

The Parties

The Complainant in this arbitration proceeding is Torrent Investments Limited, having its office at Samanvay, 600 Tapovan, Ambawadi, Ahmedabad- 380015, Gujarat, India; represented by Khaitan & Co.

The Respondent in this arbitration proceeding is Othayoth Internet Services, as per the details given by the Whois database maintained by the National Internet Exchange of India [NIXI].

The Domain Name and Registrar

The disputed domain name is www.torrent.in. The said domain name is registered with Dynadot, LLC.

Details of the disputed domain name

The dispute concerns the domain name www.torrent.in. The said domain name was initially registered on May 02, 2011. The particulars of the said domain name are as follows:

Registrant Organization: Othayoth Internet Services

Registrant Address: 33/686, Paroppady, Kozhikode, Kerala, 673012, India.

Registrant Email: domains@othayoth.com

Procedural History [Arbitration Proceedings]

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy [INDRP] and the INDRP Rules of Procedure [the Rules], adopted by the National Internet Exchange of India. The Rules were approved by NIXI on 28th June 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

According to the information provided by the National Internet Exchange of India ["NIXI"], the history of this proceeding is as follows:

In accordance with Rule 2(a), NIXI formally notified the Respondent of the Complaint and appointed Mr. Sunil V. Mohammad, vide e-mail dated July 31, 2025, as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder.

In this matter, the arbitration proceedings commenced on July 31, 2025 with Mr. Sunil V. Mohammad appointed as the Arbitrator. A copy of the complaint with the annexures was sent to the Respondent by NIXI. Thereafter, the Panel sent a notice dated August 20, 2025, to the Respondent requesting the submission of a response to the complaint within 15 days from the date of the notice. In accordance with applicable procedural requirements,



through the same notice dated August 20, 2025, the Panel directed the Complainant to share a valid proof of dispatch of the physical copy of the Complaint and its annexures to the Respondent's postal address. The Respondent, on September 03, 2025, sent their Reply to the Complaint via e-mail. The Complainant confirmed the receipt of the Respondent's Reply on September 03, 2025, and requested permission to submit a rejoinder to the Respondent's reply from the Panel. While the Respondent objected to the submission of such a rejoinder through an e-mail dated September 04, 2025, the Complainant shared their rejoinder via e-mail dated September 18, 2025. Through another e-mail on the same date, the Complainant also raised the issue of not receiving a physical copy of the Respondent's reply to the Panel. The Respondent subsequently raised objections towards the submission of the rejoinder by the Complainant via e-mail dated September 18, 2025, which were, however, opposed by the Complainant via e-mail dated September 19, 2025. The same were, then, challenged by the Respondent through an e-mail to the Panel dated September 25, 2025. However, these remained unaddressed by the Learned Arbitrator.

As a result of the prolonged absence and unavailability of the Learned Arbitrator who had been initially assigned this matter, and in accordance with Rule 2(a), NIXI formally notified the Complainant and the Respondent of the appointment of Mr. Rodney D. Ryder, vide e-mail dated February 26, 2026, as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI.

In accordance with applicable procedural requirements, in this matter, the arbitration proceedings re-commenced under Mr. Rodney D. Ryder's appointment as the Arbitrator on February 26, 2026. As per the procedural requirements, the Panel sent an e-mail dated February 26, 2026, to the Parties confirming whether either Party proposes to file any further pleadings or submissions, and requesting them to do so by March 09, 2026, in the interest of natural justice, noting that the pleadings otherwise stood completed. The Respondent, thereafter, on March 05, 2026, confirmed that they will be sending further submissions by March 09, 2026, including a written summary of the Response and objections to the Complainant's Rejoinder. Noting this, the Complainant, vide e-mail dated March 05, 2026, confirmed that they will also file a Written Summary in response to the Respondent's allegations.

Thereafter, the Panel sent an e-mail dated March 05, 2026, to the Parties specifying that only final proceedings raising fresh issues shall be permitted, by the way of a Response by the Respondent by March 09, 2026, a sur-rejoinder to this specific Response by the Complainant [if any] by March 16, 2026, or any other concise written submissions by either Party, by March 16, 2026. Resultantly, the Respondent on March 09, 2026, sent the objections to the Complainant's rejoinder via e-mail. Thereafter, the Respondent submitted



their response as final pleadings via e-mail dated March 16, 2026. The Complainant subsequently submitted a sur-rejoinder through an e-mail dated March 16, 2026.

No further communication was received by any of the Parties. As per the communication of service of documents, the Panel confirms that all due procedural requirements under the Policy and Rules have been satisfied. The Panel, thus, shall proceed to decide the dispute on the basis of the available record.

Grounds for the administrative proceedings

1. The disputed domain name is identical or confusingly similar to a trademark in which the Complainant[s] has statutory/common law rights.
2. The Respondent has no rights or legitimate interests in respect of the disputed domain name.
3. The disputed domain name has been registered or is being used in bad faith.

