



தமிழ்நாடு தமில்நாடு TAMILNADU 09/12/25



Shirijha. M

BEFORE TMT. M. SHIRIJHA, B.Sc., M.L.
SOLE ARBITRATOR, AT CHENNAI
7th January 2026
COMPLAINT INDRP Case No. 2075

திருமதி. N. புவனேஸ்வரி
முத்திருத்தாள் விற்பனையாளர்
1/1613-D, 16வது வீதி, பாலபுரமுக்குள் நகர்
கோட்டைம், திருவள்ளூர்-600 067
உயிர்க் கடன்: 1057-3/357/2021

ES 723374

IN THE MATTER OF AN
ARBITRATION FOR A DISPUTE
RELATING TO THE DOMAIN NAME
www.thevenetian.in UNDER THE
.IN DOMAIN NAME DISPUTE

Las Vegas Sands Corp.
5420 S. Durango Drive
Las Vegas, NV 89113
United States of America

...Complainant

Versus

Ankit Dwivedi
H No 32 Sainik Nagar
Kanpur, Uttar Pradesh 208007

... Respondent

AWARD PASSED UNDER THE INDRP RULES OF PROCEDURE

AND THE ARBITRATION AND CONCILIATION ACT, 1996

1

M.S

M. SHIRIJHA B.Sc., M.L.
STS Law Associates
2/669A, River View Enclave, First Main Road,
Manapakkam, Chennai - 600 125.

TABLE OF CONTENTS

1	PARTIES TO THE ARBITRATION	2
2	APPLICABLE LAW AND JURISDICTION	2
3	FILING OF THE COMPLAINT AND CONSTITUTION OF THE ARBITRAL TRIBUNAL	3
4	THE DOMAIN NAME REGISTRAR AND REGISTRANT	3
5	PROCEDURAL HISTORY	4
6	COMPLAINANT'S CONTENTIONS	4
7	DISCUSSIONS AND FINDINGS	6
8	DISPOSITIONS	16

I. PARTIES TO THE ARBITRATION

1. The Complainant is Las Vegas Sands Corp., 5420 S. Durango Drive Las Vegas, NV 89113, United States of America represented by their Power of Attorneys An ad & An and, Safir Anand, First Channel, Plot No.17A, Sector 16A, Film City, Noida Email ::Safir@anandandanand.com

2. The Respondent is Ankit Dwivedi, H No 32 Sainik Nagar, Kanpur, and Uttar Pradesh 208007 with Email ankitdwivedi008@gmail.com

II. APPLICABLE LAW AND JURISDICTION

The .IN Domain Name Dispute Resolution Policy

The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (the Policy) which was adopted by the National Internet Exchange of India (NIXI) and sets out 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. By registering the domain name



M. SHRIJHA B.S.C., M.L.
STS Law Associates
2/669A, River View Enclave, First Main Road,
Manapakkam, Chennai - 600 125.

'www.thevenetian.in' with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure posted 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

III. Filing of the Complaint and Constitution of the Arbitral Tribunal

1. The Complainant filed the Complaint under the .IN Domain Name Dispute Resolution Policy against the Respondents, seeking transfer of the Domain Name 'www.thevenetian.in' into the Complainant. Following which, the .IN Registry sought the consent of **Tmt.M.SHIRIJHA** (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under 5 (a) of the Rules, to act as Arbitrator in the said matter.
2. On 17th November 2025, the Arbitral Tribunal consisting of the said **Tmt.M.SHIRIJHA** as Sole Arbitrator was constituted under 5(b) of the Rules in respect of the Complaint filed by the Complainant herein.
3. On 19th November 2025, the learned Arbitrator directed the Complainant to file the Authorisation letter from the Complainant to file the Complaint and the Power of Attorney deed from the Complainant to represent the case and same was complied on 18th December 2025 and hence on the very next day, i.e. on 19th December 2025, this Tribunal issued the Notice of Arbitration under 5(c) of the Rules. To the parties for commencement of Arbitral Proceedings.
4. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT

