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GAUTAM
ARBITRATOR
PANJWANI

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**BEFORE MR. GAUTAM PANJWANI, SOLE ARBITRATOR, IN REGISTRY
NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)
INDRP ARBITRATION
INDRP CASE NO. _____
DISPUTED DOMAIN NAME: < www.tataevdealership.in >**

IN THE MATTER OF:

Tata Passenger Electric Mobility Limited

Nanavati Mahalaya, Floor 3 & 4,
Plot 18, Mudhana Shetty Marg,
Near BSE, Fort, Mumbai – 400001, Maharashtra, India

...Complainant

Versus

Kesab Kumar

A/45 Daga Enclave Ground Floor,
Mumbai, Maharashtra – 400706, India
Email: kesabkumaronline@gmail.com

...Respondent

ARBITRAL AWARD / ORDER DATED 23.05.2026

Preliminary Note by the Sole Arbitrator

At the outset, it is deemed expedient and appropriate to place on record certain relevant facts and circumstances that have a direct bearing on the timeline of the pronouncement of the present Award.

It is hereby stated that on 2nd May, 2026, an unforeseen and catastrophic fire broke out at the office premises of the undersigned Sole Arbitrator, resulting in substantial disruption to the conduct of professional work and rendering it practically impossible to finalise the present Award within the originally contemplated period. The said incident was entirely beyond the control and reasonable anticipation of the undersigned, and constitutes a force majeure event in the true sense of the term.

It is categorically stated that the delay, if any, in the pronouncement of the present Award is



solely and exclusively attributable to the aforesaid extraordinary and unavoidable circumstance, and is not occasioned by, nor attributable to, any laches, negligence, omission, or default on the part of the undersigned Arbitrator. No adverse inference of any nature whatsoever shall be drawn against the undersigned on account of the said delay.

Both parties to the present arbitral proceedings are hereby formally notified and placed on due notice of the aforesaid facts and circumstances.

It is further stated, for the sake of completeness and in the interest of procedural propriety, that notwithstanding the aforesaid force majeure circumstances, the present Award has been passed and pronounced within the extendable period of 30 (thirty) days, as prescribed and contemplated under Rule 5(e) of the .IN Domain Name Dispute Resolution Policy (INDRP) Rules of Procedure, and is therefore in full compliance with the procedural timelines governing the present proceedings.

With that preliminary note, I now proceed to adjudicate the dispute on merits.

1. PARTIES INVOLVED IN THE PROCEEDINGS

About the Complainant

1.1 The Complainant, **Tata Passenger Electric Mobility Limited**, is a company incorporated under the laws of India and forms part of the globally renowned Tata Group — one of India's oldest and most respected business conglomerates. The Complainant is engaged in the manufacture, marketing, distribution, and sale of electric and passenger vehicles, and asserts extensive statutory as well as common law rights in the well-known trademark "**TATA**", which has acquired immense goodwill and recognition both within India and internationally.



About the Respondent

1.2 The Respondent, **Mr. Kesab Kumar**, is the registrant of the disputed domain name **www.tataevdealership.in**, as reflected in the WHOIS records placed on record by the Complainant. The Respondent is alleged to have registered and used the disputed domain name without any authorisation, permission, or consent from the Complainant, and to have operated a website falsely portraying an association with the Complainant's business. Despite due service of proceedings and multiple opportunities granted, the Respondent failed to appear or file any response, and the matter accordingly proceeded ex parte.

2. WHAT LED TO THE FILING OF THE COMPLAINT

- 2.1 The present dispute pertains to the domain name "*www.tataevdealership.in*", registered in the name of the Respondent. As per the WHOIS details and material placed on record by the Complainant, the said domain name is registered through an accredited Registrar under the .IN Registry governed by the National Internet Exchange of India (NIXI). The Complainant alleges that the disputed domain name incorporates its well-known trademark "TATA" in its entirety and has been registered and used in violation of the .IN Domain Name Dispute Resolution Policy (INDRP).
- 2.2 As per the WHOIS records placed on record by the Complainant and forming part of the material in the present proceedings, the disputed domain name **www.tataevdealership.in** was registered on 22nd August 2025 and is due to expire on 22nd August 2026. The domain name is registered with GoDaddy.com LLC as the Registrar (IANA ID: 146; WHOIS Server: whois.godaddy.com), with Cloudflare name servers assigned to the domain. At the time of filing of the Complaint, the domain name status reflected EPP codes indicating that lock and transfer restrictions were in place on the domain. A copy of the WHOIS search result for the disputed domain name has been placed on record as **Annexure 1** and **Annexure 1A**.

