



दिल्ली DELHI

ARBITRATION CASE NO.6 OF 2010

N 224671

IN THE ARBITRATION MATTER OF-

STANDARD & POOR'S FINANCIAL SERVICES LLC

COMPLAINANT

VERSUS

CORPORATE DOMAINS, INC

RESPONDENT

AWARD:

The present dispute relates to the registration of the domain name standardandpoors.co. in in favour of the Respondent.

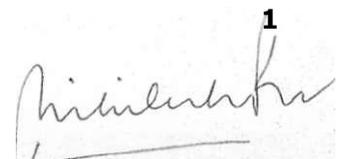
The Complainant has filed the instant complaint challenging the registration of the domain name <standardandpoors.co,in > in favour of the Respondent. Pursuant to the In Domain Name Dispute Resolution Policy (INDRP) and the rules framed there-under, the Complainant has preferred this arbitration for raising this dispute for redressal of its grievances.

In its complaint, the Complainant has stated that it is the owner of the well known trademarks "STANDARD AND POOR'S" and STANDARD & POOR'S" hold the said mark in U.S., U.K. and Australia in connection with credit ratings. The complainant has stated that it is world's premier provider of investment research, market indices, credit ratings, financial date, and fixed income

research and analysis and has published more than 50,000 ratings and rated approximately 5 trillion in new debt.

The complainant has placed on record its trademark registration detail in USA, EU, and UK, Australia in Classes 9, 16, 35, 36. The complainant has further stated that in India it has acquired tremendous good will and reputation through its long and extensive use of trademark "STANDARD AND POOR'S" and it operates through its subsidiary Standard & Poor's South Asia Services Private Limited, a company incorporated under the Companies Act, 1956. The complainant has given its seven offices in India through which it operates. The complainant has further stated that it has been successful in enforcing its mark in earlier domain name dispute, more particularly the transfer of the domain name <standardandpoors.mobi> in its favour. The Complainant has also stated that it is the holder of domain names <standardandpoors.com>, <standardandpoors.net>, <standardandpoors.info>, <piistandardandpoor.com>, <books-standardpoos.com>, <standardandpoors.us>

The complainant has filed this complaint that the Respondent has no right or legitimate interest in the said domain name and has parked the disputed domain with Sedo's Domain Parking for sale and the webpage hosted at the domain name <standarndandpoor.co.in> carries sponsored listings/ advertisements which redirects internet users to websites competing with the complainant. Therefore the use of said domain name is not bonafide. It has contended that the Respondent is generating internet traffic to derive income and that such use is not recognized as bonafide use under the policy. It has also been contended that the respondent is not making any legitimate, non-commercial and fair use of the domain name and in-fact is an unfair monopolizations of the domain name with the intent to gain commercially. Further it is contended that the registration of domain name is in bad faith, therefore the said domain name be transferred to the Complainant.

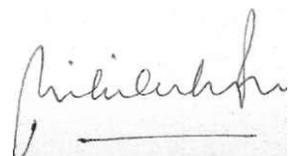
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I entered upon reference regarding the instant dispute and notice was sent to the Respondent calling upon for their response to the said complaint. However, even after granting considerable time to the Respondent, there has been no response. Accordingly, the Respondent is proceeded ex-parte.

I have perused the records and have gone through the contents of the complaint. Although there has been no reply on behalf of the Respondent to the complaint, I shall deal with the complaint on the basis of its merits. Several grounds have been raised by the Complainant regarding the transfer of the domain name <standardandpoors.co.in> in its favour.

Firstly I shall deal with the ground regarding the rights of the Complainant vis-a-vis that of Respondent's over the domain name <standardandpoors.co.in>. The mark "STANDARD AND POOR'S" is a unique and distinct word and has acquired distinctiveness and is known to be a trademark owned by the complainant. It has been shown by the complainant that the use of the said mark has been for quite some time and that too for world over. The complainant has shown the various trade mark registration details world over. Although the Respondent has not appeared in these proceeding to present their case, but it is borne out from the records that Respondent has no bonafide or legitimate right over the mark "Standard and poor's". Hence the Respondent's action to register the said domain name is not bonafide as he has no right over the mark "Standard and poor's."

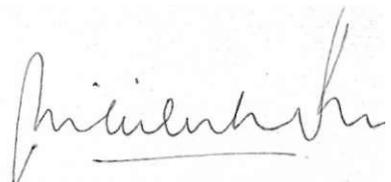
Secondly as the Respondent's action to register the said domain name is not bonafide, therefore the said registration is done in bad faith. It is seen that the Respondent has parked the said domain name for sale. Therefore the Respondent, who has no legitimate right over the said domain name, has only registered with intention to sell the domain name as

A handwritten signature in black ink, appearing to be 'Prithviraj', is written over a horizontal line. The signature is cursive and somewhat stylized.

he had registered prior to the complainants, who are legitimate owner of the marks "STANDARD AND POOR'S".

Considering the facts and circumstances of the present matter and taking view of the precedents in this context, I am of the view that the complainant has proprietary right over the mark "STANDARD AND POOR'S". Under the facts and circumstances and on perusal of the records, I deem it fit and proper to allow the prayer of the Complainant in its favour and direct the Registry to transfer the said domain name i.e. <standardandpoors.co.in> in favour of the complainant in accordance with Clause 10 of the Policy.

Parties to bear their costs.



(NIKILESH RAMACHANDRAN)
ARBITRATOR

Dated 3rd December 2010.