The particulars of the registration of the domain name 'www.thevenetian.in' as

M.S

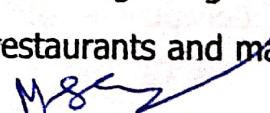
found in the .IN Registry database are set out below:
GoDaddy, Address: NIL, Email : reg_admin@godaddy.com

V. PROCEDURAL HISTORY

1. The Sole Arbitrator, Tmt.M.SHIRIJHA was appointed on 17th November 2025, for the present INDRP case.
2. Immediately thereafter, On 19th November 2025, the learned Arbitrator directed the Complainant to file the Authorisation letter from the Complainant to file the Complaint and the Power of Attorney deed from the Complainant to represent the case and same was complied on 18th December 2025 and hence on the very next day, i.e. on 19th December 2025, this Tribunal issued the Notice of Arbitration under 5(c) of the Rules. To the parties for commencement of Arbitral Proceedings. On 19th November 2025, the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules, to the parties for commencement of Arbitral Proceedings and directed the Complainant to serve the said Notice to the Respondent both Online and Offline to the address mentioned therein. 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 before seven working days from the date of receipt of the said Notice.
3. On 24th December 2025, the Respondent sent an E mail stating that "we don't need the right of the domain 'www.thevenetian.in in any format". As there was no Accordingly, This Arbitral Tribunal holds that the service on the Respondent was done in accordance with Rule 2(a) of the Rules. Further as the respondent has not filed any objections in proper format as required by him, on 2nd January 2026, He was set Ex parte.

VI. COMPLAINANT'S CONTENTIONS

1. The Complainant is one of the leading global developers of destination properties that feature premium accommodations, world-class gaming and entertainment, convention and exhibition facilities, celebrity chef restaurants and many



M.SHIRIJHA B.S.C., M.L.
STS Law Associates
2/669A, River View Enclave, First Main Road,
Manapakkam, Chennai - 600 125.

other amenities and is also the proprietor of the trade marks "VENETIAN" internationally as well as in India. The Complainant owns and operates The Venetian Macao in Macao. The Venetian Macao, opened in 2007, is the largest single structure hotel in Asia, the 6th largest building in the word by area and the largest casino in the world. The Complainant's domain name www.venetianmacao.com has been registered since 2003. The Complainant has invested a substantial amount of time, effort and costs in creating the VENETIAN brand internationally and for securing legal protection over its various trademarks and other intellectual property and has extensively advertised and promoted its VENETIAN trade mark, which has resulted in wide awareness of the Complainant's trade mark globally, as well as trans-border reputation in India. The Complainant's The Venetian resort is accessible to Indian consumers as well, since the resorts are prominently listed on Makemytrip.com, Booking.com and Agoda.com. Moreover, the IIFA (International Indian Film Academy) Awards were held at The Venetian Macao in 2009 and 2013. The Complainant's services under the marks "VENETIAN" acquired great reputation in a substantial number of countries of the world including India. The Complainant's The Venetian has received several industry awards over the years. By virtue of continuous and extensive use, the Complainant's VENETIAN trade mark has become popular and has gained immense goodwill and reputation among the relevant section of public, and the consumers associate the VENETIAN trade mark exclusively with the Complainant. A foremost Google search for VENETIAN primarily reveals in addition to the common law rights, the Complainant has statutory rights over the VENETIAN trade mark in various countries, including India. The Complainant has been extremely vigilant in safeguarding and protecting its trade marks including "VENETIAN". The Complainant has from time to time initiated appropriate actions and obtained favourable orders against third parties misusing the Complainant's trademarks. The Complainant has a legal, vested and common law right to the exclusive use of its trade marks in India. The Complainant has a further right to restrain the use of the same, a deceptive or an identical trade mark through the process of law being infringement and passing off of its rights. Any use of an identical and/or deceptively similar trade mark by any other person without the Complainant's

permission amounts to infringement and passing off of the Complainant's trade mark and the services thereunder, and constitutes civil and criminal offences under the applicable Indian laws. Hence the adoption and use of a mark by a third-party, which is similar and/or identical to the Complainant's trade mark, will lead to confusion and/or deception amongst the relevant class of consumers and the members of the trade. The same is bound to create confusion and deception in the minds of the consumers and public leading them to falsely believe that they have trade connections or affiliations with the Complainant. This would thus lead to the dilution of the Complainant's distinctive trade mark.