Parties Contentions

Complainant

The Complainant, Torrent Investments Limited[Hereinafter referred to as 'Complainant'], in their Complaint and Rejoinder[s], inter alia, contended as follows:

The Respondent's domain name is identical or confusingly similar to a name, trademark or service in which the Complainant has rights.

The Complainant, based on the business, common law rights and trademark registrations for the trademark 'TORRENT' and related variations and associated logos, and based on the use of the said trademark and brand in India and other countries, submitted that they are the lawful owner of the trademark 'TORRENT'.

The Complainant submits that as the disputed domain name is 'www.torrent.in', the disputed domain name is clearly identical/confusingly similar to the Complainant's trademark 'TORRENT' in which the Complainant has exclusive rights and legitimate interest.

Background of the Complainant and its Statutory and Common Law Rights Adoption:

The Complainant, Torrent Investments Limited, is a company duly incorporated and organised under the laws of India, having its registered office there. The Complainant's mark 'TORRENT' has been claimed to be first adopted in the 1970s by the Complainant and their predecessors, with the first 'TORRENT' trademark having been registered in 1975 in India under Class 5. The Complainant has successfully demonstrated their statutory rights in the 'TORRENT' mark since the 1970s, having proven its use in India since 1977 through Trademark Application No. 1270849 registered in Class 5.

The Complainant is a multinational conglomerate operating under the Torrent Group[Hereinafter referred to as 'Complainant Group'], with diversified businesses across various sectors, including healthcare, power, and gas, running under the 'TORRENT' and



related names. The Complainant Group's subsidiaries, including Torrent Pharmaceuticals Limited and Torrent Power Limited, are listed stocks trading on the Bombay Stock Exchange as well as the National Stock Exchange.

Its flagship entity, Torrent Pharmaceuticals Limited, is a market leader in India and holds significant international standing, ranking amongst the leaders in the therapeutic segment of cardiovascular, central nervous system, gastro-intestinal and women's healthcare, along with significant presence in diabetology, pain management, gynaecology, oncology and anti-infective segments. The Complainant Group has a widespread presence in over 50 countries, with its 'Torrent Pharmaceuticals Limited' having 101 ANDAs approved in the USA, and ranking 1st in the market, exhibiting the 5th highest growth in branded products amongst the top 50 Pharmaceutical Companies in Brazil.

The Complainant has alleged to have invested significant resources in marketing and consistent enforcement against infringement, through which the 'TORRENT' mark has acquired immense goodwill in India and across the world. The mark is claimed to be inextricably linked to the Complainant's corporate identity, domain names, and global trading style.

The Complainant has several websites/domains containing the mark 'TORRENT', including its official website <www.torrentinvestments.com>, and other websites of the diversified businesses of the Complainant Group, including <www.torrentpharma.com>, <www.torrentpower.com>, and <www.torrentgas.com>. The Complainant contends that the same is accessible to people around the world, including India.

Statutory Rights:

The Complainant has registrations for the different variations of the mark 'TORRENT' and the logos associated with it in India and other countries around the world across various classes. The mark is registered under classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 in India. The 'TORRENT' mark has been demonstrated to be in use since 1977 in India, with the device mark registration under Class 5 [Trademark Application No. 1270849].

Respondent

The Respondent, in their formal Response[s] to the Complaint, inter alia, denied the contents of the Complaint and submitted the following:

The Respondent claims that the disputed domain name 'www.torrent.in' was registered by them on May 02, 2011, to build a platform connecting torrent users in India, alleging that 'TORRENT' is a dictionary word, with various meanings attached to it, including "a strong and fast-moving stream of water or another liquid," but more famously as, "a .torrent metadata file".



The Respondent has contended that the latter is claimed to be the more common contemporary use of 'TORRENT', referring to a file-sharing method based on the BitTorrent protocol, which enables efficient distribution of large data over the internet. It has further been contended that the use of 'TORRENT' software was more prevalent in 2011, when the disputed domain name was registered.

The Respondent has argued that the disputed domain name features the generic word 'TORRENT' over which the Complainant can't claim exclusive rights, given its common and descriptive nature, specifying various other Trademark registrations of 'TORRENT' and its variations. Furthermore, bad faith registration has been denied, claiming that a registrant is entitled to register an apt, descriptive term for a lawful business.

The Respondent has also alleged that despite the availability of the Sunrise period for the owners of registered Indian trademarks or service marks to apply for .IN domain names before the general public, the Complainant did not register the disputed domain name.

Discussion and Findings

The Respondent does not have any relationship with the business of the Complainant or any legitimate interest in the mark/brand 'TORRENT'. Moreover, the Complainant has neither given any license nor authorised the Respondent to use the Complainant's mark. The Respondent has never been commonly known by the domain name in question and registered the disputed domain name on May 02, 2011, which is subsequent to Complainant's usage of the mark 'TORRENT'.