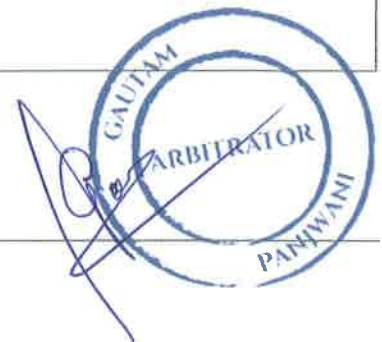


2.3 It is in the aforesaid backdrop the Respondent's unauthorised registration and deceptive use of a domain name incorporating the Complainant's well-known trademark "TATA" that the Complainant was constrained to invoke the .IN Domain Name Dispute Resolution Policy (INDRP) and initiate the present arbitration proceedings seeking transfer of the disputed domain name.

3. PROCEDURAL HISTORY

The proceedings in the present matter unfolded as set out in the table below:

S.No.	Date	Particulars
1.	13.03.2026	Mr. Gautam Panjwani appointed as Sole Arbitrator by NIXI for adjudication of the present dispute in accordance with the INDRP Policy and the Arbitration and Conciliation Act, 1996.
2.	19.03.2026	Intimation of appointment and commencement of proceedings issued to the parties. Complainant's counsel directed to serve the complete Complaint and all supporting documents upon the Respondent through electronic and physical modes, with proof of service to be placed on record.
3.	20.03.2026	Complainant's counsel forwarded the complete Complaint and annexures to the Arbitrator and the Respondent through electronic mode and confirmed service. Physical dispatch also stated to be in progress.
4.	23.03.2026	Complainant's counsel directed to place on record the postal receipt and proof of physical dispatch to the Respondent. Electronic service effected on 20.03.2026 held to be effective. Physical service remained incomplete.



5.	23.04.2026	Respondent having failed to file any response or enter appearance despite effective service and expiry of the prescribed period, the matter was proceeded ex parte against the Respondent.
6.	01.05.2026	Further communication issued to both parties to ascertain whether either party required an oral hearing before the matter was taken up for decision. No response received from either side.
8.	12.05.2026	No further communication or hearing request having been received from either party, the matter was reserved for passing of the Award on the basis of the pleadings, documents, and material on record.

This Award is accordingly rendered on the basis of the Complaint, annexures, documentary evidence placed on record by the Complainant, and the applicable provisions of the INDRP Policy and Rules.

4. RIGHTS OF THE COMPLAINANT AS PER THE INDRP

The Complainant has invoked Clause 4 of the INDRP Policy to initiate the present arbitration proceedings. Clause 4 of the INDRP Policy reads as follows:

"Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

(a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and



(b) the Registrant has no rights or legitimate interests in respect of the domain name; and

(c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose."

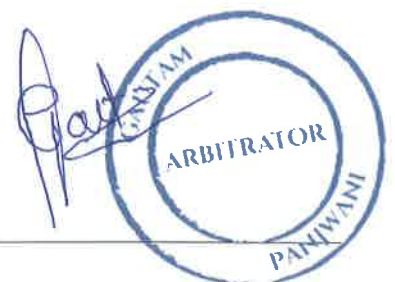
All three conditions as set out above must be cumulatively satisfied for a Complaint to succeed under the INDRP Policy.

