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# INDIA NON JUDICIAL

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 Unique Doc. Reference : SUBIN-DLDL-SELF65678015631836X  
 Purchased by : S S RANA AND CO  
 Description of Document : Article 12 Award  
 Property Description : AWARD  
 Consideration Price (Rs.) : 0  
 (Zero)  
 First Party : VIKRANT RANA  
 Second Party : VIKRANT RANA  
 Stamp Duty Paid By : VIKRANT RANA  
 Stamp Duty Amount(Rs.) : 100  
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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 <indsteel.in>

### IN THE MATTER OF

Industeel France  
 Immeuble la Pacific-la Defense 7  
 11-13 cours Valmy  
 92800 Puteaus  
 France

-----versus-----

..... Complainant

### Pradeep Yadav

**Industrial Steel Engineering**  
 #02, Sector-19B, Vishwakarma Nagar,  
 Back Side JK Kanda to Canal Road, Mandi Gobindgarh,  
 Fatehgarh Sahib, Punjab-147301  
 India

..... Respondent

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*Pradeep Yadav*

## The Parties

The **Complainant** in this arbitration proceeding is **Industeel**, a subsidiary of ArcelorMittal, of the address *Immeuble la Pacific - la Defense 7 11-13 cours Valmy 92800 Puteaux, France*

The **Respondent** in this arbitration proceeding is '**Pradeep Yadav, Industrial Steel Engineering**', of the address '*#02, Sector-19B, Vishwakarma Nagar, Back Side JK Kanda to Canal Road, Mandi Gobindgarh, Fatehgarh Sahib, Punjab-147301, India*', as per the WHOIS records.

### 1. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**indsteel.in**> with the .IN Registry. The Registrant in the present matter is '**Pradeep Yadav, Industrial Steel Engineering**' as per the WHOIS records, and the Registrar is **GoDaddy.com, LLC**.

### 2. 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	<ul style="list-style-type: none"> <li>- NIXI sought the consent of Mr. Vikrant Rana, to act as the Sole Arbitrator in the matter.</li> <li>- The Arbitrator informed of his availability.</li> <li>- The Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.</li> </ul>
April 07, 2025	<ul style="list-style-type: none"> <li>- NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.</li> </ul>
May 02, 2025	<ul style="list-style-type: none"> <li>- Arbitrator directed the Complainant to furnish a duly notarised Power of Attorney under the company seal (if available) of the Complainant, within <b>ten (10) days</b> of this email</li> </ul>
May 07, 2025	<ul style="list-style-type: none"> <li>- Complainant provided the duly notarized POA.</li> </ul>
May 09, 2025	<ul style="list-style-type: none"> <li>- Complainant was asked to confirm the status of delivery of the domain complaint upon the Respondent and was directed to serve a full set of the domain complaint and annexures upon the Respondent (by email as well as physical mode) and provide proof of service within <b>seven (7) days</b>, if the same was not yet served upon the Respondent by them.</li> </ul>

*Vikrant Rana*

May 13, 2025	<ul style="list-style-type: none"> <li>- Complainant confirmed having sent the domain complaint and annexures to the Respondent via email and courier.</li> <li>- Complainant stated that they shall submit the physical proof as soon as it is received.</li> </ul>
May 14, 2025	<ul style="list-style-type: none"> <li>- Complainant was asked to provide the dispatch receipt of the courier.</li> <li>- Complainant stated that the dispatch receipt has not been returned to them as yet.</li> </ul>
May 19, 2025	<ul style="list-style-type: none"> <li>- Complainant was granted <u>three (03) additional days</u> to provide with the dispatch receipt.</li> </ul>
May 20, 2025	<ul style="list-style-type: none"> <li>- Complainant provided the dispatch receipt.</li> <li>- The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response.</li> </ul>
May 26, 2025	<ul style="list-style-type: none"> <li>- Respondent filed its response in relation to the domain complaint.</li> <li>- Complainant was granted time of ten (10) days, to submit a rebuttal/ rejoinder.</li> </ul>
June 04, 2025	<ul style="list-style-type: none"> <li>- Complainant filed a response to the Respondent's claims</li> </ul>
June 06, 2025	<ul style="list-style-type: none"> <li>- Respondent was granted time of <b>seven (7) days</b>, to submit a rebuttal/ rejoinder.</li> </ul>
June 07, 2025	<ul style="list-style-type: none"> <li>- Respondent filed its rebuttal.</li> </ul>
June 10, 2025	<ul style="list-style-type: none"> <li>- Arbitrator concluded the proceedings and reserved the present award.</li> </ul>