The Complainant's mark 'TORRENT' was first adopted in the 1970s by the Complainant and their predecessors, with the first 'TORRENT' trademark having been registered in 1975 in India under Class 5, and has been in use since 1977 in India. The domain names <www.torrentinvestments.com>, <www.torrentpharma.com>, <www.torrentpower.com>, and <www.torrentgas.com>, have been registered by the Complainant and the Complainant Group in title, and are claimed by them to be accessible across the world. The Complainant also claims to have valid and subsisting trademark registrations for the mark 'TORRENT' in various countries, including India.

The disputed domain name contains the entirety of the Complainant's trademark 'TORRENT'. Furthermore, the addition of the top-level domain ".in" is irrelevant in determining whether the disputed domain name is confusingly similar to the Complainant's mark. It is well established that the specific top-level domain, such as ".com", ".net", ".in", ".co.in", ".org.in", etc. does not affect the domain name for the purpose of determining whether it is identical or confusingly similar [Relevant Decisions: *Magnum Piering, Inc. v. The Mudjacks and Garwood S. Wilson, Sr.*, WIPO Case No. D2000-1525; *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. D2000-0429; *Aon PLC and Ors. v. Guanrui*, INDRP/63; *Nike Inc. v. Nike Innovative CV Zhaxia*, INDRP/804].



It is a well-established principle that once the Complainant makes a prima facie case showing that a Respondent lacks the rights to the domain name at issue, the Respondent must come forward with the proof that it has some legitimate interest in the domain name to rebut this presumption.

The Respondent's Submissions

The INDRP Rules of Procedure require under Rule 13(b) that the arbitrator must ensure that each party is given a fair opportunity to present its case. Rule 13(b) reads as follows:

"The Arbitrator shall at all times treat the Parties with equality and provides each one of them with a fair opportunity to present their case."

The Respondent was given notice of this administrative proceeding in accordance with the Rules. The .IN Registry discharged its responsibility under Rule 2(a) to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint.

As previously indicated, the Respondent filed a reply to the Complaint, in response to the Complainant's assertions, evidence and contentions. Thereafter, the Complainant filed a rejoinder to the reply filed by the Respondent to answer the contentions raised in the Respondent's response. Following this, the Respondent filed the objections to the Complainant's rejoinder via e-mail. Thereafter, the Respondent submitted their response as final pleadings. The Complainant subsequently filed a sur-rejoinder.

While the Respondent has raised objections to further proceedings, owing to the maximum word limit set at 5,000 words for all submissions, prescribed under Paragraph 4(a) of the Rules, the same are completely unfounded and hence, dismissed. The Respondent has failed to produce any legitimate evidence of the submission exceeding 5,000 words, and as a matter of fact, the Complainant's Complaint totals fewer than 4,000 words, falling well within the legal threshold.

It is also pertinent to note that considering the prolonged absence and unavailability of the Learned Arbitrator, the subsequent re-commencement of the proceedings, the discretionary power afforded to the Panel under Paragraph 4(a) of the Rules, and in the interest of natural justice [specifically, the principle of *audi alteram partem*], both the Parties have been provided with the opportunity to make additional filings. Having taken all submissions of both the Parties on record, the Panel finds that both the Parties were afforded a fair opportunity to present their case, and so, the Respondent's claims of procedural oversight with regard to the word limit or lack of opportunity to respond in detail are dismissed as frivolous and defective.

The 'Rules' under Paragraph 13(a) provide that the Arbitrator shall decide the Complaint on the basis of the statements and documents submitted in accordance with the INDRP and any law that the Arbitrator deems fit to be applicable.



The issues involved in the dispute

The Complainant in its complaint has invoked Paragraph 4 of the INDRP which reads:

"Class of Disputes -

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."*

According to paragraph 4 of the INDRP, there are 3 essential elements of a domain name dispute. While the Complainant has repeatedly referred to the judgement of Stephen Koenig v. Arbitrator, NIXI [O.M.P. 132 of 2007] in their submissions stating that all 3 elements of Para 4 are not necessary to be shown, owing to the lack of the conjunctive "and" between Para 4(a) and 4(b) of the erstwhile INDRP, it is pertinent to note that this has been addressed through the 2020 Amendment to the Policy.

The 2020 Amendment to the Policy amended Para 4 of the Policy, by adding the word "and" between Para 4(a) and 4(b) [the updated Para 4 has been reproduced above]. This has further been affirmed in the Delhi High Court judgment of *Joseph Taheny v. Tektronix INC and Another*, O.M.P. [COMM] 4/2022.

Accordingly, it is essential for the Complainant to demonstrate that all 3 of these elements are present in the dispute. These elements are being discussed hereunder in light of the facts and circumstances of this case.

The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights.

It has been proved by the Complainant that they have intellectual property, particularly trademark rights, and other rights in the mark 'TORRENT' by submitting substantial documents. The Complainant has successfully established their statutory rights in the 'TORRENT' mark, having proved usage since 1977 in India, through Trademark Application No. 1270849 registered in Class 5. The Complainant has further evidenced registration and use of their 'TORRENT' mark in multiple countries worldwide. The disputed domain name contains the Complainant's mark 'TORRENT' in its entirety.