5. BRIEF FACTS ABOUT TATA PASSENGER ELECTRIC MOBILITY LIMITED AS DETAILED IN THE COMPLAINT

- 5.1 The Complainant, Tata Passenger Electric Mobility Limited, is part of the globally renowned Tata Group and is engaged in the manufacture, marketing, distribution, and sale of passenger vehicles and electric mobility solutions. The Complainant asserts that the trademark "TATA" has acquired immense reputation, goodwill, and recognition both in India and internationally through decades of extensive and uninterrupted commercial use.
- 5.2 The Complainant submits that "TATA" is a well-known trademark within the meaning of the Trade Marks Act, 1999 and enjoys both statutory and common law protection. The Complainant and its group entities hold numerous trademark registrations for "TATA" and its formative variants in various classes and jurisdictions, including India, covering automobiles, electric vehicles, mobility services, and allied goods and services.
- 5.3 The Complainant further submits that the trademark "TATA" has been extensively used in connection with automobiles and electric vehicles through entities such as Tata Motors Limited and Tata Passenger Electric Mobility Limited, and through sustained promotion, widespread commercial use, and consistent public recognition, the mark has become exclusively associated with the Tata Group.



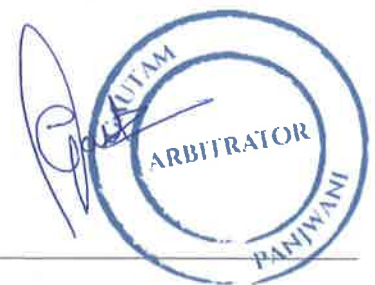
- 5.4 The Complainant has placed on record details of trademark registrations before the Indian Trade Marks Registry, including registrations for "TATA", "TATA MOTORS", "TATA EV", and other formative marks. These registrations predate the registration of the disputed domain name and establish the Complainant's prior statutory and common law rights.
- 5.5 The Complainant contends that the Respondent registered the domain name "www.tataevdealership.in", which wholly incorporates the trademark "TATA" along with the descriptive expressions "ev" and "dealership" terms directly associated with the Complainant's electric vehicle and dealership activities. This combination is confusingly similar to the Complainant's trademarks and falsely suggests association, affiliation, sponsorship, or endorsement by the Complainant.
- 5.6 The Complainant asserts that the Respondent has never been authorised, licensed, or permitted to use the trademark "TATA" or any deceptively similar mark, and has no association with the Complainant or the Tata Group in any capacity
- 5.7 The Complainant contends that the Respondent intentionally sought to attract internet users for commercial gain by exploiting confusion with the Complainant's well-known trademark, thereby constituting bad faith registration and use under Clause 7(c) of the INDRP Policy.
- 5.8 The Complainant has further drawn attention to the prior WIPO Decision in the matter of Tata Passenger Electric Mobility Limited v. Kunal Singh [WIPO Case No. D2025-2412], wherein the domain name www.tataevdealership.com bearing an identical composition to the disputed domain name was transferred to the Complainant. The Complainant contends that the present disputed domain name www.tataevdealership.in is an offshoot of the said .com domain and is being operated by the same or a related registrant for the purpose of continuing fraudulent activities online, following the transfer of the .com variant. A copy of the said Order has been placed on record as *Annexure 7* to the Complaint.



- 5.9 The Complainant has also placed on record the Order dated 10th July 2025 passed by the Hon'ble Delhi High Court in Tata Sons Private Limited v. John Doe & Ors. [CS(COMM) 685/2025], wherein a John Doe injunction was granted against any person or entity infringing the TATA trademark by launching fake websites purporting to be dealerships, distributorships, franchisees, or similar entities. A copy of the said Order has been placed on record as **Annexure 8** to the Complaint.
- 5.10 On the basis of the foregoing, the Complainant prays that the domain name "www.tataevdealership.in" be transferred in its favour, together with costs.

6. TRADEMARK RIGHTS OF THE COMPLAINANT

- 6.1 The Complainant has placed on record several trademark registrations for the mark "TATA" and its formative variants, establishing its statutory and proprietary rights. The Complainant holds registrations in multiple classes before the Indian Trade Marks Registry, covering automobiles, electric vehicles, mobility solutions, financial services, engineering products, technology services, and allied goods and services. These registrations are valid, subsisting, and continue to remain in force.
- 6.2 The Complainant has further relied upon registrations and applications for marks including "TATA", "TATA MOTORS", "TATA EV", and other formative marks associated with the Tata Group's electric vehicle business. All such registrations predate the registration of the disputed domain name.
- 6.3 By virtue of long, continuous, extensive, and uninterrupted use, coupled with substantial commercial activity, widespread advertising, and consistent public recognition, the trademark "TATA" has attained the status of a well-known trademark within the meaning of the Trade Marks Act, 1999, with goodwill and reputation extending across India and internationally.
- 6.4 A schedule of the principal trademark registrations relied upon by the Complainant has been placed on record and forms part of the present proceedings.



