



उत्तर प्रदेश UTTAR PRADESH

R 054175

Bodhisatva Acharya

LL.M.

ARBITRATOR

(Appointed by IN Registry-National Internet Exchange of India)

Case No. Of 2009

ARBITRATION AWARD: DISPUTED DOMAIN NAME www.allianz.co.in

in the matter of:

**ALLIANZ SE,
Koniginstraße 28,
D-80802 Munchen,
GERMANY**

filed by its authorized representative attorney

**Mrs. Dahlia Sen Oberoi,
Sen-Oberoi,
Attorneys-at-Law,
A-18, Chittaranjan Park,
New Delhi-110019
Email-**

dahlia@sen-oberoi.com

....Complainant.



उत्तर प्रदेश UTTAR PRADESH

R 051906

Vs.

YAN WEI
F0605103, 800#
Dongchuan Road
Minhang Shanghai 200240
CHINA.
Email:dot.in.master@gmail.com

...

Respondent.

AWARD

1. The Parties:

The **complainant** in this arbitration proceeding is ALLIANZ SE, Koniginstraße 28, D-80802 Munchen, GERMANY filed by its authorized representative attorney Mrs. Dahlia Sen Oberoi, Sen-Oberoi, Attorneys-at-Law, A-18, Chittaranjan Park, New Delhi-110019

The respondent in this arbitration proceeding is YAN WEI, F0605103, 800#, Dongchuan Road, Minhang Shanghai 200240, CHINA.Email:dot.in.master@gmail.com

2. The Domain Name, Registrar & Registrant:

The disputed domain name www.allianz.co.in

3. Procedural History:

The complainant, through its authorized representative, filed this complainant to NIXI regarding the disputed domain name www.allianz.co.in following the clause 4 of the policy of .IN Registry and .IN Registry appointed **Mr. Bodhisatva Acharya (The Arbitrator)** as sole Arbitrator under clause 5 of the policy. The Arbitrator submitted his statement of acceptance and declaration of Impartiality and the Independence on July 20th, 2009. The complaint was produced before the Arbitrator on July 24th, 2009 and the Arbitrator sent a notice, to the Respondent through his email for the Arbitration Proceeding on July 25th, 2009, with a 10 days deadline to submit his reply but up to September 17th, 2009 nothing was submitted by the Respondent. Hence the AWARD is being declared on the September 17th 2009 as Ex-parte.

4. Factual Background:

ALLIANZ is the main component and main mark of the Complainant and it is being used by the Complainant. The complainant is doing its global business worldwide in Insurance Banking and Asset management. The Complainant is serving more than 60 Million customers in about more than 70 Countries. The complainant operates as an international insurer on almost Continent. The complainant is one of the world's leading financial services provider and the mark ALLIANZ has become synonymous with the highest degree of insurance and in INDIA the complainant is working with Bajaj Auto as joint venture under the mark BAJAJ ALLIANZ LIFE INSURANCE. To attract the people for its services the complainant has invest huge money on advertisement throughout the world and in INDIA also.

But in 2007 the complainant was shocked when he came to know that a domain name has been registered as www.allianz.co.in by webmaster skype network limited of England. The complainant lodged a complainant but the Hon'ble Tribunal preceded the matter as Ex-parte with a order that the disputed domain name be transferred to the complainant.

But again the complainant was shocked when he came to know that the disputed domain name has been registered with the Respondent since November 2008. After that on June 15th, 2009 a notice was sent by the complainant through its attorney but Respondent didn't pay any attention on that. Therefore the complaint was filed by the complainant for arbitration proceeding.



5. Parties Contentions:

(a) Complainant contends that

(i) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;

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

(iii) The Registrant's domain name has been registered or is being used in bad faith, and the domain name be transferred to the Complainant.

(b) Respondent contends that

the respondent gave no response and produced no reply before Arbitrator.

6. Discussion & Findings:

Under the paragraph 4 of the policy (INDRP) it is stated that-

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

(i) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;

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

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

After having gone through the records, documents, produced by the Complainant Arbitrator's findings are that the complainant has proved all the premises in his favor and he is has produced all the documentary proof in his favor to satisfy the Arbitrator .The Respondent is not with clean hand and his intention is wrong. Therefore he has no right to use the disputed domain name.

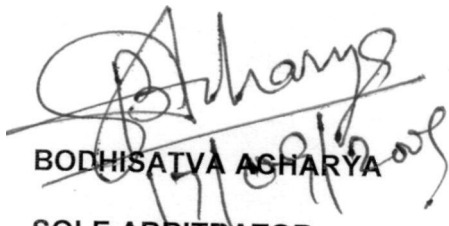


7. Decision:

Hence the Arbitrator decides, 'The disputed domain name www.allianz.co.in is identical or confusingly similar to registered trademark of the Complainant and Respondent has no right to use the disputed domain name and the Respondent domain name has been registered in bad faith'

The Arbitrator further decides and orders that the domain name www.allianz.co.in shall be transferred to the Complainant with immediate effect.

Complaint hence is allowed with no costs.



BODHISATVA AGHARYA

SOLE ARBITRATOR

NIXI

DATED: September 17th 2009,

PLACE: NEW DELHI,

INDIA.