

Government of National Capital Territory of Delhi

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| Certificate No. | : IN-DL44649892267149X |
| Certificate Issued Date | : 29-Aug-2025 12:55 PM |
| Account Reference | : IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-NDD |
| Unique Doc. Reference | : SUBIN-DLDSLHIMP1721594911492538X |
| Purchased by | : ABHINAV S RAGHUVANSHI |
| Description of Document | : Article 12 Award |
| Property Description | : Not Applicable |
| Consideration Price (Rs.) | : 0 (Zero) |
| First Party | : ABHINAV S RAGHUVANSHI |
| Second Party | : Not Applicable |
| Stamp Duty Paid By | : ABHINAV S RAGHUVANSHI |
| Stamp Duty Amount(Rs.) | : 100 (One Hundred only) |



Please write or type below this line

BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 1992
IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULE OF PROCEDURE
AND THE ARBITRATION AND CONCILIATION ACT, 1996

FINAL AWARD

Statutory Alert:

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**IN THE MATTER OF THE ARBITRATION ACT 1996 as Amended by
Arbitration & Conciliation (Amendment) Act, 2015
and
INDRP Rules of Procedure;
and
.IN Domain Name Dispute Resolution Policy (INDRP)
and
In the matter of arbitration between**

COMPAGNIE DE SAINT-GOBAIN

Tour SAINT- GOBIN,
12 Place de l'Iris,
92400 Courbevoie
France

....Complainant

Vs

MAHESH JAMBAGI,

SERVICE
o Hinjewadi
Pune, Maharashtra
411033
INDIA

....Respondent

in respect of Disputed Domain Name(s):


[saintgobain.co.in]

INDRP Case No; 1992

FINAL AWARD

Date: 29.08.2025

Venue: New Delhi, India



ABHINAV S. RAGHUVANSHI
SOLE ARBITRATOR

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A. THE PARTIES AND THEIR REPRESENTATIVE:

1. Claimant

COMPAGNIE DE SAINT- GOBAIN
Tour SAINT- GOBAIN
12 place de l' Iris
92400 Courbevoie
France

Legal Representative

Laurent Becker, Enora Millocheau/
Clemence Guillaume
From NAMESHIELD S.A,
79 rue Desjardins
49100 Angers
France
Tel: +33.(0)2.41.18.28.28
Fax: +33.(0)2.41.18.28.29
Email: legal@nameshield.net

2. Respondent

Mahesh Jambagi
Service
o Hinjewadi
Pune, Maharashtra
411033- India
Tel: (91).7517314106
Email: itsmsecret@gmail.com

B. THE DOMAIN NAMES AND REGISTRAR:


The disputed domain name <saintgobain.co.in> is registered through the Registrar GoDaddy.com, LLC is accredited with the .IN Registry and is listed on the website of the .IN Registry having its Contact Address:



Mahesh Jambagi
Service
o Hinjewadi
Pune, Maharashtra
411033- India
Email: itsmsecret@gmail.com

C. **PROCEDURAL HISTORY:**

1. Sh. Abhinav S. Raghuvanshi was appointed as the sole Arbitrator on 16th May 2025 by the NIXI to act as an Arbitrator in the INDRP case no. 1992 regarding the complaint dated 06th March 2025 filed under the INDRP by the Complainant.
2. On 31st May 2025, the Arbitral Tribunal issued the Notice of Arbitration and further directed the Complainant to effect the service into the Respondent and file an Affidavit of Service to the effect. The Respondent was given an opportunity to file a response in writing in opposition to the complaint, if any, along with evidence in support of its stand or contention on or within 15(fifteen) days.
3. The Respondent did not respond to the notice issued on 31st May 2025.
4. Service of the Notice of Arbitration dated 31st May 2025 was affected by the counsel for the complainant, and the same was intimated to the Tribunal by Clemence Guillaume representative of the complainant. The complaint (with annexures) was sent to the email address of the Respondent shown in the WHOIS details. Consequently, the service of the Notice of Arbitration on the Respondent was done in accordance with Rule (2) of the INDRP Rules.
5. In the interest of Justice, the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure directed the Complainant to once again affect service of this Notice of Arbitration along with copy of Complaint and Annexure, complete in all



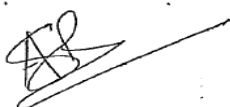
respects and Complainant and Annexures, complete in all respects by email on 17th June 2025 to the Respondent.

