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BEFORE THE SOLE ARBITRATOR UNDER .IN DISPUTE RESOLUTION POLICY
(Appointed by .IN Registry- National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name: <DELLAPTOPSERVICEINCHENNALIN>

IN THE MATTER OF

Dell Inc.,
One Dell Way, Round Rock,
Texas, 78682, U.S.A

... Complainant

-----versus-----

Computershoppe,
Telangana.

... Respondent No. 1

Statutory Alert:

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Prang

AND

Rajesh T.S.

T/a Computershoppe

1st Floor, 6/3/801 and 803,

Elephant House,

Ameerpet, Ranga Reddy,

Hyderabad,

Telangana 500016.

Ph. No.: +91 4025 8686

E-mail: rajrajesh143@gmail.com

...Respondent No. 2

1. The Parties

The **Complainant** in this arbitration proceeding is **Dell Inc.**, of the address One Dell Way, Round Rock, Texas, 78682, U.S.A, a company incorporated and existing under the laws of Delaware, United States of America.

The **Respondents** in this arbitration proceeding are **Computershoppe** ("Respondent No. 1") and "**Rajesh T.S. t/a Computershoppe**" ("Respondent No. 2"), both of the address 1st Floor, 6/3/801 and 803, Elephant House, Ameerpet, Ranga Reddy, Hyderabad, Telangana 500016.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of domain name <**DELLLAPTOPSERVICEINCHENNAI.IN**> with the .IN Registry. The Registrant in the present matter is "**Computershoppe**", and the Registrar is **Good Domain Registry Private Limited**.

3. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI).

NIXI vide its email dated May 27, 2019, had sought consent of Mrs. Lucy Rana to act as the Sole Arbitrator in the matter. The Arbitrator informed of her availability and gave her consent vide Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure vide email on May 28, 2019. Thereafter NIXI vide email on the same day had informed of a typographical error in the domain name in question, therefore a revised Statement of Acceptance and Declaration of Impartiality and Independence was sent to NIXI via email on June 14, 2019.

Thereafter, NIXI forwarded the soft copy of the Complaint, along with Annexures, as filed by the Complainant in the matter, to all Parties, including the Arbitrator vide email dated July 05, 2019 and made the pronouncement that Mrs. Lucy Rana, in her capacity as Arbitrator, would be handling the matter.

On July 09, 2019, NIXI confirmed that the soft copy of the Complaint along with annexures, as sent to the Respondents vide email, had not bounced back. NIXI vide the same email informed that the hard copy of the complaint as sent to the concerned parties via courier was still in transit.

Thereafter, the Arbitrator, vide email dated July 09, 2019, announced that the Complaint along with Annexures had been duly served upon the Respondent, vide email, as is evidenced by the fact that the email as sent did not bounce back, and as per Rule 2(a)(ii) of the INDRP Rules of Procedure, this constitutes effective service. Further, Section 3(1)(b) of the Arbitration and Conciliation Act, 1996 provides that *"If none of the places referred to in clause (a) can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last known place of business, habitual residence or mailing address by registered letter or by any other means which provides a record of the attempt to deliver it."*

Hence the service of notice was deemed to have been completed upon the Respondents. Therefore, the Respondents were deemed to have been duly served with the Complaint and Annexures thereto and was granted a period of **fourteen (14) days** from the date of receipt of the email dated July 09, 2019, within which to file a response to the Complaint in hard as well as soft copy and forward copies of the same to the Complainant, the Arbitrator and the .IN Registry, failing which, the matter will be decided on the basis of material already available on record and on the basis of applicable law.

Thereafter NIXI vide email dated July 11, 2019, informed the Arbitrator and the concerned parties about the successful delivery of the hard copies of the complaint to the Respondents, in response to which the Arbitrator vide email dated July 12, 2019, informed NIXI that arbitration proceedings had already commenced on July 09, 2019.

