



## 1. The Parties

The Complainant in these administrative proceedings is Turnitin LLC, 2101 Webster Street, Suite 1800 Oakland, CA 94612, United States. The Complainant is represented by Stobbs IP Ltd, Building 1000, Cambridge Research Park, Cambridge, CB 25, 7PD, United Kingdom (Email: martyna.sawicz@iamstobbs.com, Phone: +44(0) 1223 435240). The Respondent is Lin Dr LIN, TGTF, Ramla-7777, IL, (Email: Crazy1.Lin@gmail.com, phone: (+972-90999111))

## 2. Domain Name and Registrar

(i) The disputed domain name is <turnitin.in>.

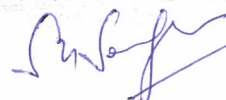
(ii) The Registrar with whom the domain name is registered is Name.Com, Inc. Denver, Colorado, United States (Phone: email: abuse@name.com).

## 3. Procedural History

The arbitration proceedings is in accordance with the .IN Domain Name Dispute Resolution Policy (the policy) adopted by National Internet Exchange of India ("NIXI") and INDRP Rules of Procedure ("the Rules") which were approved on June 28, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering disputed domain name with a NIXI registrar, the respondent agreed to the resolution of disputes pursuant to the Policy and the Rules.

As per the information received from NIXI, the history of the proceedings is as follows:

On August 07, 2024, I submitted the statement of my Acceptance and Declaration of Impartiality and independence, as required by NIXI to ensure compliance with Paragraph 6 of Rules. NIXI notified the parties of my appointment as Arbitrator via email on August 07, 2024 and served an electronic copy of the complaint on the Respondent. I informed the Parties about commencement of arbitration proceedings on August 07, 2024 and the Respondent was directed to submit his response to the arbitration notice within 7 (Seven) days. The Respondent failed to submit any response to the arbitration notice issued through email dated 07.08.2024 within the stipulated time. The Respondent was given another 5 (Five) days' time, through email dated 16.08.2024, to submit his response to the arbitration notice dated 07.08.2024. The Complainant submitted that hard copy of the Complaint had not been posted due to inadequate/inaccurate postal details of the Respondent. The



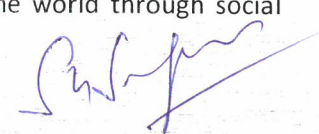
Complainant was given waiver to send hard copy of complaint to the Respondent. The Complainant submitted that the Complaint was submitted with complete details of the Respondent, copying the e-mail address provided for the Respondent (crazy1.lin@gmail.com) and no evidence that the communication had not reached the e-mail crazy1.lin@gmail.com had been received by them , for example, a delivery error. The submissions of complainant is accepted and taken as complaint serviced through email. The Respondent failed to submit any response to the arbitration notice issued on 07.08.2024 and subsequent directions dated 16.08.2024 21.08.2024. The Respondent in fact has not submitted any response to the arbitration notice till date.

#### **4. Grounds for Administrative Proceedings**

1. The disputed domain name is identical to the trade mark in which Complainant has rights.
2. The Respondent has no rights or legitimate interests in respect of the domain name.
3. The domain name has been registered or is being used in bad faith.

#### **5. Background of the Complainants**

The Complainant, in these administrative proceedings, is Turnitin LLC (“Turnitin”) –an American company founded in 1998. The Complainant submitted that it provides online plagiarism detection services and research integrity solutions for universities, corporations, and publishers globally and is currently licensed to over 15,000 academic institutions and has over 30 million student users. The Complainant further submitted that the Complainant also offers a plagiarism detection service for newspaper editors as well as book and magazine publishers called “iThenticate”. The Complainant further submitted that the Complainant is the owner of the domain name <turnitin.com>, which has been registered in 1999 and is actively used for the purposes of a global website promoting the TURNITIN brand online for over 20 years at www.turnitin.com (“the Official Website”). The Complainant further submitted that the Complainant’s TURNITIN brand is widely made available to internet users all around the world through social media.