In light of this, the Respondent's claim of 'TORRENT' being a mere generic/dictionary word, with various meanings attached to it, fails completely. In fact, the Respondent has failed to produce any relevant evidence to support such claims. On the other hand, the Complainant has clearly and comprehensively established their statutory and common law rights in the 'TORRENT' mark, prior use of the 'TORRENT' mark, as well as its legitimate and *bona fide* use for their various businesses. These registrations also evidence the distinctiveness of the 'TORRENT' mark. The failure of the Respondent to provide any evidence to establish the generic-ness of the word 'TORRENT', while at the same time, attempting to use it for their own commercial purposes, without providing any legitimate interest or demonstrating any steps taken to secure or develop the mark over the past decade, shows the *mala fide* intentions of the Respondent.

It is also pertinent to note that the INDRP [and UDRP] are special fora designed for cases of "cybersquatting", and that questions of trademark infringement or unfair competition fall outside the scope of INDRP [and UDRP] Policies, and should instead be addressed by a court of competent jurisdiction. [Relevant Decisions: "UDRP proceedings are for clear cases of cybersquatting, not for resolving trademark infringement and/or trademark dilution disputes or other matters more appropriately dealt with through the courts", *Clockwork IP, LLC, One Hour Air Conditioning Franchising, LLC v. Elena Wallace, WIPO Case No. D2009-0485 and Audi AG v. Stratofex, WIPO Case No. D2012-1894*; "[UDRP] Policy is of narrow compass and is intended to deal with cases of abusive cybersquatting. The present case strikes the Panel as a trademark infringement or unfair competition dispute rather than a complaint of abusive cybersquatting.", *Intel Corporation v. Intelsitio Mexico, Jesús Guerrero Jiménez, WIPO Case No. D2012-0718*; "The Panel also notes that past panels have denied cases not on the UDRP merits but on the narrow grounds that the dispute between the parties exceeds the relatively limited "cybersquatting" scope of the UDRP, and would be more appropriately addressed by a court of competent jurisdiction", *Serious Trade Solutions S.R.L. v. Cristian Baceanu, ONLY CBG S.R.L, WIPO Case No. D2023-3595; Elliott Investment Management L.P. v. Brandon Won, WIPO Case No. D2024-1445; Mastercard International Incorporated v. Nirmal Patel, Champion Software Technologies Ltd., WIPO Case No. D2018-0857; MasterCard International Inc. v. Champion Software Technologies Ltd., INDRP/978; Bennett, Coleman & Company Limited v. Sarv Webs Private Limited, INDRP/1195*].

In the present dispute, the Panel acknowledges that the Complainant has successfully proved their statutory rights in the 'TORRENT' mark, based on various trademark registrations and usage in India and other countries worldwide. This determination has been confined strictly to the specific issues raised in relation to the disputed domain name under the limited scope of the Policy.

It has been previously decided under the INDRP that incorporating a trademark in its entirety is sufficient to establish the identical and confusingly similar nature of the disputed domain name. [Relevant Decisions: *ITC Limited v. Travel India, INDRP/065; Allied DOMECC*



Spirits and Wine Limited v. Roberto Ferrari, INDRP/071; International Business Machines Corporation v. Zhu Xumei, INDRP/646; Jaguar Land Rover v. Yitao, INDRP/641; Inter IKEA Systems B.V. v. Roman Zubrickiy, WIPO Case No. D2015-0046].

According to Paragraph 3 of the INDRP, it is the responsibility of the Respondent to find out before registration that the domain name he is going to register does not violate the rights of any proprietor/brand owner.

Paragraph 3 of the INDRP is reproduced below:

“Registrant's Representations -

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

- (a) the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;*
- (b) to the knowledge of Registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;*
- (c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and*
- (d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility of the Registrant to determine whether their domain name registration infringes or violates someone else's rights.”*

While the Respondent has tried to claim that he conducted a search to discharge his due diligence obligations under Paragraph 3 of the INDRP, the same has failed to convince this Panel. As per Paragraph 3 of the INDRP, it is the Respondent's responsibility to determine whether the domain name infringes or violates others' statutory or common law rights.

Considering the experience and expertise of the Respondent in registering domain names, as demonstrated by the multiple domain names held by him, his pleas of inability to search and the general lack of knowledge of the Complainant, who has been using the 'TORRENT' mark since 1977, and who has multiple websites encompassing the 'TORRENT' mark, fail. The Respondent has failed in his responsibility discussed above, and in the light of the pleadings and documents filed by the Complainant, the Panel has come to the conclusion that the disputed domain name is identical with or deceptively similar to the Complainant's mark 'TORRENT'. Given the Respondent's experience and expertise, and as per the due diligence obligations specified under Paragraph 3 of the INDRP, the Panel finds it hard to believe that the Respondent had not conducted a comprehensive search and found 'TORRENT' to be the registered trademark of the Complainant.