6. Even after the Service of Notice of Arbitration twice, the Respondent did not respond.
7. On 29th July 2025, Evidence Affidavit were filed by the Complainant in relation to the case of INDRP Case No. 1980.
8. There was a delay of 30 (thirty) days in passing the present award, primarily due to the Arbitrator's unavailability, as he was unwell owing to a high blood sugar episode and other health-related issues.

D. COMPLAINANT CONTENTION:

It is case of the Complainant that:

- i. The Complainant (please see their website at: www.saint-gobain.com) is a French company specialized in the production, processing and distribution of materials for the construction and industrial markets.
- ii. Saint-Gobain is a worldwide reference in sustainable habitat and construction markets. It takes a long-term view in order to develop products and services for its customers that facilitate sustainable construction. In this way, it designs innovative, high-performance solutions that improve habitat and everyday life.
- iii. The Complainant has consistently demonstrated its ability to invent products that improve quality of life for 350 years. It is now one of the top industrial groups in the world with around 46.6 billion euros in turnover in 2024 and 161,000 employees. A supporting document has been attached by the Complainant as **Annexure 2** along with the complaint.
- iv. The Complainant operates in India since 1996. With 78 manufacturing sites, Saint-Gobain employs over 9,500 employees in India. A supporting



document has been attached by the Complainant as **Annexure 3** along with the complaint.

v. The Complainant owns a large portfolio of trademarks including the wording "SAINT-GOBAIN" in several countries such as:

- a. *the Indian trademark SAINT-GOBAIN n°921541 registered since April 28, 2000;*
- b. *International trademark SAINT-GOBAIN n°740184 registered on July 26, 2000;*
- c. *International trademark SAINT-GOBAIN n°740183 registered on July 26, 2000;*
- d. *International trademark SAINT-GOBAIN n°596735 registered on November 2, 1992;*
- e. *International trademark SAINT-GOBAIN n°551682 registered on July 21, 1989*

A supporting document has been attached by the Complainant as **Annexure 4** along with the complaint


vi. Furthermore, the Complainant owns multiple domain names consisting in the wording "SAINT-GOBAIN", such as <saint-gobain.com> registered since December 29, 1995 and <saint-gobain.in>, registered since February 16, 2005. A supporting document has been attached by the Complainant as **Annexure 5** along with the complaint.

vii. The disputed domain name <**saintgobain.co.in**> was registered on March 3rd, 2025. It resolves to website with commercial links. Besides, MX servers are configured.

A supporting document has been attached by the Complainant as **Annexure 1, Annexure 6 and Annexure 7** along with the complaint

E. RESPONDENT CONTENTION:

Pursuant to the notice issued by this Tribunal dated 31.05.2025, the Respondent have failed to file their response- Reply in Opposition to the Complaint. And thus, this Tribunal is not in position to appreciate the exact contentions of the Respondent. However, prima facie it appears that the Respondent's use of disputed domain name is not bona fide. However, the Tribunal firmly believes that even in the uncontested matter, the petitioner's case must stand on its own legs and it cannot derive any advantage by absence of the respondents therefore, the complainant must still establish each of the three elements as mentioned in clause



4 of the INDRP policy. Tribunal also notes decision of Hon'ble Supreme Court of India in Sudha Agarwal vs Xth Additional District Judge & Ors (1996) 6 SCC 332. The disputed domain name was registered on 03.03.2025.

F. DISCUSSIONS AND FINDINGS:

The complainant seeks to rely upon paragraph 4 of the .IN Policy, which reads as:

"Any Person who considers that a registered domain name conflicts with his 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 Respondent 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."

And the Complainant seeks to assert that each of the aforementioned factors.

A. Whether the Respondent's domain name <saintgobain.co.in> is identical to a name, trademark/ Trade name or Service mark, in which the Complainant has right?

