

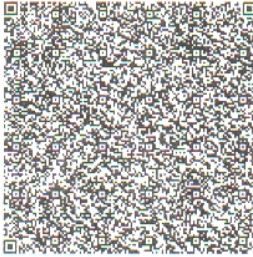
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL42162072433713P
Certificate Issued Date	: 27-Jan-2017 02:19 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP1784795491319257P
Purchased by	: DIVYA BALA SUNDARAM
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: DIVYA BALA SUNDARAM
Second Party	: Not Applicable
Stamp Duty Paid By	: DIVYA BALA SUNDARAM
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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Before the Sole Arbitrator, Divya Balasundaram

C/O National Internet Exchange Of India

In the matter of:

Amazon Technologies, Inc. vs. Jack Worli

Divya Balasundaram

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at www.shollestamp.com. Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
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BEFORE THE SOLE ARBITRATOR, DIVYA BALASUNDARAM

.IN REGISTRY

C/o NATIONAL INTERNET EXCHANGE OF INDIA

ARBITRATION AWARD

Amazon Technologies, Inc.
410 Terry Ave N
Seattle, WA 98109
United States of America

Complainant

Versus

Jack Worli
Shop No.14, Victory House
Pitamber Lane, Mahim (West)
Mumbai, Maharashtra 400016
India

Respondent

1. The Parties

1.1. The Complainant is Amazon Technologies, Inc., of the address 410 Terry Ave N, Seattle, WA 98109, United States of America, represented by counsel M/s. Singh & Singh Lall & Sethi, of the address D-17, South Extension - II, New Delhi - 110049.

1.2 The Respondent is Jack Worli, of the address Shop No.14, Victory House, Pitamber Lane, Mahim (West), Mumbai, Maharashtra 400016, India.

2. The Domain Name and Registrar

2.1 The disputed domain name is <www.amazonsales.in> registered with GoDaddy.com on July 24, 2016.

3. Procedural History

Divya Balasundaram

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- 3.1 Arbitrator received an email on January 17, 2017 inquiring if NIXI can avail its services as an Arbitrator for the dispute pertaining to the domain name amazonsales.in. Arbitrator confirmed availability by email of January 18, 2017 and also sent the signed Statement of Acceptance and Declaration of Impartiality and Independence as required by the Rules.
- 3.2 The .IN Registry appointed Divya Balasundaram as the Sole Arbitrator on January 24, 2017 and Arbitrator received soft copy of the Complaint along with Annexures as well as hard copy.
- 3.3 Arbitral proceedings were commenced by Arbitrator on January 25, 2017 by issuance of a notice by email to the Respondent directing him to file his reply within 15 days.
- 3.4 The Arbitrator received an email dated January 27, 2017 from Respondent stating that the Respondent would like to handover the domain 'amazonsales.in' to the Complainant. Arbitrator replied by email dated February 6, 2017 stating that since complaint has been lodged under the .INDRP and referred to arbitration, formal award would be passed in the matter.
- 3.5 The language of these proceedings is English.

4. Discussions

- 4.1 In the light of the Respondent's response to handover the disputed domain name <amazonsales.in> to the Complainant, it is not necessary to delve into the complaint in detail. However, a few points may be briefly mentioned –
- 4.2 At the outset, it is to be mentioned that the Arbitral Tribunal has been properly constituted.
- 4.3 The Complainant has established its prior statutory and common law rights in the trademark AMAZON.
- 4.4 The Complainant has also established the 3 elements required under the INDRP, that is, the disputed domain name is identical or confusingly similar to

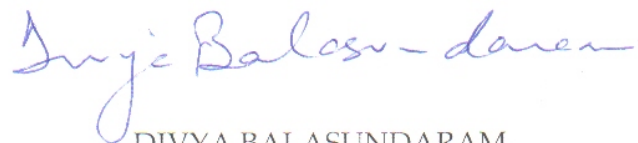
- 2 - Divya Balasundaram

Complainant's trademark, the Respondent has no rights claims, or legitimate interests in respect of the disputed domain name, and the disputed domain name was registered and is being used in bad faith.

- 4.5 The Complainant has also stated that the Respondent has entirely lifted the web pages of the Complainant's website and is resultantly using the Complainant's AMAZON. This not only amounts to trade mark infringement of the mark AMAZON but also copyright infringement of the content of the Complainant's website.
- 4.6 The Respondent has not submitted any defense/ any argument to counter the contentions of the Complainant.
- 4.7 It is pertinent to mention that several prior ICANN panelists have recognized AMAZON as a well-known and famous trade mark. The Arbitrator herein agrees with this finding.

5. Decision

- 5.1 For all the foregoing reasons and the Respondents submission to handover the domain name, the Complaint is allowed.
- 5.2 It is hereby ordered in accordance with paragraph 10 of the INDRP that the disputed domain name <amazonsales.in> be transferred to the Complainant.
- 5.3 The Parties shall bear their own costs.


DIVYA BALASUNDARAM
ARBITRATOR

Date: February 15, 2017
Place: New Delhi, India