Accordingly, the Panel concludes that the Complainant has satisfied the first element required by Paragraph 4 of the INDRP. [Relevant Decisions: *Magnum Piering, Inc. v. TheMudjackers and Garwood S. Wilson, Sr.*, WIPO Case No. D2000-1525; *Aon PLC and Ors. v. Gangadhar Mahesh*, INDRP/632; *Wells Fargo & Co. and Anr. v. DeepDas Kumar*, INDRP/628; *Natures Basket Limited & Ors. v. Dipti Singla*, INDRP/683; *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma*, INDRP/799; *Havells India Limited and Anr. v. Whois Foundation*, WIPO Case No. D2016-1775; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers* WIPO Case No. D2017-0754; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare*, INDRP/886; *TransferWise Ltd. vs. Normand Clavet*, INDRP/1150]

The Registrant has no rights or legitimate interests in respect of the domain name.

The second element that the Complainant needs to prove and as is required by paragraph 4(b) of the INDRP, is that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has never assigned, granted or in any way authorised the Respondent to register or use the 'TORRENT' mark or any other related mark. The Complainant has been using the 'TORRENT' mark for a *bonafide* purpose in relation to its business for several years.

Moreover, the burden of proof on the Complainant regarding this element of the domain name dispute lies most directly within the Respondent's knowledge. Once the Complainant has made a prima facie case showing that the Respondent does not have any rights or legitimate interest in the domain name, the evidentiary burden shifts to the Respondent to rebut the contention by providing evidence of its rights or interests in the domain name. [Relevant Decisions: *Eurocopter, an EADS Company v. Bruno Kerrien*, INDRP/116; *Voltas Ltd. v. Sergi Avaliani*, INDRP/1257; *Hitachi Ltd v. Kuldeep Kumar*, INDRP/1092; *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. D2000-0624; *Payoneer, Inc. / Payoneer Europe Limited v. Korchia Thibault, Quinv S.A.*, WIPO Case No. DEU2019-0013]

The Respondent has not rebutted the contentions of the Complainant and has not produced any documents or submissions to show his interest in protecting his own right and interest in the disputed domain name.

Further, the Complainant claims that the Respondent has used the disputed domain name to merely display a parking page that says 'UNDER CONSTRUCTION' and offers the e-mail address of the Respondent. The Respondent has not commenced use of the disputed domain name, even fifteen years after registering it, to amount to legitimate interests or fair use, and has failed to produce any evidence to justify his rights and legitimate interests in holding the disputed domain name.

Such passive holding of the disputed domain name since 2011, without any evidence of actually developing it for the causes claimed by the Respondent, indicates, under the



present circumstances, the lack of rights and legitimate interests of the Respondent in the disputed domain name.

The Respondent has further claimed that despite the availability of the Sunrise period for the owners of registered Indian trademarks or service marks to apply for .IN domain names before the general public, the Complainant did not register the disputed domain name. However, various INDRP and UDRP Panels have held that a trademark holder is not obligated to use the provisions available during the sunrise period in order to protect its mark, and can invoke the provisions of the Policy, whether or not it invoked the special provisions available during the sunrise period. [Relevant Decisions: *Germanwings GmbH v. Domain Admin. Privacy Protect.org/Artur Lewandowski*, Case No. D2009-1155; *Albemarle Corporation v. Marino Specogna*, Case No. D2016-1960; *Google Inc. v. Mr. Gulshan Khatri*, INDRP/189; *Stephen Koenig v. Arbitrator, NIXI*, O.M.P. 132 of 2007].

The Panel further notes that it is an established position in law that mere passage of time does not give the Respondent rights or legitimate interests it would not otherwise have. It has been held in various INDRP and UDRP decisions that if the requirements of a valid complaint under the Policy are established, the Policy does not provide any defence of laches. This goes with the basic objective of the Policy of providing an expeditious and relatively inexpensive procedure for the determination of disputes relating to egregious misuse of domain names. The availability of defences such as laches could result in significant delay and expense. [Relevant Decisions: *The E.W. Scripps Company v. Sinologic Industries* Case No. D2003-0447; "The delay in bringing a claim does not generally act as a waiver of the right to do so", *Tom Cruise v. Network Operations Center / Alberta Hot Rods* Case No. D2006-0560; *Avaya Inc. v. Holdcom* Claim Number: FA0806001210545].