## **The Respondent**

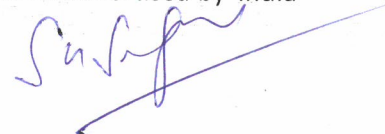
The Respondent is Lin Dr Lin, TGTF, RAMLA -7777, ISRAEL (Email: Crazy1.Lin@gmail.com, phone: (+972)90999111). The Respondent registered the Disputed Domain Name <turnitin.in> on January 20, 2014.

## **Legal Grounds**

### **A. The registrant's domain name is identical to the Complainant's marks:**

#### **Complainant's Contentions**

The complainant contended that Complainant has rights in TURNITIN. The Complainant submitted that they have registered trademarks for TURNITIN pre-dating the registration of the Disputed Domain. The Complainant further submitted that the INDRP does not explicitly mention where the trade mark rights need to be registered, but merely requires rights to be present at the time of filing the INDRP complaint. The Complainant further submitted that there have been recent decisions where the complaining party has relied on UK and EUTM rights, which were held to be sufficient for the purposes of establishing 'rights' in a INDRP dispute concerning the domain <what3words.in>. The Complainant has relied on What3Words Limited v. Vinit Saxena. INDRP Case No. 1229/2020. The Complainant further submitted that the Complainant owns numerous trademarks worldwide for the "TURNITIN" mark ("the Mark"), with its earliest registered rights dating back to 2004 ( US registration [word] no. 2812598), which pre-date the registration of the Disputed Domain by almost a decade. The Complainant further submitted that the Complainant's EUTM designation of an IR dates to 23 April 2013 (registration no. 1175782) and also predate the Respondent's registration of the Disputed Domain, which was secured 20 January 2014 (<turnitin.in>). The Complainant further submitted that the Complainant's brand has built up recognition in the public domain, supported by longstanding online use relating to the Complainant's brand to date and its accessibility to internet users globally, by virtue of the Official Website which, has been used for the purposes of advertising services under the Complainant's Mark, since as far back as May, 2000. The Complainant further submitted that the .in TLD under which the Disputed Domain has been registered by the Respondent corresponds to the country of India. The Complainant further submitted that as a global brand and business, the Complainant also has commercial presence in this territory, for example, general business and recruitment activities. The Complainant further submitted that products under the Complainant's Mark and Logo are also seen to be advertised by India



base consumers on popular e-commerce sites catering to India, such as India Mart, evidencing general consumer knowledge of the brand in this territory and the brand is also referenced in articles catering to India. The Complainant further submitted that considering the use at the Disputed Domain Name (click advertising referring to goods and services with which the Complainant is synonymous with), it is more likely than not that the Disputed Domain was registered by the Respondent with the Complainant and the Complainant's Mark in mind. The Complainant further submitted that the Disputed Domain is identical to the Complainant's Mark as they both incorporate the Mark verbatim. The Complainant further submitted that the Complainant requests that the Panel omit the suffix extension 'in' as it is merely a technical requirement for domain names in India. The Complainant has relied on *Urban Outfitters, Inc. v. Machang*. INDRP Case No. 601/2014. The Complainant further submitted that the Complainant maintains that the Disputed Domain is identical to that of the Complainant's Mark and that the first test under the Policy is satisfied.

#### **Respondent Contentions**

The Respondent has failed to submit any response to the arbitration notice issued by this panel.

#### **B. The Respondent has no rights or legitimate interests in the Disputed Domain Name**

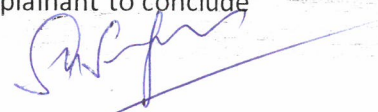
##### **Complainant's Contentions**

The Complainant contended that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name. The Complainant further submitted that under Policy, Paragraph 6 of the INDRP Policy, the Complainant acknowledges that a Respondent may demonstrate a right or legitimate interest in the domain name if it can be established that:

- The Respondent's use of the Disputed Domain Name or a name corresponding to the Disputed Domain Name is in connection with a bona fide offering of goods or services;
- The Respondent has been commonly known by the Disputed Domain Name, even if they have acquired no trade mark or service mark rights; or
- The Respondent is making a legitimate non-commercial or fair use of the Disputed Domain Name, without intent or commercial gain to misleadingly divert consumers.



