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INDRP CASE NO. 1126

IN THE MATTER OF:-

Indeed, Inc.

VERSUS

COMPLAINANT

Gulf Talant

RESPONDENT

DISPUTED DOMAIN NAME:

www.indeedglobal.co.in

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Statutory Alert:

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AWARD:

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

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

I gave my consent on the 18th of July, 2019, to adjudicate the instant domain name dispute. I was handed over the complaint 30th of July 2019, and accordingly, I issued notice on the 30th of July, 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 no 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.indeedglobal.co.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 **INDEED**, which was coined from its erstwhile trade name being Indeed, Inc. It has been recognized as the world's largest job site in 28 languages, with over 250 million unique visitors every month from over 60 different countries.



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 trademark INDEED and the erstwhile trade name Indeed, Inc. have been known for as the world's largest job site in 28 languages, with over 250 million unique visitors every month from over 60 different countries.

The Complainant, Indeed Inc., states that it provides the world's largest job site in 28 languages, with over 250 million unique visitors every month from over 60 different countries. Indeed helps companies of all sizes hire employees and helps job seekers find employment opportunities. Indeed owns and has used the gTLD <indeed.com> (registered since March 30, 1998), and its corresponding website at www.indeed.com, for an employment related search engine since at least the year 2004, and continues to do so. Extracts of webpages highlighting information about Indeed and its services and goods are collectively enclosed as **Annexure 3** with the instant complaint.

The Complainant states that with specific reference to India, the Complainant own a second-level domain under the .IN ccTLD as well, namely <indeed.co.in> (registered since December 14, 2006), which is used to conduct business in India through the corresponding India-specific website www.indeed.co.in. In addition to use in the course of business, the Complainant has also ensured significant presence of its brand and trademark **INDEED** in the market through various promotional and advertising activities. Extracts of relevant web articles in support of the above submissions were collectively enclosed as **Annexure 4** with the instant complaint.



The Complainant further states that Indeed owns and has used the brand and trademark **INDEED** and variations thereof (collectively referred to as '**INDEED** Marks') for over a decade in relation to its highly successful job websites and search engines, as well as related goods and services such as mobile applications and online advertising services.

The Complainant also states that it is the owner of several other domain names containing its registered trademark **INDEED** viz. <indeed.net>, <indeed.online>, <indeed.org>, <indeed.career>, <indeed.jobs> and <indeed.ceo>. Relevant extracts from the WHOIS database in support of the above submission are collectively enclosed as **Annexure 10** with the instant complaint.

In the complaint, it is also contended that the Complainant owns the trademark **INDEED**, 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.indeedglobal.co.in> consists the mark INDEED, which is the registered trademark of the Complainant. INDEED is a mark registered and 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 INDEED. All these support the Complainant's right over the name INDEED. 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 has organization with the name "INDEED" nor the complainant authorized in anyway the use of trademark "INDEED". The Complainant has specifically stated that it has no relation with Respondent commercially or otherwise. So therefore, the use of trademark Respondent "INDEED" 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 "INDEED". 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.indeedglobal.co.in > in favour of the complainant.


(NIKILESH RAMACHANDRAN)
ARBITRATOR

Dated: 02.09.2019.