The same principle is echoed in Indian Trademark law, where the established position is that a mere delay in filing the suit does not bar the trademark holder from enforcing his rights under the trademark law; and that a mere delay is not sufficient to defeat the grant of an injunction or defeat his case. [Relevant Decisions: *Midas Hygiene Industries [P] Ltd. & Anr. v. Sudhir Bhatia & Ors.*, [2004] 3 SCC 90; *Heinz Italia & Anr. v. Dabur India Ltd.*, [2007] 6 SCC 1; *M/s. Ansul Industries v. M/s. Shiva Tobacco Company*, ILR [2007] I Delhi 409; *Infosys Limited v. Southern Infosys Limited*, 2024 SCC OnLine Del 4345; *Adidas AG v. Keshav H. Tulsani & Ors.*, 2024 SCC OnLine Del 4940].

The Respondent has no rights over the 'TORRENT' mark used in the disputed domain name and has not made any legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain. The Respondent is thus misleading consumers by using the Complainant's 'TORRENT' mark in the disputed domain name.

In addition to this, the very fact that the disputed domain name was registered by the Respondent subsequent to the Complainant's use and registration of the mark 'TORRENT' clearly establishes that the Respondent must have registered the disputed domain name to



cash in on the popularity of the Complainant's brand, and to encash on the goodwill and reputation.

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. [Relevant Decisions: *Aon PLC and Ors. v. Guanrui*, INDRP/633; *Wells Fargo & Co. and Anr. v. SreeDas Kumar*, INDRP/666; *QRG Enterprises Limited & Anr. v. Zhang Mi*, INDRP/852; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers* WIPO Case No. D2017-0754; *Havells India Limited and Anr. v. Whois Foundation*, WIPO Case No. D2016-1775; *Mahendra Singh Dhoni and Anr. v. David Hanley*, WIPO Case No. D2016-1692]

The Registrant's domain name has been registered or is being used in bad faith.

It has been contended by the Complainant that the Respondent has registered and used the disputed domain name in bad faith. The language of the INDRP Paragraph 4(c) is clear enough, and requires that either bad faith registration or bad faith use be proved.

Paragraph 7 of the INDRP provides that the following circumstances are deemed to be evidence that a Respondent has registered and used a domain name in bad faith:

"Evidence of Registration and Use of Domain Name in Bad Faith -

For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the Registration and use of a domain name in bad faith:

- (a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the Trademark or Service Mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or*
- (b) the Registrant has registered the domain name in order to prevent the owner of the Trademark or Service Mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or*
- (c) 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; or*
- (d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor."*



From the circumstances of the case and from the evidences put before the Panel by the Complainant, the Panel is of the opinion that the Respondent had no previous connection with the disputed domain name or the mark 'TORRENT' and any use of the disputed domain name by the Respondent, would result in confusion and deception of the trade, consumers and public, who would assume a connection or association between the Complainant and the Respondent's website or other online locations of the Respondent or product/service on the Respondent's website and otherwise, due to the use by Respondent of the Complainant's trademark 'TORRENT' in the disputed domain name, which mark has been widely used by the Complainant and which mark is associated exclusively with the Complainant.

Furthermore, considering that currently the disputed domain name merely shows a self-developed parking page that says 'UNDER CONSTRUCTION' despite having been registered since 2011 by the Respondent, and that the Respondent has not provided any evidence to support the claims of developing the website for the causes alleged by him, and that the WHOIS records do not indicate the domain being available for sale, this would constitute passive/parked holding of the disputed domain name.

Essentially, non-use and passive holding of a domain name establishes bad faith only when viewed through the lens of the entire factual record. That is to say, a singular instance of non-use might be insufficient, and so the matter must be examined in toto with all relevant facts and circumstances to determine if the Respondent's conduct establishes bad faith through passive holding.

The Panel notes that previous INDRP and UDRP Panels have held that non-use and passive holding of domain names is evidence of bad faith. [Relevant Decisions: *Bayer Aktiengesellschaft v. H. Monssen*, Case No. D2003-0275; *Telstra Corporation Limited v. Nuclear Marshmallows*, Case No. D2000-0003; *HSBC Holdings PLC v. Hooman Esmail Zadeh*, *MCommerce Ag*, INDRP/032; *Compagnie Gervais Danone v. Digitech Software Solutions*, INDRP/096, *Sazerac Brands, LLC v. Dean Chandler*, INDRP/1243].

The Panel is prepared to accept the Complainant's contention that its mark and the corresponding business through its websites, including <www.torrentinvestments.com>, <www.torrentpharma.com>, <www.torrentpower.com>, and <www.torrentgas.com>, is famous. With regard to famous names, successive UDRP panels have found bad faith registration because the Complainant's name was famous at the time of registration: *WIPO/D2000-0310 [choyongpil.net]*.

Based on the submissions and evidences put forth before the Panel, the Panel is of the belief that the Respondent would have known about the Complainant's mark 'TORRENT' and its reputation at the time of registering the disputed domain name.



