. Further, the Registrar of the disputed domain is **NameCheap, Inc.**

3. 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
March 26, 2025	NIXI sought consent of Mr. Vikrant Rana to act as the Sole Arbitrator in the matter. The Arbitrator informed of his availability and gave his consent vide email on the same date, along with the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
April 09, 2025	NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.
April 10, 2025	The Arbitrator directed Counsel for the Complainant to provide dispute specific or a forum specific Power of Attorney, or a Power of Attorney providing authorization for legal actions (including arbitration).
April 15, 2025	Complainant's Counsel provided a duly signed and notarized PoA, specific to the present matter.
April 16, 2025	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 the Complaint had already not done so) and provide proof of service within seven (7) days.
April 23, 2025	Complainant's Counsel vide email, confirmed having served the documents upon the Respondent via physical mode as well as Email.

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	The Arbitrator accordingly commenced arbitration proceedings on the same date in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response, i.e. by May 07, 2025.
May 08, 2025	As no response was received from the Respondent within the stipulated time period, in the interests of justice, the Arbitrator granted a final extension of five (05) days to respond to the complaint.
May 14, 2025	As no response was received from the Respondent, the Arbitrator concluded proceedings and reserved the present award.

4. Factual Background – Complainant

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


- i. That the Complainant is a Med-Tech and Biotech startup, incorporated on July 03, 2018, headquartered in Bhubaneswar, Odisha, India.
- ii. That the Complainant works towards offering comprehensive screening services for fundamental health components. That the Complainant claimed that their flagship product, **EzeCheck**, is a non-invasive IoT-enabled device that provides a cost-effective, painless, and quick method to detect anaemia instantly. That the Complainant claimed that their products are non-invasive, making them infection-free; cause no wastage of blood, are portable and convenient to carry around, and are more affordable as compared to tests done at diagnostic centres. That the Complainant further claimed that they have made a significant impact with **EzeCheck** on countless lives by screening over 2,449,210 people, detecting anaemia in over 1,112,186 of them and further saving over 6,075 gallons of blood.
- iii. That the Complainant claimed that they have expanded geographically to over 21 states in India, including remote areas and have made significant strides with 7+ international expansions. In this regard, the Complainant has annexed excerpts from their official website (<https://www.ezerx.in/>) as Annexure 2.
- iv. That the Complainant claimed that they have been presented with several prestigious awards and recognitions including but not limited to the 'Aarohan Awards, 2019', featured under NASSCOM foundation 'Zinnov India Tech Startup Ecosystem Edition 2019', 'Most Promising IoT Startup Awards 2019' by TECH PLUS Media, Recognized in 'SLUSH-2019' by Finland Embassy, etc. In this regard, the Complainant has annexed online excerpts in support of the same as Annexure 3.
- v. That the Complainant has claimed that they are the bona fide adopter and proprietor of the reputed trademark **EzeRx**. That the Complainant has obtained trademark


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registration for the mark  under no. **4135580** since **April 02, 2019** in **class 10** in India. In this regard, the Complainant has annexed copies of Registration Certificate as Annexure 4.

vi. That the Complainant claimed that their marks  and

 **EzeCheck/** Non-Invasive blood vitals screening are a prominent part of their website and further, mark


 **EzeRx/** has also been a part of their trading name, i.e., **EzeRx Health Tech Pvt. Ltd.**

vii. That the Complainant claimed that their mark  is actively being promoted on social media websites such as Facebook, X (Formerly Twitter), Instagram, LinkedIn and YouTube as well as their own website (<https://www.ezerx.in/>). Further, the Complainant claimed that their domain name/website has been registered since March 6, 2020 and is easily accessible from all corners of India. In this regard, the Complainant has annexed excerpts from their social media platforms carrying their trademark and details pertaining to their business, goods and services as Annexure 5.

5. 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 Respondent's domain name "ezerx.co.in" is identical to a name, trademark/ trade name in which the Complainant has rights

i. That the Complainant is the sole and exclusive owner of the trademark  and uses the said trademark in its registered domain name

www.ezerx.in.

ii. That the disputed domain incorporates the Complainant's trademark **EzeRx** in its entirety and hence is identical to the Complainant's trademark.

iii. That the content hosted on the disputed domain, such as, mission statement, vision statement, history, product images, physical address, social media handles, etc is similar/identical to the content hosted on the Complainant's official website and is

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likely to mislead users into thinking that disputed domain has direct association with the Complainant.