### 3. Factual Background – Complainant

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

- That the Complainant, **INDUSTEEL**, is a subsidiary of ArcelorMittal, which specializes in the production of hot-rolled and forged steel sheet, ingots, and formed parts, and offers the widest range of sheet sizes in the world.
- That with almost 200 years of experience in metallurgy, the Complainant **INDUSTEEL** operates worldwide with 40 sales offices in 40 different countries, namely India, and is one of the leading international steel manufacturers. In this regard, the Complainant has provided excerpts from their website as **Annex 2**.
- That the Complainant has secured registration for the trademark **INDUSTEEL** in several countries including in India. A copy of the screenshot from the public search website for the said mark has been provided as **Annex 3**.



- That the Complainant has an extensive presence on the internet via their website industeel.org (registered since November 13, 1996) and e-commerce platforms. In this regard, the Complainant has provided WHOIS records as **Annex 4**.

#### 4. Disputed Domain Name- <INDSTEEL.IN>

- That the disputed domain name <INDSTEEL.IN> was registered on January 11, 2025. A copy of the said WHOIS report has been provided as **Annex 1**.
- That the disputed domain name resolved to a partially filled template website and offers related services as those of the Complainant. In this regard, the Complainant has annexed a dated PDF of the webpage hosted on the domain name as **Annex-5**.

#### 5. Contentions And Legal Grounds Submitted By The Complainant

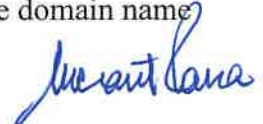
In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

##### A. The Domain Name is identical and/or confusingly similar to a name, trademark, or service mark in which the Complainant has rights

- The Complainant has established that it holds statutory and common law rights in respect of the trademark **INDUSTEEL** in many parts of the world, including India.
- The disputed domain name <INDSTEEL.IN> is confusingly similar to the Complainant's trademark **INDUSTEEL**, as it reproduces the mark almost in its entirety.
- The mere omission of the alphabet "U" from the trademark **INDUSTEEL** does not eliminate the likelihood of confusion. On the contrary, it gives rise to a misleading similarity between the Complainant's mark and the disputed domain name <INDSTEEL.IN>.
- The addition of the country-code top-level domain (ccTLD) ".in" is irrelevant when assessing confusing similarity. The domain name <INDSTEEL.IN> remains deceptively similar to the Complainant's trademark **INDUSTEEL** and does not alter the overall impression of an association with the Complainant's mark.

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

The Complainant contends that the Respondent registered the disputed domain name <INDSTEEL.IN> 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





- The Respondent, operating under the name "**Industrial Steel Engineering**", is associated with the disputed domain name <INDSTEEL.IN>.
- No Indian company exists under the name "**Industrial Steel Engineering**". A copy of the relevant document is annexed as **Annex 6**.
- Thus, the Respondent has registered the disputed domain name <INDSTEEL.IN> in an attempt to benefit from a presumption of legitimate interest, despite lacking any actual rights or connection to the name.
- The disputed domain name resolves to a website offering related services. The Complainant contends that it was registered to mislead users by exploiting the goodwill of its trademark and to promote competing services.
- Such use, in direct competition and without authorization, does not amount to a bona fide offering of goods or services and negates any claim of legitimate interest.

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

The Complainant contends that the Respondent has registered the disputed domain name and is using it in bad faith.