As explained above, as per Paragraph 3 of the INDRP, it is the Respondent's responsibility to determine whether the domain name infringes or violates others' statutory or common law rights. While the Respondent has tried to claim that he conducted a search to discharge his due diligence obligations under Paragraph 3 of the INDRP, the same has failed to convince this Panel. Considering the multiple domain names held by the Respondent, which show his experience and expertise in registering domain names, his pleas of ignorance of the Complainant, who has been using the 'TORRENT' mark since the 1970s, and who has multiple websites encompassing the 'TORRENT' mark, fail. In fact, by the Respondent's own admission, "*the domain name was inadvertently registered in his WHOIS details but it was actually held for a third party*", which further demonstrates his experience and expertise in registering domain names.

The Respondent has failed in his responsibility discussed above, and given the Respondent's experience and expertise, the Panel concludes it is highly improbable that the Respondent was unaware of the Complainant's registered trademark 'TORRENT'. Interestingly, the Respondent, on the one hand, claims that searching through the Register of Trade Marks is difficult for a layman. Yet, on the other hand, he has vehemently contended that various other Trademark registrations of 'TORRENT' and its variations exist in the Register of Trade Marks and has evidenced the same with their registration numbers, classes and names of the owners.

The Panel notes that it is an established position in law that a Respondent with multiple domain names shall be considered experienced enough to be held to a higher standard of due diligence, where wilful blindness cannot be considered a defence. [Relevant Decisions: "*But a sophisticated domainer, such as the Respondent, who regularly registers domain names cannot be wilfully blind to whether a particular domain may violate trade mark rights*", *Sazerac Brands, LLC v. Dean Chandler, INDRP/1243*; "*Additionally, it is difficult to believe that the Petitioner, who is obviously an experienced hand in registering domain names, did not do any homework before registering domain names in a series of generic words like internet, toner, computer, ink etc. with the .IN Registry. The Petitioner's plea that even if he had done a search in the Trade Marks Registry, he would not have been able to detect that Respondent No. 2 was the registered proprietor of the trade mark 'internet' fails to convince this Court. As pointed out by Respondent No. 2, there was an obligation cast on the Registrant in terms of Rule 3 INDRP to ensure that "the registration of the domain name will not infringe upon or otherwise violate the rights of any third party."* If indeed the Petitioner was getting a domain name registered using a generic word like 'internet' then at the bare minimum in order to demonstrate his bona fide intentions, he should have been able to show that he did make an effort to ascertain if he was conforming to the said requirement", *Stephen Koenig v. Arbitrator, NIXI, O.M.P. 132 of 2007*]

Given the Respondent's experience and expertise in this area, his choice of registering a domain name with the Complainant's mark further demonstrates *mala fide* intentions and bad faith registration and use.



In the present case, considering that the Respondent has failed to demonstrate fair use or legitimate interest, and has registered the disputed domain name in 2011, which is subsequent to Complainant's usage of the mark 'TORRENT', the Panel concludes bad faith under the present circumstances. It is particularly noteworthy that the Respondent has failed to develop the website or establish any legitimate and *bona fide* use even after holding it in his possession for fifteen years following its registration in 2011. It is all the more astounding to consider that the Respondent had renewed this registration in 2021 for another ten years, but had still failed to take any actual steps to develop it, or to justify holding it. Coupled with the consideration that the Respondent has been shown to own multiple domain names, most of which have been held passively, further evidences bad faith registration.

The disputed domain name is deceptively similar to the mark and brand of the Complainant and will lead to confusion with the Complainant's mark 'TORRENT' as to the source, sponsorship, affiliation or endorsement of the Respondent's business by the Complainant. Moreover, the portrayal of an association with the Complainant's brand is, in view of the Panel, a constituent of bad faith on the part of the Respondent. It has been held by INDRP panels that intentionally attempting to attract or gain Internet users to the Respondent's website or other online location by creating a likelihood of confusion with Complainant's trademark constitutes bad faith: [Relevant Decisions: *Bharti Airtel Limited vs. Rajeev Garg*, INDRP/285; *Merck KGaA v. Zeng Wei*, INDRP/323; *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma*, INDRP/799; *Sensient Technologies Corporation v. Katrina Kaif, Corporate Domain*, INDRP/207].

The fact that the disputed domain name was registered by the Respondent subsequent to the Complainant's use of the mark 'TORRENT' makes it apparent that the Respondent must have registered the disputed domain name to cash in on the popularity of the Complainant's 'TORRENT' mark and websites. Furthermore, considering that the disputed domain name only contains a parking page, without any developed websites, despite fifteen years having passed by since its registration in 2011 [including five years since its renewal in 2021], clearly demonstrates that the objective of registering the disputed domain name was aimed at preventing the legitimate owner of the trade mark from reflecting the same in a corresponding domain name. These are both indicators of bad faith under the present circumstances.

Furthermore, the Respondent has purposefully concealed their experience in bulk domain registrations and has made repeated claims of having no knowledge of the Complainant or their mark, but at the same time has submitted the particulars of trademarks of various other registrations containing 'TORRENT'. This is only exacerbated by their frivolous procedural objections regarding the 5,000-word limit of the Complaint under the INDRP Rules, even though the Complaint actually contains fewer than 4,000 words. These



deliberate attempts to mislead the Panel clearly demonstrate *mala fide* intent and bad faith in registration.