- iv. That the disputed domain name, incorporates the coined word “**EzeRx**” which is highly distinctive in nature. Unauthorized use of the same by the Respondent as part of the disputed domain name is likely to confuse the consumers, so much so that, they may end up reaching the Respondent’s website when looking for the Complainant’s. This fact is sufficient to establish identity or confusing similarity for the purpose of INDRP. In this regard, the Complainant has also placed reliance on *Morgan Stanley v. Bharat Jain (2010)* wherein the Ld. Arbitrator noted that the disputed domain name incorporates the Complainant’s registered trademark and domain name **MORGAN STANLEY** and therefore, is confusingly similar.

B. The Respondent has no rights or legitimate interests in respect of the domain name

- i. That the Respondent is not commonly known by or associated with the disputed domain name. Simple search conducted on the search engine Google for the term/expression/words “**EzeRx**” reveals exclusive results pertaining to the Complainant.
- ii. That the Respondent has not been authorised by the Complainant to use **EzeRx** trademark, or seek registration of any domain name incorporating the said trademark. Further, the Respondent is neither affiliated nor connected to the Complainant in any manner.
- iii. Complainant’s adoption, use as well as registration of the trademark and the domain name significantly precede the registration of the disputed domain name by the Respondent. That the Complainant has been using the trademark **EzeRx** since at least 2018, and its Indian trademark registration dates back to the year 2019, whereas, the Respondent’s domain name was registered in 2024.

C. The disputed domain name has been registered in bad faith

- i. That the Complainant adopted, used, and registered the trademark **EzeRx** long before the Respondent got the disputed domain name registered in its name. The subsequent use of identical registered trademark by the Respondent cannot be honest or fair and is undoubtedly laced with mala fide intention.
- ii. That the Complainant’s trademark **EzeRx** has been in use since 2018, garnering attention, goodwill and reputation in favour of the Complainant. Due to the prior registration as well as extensive prior use of the mark, it is clear that Respondent knew about the Complainant’s business under the **EzeRx** trademarks.



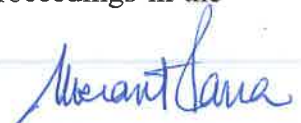
- iii. That by adopting and registering an identical/confusing disputed domain name, the Respondent undoubtedly knew about the Complainant's business and replicating the content of the Complainant's website clearly evidences that the Respondent is intentionally attempting to attract Internet users/ potential customers to its website by creating undeniable deception and confusion with the Complainant's said trademark.
- iv. That a search for the term **EzeRx** on the search engine Google takes the customers to both Complainant's and Respondent's websites which results in loss of profits, reputation of the Complainant and public trust.
- v. That the Respondent is also guilty of copyright infringement, for unauthorized copying of the contents of the Complainant's website, including its layout, textual content, images, product descriptions and overall design. Such wholesale duplication violates Section 14 and 51 of the Copyright Act, 1957, which grants the Complainant exclusive rights over its original literary and artistic works. That the Respondent's actions are a deliberate attempt to mislead consumers into believing that both the websites are operated by the same entity, thereby benefiting from the Complainant's reputation.
- vi. That the Complainant deals in Medical devices, which are critical to public health and safety. The unauthorized and deceptive use of the Complainant's content poses a high risk of counterfeit medical devices being sold through the Respondent's website. If unsuspecting customers purchase such counterfeit products, they may receive substandard/non-functional devices, posing serious health consequences. The customers may also be duped off their money entirely, leading to financial loss as well as breach of public trust. Such actions would raise fingers on the genuine products offered by the Complainant, as the unsuspecting customers would believe the Respondent's website to be genuine and belonging to the Complainant. Such actions not only violate the Complainant's rights in the said trademark, but also demonstrate bad faith and malicious intent.

6. Reliefs claimed by the Complainant (Paragraphs 11 of the .IN Policy and 4(b)(vii) of the .IN Rules)

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

7. Respondent's Contentions

As already mentioned in the procedural history of the matter, despite having been duly served with a copy of the Domain Complaint as filed, and thereafter granted adequate time to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to the Arbitrator during pendency of arbitral proceedings in the matter.



8. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, the 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 .IN Domain Name Dispute Resolution Policy)

- In the present domain dispute, the Complainant has furnished information about their trade mark rights over the mark **EzeRx** in India.
- The Complainant has also provided details of their domain name, comprising its **EzeRx** trade mark.
- The Complainant has also submitted that the disputed domain incorporates the Complainant's trademark **EzeRx** in its entirety and hence is confusingly similar to the Complainant's trademark.
- The Complainant has also made submissions and provided evidence in respect of its prior adoption and use, as well as reputation in its **EzeRx** trademarks.
- The Complainant submitted that the Respondent is not commonly known by or associated with the disputed domain name and a simple search on the search engine Google for the term/expression/words "**EzeRx**" reveals exclusive results pertaining to the Complainant.