- i. The Complainant stated that the disputed domain name <saintgobain.co.in> is identical to Complainant's trademark SAINT-GOBAIN, as it is contained without addition or deletion.
- ii. Furthermore, the Complainant stated that the addition of the ccTLD ".CO.IN" is not sufficient to escape the finding that the domain is confusingly similar to its trademark and does not change the overall impression of the designation as being connected to the trademark of the Complainant.



- iii. Thus, it is prima facie clear that the disputed domain name <saintgobain.co.in> is identical and/or confusingly similar to the Complainant's trademarks.

B. Whether the Respondent has rights or legitimate interests in respect of the domain name?

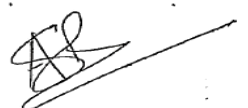
- i. The Complainant seeks to rely on Case No. INDRP/776, *Amundi v. GaoGou*, according to which the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4 (II) of the INDRP Policy.
- ii. The Complainant has put on record Whois data of the disputed domain name, from where it can be ascertained that the disputed domain name is owned by - Mahesh Jambagi. The Complainant seeks to rely on the judgement passed in Case No. INDRP/999, *Accenture Global Services Limited v. Vishal Singh*, wherein it has been held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name.
- iii. The Complainant contended that the Respondent has no rights or legitimate interests in respect of the domain name and he is not related in any way with the Complainant. The Complainant has further contended that the Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization to the Respondent to make any use of the trademark, or apply for registration of the disputed domain name has been granted by the Complainant.




- iv. Moreover, the Complainant stated that the disputed domain name resolves to a parking page with commercial links. The Complainant seeks to rely on prior panels, deemed of which, he has referred to findings, wherein it has been found that it is not a bona fide offering of goods or services or legitimate non-commercial or fair use. The Complainant seeks to rely on WIPO Case No. D2007-1695, *Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe* ("Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not of itself qualify as a bona fide use.").
- v. Thus, it is evident that the Respondent registered the domain name for the sole purpose of creating confusion and misleading the general public and therefore is not making a legitimate, fair or bona fide use of the domain name.

C. Whether the Registrant's domain name has been registered or is being used in bad faith?

- i. The Complainant highlighted that the disputed domain name <**saintgobain.co.in**> is identical to its well-known trademark SAINT-GOBAIN. The Complainant seeks to rely on WIPO Case No. D2020-3549, *Compagnie de Saint-Gobain v. On behalf of saint-gobain-recherche.net owner, Whois Privacy Service/ Grigore PODAC* ("The Panel is satisfied that the Complainant is a well-established company which operates since decades worldwide under the trademark SAINT-GOBAIN.").
- ii. The Complainant contended that the Complainant is a worldwide reference in sustainable habitat and construction markets and operates namely in India.
- iii. Further, the Complainant asserted that given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered and used the domain name with full knowledge of the Complainant's trademark.



- iv. Furthermore, the Complainant has been able to show that the disputed domain name resolves to a parking page with commercial links and the Respondent has attempted to attract Internet users for commercial gain to his own website through Complainant's trademarks for its own commercial gain, which is an evidence of bad faith. The Complainant seeks to rely on WIPO Case No. D2018-0497, *StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC* ("In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve [...] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.").
- v. Thereafter the Complainant contents that finally, the disputed domain name has been set up with MX records which suggests that it may be actively used for email purposes. This prima facie indicates the bad faith registration and use because any email emanating from the disputed domain name could not be used for any good faith purpose. The Complainant seeks to rely on CAC Case No. 102827, *JCDECAUX SA v. Handi Hariyono* ("There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.").
- vi. Thus, it is established that the Respondent has registered the disputed domain name and is using it in bad faith.



G. DECISION:

In the light of foregoing findings, namely, that the domain name is confusingly similar to a mark in which the Complainant have rights, that the Respondent has no rights or legitimate interests in respect of disputed domain name and that the disputed domain name was registered in bad faith and being used in bad faith in accordance with the policy and rules, the arbitrator orders that domain name <saintgobain.co.in> be transferred to the Complainant.



Abhinav S. Raghuvanshi
Sole Arbitrator

Place: New Delhi

Date: 29.08.2025