2. The Respondent has registered the domain name www.thevenetian.in which incorporates the Complainant's registered and reputed mark "VENETIAN" entirely, on 28 May 2022. As the Complainant already owns and operates the domain name www.venetianmacao.com since 2003, the impugned domain name would inevitably confuse and deceive the consumers and the members of the trade and public that the impugned domain name also belongs to the Complainant in India, which is not true. The impugned domain name is clearly registered and parked to capitalize on the Complainant's enormous reputation and goodwill in the "VENETIAN" trade mark and trading style and The Respondent is using the impugned domain name to intentionally make commercial gains as the impugned domain name is also used in respect of a hotel situated in India which leaves no doubt that the Respondent is using the identical domain name offering identical services to mislead viewers and consumers looking for the Complainant's VENETIAN hotel. Hence this Complaint.

VII. DISCUSSIONS AND FINDINGS:

The Hon'ble Apex Court of India has repeatedly held that even in an uncontested matter the Plaintiff's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Accordingly, A Complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements required by Paragraph 4 of the INDRP Policy

namely:

- a) The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.
- b) The Respondent has no rights or legitimate interests in respect of the domain name
- c) The Respondent's domain name has been registered or is being used in bad faith.

Accordingly, the Arbitral Tribunal shall deal with each of the elements as under:

a) Whether the Respondent domain name is identical and/or deceptively similar to domain name and trademarks of the Complainant?

i) The copy of the trademark registration certificate of Trademark "VENETIAN" and WHOIS records shows Complainant is the owner of the same in India. Further The Extensive Annexures shows that The Complainant owns numerous trademark registrations for "VENETIAN" in various jurisdictions and because of the extensive use and promotion of the "VENETIAN" trademark, the brand has gained recognition.

ii) The Complainant provided evidence with the Annexures, to establish that the Disputed Domain name www.thevenetian.in is identical or confusingly similar to the Complainant's registered and distinctive trademark. They plead that The Complainant has been continuously and extensively using the registered trade mark "VENETIAN" since 19991 and owns and operates the website using the domain name www.venetianmacao.com, which is registered in the Complainant's name since 2003 and thus the Complainant's rights in the "VENETIAN" trade mark and trading style, and the domain name www.venetianmacao.com are well established; Complainant formally owned The Venetian Las Vegas and continues to own the VENETIAN trademarks which it licenses to the current owner of The Venetian Las Vegas; The impugned domain name 'www.thevenetian.in' fully incorporates the essential element of the Complainant's trading style and registered trade mark "VENETIAN" entirely, and is thus identical to the Complainant's trade mark, trading style and domain name www.venetianmacao.com and WIPO panelists have, over the years, arrived at a consensus that if a complainant owns a trade mark registration, then it generally