On July 24, 2019, the Arbitrator, vide email, addressed to the Respondents brought it on record that despite the prescribed deadline for the Respondents to respond in the matter having elapsed on July 23, 2019, in the interests of justice the Respondents were being granted an additional but final and non-extendable period of **seven (7) days** within which to submit a response (if any) in the matter.

As no response to the Complaint was preferred by the Respondent in the matter even after expiration of the aforementioned final time period of **seven (7) days**, the Arbitrator, vide email dated August 05, 2019, reserved the award to be passed on the basis of facts and documents available on the record.

4. Factual Background



The Complainant has submitted that it was established in 1984 and that it is the world's largest direct seller of computer systems. Complainant submits that since its establishment, it has diversified and expanded its activities which presently include, but are not limited to, computer hardware, software, peripherals, computer-oriented products such as phones, tablet computers etc., and computer-related consulting, installation, maintenance, leasing, warranty and technical support services.

Complainant has submitted that it does business with 98 percent of Fortune 500 corporations and that it sells more than 100,000 systems daily in 180 countries, including in India. Complainant further submits that it has a team of 100,000 members globally which caters to more than 5.4 million customers every day.

Complainant has submitted that its products have been available in India since 1993 and that the same are marketed in the country by its subsidiaries, who have tied up with various channel partners such as authorized distributors and resellers all over the India. Complainant submits that its products are sold vide a network of 'DELL' exclusive stores and at other stores in around 200 cities in India. Complainant contends that in view of the same, the relevant general public exclusively associate the trademark 'DELL' with the Complainant alone.

Complainant has submitted that it has a strong internet presence through its globally accessible website at <Dell.com> as well as other country specific websites, such as at <Dell.co.in> for India.

Complainant has submitted that its first use of the mark 'DELL' can be traced back to 1988 and that since then it has expanded its business into various countries and has extensive use of the said mark around the world. Complainant has further submitted that it has obtained secured registrations over the mark 'DELL' in several jurisdictions, including in India. The Complainant has annexed a list containing the details of its aforementioned registrations in India as Annexure 1, which includes details of registrations for DELL formative marks in classes 2, 9, 18, 36, 37, 38 and 42.

In view of the above, Complainant submits that it has been using the trademark 'DELL' since the last 30 years and has built an enviable reputation in respect of the same, and that by virtue of such use, the trademark 'DELL' can be termed as a well-known trademark.

Complainant further submits that it has initiated several actions against domain name squatters in the past several years, and has annexed a list of the same as Annexure 2.

Complainant submits that as per a WHOIS search for the domain in question <DELLLAPTOPSERVICEINCHENNAI.IN>, the same is registered in the name of 'Computershoppe' of the address 'Telangana' and no further information has been provided. Complainant further submits that it had previously filed a domain name complaint against the present Respondent for another domain name, i.e. <dellservicecenterinchennai.in> in which they have received a favorable order. Complainant has annexed the said order as Annexure 4. Complainant submits that the Respondent in the abovementioned domain complaint was "Rajesh T.S. t/a Computershoppe" of the address 1st Floor, 6/3/801 and 803, Elephant

House, Ameerpet, Ranga Reddy Hyderabad Telangana 500016 and the email address for the same was rajrajesh@gmail.com. In view of the above, Complaint has impleaded "**Rajesh T.S. t/a Computershoppe**" as Respondent No. 2 herein.

Complainant also submits that the Respondent (Respondent No.1 and 2 collectively) has a website at www.computershoppe.co.in and has annexed a copy of the WHOIS results for the said domain as Annexure 5.

5. Complainant's Contentions

Complainant has claimed that it has long and extensive use of the mark 'DELL' and by virtue of such use, the trademark 'DELL' can be termed to be a well-known mark. Complainant has submitted that it undertakes periodical searches and upon one such search for cyber squatters, it came across the registration of the domain <DELLAPTOPSERVICEINCHENNAI.IN>.

Complainant has claimed that the domain <DELLAPTOPSERVICEINCHENNAI.IN> hosts a website wherein the Respondent represents itself as a 'Dell Service Center' and in support thereto, the Complainant has attached a screenshot from the said website as Annexure 6.