7. ANALYSIS AND FINDINGS

I have carefully considered the pleadings, documents, annexures, screenshots of the disputed website, and all communications exchanged between the parties. Since the Respondent has failed to appear or file any response despite due service and repeated opportunities, the assertions made by the Complainant stand unrebutted on record. The present dispute is examined in light of the three requirements under Clause 4 of the INDRP Policy.

7.1 At the outset, it is submitted that there has been a marked and alarming increase in the registration of domain names by unknown and unscrupulous persons, acting with the deliberate intention of misappropriating the goodwill and reputation of established enterprises. Such entities have, over the years, invested considerable time, effort, and resources in building and promoting their brands, thereby acquiring substantial recognition and goodwill in the market. These bad-faith registrations are carried out with the sole ulterior motive of extorting monetary payments from the legitimate brand owners by holding such domain names to ransom. This conduct not only causes incalculable harm and financial prejudice to the rightful owners of the intellectual property in question, but also gravely misleads and deceives the public at large, who may be induced to believe that such domain names are associated with or endorsed by the genuine brand owners.

7.2 I, at this juncture would find it appropriate to rely upon the judgement of the Hon'ble high court passed in the case titled as ***Dabur India Limited v. Ashok Kumar and Ors.*** [CS(COMM) 135/2022, decided on 24th December 2025]

“ 157 The commercial suits involving fraudulent domain names, initially seemed to be one-off cases. However, after the constitution of the IP Division of the Delhi High Court, a clear pattern started emerging wherein there were a large number of such suits being filed by brand owners which then warranted a comprehensive and consolidated mechanism to deal with these .



situations. It was realised that in some of these commercial suits the financial fraud which had taken place was running into crores of rupees.

[...]

269. It is a settled position in law in India that registration of an infringing domain name would not be permissible as there is every likelihood that the same could lead to diversion of users from the genuine website to the infringing one.

[...]

274. In all these suits where about 1132 infringing domain names have been impugned, barring one or two domain names, no bonafide registrant came forward claiming legitimate right to use the infringing domain names. This itself shows that the infringing domain names are being proliferated only for unlawful and illegal purposes. Thus, there is an urgent necessity for directions to be passed to ensure the trust of the consumers as also the interest of businesses is protected, and no party is permitted to commit frauds due to failure of sufficient safeguards in the system.”

7.3 In another judgement, the Supreme Court's landmark ruling in *Satyam Infoway Ltd. v. Siffynet Solutions (P) Ltd.* [(2004) 6 SCC 145], the court observed

“16. The use of the same or similar domain name may lead to a diversion of users which could result from such users mistakenly accessing one domain name instead of another. This may occur in e-commerce with its rapid progress and instant (and theoretically limitless) accessibility to users and potential customers and particularly so in areas of specific overlap. Ordinary. Consumers



/users seeking to locate the functions available under one domain name may be confused if they accidentally arrived at a different but similar website which offers no such services. Such users could well conclude that the first domain-name owner had misrepresented its goods or services through its promotional activities and the first domain owner would thereby lose its custom. It is apparent, therefore, that a domain name may have all the characteristics of a trade mark and could found an action for passing off.

17. Over the last few years the increased user of the internet has led to a proliferation of disputes resulting in litigation before different High Courts in this country. The courts have consistently applied the law relating to passingoff to domain name disputes. Some disputes were between the trade-mark holders and domain name owners. Some were between domain-name owners themselves. Thses decisions, namely, Rediff Communication Ltd .v. Cyberbooth [AIR 2000 Bom 27] , Yahoo Inc. v. Akash Arora [(1999) 19 PTC 201 (Del)] , Dr. Reddy's Laboratories Ltd. v. Manu Kosuri [2001 PTC 859 (Del)] , Tata Sons Ltd. v. Manu Kosuri [2001 PTC 432 (Del)] , Acqua Minerals Ltd. v. Pramod Borse [2001 PTC 619 (Del)] and Info Edge (India) (P) Ltd. v. Shailesh Gupta [(2002) 24 PTC 355 (Del)] correctly reflect the law as enunciated by us. No decision of any court in India has been shown to us which has taken a contrary view. The question formulated at the outset is therefore answered in the affirmative and the submission of the respondent is rejected.