- That the disputed domain name <INDSTEEL.IN> is confusingly similar to the Complainant's trademark **INDUSTEEL**.
- That the distinctiveness of the Complainant's trademark was recognized in *CAC Case No. 103740, Industeel France v. Albert Züdner*. Given the well-established nature of the Complainant's trademark and reputation, it is inconceivable that the Respondent registered the disputed domain name <INDSTEEL.IN> without actual knowledge of the Complainant's rights, which evidences bad faith.
- That the Complainant is one of the leading international steel manufacturers. The disputed domain name resolves to a website offering related services.
- The Complainant contends that the Respondent is using the disputed domain name to divert internet users searching for the Complainant's website to the Respondent's competing website, thereby creating a likelihood of confusion and misappropriating the Complainant's mark for commercial gain.

In support of their submissions, Complainant has relied on the below prior decisions/cases:

- i) ArcelorMittal (Société Anonyme) v. Name Redacted <arcelormltal.com>, WIPO Case No. D2020-3457.

- ii) Sudhir Kumar Sengar v John Doe, INDRP Case No. 1645.
- iii) Amundi v. GaoGou, INDRP Case No. 776.
- iv) Upwork Global Inc. v. Shoaib Malik, NAF Case No. FA 1654759.
- v) Bittrex, Inc. v. Monty Rj / Media Hub, NAF Case No. FA 1796494.
- vi) INDUSTEEL France v. Albert Zaidner, CAC case No. 103740.
- vii) Bed Bath & Beyond Procurement Co. Inc. n/k/a Liberty Procurement Co. Inc. v. Fermon Broome / Broome International Consortium LLC, NAF Case No. FA 1795426.
- viii) Xylem Inc. and Xylem IP Holdings LLC v. Yens BaoHu YiKaiQi, NAF Case No. FA 1612750.
- ix) Microsoft Corporation v. Domain Registration Philippines, NAF Case No. FA 877979

#### **6. Reliefs claimed by the Complainant**

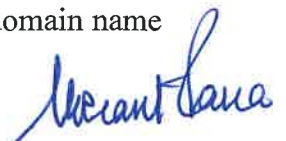
The Complainant has requested that the domain name <INDSTEEL.IN> be transferred to them, and further seeks an award for the costs of the proceedings

#### **7. Respondent's Contentions- vide reply dated**

The Respondent, vide its reply dated May 26, 2025, to the present Domain Complaint, has put forward the submissions below:

- That the Respondent has started a new business and, before doing so, searched for available domain names.
- That the Respondent found the domain name <INDSTEEL.IN> suitable for their business needs.
- That the Respondent checked the IPINDIA database for any potential trademark conflicts and found none before registering the domain.
- That there is no direct or indirect similarity with the Complainant's trademark, and their business activities are also different.
- That the Respondent provides engineering services, whereas the Complainant is involved in steel manufacturing.

The Respondent has also submitted screenshots from the IPINDIA website and domain name search results to substantiate the above contentions.



## 8. Complainant's Submissions/ Contentions – vide Rejoinder dated June 04, 2025

The Complainant's counsel, vide the abovementioned rejoinder, has responded to the Respondent's reply dated May 26, 2025. Facts, submissions and contentions already stated are not being repeated hereunder for the sake of brevity.

### A. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- That the Respondent did not contest the similarity of the disputed domain name with the Complainant's trademark.
- Therefore, the disputed domain name <indsteel.in> is confusingly similar to their trademarks.

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

- That the Respondent has not provided any proof of its existence, which reinforces the impression that the Respondent registered the disputed domain name under this name to benefit from a presumption of legitimate interest.

### C. The Domain Name was registered or is being used in bad faith

- That there is no trace of an Indian company registered under the name **Industrial Steel Engineering**.
- That the Respondent has not demonstrated that the domain name was registered and used in good faith, in connection with a registered business.
- The website related to the disputed domain name now appears to resell a third party's competing steel products for safety and regulation devices. In this regard, the Complainant has provided excerpts from the disputed website as **Annex 8**.
- That the Complainant also provides steel-related engineering services to industries that compete with the Respondent's alleged activities.
- That the screenshot of a website offering various domain names containing the term "INDSTEEL" is irrelevant, as the featured domain names have never been registered before.
- That a logo for "INDSTEEL" is displayed on the banner of the website hosted on the disputed domain name, and the same is being used by the Respondent in a manner that

*Murant Liana*

is likely to divert Internet users who are searching for the Complainant's official website. Such use is likely to cause confusion among users and mislead them into believing that the Respondent's website is associated with or endorsed by the Complainant, thereby resulting in commercial gain to the Respondent by offering competing products.