Complainant has claimed that the Respondent has displayed Complainant's trademark 'DELL' at several instances on the website hosted at the domain. Complainant has further claimed that the website displays addresses of various other Dell service centers in various locations and that the Respondent has provided different links to access service centers in different locations. In support thereto, Complainant has annexed a screenshot of the website located at the domain <DELLAPTOPSERVICEINCHENNAI.IN> as Annexure 7.

Complainant has also claimed that on the website as hosted at the domain <DELLAPTOPSERVICEINCHENNAI.IN>, Respondent has used phrases like "We can help you with your Dell Inspiron, Dell Vostro, Dell Studio & XPS, Dell Vostro and Dell Latitude, Alienware repair and maintenance needs.." which are used to lure customers into believing that the Respondent is affiliated with the Complainant.

Complainant also submits that the website at the domain <DELLAPTOPSERVICEINCHENNAI.IN> also offers Complainant's products, which can be counterfeits as the Complainant has not authorised the Respondent to sell its products, which includes devices such as adaptors and batteries which are crucial to ensure the safety of the users, as the same can burst/catch fire. Complainant contends that therefore the Respondent offers for sale poor quality goods under the Complainant's trade mark, which endangers the well-being of the customers along with tarnishing the image of the Complainant and its goodwill.

Based on the above, Complainant submits that the Respondent is passing off its services as that of the Complainant.

6. Legal Grounds Submitted by the Complainant

The Complainant has submitted the following legal grounds in support of its complaint:

- A. The Disputed Domain Name's Similarity to the Complainant's Rights
[.IN Domain Dispute Resolution Policy, Paragraph 4(i); INDRP Rules, Paragraph 3(b)(vi)(1)]

The Complainant has contended that Respondent has adopted the trademark 'DELL' of the Complainant to provide after-sale services for Dell Laptops and to offer Complainant's products for sale. Complainant contends that the said adoption of the mark 'DELL' constitutes trademark infringement and that the Respondent is using the mark 'DELL' for goods/services identical to that of the Complainant. Complainant has attached screenshots from its websites as Annexures 8 and 9 to illustrate that the Complainant's products and that it offers the above-mentioned services, i.e. post sale service of maintenance and offers for sale computer and computer related products.

Complainant has further submitted that it is also the registered proprietor of the mark 'DELL' in class 37 of the NICE classification, and has annexed registration certificates for registration nos. 1239350 and 1238063 in class 37 as Annexure 10 to substantiate the same. Complainant has also annexed certificates for registration nos. 923915, 575115 and 805105 in class 09 for DELL formative marks as Annexure 11 to substantiate that it manufactures and offers for sale, inter alia, computers and computer related products.

- B. The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name
[.IN Domain Dispute Resolution Policy, Paragraph 4(ii); INDRP Rules, Paragraph 3(b)(vi)(2)]

Complainant has contended that Respondent is taking advantage of innocent customers who may or may not enquire about the Respondent's authenticity and that even if Respondent informs a purchasing customer that they are not related to the Complainant, the same does not bestow any right to the Respondent to use the Complainant's trademark DELL as a part of the domain name and on the website.

Complainant has further contended that the mark 'DELL' is Complainant's exclusive property and that the Respondent has no right to use the said mark as the said use is not licensed by the Complainant and is thus an infringement of the registered trademark DELL.

Complainant has also contended that the Respondent has developed the domain <DELLAPTOPSERVICEINCHENNAI.IN> only to illegally benefit from the goodwill and reputation of the Complainant's mark DELL.