[...]



A handwritten signature in blue ink is written over a circular blue stamp. The stamp contains the text "GAUTAM" at the top, "ARBITRATOR" in the center, and "PANIWANI" at the bottom.

23. *These rules indicate that the disputes may be broadly categorised as: (a) disputes between trade mark owners and domain-name owners, and (b) between domain-name owners inter se. What is important for the purposes of the present appeal is the protection given to intellectual property in domain names. A prior registrant can protect its domain name against subsequent registrants. Confusing similarity in domain names may be a ground for complaint and similarity is to be decided on the possibility of deception amongst potential customers. The defences available to a complaint are also substantially similar to those available to an action for passing off under trade mark law."*

A. Confusing Similarity with the Complainant's Trademark

- i.** The Complainant has adduced credible material establishing its statutory and common law rights in the trademark "TATA". The evidence demonstrates that the mark has been in extensive use by the Tata Group for several decades and has acquired immense reputation and recognition in India and internationally.
- ii.** The trademark "TATA" is indisputably a well-known trademark within the meaning of the Trade Marks Act, 1999. The Complainant and its group entities hold numerous registrations for "TATA" and its formative variants in multiple classes. The evidence further demonstrates extensive commercial use and strong public recognition of the mark in connection with electric mobility solutions.
- iii.** A comparison of the disputed domain name "www.tataevdealership.in" with the Complainant's trademark reveals that the dominant and essential element of the domain name is the word "TATA", reproduced in its entirety.
- iv.** It is a well-established principle of domain name jurisprudence that the incorporation of a well-known trademark in its entirety is sufficient to establish confusing similarity. The addition of descriptive or generic expressions does not mitigate or negate such



similarity. In the present case, the expressions "ev" and "dealership" are plainly descriptive and directly correspond to the Complainant's core business activities.

- v. Far from distinguishing the domain name, these additions aggravate the likelihood of confusion. An ordinary internet user encountering the domain name "www.tataevdealership.in" would in all probability assume that it is associated with, endorsed by, or constitutes an official electric vehicle dealership portal of the Complainant or Tata Motors.
- vi. The country code top-level domain ".in" does not diminish confusing similarity and is disregarded for this purpose.
- vii. I am accordingly satisfied that the disputed domain name is confusingly similar and deceptively identical to the Complainant's well-known trademark "TATA". The first requirement under Clause 4 of the INDRP Policy stands satisfied.

B. Absence of Rights or Legitimate Interests of the Respondent

- i. The Complainant has categorically stated that the Respondent has never been authorised, licensed, or permitted to use the trademark "TATA" or any deceptively similar mark. No material on record indicates any relationship, association, or affiliation between the Respondent and the Complainant.
- ii. The Respondent has not placed any material on record to demonstrate legitimate rights or interests in the disputed domain name, nor has the Respondent established that it is commonly known by the domain name or has acquired any proprietary rights therein.
- iii. The screenshots placed on record reveal that the disputed domain name was used for a website purporting to offer "TATA EV Dealership" opportunities, prominently displaying references to Tata electric vehicles, dealership opportunities in multiple countries, and representations creating a false impression of official association with the Tata Group.



- iv. Such use cannot be characterised as bona fide or legitimate. The overall presentation and contents of the website appear designed to mislead internet users into believing the website to be authorised by or affiliated with the Complainant.
- v. The Respondent appears to have intentionally adopted the Complainant's well-known trademark to exploit its goodwill and reputation for commercial purposes conduct that is fundamentally incompatible with any legitimate claim to the domain name.
- vi. The Respondent's failure to participate in these proceedings despite repeated opportunities warrants an adverse inference. Once the Complainant establishes a prima facie case of lack of authorisation and deceptive use, the evidential burden shifts to the Respondent to demonstrate legitimate rights or interests. The Respondent has wholly failed to discharge this burden.
- vii. I accordingly hold that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The second requirement under Clause 4 of the INDRP Policy stands satisfied.