satisfies the threshold requirement of trade mark rights and as .IN is a country code and non-distinctive, .IN part of the impugned domain name does not distinguish the impugned domain name from the Complainant's trade mark and trading style "VENETIAN", and in particular, the Complainant's registered domain name and www.venetianmacao.com as per Accenture Global Services Private Limited v. Sachin Pandey, INDRP/828 (November 28, 2016). In Dell Inc. v. George Dell and Dell Net Solutions, Case No. D2004-0512 (WIPO Aug 24, 2004), it was held that "It is well established that the addition of a generic term to a trade mark does not necessarily eliminate a likelihood of confusion." There are numerous examples of decisions holding a domain name to be confusingly similar to a registered trade mark when it consists of the mark plus one or more generic terms, such as the top level domain name '.in'. Space Imaging LLC v. Brownell, AF-0298 (eResolution Sept. 22, 2000) emphasises on finding confusing similarity in an instance where the Respondent's domain name combines the Complainant's mark with a generic term which is obviously affiliated to the Complainant's business; Reliance is also placed in Minnesota Mining and Manufacturing Company vs. Mark Overbey, WIPO Case No. D2001-0727; SBC Communications Inc. vs. Fred Bell a/k/a Bell Internet WIPO Case No. D2001 – 0602; Wal-Mart Stores Inc. vs. MacLeod b/d/a For Sale, WIPO Case No. D2000-0662. In Busy Body, Inc. v. Fitness Outlet Inc., D2000-0127 (WIPO Apr. 22, 2000), it was held that "the addition of the generic top-level domain (gTLD) name ".com" is likewise without legal significance since use of a gTLD is required of domain name registrants, ".com" is only one of several such gTLDs, and ".com" does not serve to identify a specific service provider as a source of goods and services"; It has been held by several panels deciding under the INDRP that there is confusing similarity where the disputed domain name wholly incorporates the Complainant's trade Mark such as Kenneth Cole Productions v. Viswas Infimedia INDRP/093; as TLD/ccTLD such "in", ".co.in" is an essential part of the domain name, it cannot be said to distinguish the Respondent's impugned domain name from the Complainant's trade mark and trading style "VENETIAN" as held in Dell Inc. v. Mani, Soniya INDRP/753 and M/s Retail Royalty Company v. Mr. Folk Brook INDRP/705; As decided in Motorola, Inc. v. NewGate

Internet, Inc. (WIPO Case D2000-0079), Cosrx Inc v. Tejas Taori (INDRP/1805) and Radisson Hospitality Belgium BV/SRL v. Maim (INDRP/1818) where a domain name incorporates the entirety of a trade mark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark, it is apparent that the Respondent's impugned domain name is identical or confusingly similar to the Complainant's trade mark and trading style "VENETIAN and the impugned domain name is liable to be transferred to the Complainant.

iii) The contentions of the Complainant seem to be convincing and acceptable. Moreover, it is needless to say that the addition of the word 'the' and The replacement of the top- level domain name ".com" with ".in" makes no difference to the impugned domain name, as a prefix to the Complainant's registered trademark 'venetian' is incapable of lending the Disputed Domain Name any distinctiveness or reduce its similarity with the Marks. Hence, any use of the Disputed Domain Name will, in all likelihood, make Internet users believe that the Respondent's purported services belong to the Complainant and/or originate from the Complainant - which is not the case. In this regard, it is relevant to mention that a mere search for the words contained in the Disputed Domain Name, i.e. 'venetian', on the popular search engine Google.com leads to the Complainant's websites only, which establishes beyond doubt that the two concerned words will always be associated with the Complainant alone and therefore, the term 'the' as prefix to the prior and registered trademark 'VENETIAN' is not sufficient to avoid confusion between the consumers. The Arbitral Tribunal also took notice of the decision in *Fendi Sr.I. v. Ndiaye Therese, WIPO Case No. D2018-0179; Birdies, Inc. v. Registration Private, Domains By Proxy,_LLC/Fu Li, WIPO Case No. D2019- 2134*, which through a catena of Orders passed by this Panel and WIPO (under the UDRP), states that domain extensions such as ".com" and ".in" are to be ignored while assessing whether a domain name is identical or confusingly similar to a trade mark, the disputed domain name is regarded confusingly similar to that mark for the purposes of UDRP standing. The Arbitral Tribunal also took note of the decisions of "It is well established under the .IN Policy that the ccTLD ".IN" may be disregarded

when assessing whether a domain name is identical or confusingly similar to a complainant's trade mark (*AB Electrolux v. GaoGou of YERECT, INDRP/630 (<zanussi.in>)*) and hence holds that the Domain Name is confusingly similar to the Complainant's trade mark. *Nike Inc. v. Nike Innovative CV Zhaxia, INDRP Case No. 804; Metropolitan Trading Company v. Chandan Chandan, INDRP Case No. 811; Lego Juris A/s v. Robert Martin, INDRP Case No. 125*, wherein it was held that if a disputed domain name completely incorporates the trademark of the Complainant, then the mere addition of domain codes such as ".in" and/or ".co.in" will not distinguish the Respondent's disputed domain name.