On bad faith registration and use [generally], panels have noted: "Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith": NAF/FA95314[thecaravanclub.com], WIPO/D2000-0808 [very use of domain name by Respondent who had no connection whatsoever with Complainant's mark and product suggests opportunistic bad faith - 4icq.com]; "Registration of a domain name that is confusingly similar or identical to a famous trademark....is itself sufficient evidence of bad faith registration and use" [Wells Fargo & Co. and Anr. v. Krishna Reddy, INDRP/581; QRG Enterprises Limited & Anr. v. Zhang Mi, INDRP/852]; "Non use and passive holding is evidence of bad faith use" [HSBC Holdings PLC v. Hooman Esmail Zadeh, MCommerce Ag, INDRP/032]

Thus, all three conditions given in paragraph 4 of the INDRP are proved in the circumstances of this case and thus the registration of the impugned domain name by the Respondent/Registrant is a registration in bad faith.

Decision

The Respondent has failed to comply with Para 3 of the INDRP, which requires that it is the responsibility of the Respondent to ensure, before the registration of the impugned domain name by him, that the domain name registration does not infringe or violate someone else's rights. Considering the Respondent in the present matter holds multiple domain names, which demonstrates his significant experience and expertise in domain registration, his pleas of ignorance and willful blindness are wholly unpersuasive.

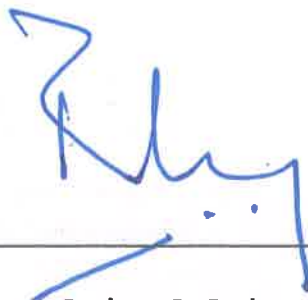
The Complainant has given sufficient evidence to prove extensive trademark rights over the disputed domain name. Further, the Respondent's adoption and registration of the disputed domain name is dishonest and *malafide*.

While the overall burden of proof rests with the Complainant, Panels have recognised that this could result in the often-impossible task of proving a negative, requiring information that is often primarily within the knowledge of the Respondent. Therefore, the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such a *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. In this case, the Respondent has failed to demonstrate his rights, legitimate interests or *bona fide* use in registering the disputed domain name. Based on the facts of the case, it is apparent that the Respondent is using the disputed domain name in bad faith and has registered the domain name to cash in on the reputation of the Complainant's mark and to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name.



[Relevant Decisions: *Lego Juris AS v. Robert Martin* INDRP/125; *Societe Air France v. DNS Admin* INDRP/075; *Kelemata SPA v. Mr Bassarab Dungaciu* WIPO D2003-0849; *Croatia Airlines d.d. v. Modern Empire Internet Ltd.* WIPO D2003-0455; *Uniroyal Engineered Products, Inc. v. Nauga Network Services* WIPO D2000-0503; *Microsoft Corporation v. Chun Man Kam* INDRP/119; *AB Electrolux v. Liheng*, INDRP/700; *Equitas Holding Limited v. Sivadas K P*, INDRP/724; *BearingPoint IP Holdings B.V. v. Deborah R. Heacock*, INDRP/822; *Dell Inc. v. Jack Sun*, INDRP/312; *HID Global Corporation v. Zhaxia*, INDRP/652; *McDonald's Corporation v. Ravinder*, INDRP/746; *MontBlanc-Simplo G.M.B.H. v. M S Mohamed Salihu*, INDRP/678; *Orica Australia Proprietary Limited v. Bev Gran, D N Solutions*, INDRP/237; *Sopra Steria Group v. Xu Xiantao*, INDRP/796; *Panasonic Corporation v. Sun Wei*, INDRP/527; *Wal-Mart Stores, Inc. v. Machang*, INDRP/539; *PJS International S.A. v. Xiangwang*, INDRP/616; *Aon PLC and Ors. v. Gangadhar Mahesh*, INDRP/632 ; *Aon PLC and Ors. v. Guanrui*, INDRP/633; *Wells Fargo & Co. and Anr. v. Krishna Reddy*, INDRP/581; *Wells Fargo & Co. and Anr. v. SreeDas Kumar*, INDRP/666; *Wells Fargo & Co. and Anr. v. DeepDas Kumar*, INDRP/628; *Natures Basket Limited & Ors. v. Dipti Singla*, INDRP/683; *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma*, INDRP/799; *QRG Enterprises Limited & Anr. v. Zhang Mi*, INDRP/852; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers* WIPO Case No. D2017-0754; *Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare*, INDRP/886].

The Respondent's registration and use of the domain name [www.torrent.in] is abusive and in bad faith. The Respondent has no rights or legitimate interests in respect of the domain name. In accordance with Policy and Rules, the Panel directs that the disputed domain name [www.torrent.in] be transferred from the Respondent to the Complainant; with a request to NIXI to monitor the transfer.



Rodney D. Ryder
Sole Arbitrator

Date: April 13, 2026