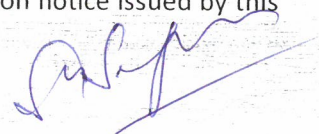
The Complainant further submitted that the Complainant will proceed to rebut each of the above-mentioned defenses and the burden of proof will then shift to the Respondent to put forward evidence that they do have rights or legitimate interests in the Disputed Domain. The Complainant further submitted that based on the Complainant's reputation, there is no believable or realistic reason for registration or use of the Disputed Domain other than to take advantage of the Complainant's rights. The Complainant further submitted that before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services. The Complainant further submitted that the Disputed Domain resolves to a website which contains links to goods and services with which the Complainant is inherently associated with ("plagiarism prevention"). The Complainant further submitted that these are services for which the Complainant is widely known and which are advertised on its official website. The Complainant further submitted that the keywords used at the paid ads are goods and services for which the Complainant's offering is inherently known. The Complainant further submitted that the ads made available under these keywords at the Website redirect users to third party services in competition with the Complainant. The Complainant further submitted that based on the above use, it is clear that the Respondent was aware of the existence of the Complainant and their Mark and has more likely than not, set the Disputed Domain Name up to try and profit from the redirections through click-through revenue. The Complainant further submitted that such use of a domain cannot amount to a bona fide offering of goods and/or services. The Complainant further submitted that the Respondent (as an individual, business, or other organization) has been commonly known by the Disputed Domain Name, even if the Respondent has acquired no trade mark or service mark rights. The Complainant further submitted that to the best of their knowledge, the Respondent has never legitimately been known as "TURNITIN" at any point in time. The Complainant has attached trade mark global searches on the details listed for the registrant organization and no registrations are revealed. The Complainant further submitted that these facts lead the Complainant to conclude



that the only reason why the Respondent registered the Disputed Domain Name was to take advantage of the Complainant's goodwill and valuable reputation and make a financial gain for themselves. The Complainant further submitted that the use of the Complainant's Marks in the domain name which in an indicator of trade origin of the Complainant and the Complainant alone, further used to host a website featuring pay-per-click ads mentioning goods and services inherently associated with the Complainant's business, leads the Complainant to conclude that the only reason why the Respondent registered the Disputed Domain was to take advantage of the Complainant's goodwill and valuable reputation. The Complainant further submitted that no other logical or reasonable conclusion can be gleaned. The Complainant contended that the Respondent is making a legitimate non-commercial or fair use of the Disputed Domain Name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the trade mark or service mark at issue. The Complainant further submitted that nothing about the Disputed Domain suggests that the Respondent is making a legitimate non-commercial or fair use of it. The Complainant further submitted that the Disputed Domain has been set up to feature click-ads at the domain, some of which direct unsuspecting Internet users to competing goods and services, which shows that the Respondent is attempting to capitalize on the brand value of the Complainant's brand and Mark. The Complainant further submitted that the use of the pay—per click advertisement creates monetization revenue for the Respondent from internet users' visits to content featured at the Disputed Domain. The Complainant further submitted that the fact the Disputed Domain is identical to the Complainant's Mark is highly suggestive of the fact these were opportunistic and highly targeted registrations. The Complainant further submitted that it is therefore more likely than not that the Disputed Domain was registered with underlying aim of being sold to the Complainant for an inflated price. The Complainant submitted that therefore, the Respondent cannot come within Policy, Paragraph 6(c) of the INDRP Policy.

#### **Respondent Contentions**

The Respondent has failed to submit any response to the arbitration notice issued by this panel.