iv) Following the said dicta referred above, and upon the facts and circumstances of the present case and the evidence placed before it, The Tribunal finds that The subject domain name <www.thevenetian.in> Is not only identical but deceptively similar to the trademark "VENETIAN" of the Complainant. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy Paragraph 4(a) is satisfied.

b) Whether the Respondent has no rights or legitimate interests in respect of the domain name?

i) To pass muster under Paragraph 4(b) of the INDRP Policy, the Complainant has to show that the Respondent has no rights and legitimate interests in the disputed domain name under Paragraph 6 of the Policy. The Rights or legitimate interest in a domain name (in accordance with Policy 6 (a-c)) may be found where the registrant uses the domain name registration with a bonafide offering of goods or services; if the registrant has been commonly known by the domain name registration; or if the registrant is using the domain name registration in a legitimate, non-commercial manner, without intent for commercial gain to misleadingly divert consumers or tarnish the trademark at issue.

ii) The Complainant asserts that the Respondent has not fulfilled any of the aforementioned conditions for it to have demonstrable rights or legitimate interests in the Disputed Domain Name and there is every likelihood that potential or unwary persons

*96

in the future could be misled into using the services of the Respondent under the impression that the same are being offered by the Complainant; The Complainant has not approved, assigned, granted, licensed, sold, transferred or in any way authorized the Respondent the right to use its VENETIAN Marks in connection with any domain name; Moreover, The Respondent is not commonly known by the Disputed Domain Name or by VENETIAN, VENETIAN.COM, or any variations thereof; The Respondent is not affiliated with the Complainant in any way or licensed by the Complainant to use the VENETIAN Marks; The Respondent is not an authorized partner of the Complainant's services; Hence, the Respondent is not making a legitimate / fair use of the Disputed Domain Name; Accordingly, the Respondent has no rights or legitimate interests in the Disputed Domain Name. The impugned domain name fully incorporates the Complainant's trade mark and trading style "VENETIAN" and is confusingly similar to the Complainant's domain name www.venetianmacao.com. The Respondent has no relationship with the Complainant, and the Complainant has never authorized or licensed the Respondent to register or use the impugned domain name. Rather, the impugned domain name is being used to offer identical hotel services to mislead viewers and consumers looking for the Complainant's services. The Respondent has laid bare its intent to commercially exploit the Complainant's trade mark and trading style "VENETIAN", for the sole purpose of causing irreparable damage and injury to the Complainant's goodwill and reputation, resulting in dilution of the Complainant's trade mark and trading style. In fact, by acquiring the impugned domain name, the Respondent has shown crass opportunism in encashing the popularity of the Complainant's trade mark and trading style. It is apparent that the Respondent's intention, while registering the impugned domain name for offering identical hotel services, was to misappropriate the reputation and goodwill of the Complainant's trade mark and trading style, and unfairly benefit therefrom. It is evident that the Respondent has no right or legitimate interest in the impugned domain name. The Respondent's mala fide intention is demonstrated from the fact that the impugned domain name unauthorily contains the Complainant's registered and well-known trade mark "VENETIAN" and is used for identical hotel services. The Complainant relies

On the decision in Radisson Hospitality Belgium BV/SRL v. Najim (INDRP/1818), wherein it was held that "the inclusion of the well-known mark 'RADISSON' in the Disputed Domain Name reflects the mala fide intention of the Respondent to use the Disputed Domain Name for earning profits. Such a conduct demonstrates anything but A legitimate interest in the domain name." It was also held in The Ritz Carlton Hotel Company LLC v. Nelton! Brands Inc. (INDRP/250) that "It is also a well settled principle That the registration of a domain name that incorporates a well-known mark by an entity that has no relationship to the mark is evidence of bad faith". It is submitted that mere registration of the impugned domain name in the Respondent's name does not create any legitimate rights or interest for the Respondent in the said domain name. Reliance is placed on Deutsche Telekom AG v. Phonic Ltd. (WIPO Case No. D2005-1000). The Complainant had not assigned, granted, licensed, sold, transferred or authorized the Respondent to register or use the "VENETIAN" trade mark. The inclusion of the Respondent's registered and well-known mark "VENETIAN" in the impugned domain name that too for identical hotel services, suggests that the Respondent's intention is to deceive the public into believing that some association or commercial nexus exists between the Complainant and the Respondent. Thus, there is no justification for the Respondent's registration and/or use of the impugned domain name. Given the Respondent's dishonest adoption and mala fide intent, the Respondent does not have any valid or legal grounds to claim legitimate rights or interests, and make fair use of the impugned domain name. Therefore, the Respondent does not have any rights or legitimate interest in respect of the impugned domain name and it is liable to be transferred to the Complainant.

