



सत्यमेव जयते

INDIA NON JUDICIAL
Government of Tamil Nadu

e-Stamp

Certificate No. : IN-TN93785066361154X
Certificate Issued Date : 29-Jul-2025 03:37 PM
Account Reference : SHCIL (FI)/ tnshcil01/ Saidapet-SRO/ TN-CS
Unique Doc. Reference : SUBIN-TNTNSHCIL0149600374163082X
Purchased by : SAISUNDER N V
Description of Document : Article 12 Award
Property Description : NA
Consideration Price (Rs.) : 0
(Zero)
First Party : SAISUNDER N V
Second Party : SAISUNDER N V
Stamp Duty Paid By : SAISUNDER N V
Stamp Duty Amount(Rs.) : 200
(Two Hundred only)



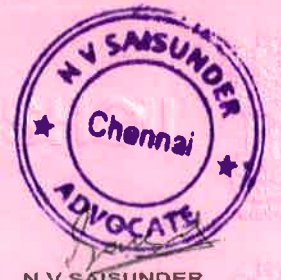
Please write or type below this line

NV SAISUNDER
SOLE ARBITRATOR

.IN IN REGISTRY- INTERNET EXCHANGE OF INDIA

INDRP CASE NUMBER: 2022

DISPUTED DOMAIN NAME: <lorespresso.in>



N V SAISUNDER

GG 0009294362

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at www.shcestamp.com/ or using e-Stamp Mobile App of Stock Holding Corporation of India.
2. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
3. The onus of checking the legitimacy is on the users of this certificate.
4. In case of any discrepancy please inform the Competent Authority.

IN THE MATTER OF ARBITRATION BETWEEN:

Koninklijke Douwe Egberts B.V.
Oosterdokstraat 80
1011 DK Amsterdam
The Netherlands

..... **Complainant**

Versus

Hristina Kostova
38 Nikola Vapcarov,
Sofia, Bulgaria - 1407

..... **Respondent**

ARBITRATION AWARD

DATED: 27/08/2025

1. PARTIES:

The Complainant in this proceeding is Koninklijke Douwe Egberts B.V, a private limited liability company, organized under the laws of the Netherlands, having its registered office in Amsterdam, the Netherlands. The Complainant is represented by Fidus Law Chambers, Noida, India.

The Respondent in this proceeding is Hristina Kostova, 38 Nikola Vapcarov, Sofia, Bulgaria - 1407 as per the WHOIS details disclosed by NIXI.

2. DOMAIN NAME AND REGISTRAR:

The disputed domain name <lorespreso.in> ("**Disputed Domain Name**") is registered with Costrar EOOD.

3. PROCEDURAL HISTORY:

The Statement of Acceptance and Declaration of Impartiality was submitted by me on 9th July 2025 as required by NIXI. Further, in accordance with Rules 3 and 5(b), NIXI appointed me as the sole arbitrator for deciding on the complaint filed in respect of the disputed domain name on 14th July, 2025 to arbitrate the dispute between the Parties in



accordance with the Arbitration and Conciliation Act, 1996 and accordingly notified the Parties of the same on the same date. Thereafter, the Complainant was directed on 14th July 2025 to serve the hard and soft copy of the complaint on the Respondent and furnish proof of such despatch as required under the INDRP. The Complainant complied with the directions and also sent proof of service of hard copy to the Respondent on 4th August 2025. In accordance with Rule 5(c), a notice to the Respondent was issued on 4th August 2025 by the Arbitrator whereby the Respondent was called upon to submit its response, if any, within 10 (ten) days from the date of issuance of the notice. The Arbitrator did not receive any formal response from the Respondent till date. Therefore, the complaint is decided based on the submissions, materials and evidence placed before the Arbitrator.

4. FACTUAL BACKGROUND:

The Complainant claims to be a part of Jacobs Douwe Egberts (JDE) formed in 2015 by merging D.E Master Blenders, founded in 1753, and the coffee division of Mondelez International. Complainant claims that JDE is part of JDE Peet's, the world's largest pure play coffee and tea company, headquartered in the Netherlands having coffee and tea portfolio around 100 countries in the world.

The Complainant deals with the business of coffee products under its brand name "L'OR". The Complainant has secured ownership of numerous trademark registrations for the trademark "L'OR" and its formative marks including "L'OR Espresso" ("Trademark"), evidenced through registration certificates and extracts of the International registrations through the relevant trademark website annexed with the complaint. Few of the trademarks are as below:

- a. Indian Trademark Application number 3337663 for L'OR (Device Mark), applied on 09/02/2016 under class 30;
- b. Indian Trademark Application number 1951536 for L'OR (Word Mark), applied on 16/04/2010 under class 30; and
- c. International application 4405460 for L'OR (Device Mark), applied on 30/08/2019 under class 11.
- d. Brazil trademark application for the mark "L'OR ESPRESSO" applied on 12/04/2010 under class 30.

The Complainant also owns and operates several websites using the Trademark such as <lorespresso.com> registered on 3rd November 2009 and <lorespresso.co.uk> registered on 02nd April 2010.



The Disputed Domain Name was registered on 26th February 2025. The Complainant's Trademark registrations and domain registrations containing the Trademark predates the registration of the Disputed Domain Name.

The Disputed Domain Name redirects to a website containing Pay-Per-Click links advertising products similar to the products sold by the Complainant.

5. PARTIES CONTENTIONS:

A. Complainant:

The Complainant has contended that all three elements of the INDRP are applicable to the present case.