**C. The domain name was registered and is being used in bad faith.**

**Complainant's Contentions**

The Complainant contended that the Disputed Domain Name has been registered and used in bad faith in accordance with Policy, Paragraph 7. The Complainant further submitted that the Complainant reiterates their comments that trade mark registrations for the Mark date back to 2004 and pre-exist the Disputed Domain Name by around a decade. The Complainant further submitted that as such, the Complainant's Marks pre-date the Disputed Domain Name, which was only secured by the Respondent in 2014. The Complainant further submitted that aside from registered rights, the Complainant submits that their brand is well known globally and including in India. The Complainant further submitted that this, coupled with the use implemented by the Respondent at the Disputed Domain relating to pay-per-click links referencing goods and services inherently associated with the Complainant's business, strongly infers that the Respondent had knowledge of the Complainant's brand and Marks and that the Disputed Domain Name was registered with the Complainant in mind. The Complainant further submitted that the Respondent has registered the Disputed Domain Name in bad faith by intentionally attempted to attract Internet users to their 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 Respondent's website or location or of a product or service on the Respondent's website or location (as per INDRP Policy Paragraph 7(c)). The Complainant further submitted that the Respondent had actual knowledge of the Complainant before and at the time of the registration, and that the Disputed Domain was registered with prior knowledge of the Complainant's brand and Marks. The Complainant further submitted that the Disputed Domain was registered with the sole purpose of creating an association with the Complainant, which is highlighted by the Respondent's use of the Disputed Domain for the purposes of pay-per-click advertisements which refer to terms like "plagiarism detection" with which the business is synonymous with.

**Respondent Contentions**

The Respondent has failed to submit any response to the arbitration notice issued by this panel.





## **Respondent's Default**

The INDRP Rules of Procedure require that Arbitrator must ensure that each party is given fair opportunity to present its case. Rule 8(b) reads as follows;

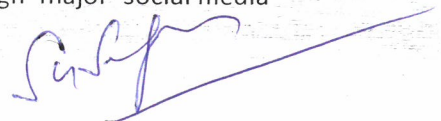
“ In all cases, the arbitrator shall at all times treat the parties with equality and provide each one of them with a fair opportunity to present their case.”

Rule 12 empowers arbitrator to proceed with an ex parte decision in case any party does not comply within the time limits or fails to reply against the complaint. Rule 12 reads as follows:

“In the event any party breaches the provisions of INDRP rules and /or the directions of the Arbitrator, the matter can be decided ex parte by the Arbitrator and such arbitral award shall be binding in accordance with the law.” The Respondent was given notice of administrative proceedings in accordance with Rules. The panel finds that the Respondent has been given fair opportunity to present his case as per INDRP Rules. The Rules paragraph 13(a) provides that the Arbitrator shall decide the complaint on the basis of the Complainant's contentions and documents submitted in accordance with the Rules and any other law which Arbitrator deems fit to be applicable. In the circumstances, the Arbitrator's decision is based upon the Complainant's assertions, evidence and inferences as the Respondent has not replied.

## **7. Discussion and findings**

The Complainant, Turnitin LLC (“Turnitin”), is an American company providing online plagiarism detection services and research integrity solutions to universities, corporations, and publishers globally. The Complainant is well known globally among academic institutions, students and publishers for plagiarism detection services. Their software iThenticate is popular among newspaper editors, book & magazine publishers for protection of copyright contents from plagiarism by unauthorized players. The Complainant is the owner of the domain name <turnitin.com> which was registered in 1999 decade before the registration of disputed domain name <turnitin.in> by the Respondent in 2014. The Complainant is hosting active website on its domain <turnitin.com> to promote its TURNITIN brand online. The Complainant has significant presence among internet users globally through major social media



platforms. The disputed domain name <turnitin.in> was registered by the Respondent in 2014 years after registration of marks/domain by the Complainant. The disputed domain resolves to website containing third party links offering similar services as provided by the Complainant.