C. The Registrant's Domain Name has been registered or is being used in bad faith
[.IN Domain Dispute Resolution Policy, Paragraph 4(iii); INDRP Rules,
Paragraph 3(b)(vi)(3)]

Complainant has contended that the registration and operation of the domain name <DELLAPTOPSERVICEINCHENNAI.IN> has been done in bad faith and with dishonest intentions to mislead the public into believing that the Respondent is an authorised service center of the Complainant. Complainant has claimed that it does not even allow its own authorised service centers to register domains using the trademark DELL. Complainant contends that the adoption of the trademark DELL by the Respondent is only to confuse the relevant section of the public, who are bound to be deceived into thinking that the domain name <DELLAPTOPSERVICEINCHENNAI.IN> is a website of the Complainant, when it is not so. Complainant further contends that the domain name <DELLAPTOPSERVICEINCHENNAI.IN> has been registered to create initial interest confusion amongst the internet users to lure them to the website and make illegal profit from the same.

Complainant further contends that Respondent's bad faith is demonstrated by the use of the trademark DELL on the website and as a part of the domain name <DELLAPTOPSERVICEINCHENNAI.IN>.

Complainant has reiterated that the Respondent's adoption of the trademark DELL is unlicensed and in view thereof, the same is an evidence of bad faith in itself. Complainant contends that the Respondent has no reason to adopt the DELL trademark and that the use of the domain name <DELLAPTOPSERVICEINCHENNAI.IN> by the Respondent is not for non-commercial use and the same does not fall under the ambit of 'fair use'. Complainant submits that upon a perusal of the website, it appears to be related to the Complainant and misleads the relevant public. Complainant has contended that the only reason for adoption of the mark DELL for identical goods/services is to make illegal profit by duping the public. In view thereof, Complainant contends that the entire *modus operandi* of the Respondent, whose website is accessed only through the Complainant's trademark, is dishonest and illegal.

The Complainant has contended that the nature of the domain name <DELLAPTOPSERVICEINCHENNAI.IN> is such that it gives an impression that it is the website of DELL service center in the city of Chennai.

Complaint further contends that the Respondent is a habitual offender, who has previously registered a domain name which contains the trademark DELL in it, and hence the bad faith on the part of the Respondent is apparent.

In view of the above, Complaint has contended that since the Respondent is duping the consuming public, eroding the distinctive character of the Complainant's mark, is diluting the

Complainant's famous mark and may cause harm to the well-being of consumers, the balance of convenience rests entirely towards the Complainant.

Other Legal Proceedings

The Complainant has submitted that there are no other legal proceedings that have been commenced against the Respondent in relation to the domain name **<DELLAPTOPSERVICEINCHENNAI.IN>**.

Reliefs claimed by the Complainant (Paragraph 10 of the INDRP read with Paragraph 3(b)(vii) of the INDRP Rules of Procedure)

The Complainant has claimed for the disputed domain name, i.e. **<DELLAPTOPSERVICEINCHENNAI.IN>** to be transferred to the Complainant.

7. Respondent's Contentions

As mentioned in the Factual Background of the matter, despite being duly served with a copy of the Domain Complaint as filed and thereafter granted adequate time to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to either the Complainant, NIXI or the Arbitrator in respect of the matter.

8. Discussion and Findings

In a domain complaint, the Complainant is required to satisfy three conditions as outlined in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, i.e.:-

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights;
- ii. The Registrant has no rights and legitimate interest in respect of the domain name;
- iii. The Registrant's domain name has been registered or is being used in bad faith.

- i. **The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights**
(Paragraph 4(i) of the .IN Domain Name Dispute Resolution Policy)

The Complainant has established its rights in the mark **DELL** in India, specifically with respect to goods/services falling under classes 9 and 37 of the NICE classification. Based on the evidence placed on record, Complainant's first registration in respect of the mark **DELL** in India dates back to June 15, 1992 (by virtue of registration no. 575115 in class 09). The



Complainant has submitted trademark registration certificates issued by the India Trade Marks Registry for its DELL formative marks, all of which pre-date the registration of the domain name <DELLAPTOPSERVICEINCHENNAI.IN> by the Respondent.

It is well established that trade mark registration is recognized as prima facie evidence of rights in a mark. The Complainant, by filing registration certificates of its registered trademarks has established that it has prior statutory rights in the trademark **DELL** in India.