#### **9. Respondent's Submissions/ Contentions – vide Rejoinder dated June 07, 2025**

The Respondent's, vide the abovementioned rejoinder, has responded to the Complainant's reply dated May 26, 2025. Facts, submissions, and contentions already stated are not being repeated hereunder for the sake of brevity.

- That the Respondent is registered as a sole proprietorship. In this regard, the Respondent has annexed a screenshot of their GST registration certificate.
- That the Respondent may use the domain for reselling to their competitors in the market but asserts that they have no such intention. The Respondent submits that they are only focused on developing their own business.

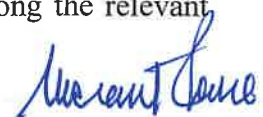
#### **10. Discussion and Findings**

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

- The disputed domain name <INDSTEEL.IN> is confusingly similar to a trademark INDUSTEEL in which the Complainant has rights.
- The omission of one letter does not materially change the phonetic structure or the visual impression. The term "INDSTEEL" remains aurally and visually similar to "INDUSTEEL" and is likely to deceive or cause confusion among the relevant public.





This view finds support in numerous UDRP Panels over the years, such as *Reuters Ltd Vs. Global Net 2000 Inc. WIPO Case Mo. D2000-0441*, *Playboy Enterprises v. Movie Name Company WIPO Case No. D2001 – 1201.*, etc.

This view has also been supported by various INDRP panels, including but not limited to in the cases of *Hotelcrownplaza.in [INDRP/203]*, *Wholetruth.in [INDRP/1873]*, *Matrixprossional.in INDRP/1554*, *Vigra.in [INDRP/1815]*, *Whatsap.in [INDRP/1233]*, *MATRIXPROFESSINAL.IN [INDRP/1553]*, etc.

In view of the aforesaid, the Arbitrator finds that the disputed domain name is confusingly similar to the Complainant's trade mark.

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 INDRP)**

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, the Respondent has submitted a GST registration certificate dated July 18, 2024, showing the trade name as "Industrial Steel Engineering." However, there is no evidence put on record which shows any prior use or demonstrable preparation to use or any bonafide over the disputed domain name <INDSTEEL.IN>.

Further, the associated website lacks detailed content substantiating the Respondent's claimed business activities. Merely obtaining a GST registration of a proprietorship does not automatically confer legitimate rights under the INDRP. The Respondent has also not demonstrated any trademark or domain name rights independently developed prior to notice of the dispute.

*Murari Sane*

In view of the aforesaid, the Arbitrator accepts 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) and Paragraph 7 of the INDRP)**

- The registration of a domain name that closely resembles a globally recognized trademark, without a plausible explanation, is an indication of bad faith.
- The Complainant's trademark **INDUSTEEL** is distinctive and well-known in the steel and industrial sectors.
- The Respondent has not offered any credible reason for adopting a name so closely resembling this mark.
- The disputed domain name is being used to offer products of competing companies of the Complainant.

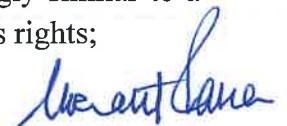
In view of the consolidated submissions of the Complainant, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(c) of the Policy, namely "*(a) by using the domain name, the Registrant has intentionally 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 finds that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

## **11. Decision**

Based upon the facts and circumstances and further relying on the materials as available on the record, the Arbitrator is of the view that the Complainant has statutory and proprietary rights over the trade mark **INDUSTEEL**. The Complainant has herein been able to prove conclusively that:

- i. The Registrant's domain name **<INDSTEEL.IN>** is confusingly similar to a name, trade mark or service mark in which the Complainant has rights;



- ii. The Registrant has no rights and legitimate interest in respect of the domain name;
- iii. The Registrant's domain name has been registered or is being used in bad faith.

The Arbitrator therefore allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <INDSTEEL.IN> to the Complainant.

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



**Vikrant Rana, Sole Arbitrator**

**Date: July 08, 2025.**

**Place: New Delhi, India.**