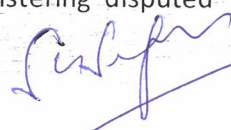
**The domain name <turnitin.in> is identical to a trademark in which the Complainant has rights.**

The Complainant has been able to prove that it has trademark rights and other rights in Mark 'TURNITIN' by submitting substantial documents. The mark is well known trademark and is widely used by the Complainant in their business activities. The mark 'TURNITIN' was first registered by the Complainant in US years before registration of disputed domain name <turnitin.in> by the Respondent in 2014. The Complainant has a significant presence in internet world. The disputed domain name <turnitin.in> contains well known mark 'turnitin' which is identical to mark of the Complainant. The disputed domain name <turnitin.in> contains Complainant's mark 'turnitin' completely. The Complainant is also owner of top level domain <turnitin.com> on which an active website is hosted by the Complainant. The term ".in" is irrelevant as it is country code top level domain (ccTLD) and it does little to make it look different. In fact the Respondent has deliberately chosen ".in" in disputed domain <turnitin.in> so as to make believe relevant section of people in India to take this disputed domain name to be affiliated to the Complainant. There can't be coincidence that the Respondent has chosen domain name deceptively confusingly similar to the well-known mark of the Complainant.

Based on the forgoing analysis, I am of the opinion that the disputed domain name is identical to the complainant's mark.

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

The Complainant has been able to prove by submitting evidences that it has legitimate interest in trademark TURNITIN. The Respondent is not known by the mark and can't have legitimate interest in the disputed domain. This panel is of the view that mere registration of domain name can't establish rights in disputed domain. The Respondent should have been more vigilant and careful in registering disputed




domain name. According to the Policy that "once the Complainant makes a prima facie showing that the registrant does not have rights or legitimate interests in the domain name, the burden shifts to the registrant to rebut it by providing evidence of its rights or legitimate interests in the domain name". The burden of proof to establish any legitimate interest falls on the respondent. The Respondent has failed to submit any response to the arbitration notice issued by this panel to rebut the contentions of the Complainant.

Therefore, in light of complaint and accompanying documents, I am therefore of the opinion that the Respondent has no rights or legitimate interest in the disputed domain name.

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

This can't be a coincidence that the Respondent registered disputed domain name fully incorporating well known mark 'TURNITIN' of the Complainant. The Complainant has been the using the mark 'TURNITIN' for several years when the Respondent registered the disputed domain name in 2014. The panel finds that the Respondent has registered the disputed domain <turnitin.in> containing the well-known mark 'TURNITIN' of the Complainant completely giving impression that this disputed domain is affiliated to the Complainant. The sole purpose of the Respondent is to create confusion in mind of an ordinary internet user. The Disputed domain name resolves to a website containing pay per click links associated services in direct completion to those offered by the Complainant. The intent of the Respondent appears to commercially gain from the reputation of the Complainant's mark. The registration of domain name containing the well-known mark of the Complainant, is definitely a bad faith registration use. The Respondent must have done dilly diligence to ensure that domain name registered does not infringe upon someone other's rights.

In view of the above, In view of the above, I am of the opinion that registration of disputed domain name is bad faith.



### Decision

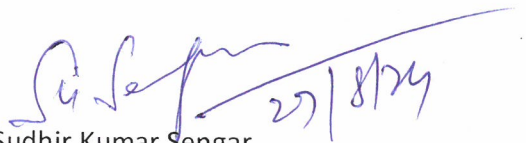
Based on the contentions of the Complainant, the attached documents ,cited decisions and in view of the above read with all the facts of the present case, the Complainant's contentions are tenable. The test of prudence demands fairness of actions by the Respondent. The disputed domain name resolves to website having pay per click promoting goods and services similar to those offered by the Complainant. The intent of the Respondent appears to commercial gain from the popularity of the Complainant's mark/domain. In view of the forgoing discussion, I am of the opinion that the disputed domain name <turnitin.in> is identical to the Complainant's mark/domain. The Respondent does not have rights or legitimate interest in the disputed domain name and disputed domain name was registered in bad faith.

In accordance with the Policy and Rules I direct that the Disputed Domain name <turnitin.in> be transferred to the Complainant with a request to NIXI to monitor the transfer.

The award is being passed within statutory deadline of 60 days from the date of commencement of arbitration proceedings.

No order to costs.

August 27, 2024



Sudhir Kumar Sengar

Sole Arbitrator