The Complainant has also submitted that it has its own websites at **Dell.com** and **Dell.co.in** wherein it advertises its various goods and services under the **DELL** marks.

The disputed domain name <DELLAPTOPSERVICEINCHENNAI.IN> incorporates Complainant's registered trade mark **DELL** in toto and Complainant has pointed out that the nature of the domain name is such that it gives an impression that it is the website of DELL service center in the city of Chennai. It has been noted in the Award annexed by the Complainant as Annexure 4 wherein the domain name <dellservicecenterinchennai.in> comprised of the words "service", "center" and "Chennai" that in numerous cases, it has been consistently held that the use of descriptive words or geographic names with a trademark in a disputed domain name need not prevent a finding of confusing similarity.

In the present dispute, the use of the descriptive words "Laptop", "Service" "in" and "Chennai" along with the mark **DELL** does not decrease the similarity between the Complainant's mark and the Respondent's domain name, and as pointed out in the complaint, the same appears to give the impression that the domain and the website hosted therein is of a DELL service center in the city of Chennai.

The Complainant has further submitted that the domain <DELLAPTOPSERVICEINCHENNAI.IN> hosts a website wherein the Respondent represents itself as a 'Dell Service Center' and that the Respondent has displayed Complainant's trademark 'DELL' at several instances on the website hosted at the domain.

The Complainant has also submitted that it has not licensed the Respondent to use the trade mark **DELL**.

It may be stated that the disputed domain name <DELLAPTOPSERVICEINCHENNAI.IN> is confusingly identical/similar to the Complainant's trade mark **DELL** and completely incorporates the said trademark of the Complainant. It has been held by prior panels deciding under the INDRP that there exists confusing similarity where the disputed name incorporates the Complainant's trade mark, such as *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, *Indian Hotel Companies Limited v. Mr. Sanjay Jha, INDRP/148* <Gingerhotels.co.in>, *Carrier Corporation, USA v. Prakash K.R. INDRP/238* <Carrier.net.in>, *M/s Merck KGaA v. Zeng Wei INDRP/323* <Merckchemicals.in>, *Colgate-Palmolive Company & Anr. v. Zhaxia INDRP/887*

<Colgate.in> and The Singer Company Limited v. Novation In Limited INDRP/905 <singer.co.in>.

In view of the aforesaid, the Arbitrator finds that the Complainant has successfully established the requirements as under Paragraph 4(i) of the .IN Domain Name Dispute Resolution Policy, that the Complainant has statutory and common law rights over the mark DELL and that the Respondent's domain <DELLAPTOPSERVICEINCHENNAI.IN> is confusingly identical/similar to the Complainant's trade mark.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(ii) and Paragraph 7 of the .IN Domain Name Dispute Resolution Policy)**

The Complainant has contended that Respondent has adopted the trademark 'DELL' of the Complainant to provide after-sale services for Dell Laptops and to offer Complainant's products for sale, and has submitted/annexed excerpts from the Respondent's website to substantiate the same.

Complainant has further contended that the Respondent is taking advantage of innocent customers who may or may not enquire about the Respondent's authenticity and that even if Respondent informs a purchasing customer that they are not related to the Complainant, the same does not bestow any right to the Respondent to use the Complainant's trademark DELL as a part of the domain name and on the website.

Complainant has also contended that the mark 'DELL' is its exclusive property and that Respondent has no right to use the said mark and the said use is not licensed and is thus an infringement of the trademark DELL, and that the Respondent has developed the domain <DELLAPTOPSERVICEINCHENNAI.IN> only to illegally benefit from the goodwill and reputation of the Complainant's mark DELL.

In the present dispute, Complainant has established that it has rights over the mark DELL and that the domain <DELLAPTOPSERVICEINCHENNAI.IN> is confusingly identical/similar to the Complainant's trade mark.