C. Registration and Use in Bad Faith

- i. The trademark "TATA" enjoys extraordinary fame and recognition across India and globally. Given the pervasive fame and distinctiveness of the mark, it is inconceivable that the Respondent was unaware of the Complainant and its rights at the time of registering the disputed domain name.
- ii. The deliberate incorporation of "TATA" together with "ev" and "dealership" terms directly linked to the Complainant's core business clearly demonstrates prior knowledge of the Complainant's activities and a calculated intent to trade upon its goodwill.
- iii. The website operating under the disputed domain name reinforces this conclusion. The material on record shows that the Respondent used the domain name to falsely portray a connection with Tata's electric vehicle dealership operations, plainly designed to



deceive internet users and create a false impression of association, sponsorship, or endorsement by the Complainant.

- iv. Clause 7(c) of the INDRP Policy expressly recognises bad faith where a domain name is intentionally used to attract internet users by creating confusion with the complainant's mark for commercial gain. The Respondent's conduct squarely falls within this provision.
- v. The Respondent's conduct reflects an attempt to commercially exploit the goodwill of a well-known trademark, with significant potential to deceive the public and cause serious reputational and commercial harm to both the Complainant and unsuspecting consumers.
- vi. The Respondent's complete failure to participate in these proceedings despite due service and repeated opportunities further strengthens the inference of bad faith. A bona fide registrant with a legitimate interest in a domain name would ordinarily appear and place material on record explaining the basis of adoption and use. The Respondent's silence in the face of serious allegations warrants an adverse inference.
- vii. The Dabur Judgment (*supra*) further observed that where a domain name contains a well-known trademark in its entirety with or without a descriptive prefix or suffix the same is highly likely to deceive the public into believing the domain name is owned by or associated with the trademark owner. This principle applies with full force to the present case. The website operated under the disputed domain name was presenting fake TATA EV dealership opportunities to the public precisely the species of fraud against which the Hon'ble Delhi High Court has issued systemic directions. The Respondent's conduct is wholly indistinguishable from the pattern of fraudulent domain registrations described in the Dabur Judgment.
- viii. The prior WIPO Decision in Tata Passenger Electric Mobility Limited v. Kunal Singh [WIPO Case No. D2025-2412, order dated 14th August 2025] wherein the domain name www.tataevdealership.com was directed to be transferred to the Complainant on



the ground that it was confusingly similar to the well-known trademark "TATA", that the registrant had no legitimate rights or interests therein, and that the domain name had been registered and used in bad faith and the John Doe Order dated 10th July 2025 passed by the Hon'ble Delhi High Court in Tata Sons Private Limited v. John Doe & Ors. [CS(COMM) 685/2025] wherein a dynamic injunction was granted restraining any person or entity from infringing the TATA trademark by launching fake websites purporting to offer dealerships, distributorships, franchisees, or similar arrangements together establish that the registration and use of domain names incorporating the trademark "TATA" in connection with fake dealership and franchise operations is a recurring and deliberate pattern of fraudulent activity, which Courts and international dispute resolution bodies have consistently and unhesitatingly moved to interdict.

- ix. Having regard to the entirety of the material on record, I am fully satisfied that the Respondent deliberately and dishonestly registered and used the disputed domain name with the intention of exploiting the reputation and goodwill of the Complainant's well-known trademark "TATA". The third requirement under Clause 4 of the INDRP Policy stands satisfied.

8. DECISION AND AWARD

In view of the pleadings, documents, evidence placed on record, and the findings hereinabove, I am satisfied that the disputed domain name "www.tataevdealership.in" is confusingly similar and deceptively identical to the Complainant's well-known trademark "TATA"; the Respondent has no rights or legitimate interests in respect of the disputed domain name; and the disputed domain name has been registered and used in bad faith.

In accordance with the INDRP Policy and Rules, I direct that the disputed domain name <www.tataevdealership.in> registration be transferred to the complainant.

No order as to costs

Date: 23.05.2026

Place: New Delhi



Mr. Gautam Panjwani
Sole Arbitrator