The Complainant submits that the Disputed Domain Name <lorespesso.in> subsumes the Complainant's trademarks "L'OR" and "L'OR ESPRESSO" in its entirety, over which the Complainant has statutory and common law rights.

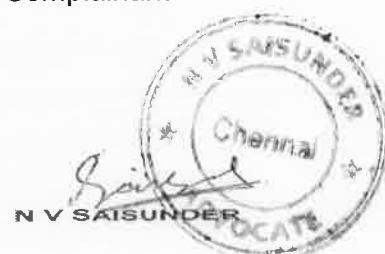
The Disputed Domain Name is parked with PPC links and none of the instances elucidated under Clause 6 of the .IN Domain Dispute Resolution policy applied to the Respondent and sole purpose of the registration of the Disputed Domain Name is to misleadingly divert consumers, thereby evidencing lack of rights or legitimate interests in respect of the domain name.

Owing to the goodwill and reputation of the Complainant's Trademark globally, the Respondent is bound to have knowledge of the Complainant's Trademark and registration of the Disputed Domain Name is with the intention of taking advantage of the reputation of the Complainant by getting monetary benefits through redirection.

B. Respondent:

The Respondent did not file any response to the submissions of the Complainant.

6. DISCUSSION AND FINDINGS:



Under the INDRP, the following three elements are required to be established by the complainant in order to obtain the remedy of transfer of the disputed domain name to the complainant:

- (i) The disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and,
- (ii) The Respondent lacks rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered or is being used in bad faith.

A. Identical or confusingly similar:

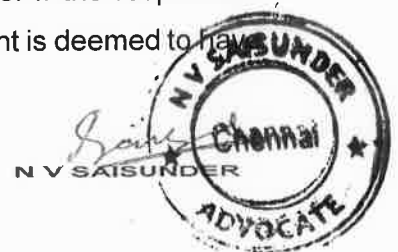
It is a well-accepted principle that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name.

The Complainant has submitted evidence of its trademark registrations that establish that the Complainant has statutory rights in the mark for the purpose of policy and specifically also holds registration for the mark "L'OR" and "L'OR ESPRESSO". The Trademark of the Complainant has been reproduced within the Disputed Domain Name in entirety. Accordingly, the disputed domain name is identical to the mark for the purposes of INDRP.

The Panel finds the first element of INDRP has been established.

B. Rights or Legitimate interest

Paragraph 6 of the Policy provides a list of circumstances in which the registrant of a domain name may demonstrate rights or legitimate interests in a disputed domain name. While the overall burden of proof in the proceedings is on the Complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.



Having reviewed the evidences submitted along with the Complaint, the Panel wishes to place on record that the Complainant has not submitted any evidence to show the date of incorporation of the Complainant company and its purported relationship with JDE. Though the Complainant claims that the Trademark has achieved a well-known status and also further claims popularity of the Complainant, this Panel is of the view that the same could have been substantiated through more documentary evidences that can be relied upon by panels to form a *prima facie* view about the well-known status and popularity of the Complainant and its Trademarks.

Nevertheless, in addition to the fact that the Complainant holds proprietary rights over the Trademark substantiated through its evidences annexed, the Panel finds the following from the records placed before it:

- a. The Respondent does not appear to engage in any legitimate non-commercial or fair use of the Disputed Domain Name, nor any use in connection with a *bona fide* offering of goods or services. In fact, the Panel has reasonable grounds to believe that the Respondent has made a commercial use of the Disputed Domain Name, with the intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue which is evidenced from content of the webpage of the Disputed Domain Name displaying PPC links;
- b. the Respondent has not been commonly known by the Disputed Domain Name; or,
- c. the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Disputed Domain name.

Having reviewed the record, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name.

In the light of the facts and circumstances discussed, it is accordingly found that the Complainant has made out a *prima facie* case that the Respondent lacks rights and legitimate interests in the Disputed Domain Name. The second element under paragraph 4(b) of the Policy has been met by the Complainant.

C. Registered and/or used in bad faith:



The Panel notes that, for the purposes of paragraph 4(c) of the Policy, paragraph 7 of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and/or use of a domain name in bad faith.

The Panel is unable to appreciate the submission of the Complainant regarding its continuous and extensive usage of the Trademark globally since 1992 owing to lack of substantiation through documentary evidences in support of such claim. Nevertheless in consideration of the Trademark portfolio submitted by the Complainant and the fact that such registrations have been well before the registration of the Disputed Domain Name, the Panel is of the opinion that the Respondent ought to have been aware of the Complainant's trademark registrations and rights to the "L'OR ESPRESSO" mark when it registered the Disputed Domain Name. The Panel concurs with the Complainant's claim that the Disputed Domain Name has been registered and used to mislead the Internet traffic and general public, which constitutes bad faith under 4 (c) of the INDRP.

The Disputed Domain Name contains PPC links indicating the opportunistic bad faith of the Respondent to unjustly enrich from the popularity of the Trademark of the Complainant. The Complainant has also placed evidence to show that the Respondent has offered the Disputed Domain Name for sale, thereby making commercial and unfair use of the Trademark of the Complainant.

For reasons stated above, it is established that the Disputed Domain Name was registered and used in bad faith and the third element under paragraph 4(c) of the Policy has been met by the Complainant

7. DECISION:

In view of the above findings, it is ordered that:

- a. The disputed domain name <lorespresso.in> be transferred to the Complainant.
- b. The costs of these proceedings be granted in favour of the Complainant.


N V SAISUNDER
Date: 27/08/2025