Thus, in light of the trademark rights presented by the Complainant's and the documents placed on record, the Arbitrator finds that the Complainant has been successful in establishing their rights in the trademark **EzeRx**. It is well established that trademark registration is recognized as prima facie evidence of rights in a mark. The Complainant, by filing documents showing its ownership over registered trademark **EzeRx**, has established its prior rights in the same in India (the jurisdiction where the disputed domain is registered).

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 *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, *Indian Hotel Companies Limited v. Mr. Sanjay Jha, INDRP/148 <Gingerhotels.co.in>*, *Carrier*

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*Corporation, USA v. Prakash K.R. INDRP/238 <Carrier.net.in>, M/s Merck KGaA v. Zeng Wei INDRP/323 <Merckchemicals.in>, Colgate-Palmolive Company & Anr. v. Zhaxia INDRP/887 <Colgate.in> and The Singer Company Limited v. Novation In Limited INDRP/905 <singer.co.in>. More recently, as held by the INDRP Panel in the matter 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”.*

Further, it has been held by prior panels under the INDRP that mere addition of the ccTLD “.CO.IN” is not sufficient to escape the finding that the disputed domain name is confusingly similar to Complainant's trademark and does not change the overall impression of the designation as being connected to the trademarks of the Complainant.

Accordingly, it may be stated that the disputed domain name <EZERX.CO.IN> is confusingly similar to the Complainant's **EzeRx** 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 .IN Domain Name Dispute Resolution Policy)**

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 below assertions of the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

- The Respondent's registration of the disputed domain name is much subsequent to the Complainant's adoption of the **EzeRx** mark.

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- The Complainant has not authorized, licensed or otherwise allowed the Respondent to make any use of its **EzeRx** trade mark, in a domain name or otherwise.
- The Respondent's past use of the disputed domain name, which incorporated content such as mission statement, vision statement, history, product images, physical address, social media handles, etc which were similar/identical to Complainant's content on their official website, misleading users into thinking that disputed domain has direct association with the Complainant.
- The disputed domain name is currently non-operational.
- The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services.

As such, Respondent, by choosing not to respond to the Complaint, has failed to satisfy the conditions enshrined in paragraph 6 of the INDR Policy. As held in the prior panel in *Amundi v. GaoGou (INDRP/776)*, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests, and once such case is established, then it is the Respondent upon whom there is the burden of proof, to demonstrate rights or legitimate interests in the disputed domain name. In this regard, if the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(b) of the Policy.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not come forward with any assertion or evidence to show any bonafides. Thus, as mentioned above, in view of the lack of assertions on part of the Respondent, coupled with the other contentions put forth by the Complainant, the Arbitrator accepts the Complainant's assertion, 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) of the .IN Domain Name Dispute Resolution Policy)**

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

- The Respondent has no prior right and no authorisation to use the trademark **EzeRx**.
- The Respondent's awareness that the trademark **EzeRx** is popular and famous in India. As the Complainant has been using the trademark **EzeRx** extensively and continuously since the year 2018 in India. Thereby, the Respondent had constructive notice of the Complainant and its rights in the mark **EzeRx**.
- The Respondent's past use of the disputed domain name, which copied the content from the Complainant's official website, was misleading or was bound to be misled the users into thinking that disputed domain has direct association with the Complainant.

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- The use of the disputed domain name by the Respondent is solely with mala fide intentions in order to deceive people browsing on the Internet into believing that the disputed domain name is associated with the Complainant.

In this regard, it is pertinent to reiterate that the Respondent has not submitted any reply or rebuttal to the Complainant's contentions, or any evidence in support of its bona fide registration or use of the disputed domain name.

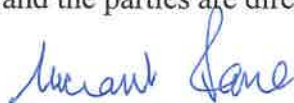
In view of the consolidated submissions of the Complainant, including the above, specifically regarding the relevance of paragraph 7(c) of the .IN Policy in the present domain dispute, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute 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 concludes 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 directs the .IN Registry to transfer the domain <EZERX.CO.IN> to the Complainant.

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



Vikrant Rana, Sole Arbitrator

Date: June 12, 2025.

Place: New Delhi, India.