The element under Paragraph 4(ii) and Paragraph 7 of the .IN Domain Name Dispute Resolution Policy necessitates that Complainant has to establish a prima facie case that Respondent has no rights or legitimate interests in the disputed domain in question. The burden thereafter lies on the Respondent to rebut the showing by providing evidence of its rights or legitimate interests in the domain name. It has been held in numerous cases, including in Huolala Global Investment Limited v Li Chenggong (INDRP Case No. 1027) that the onus of proving rights or legitimate interest in the disputed domain name lies on the Respondent. If the Respondent fails to come forward with relevant evidence to prove rights and legitimate interest

in the disputed domain name, and if the Complainant is found to have put forward a prima facie case, then the Complainant prevails.

Under paragraph 7 of the INDRP policy, it is stated that Respondent can demonstrate rights or legitimate interests in a disputed domain by showing - (i) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; (ii) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights; or (iii) the Registrant is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

In this case, the Respondent has not submitted any response and/or any evidence of its rights and interests. The Respondent has not been able to establish any of the conditions pre-requisite for considering a registrant's rights and legitimate interests in a domain name as set out under Paragraph 7 of the INDRP.

The Complainant has established a prima facie case of its rights in the mark **DELL**, and has referred to several decisions by adjudicating Panels under the INDRP in its favor (Annexure 2).

Therefore, in view of the facts and circumstances and evidence on record, the Arbitrator finds that Respondent has not established any rights or legitimate interests in the disputed domain name.

Further, use of such a confusingly and deceptively similar domain name by the Respondent is likely to mislead and misrepresent to the general public and members of the trade as to the source, sponsorship, affiliation or association of the activity being carried on through the website.

Further, based on the evidence on record, including Respondent's earlier registration of the similar domain name <**DELLSERVICECENTERINCHENNAI.IN**>, it is evident that the Respondent is misrepresenting and/or passing-off itself as an authorized service provider of Complainant in the city of Chennai, which evidences that it does not have any rights or legitimate interests in the disputed domain name.

In view of the aforesaid, the Arbitrator finds that the Complainant has successfully established the requirements as under Paragraph 4(ii) of the .IN Domain Name Dispute Resolution Policy.

iii. The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(iii) and Paragraph 6 of the INDRP)

Complaint has established that it has already taken past action against Respondent with respect to another domain name (in DELL INC. v. Rajesh T.S T/a Computershoppe And BG Rework Station INDRP 985), wherein the Learned Arbitrator had held that the Respondent had registered and used the domain name <DELLSERVICECENTERINCHENNAI.IN> in bad faith.

Paragraph 6 of the INDRP stipulates the below circumstances which show registration and use of a domain name in bad faith - (i) 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 (ii) 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 (iii) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other online 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.

Based on the evidence on record, it appears that by registering and using the domain <DELLLAPTOPSERVICEINCHENNAI.IN>, the Respondent has engaged in conduct as enumerated in paragraph 6 (iii) of the INDRP, that *it 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.*

The mere nature of the domain is such that it appears to be the Complainant's official website for post-sale service and maintenance of Dell laptops in the city of Chennai.

In any case, the Respondent's use of the disputed domain name has not been defended as having been bona fide and the Respondent has not submitted any reply nor rebuttal to the Complainant's contentions, or evidence in support of its bona fide use of the disputed domain name.

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(iii) and Paragraph 6 of the INDRP.

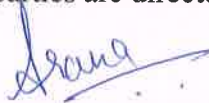
8. Decision

Based upon the facts and circumstances and further relying on the materials as available on the record, the Arbitrator is of the view that the Complainant has statutory and proprietary rights over the trade mark **DELL** and variations thereof. The Complainant has herein been able to prove conclusively that:

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights;
- ii. The Registrant has no rights and legitimate interest in respect of the domain name;
- iii. The Registrant's domain name has been registered or is being used in bad faith.

The Arbitrator therefore allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <**DELLLAPTOPSERVICEINCHENNAI.IN**> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



Lucy Rana, Sole Arbitrator

Date: August 29, 2019.

Place: New Delhi, India.