iii) A careful perusal of the above shows that the Respondent is not commonly known by the Disputed Domain Name 'www.thevenetian.in' and nor does the Respondent operate a legitimate business or other organisation under the "Domain name. It is evident that a mere search for the words contained in the Disputed Domain Name, i.e. 'www.thevenetian.in', on the popular search engine Google.com leads to the Complainant's websites only. Additionally, the said 'www.thevenetian.in' trademark was registered years before the disputed domain name was registered and due to the

complaints of the Complainant. Complainant asserted that the Respondent was using the disputed domain name in association with the complainants.

On 10th August 2022, Complainant filed a complaint with the Complainant, the Respondent does not have legitimate interests. The nature of conduct by the Respondent suffices the Respondent to cause damage with maliciously demonstrating intent to搭搭 (intend to) damage to the Complainant's rights and the Respondent has come forward with such maliciousness. The complainant is a media company involved in news. In this case in India, the Complainant has made the claim that the Respondent has the right to register and use the disputed domain name under the protection of the Indian Copyright Act. The Complainant has used the disputed domain name to establish its presence in the "YENETIAN" trademark and the same is used by the Complainant in the "YENETIAN" trademark. The Respondent has used the domain name "YENETIAN" in 2007 in India for the past many years. The Respondent is the owner and registered proprietor of the "YENETIAN" mark. The Respondent's impugned domain name would be infringing the Complainant's trade mark and trading style. "YENETIAN" is of course due to the open likelihood of creating confusion in the mind of the public. The impugned domain name was adopted/registered by the Respondent in 2007, which is subsequent to the Complainant's use of the trade mark and trading style "YENETIAN" in 2007 in India, and despite being aware of the reputation and goodwill in the Complainant's trade mark and trading style. The impugned domain

Q. Whether the Respondent domain name infringes the Complainant's trade mark and goodwill?

(i) The Complainant's case is that, The Complainant has an Indian Trade Mark Policy and asserts that it is vested with common and common law rights in the trade mark "YENETIAN" in India for the past many years. The Complainant is the owner and registered proprietor of the "YENETIAN" mark. The Respondent's impugned domain name would be infringing the Complainant's trade mark and trading style. "YENETIAN" is of course due to the open likelihood of creating confusion in the mind of the public. The impugned domain name was adopted/registered by the Respondent in 2007, which is subsequent to the Complainant's use of the trade mark and trading style "YENETIAN" in 2007 in India, and despite being aware of the reputation and goodwill in the Complainant's trade mark and trading style. The impugned domain

