

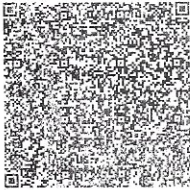
सत्यमेव जयते

INDIA NON JUDICIAL

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Certificate No.	: IN-DL28321779905723R
Certificate Issued Date	: 25-Jul-2019 11:27 AM
Account Reference	: IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP1762302007699049R
Purchased by	: NIKILESH RAMACHANDRAN
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: NIKILESH RAMACHANDRAN
Second Party	: Not Applicable
Stamp Duty Paid By	: NIKILESH RAMACHANDRAN
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



INDRP CASE NO. 1098

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IN THE MATTER OF:-

BOSCH LIMITED

..

COMPLAINANT

VERSUS

LEI WANG

..

RESPONDENT

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[Signature]

Statutory Alert:

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DISPUTED DOMAIN NAME: **www.mico.in**

AWARD:

The present domain name dispute relates to the registration of the domain name **www.mico.in** in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name < **www.mico.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 reprisal of its grievances.

I gave my consent on the 20th May 2019, to adjudicate the instant domain name dispute. I was handed over the complaint and accordingly, I issued notice on the 20th June 2019 calling upon the Respondent to file its reply on the complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter. Since there has been response from the Respondents to the Complaint, I accordingly proceed ex-parte the Respondents in adjudicating the instant complaint.

CONTENTIONS:

Since, the respondent has been proceeded ex-parte, I shall deal with the contention of complainant. The Complaint has been filed for transfer of the disputed domain name **www.mico.in**, which was registered by Respondent. Primarily the assertion of the complainant in its complaint is that the disputed domain name is identical to the trade mark of **MICO**, which was coined from its erstwhile trade name being Motor Industries Company Ltd. It has been recognized as the



leading automotive parts manufacturers namely smart-plug, fuel injection equipment, etc.

The Complainant contends in its complaint that the disputed domain name is identical to the trademark in which the complainant has a right. The Complainant's trade mark MICO and the erstwhile trade name Motor Industries Company Ltd have been known for ground breaking technology products which have set bench marks in India.

The Complainant states that the company was incorporated on 1st December 1951 as Motor Industries Company Limited (MICO). The Complainant's smart-plug under the brand MICO became a household name in India. The fuel-injection equipment found wide application in the agriculture field such as in tractors, power tillers and stationery diesel engines. The trademark MICO also facilitated mechanizing transport used for distributing agricultural products in India.

The Complainant also states that the ambit of use, the varied nature of 'MICO' products and consistent advertisement of the trademark 'MICO' through mass media such as print, electronic media and also through participation in the fairs and exhibitions etc. has enabled 'MICO' to evolve as a well known trademark, the copies of few advertisements and promotional materials in respect to trademark were annexed to this complaint as ANNEXURE- D.

The Complainant further states that on account of extensive usage of the trademark 'MICO', the adoption and/or usage of 'MICO' by others would amount to not only dilution of the complainant's right



over the distinct mark but also would result in confusion and deception amongst the end customers. To prove the extent of the Complainant's business and visibility of the 'MICO' brand, the turnover statements for MICO products for 2008-2018 have been filed with this complaint as ANNEXURE- E.

The Complainant has also filed data in regards to its trademark registration registered in the name of 'MICO', in various classes namely; 4, 6, 7, 9, 11, 12, 16 and 17. Copies of Certificate of Registration have been filed as ANNEXURE-F.

In the complaint, it IS also contended that the Complainant owns the trademark MICO, which would create confusion and that the Respondent has no legitimate right or interest in respect of disputed domain name, and that the disputed domain name is being used in bad faith.

ANALYSIS

As the proceedings are set ex-parte the Respondent, I shall deal with the complaint on its prayer for transfer of the disputed domain name. The disputed domain name < **www.mico.in** > consists the mark MICO, which is the registered trademark of the Complainant. MICO is a mark registered which has been established by the Complainant over a period of time by its use. The Complainant has used it world over, including India, and owns registered trademark. In support of which, the Complainant has placed on record the registration certificates, in India as well as world over. Also the Complainant has placed on record the domain name, which has been registered with the mark MICO. All these support the Complainant's right over the

name MICO. Therefore, the complainant's claim that it has a right over the disputed name stands proved.

Secondly, as the Respondent's action to register the said domain name is not bonafide, therefore, the said registration is done in bad faith. Neither the Respondent is associated as an individual, business nor organization with the name "MICO" nor the complainant has authorized in anyway the use of trademark "MICO". The Complainant has specifically stated that it has no relation with Respondent commercially or otherwise. So therefore, the use of trademark Respondent "MICO" is not lawful. Therefore, the Respondent has no legitimate right over the said domain name.

CONCLUSION:

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 "**MICO**". 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. <www.mico.in> in favour of the complainant.


(NIKILESH RAMACHANDRAN)
ARBITRATOR

Dated: 30th July 2019.