name is identical to the Complainant's trade mark and trading style, in which the complainant has a substantial interest, as the impugned domain name comprises the Complainant's registered trade mark "VENETIAN" in conjunction with the top level domain name ".in" that too for offering identical hotel services. The Respondent's conduct clearly reflects its dishonesty and shows its mala fide intention. Registration of a domain name containing a well-known trade mark is strong evidence of bad faith. The Respondent has registered the impugned domain name in order to capitalize on the commercial value and significance of the Complainant's domain name www.venetianmacao.com. The Respondent is not making any legitimate or fair use of The impugned domain name at all, since it is used for offering identical hotel services in India, which creates strong likelihood of consumer confusion. This establishes the Respondent's mala fide intention to wrongfully gain benefits at the cost of the Complainant's trade mark and trading style's goodwill and reputation. The Respondent's above acts constitute misrepresentation, and are prejudicial to the Complainant's rights and to the members of the trade and public. The Respondent's activities constitute bad faith usurpation of the recognition and fame of the Complainant's registered and well-known trade mark "VENETIAN", to improperly benefit the Respondent financially and are in violation of the applicable laws. Thus, the Respondent's bad faith registration of the impugned domain name is established. The Respondent does not have any rights or legitimate interest in the impugned domain name. It is submitted that the facts, circumstances and evidence indicate that the Respondent has used the "VENETIAN" trade mark in the impugned domain name for identical hotel services to intentionally mislead the consumers to believe that it is somehow associated with the Complainant by creating a likelihood of confusion. There are numerous precedents wherein it has been held that a domain name's containing a well-known mark is likely to create confusion in the minds of internet users and attempt to use such a domain name to attract internet traffic based on the reputation associated with the mark, is considered bad faith registration and use under the INDRP Policy. Reliance is placed upon Cosrx Inc v. Tejas Taori (INDRP/1805), M/s Merck KGaA v. Zeng Wai INDRP/323, Dell Inc. v. ASTDomains, Case No. D2007-1819 (WIPO 2007), Dell Inc. v. Vijayan Anbalagan, Case



No. FA 1531184 (NAF Dec. 30, 2013), Etechaces 10 Marketing and Consulting Private Limited v. Dan Mahoney, INDRP/658 (May 18, 2015), Zurich American Insurance Company v. Administrator, Domain, WIPO Case No. D20070481 (May 18, 2007) and Société Air France v. Ebills Online Services (WIPO Case No. D2018-2421). In view of the foregoing, it is thus established that the identical/confusingly similar impugned domain name for identical hotel services is likely to cause confusion and deception among the public at large, and the Respondent, having no rights or legitimate interests in it, has registered and used the impugned domain in bad faith. Therefore, the Complainant has established a *prima facie* case for the impugned domain name, registered in bad faith by the Respondent, to be transferred to the Complainant.

ii) From the evidence placed before this Tribunal it is evident that

Firstly, the Respondent used the 'VENETIAN' trademark without consent from

the Complainant.

Secondly, Respondent was aware of Complainant's rights in its well-known trademark as a consequence of Complainant's substantial use of the trademark which predates before the Respondent acquired the domain name.

Thirdly, the domain name is only registered with no apparent legitimate purpose and holding on to the same with absolute no justification except to make wrongful profit therefrom. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith registration.

Fourthly, The Respondent impersonated the Complainant's Trademark "VENETIAN" which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

iii) In *HSBC Holdings PLC v. Hooman Esmail Zadeh*, INDRP Case no 032, dated March 20, 2007; *Visteon Corporation v. Prahlad S.*, INDRP Case No. 1535, dated May 6, 2022; *Solidium Oy v. Privacy Service Provided by Withheld for Privacy ehf EstormH Etormhosting. Estorm Programming*, WIPO Case No. D2022-3139; *LPL Financial LLC v. Privacy Service Provided by Withheld for Privacy ehf I Steffen Hain*, WIPO Case No.

D2022-0542 It was held that the mere registration of an identical domain name by an unaffiliated entity can by it creates a presumption of bad faith.

On careful consideration of the above findings, the Arbitral Tribunal accepts the contentions of the Complainant and holds that the Respondent domain name 'thevenetian.in' has been registered with an opportunistic intention and is being used in bad faith and Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

VIII. DISPOSITIONS

The Arbitral Tribunal holds that the three elements set out in paragraph 4 of the INDRP Policy that

- i) The Respondent domain name 'thevenetian.in' is identical and confusingly similar to the name; trademark "VENETIAN" by the Complainant.
- ii) The Respondent has no rights or legitimate interests in the Complainant's Trademark 'VENETIAN'.
- iii) The Disputed Domain name has been registered in bad faith.

Have been established by the Complainant and hence It is entitled for the relief sought for.

For the foregoing reasons stated above, The Arbitral Tribunal directs that:

The Disputed Domain Name www.thevenetian.in is transferred to the Complainant as prayed for.

In the Result, Complaint Allowed as prayed for. No Costs.



(M.SHIRIJHA)

Sole Arbitrator.

Place: Chennai

Dated: 7th January 2026