

தமிழ்நாடு தமில்நாடு TAMILNADU

1003
23.4.2012

Sridharan
Chennai

Z 249965
S. Mangalam

S. MANGALAM
STAMP VENDOR
66 MURTHY STREET
CHENNAI 600 033
LICENCE NO : 9942/89
PHONE NO: 2371 0754

BEFORE THE INTERNATIONAL EXCHANGE OF INDIA
ARBITRATION AWARD

ARBITRATOR: S. SRIDHARAN

Dated: 11th APRIL 2012

Jaekel International Limited -- Complainant

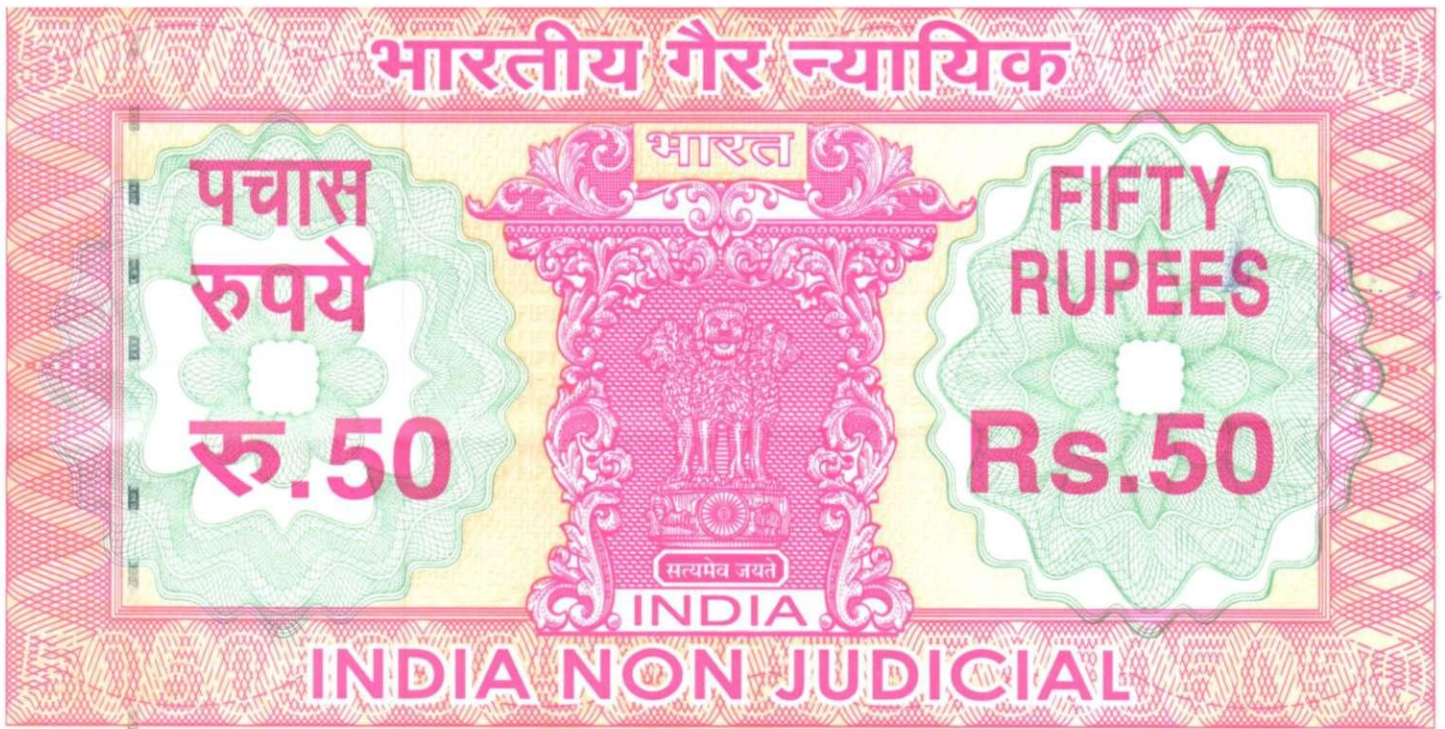
- vs -

Mohsin Patel

Total Exports

--- Respondents

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BEFORE THE INTERNATIONAL EXCHANGE OF INDIA
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DATED: 11th APRIL 2012

Jackel International Limited --- ~~Plaintiff~~ Complainant
-Vs-

Mohsin Patel
Total Exports

--- Respondents

BEFORE THE INTERNET EXCHANGE OF INDIA

ARBITRATION AWARD

ARBITRATOR: S.SRIDHARAN

DATED: 11th April 2012

Jackel International Limited

Versus

Complainant

1. Mohsin Patel

2. Total Exports

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Respondents

1. The Parties

- 1.1 The complainant is Jackel International Limited, a company organized and existing under the laws of United Kingdom having its principal office at Dudley Lane, Cramlington, Northumberland, NE 23 7RH United Kingdom represented by M.S.Bharath of Anand and Anand Advocates, at Flat GA, AR Villa, New No.31, Old No.13, Gandhi Nagar, Adyar, Chennai-600020.
- 1.2 First Respondent is Mohsin Patel of Harmony Soap at 99, undria street kulsum building, 42-44, Pinjari street, Mumbai- 400008. Respondent No.1 has the contact detail of the Second Respondent, i.e. Total Exports at 42-44, Pinjari Street, Crawford Market, Mumbai - 400 003.

The Domain Name and Registrar

- 1.3 The disputed domain name **<tommeetippeeindia.in>** is registered with Directi Web Services Pvt. Ltd.

2. Procedural History

- 2.1 On 23rd November 2011, NIXI asked me about my availability and consent to take up the Complaint for arbitration. On 24th November 2011, I informed

Sridharan

my availability and consent. I also informed NIXI that I had no conflict of interest with either of the parties and could act independently and impartially.

2.2 On 6th December 2011, I received hardcopy of the Complaint along with Annexures.

2.3 On 6th December 2011, I issued by email a Notice to the Respondent setting forth the relief claimed in the Complaint and directing him to file his reply to the Complaint within 15 days. I also sent an email about my appointment to arbitrate the complaint to the Complainant and asked the Complainant to send a soft copy of the complaint to me.

2.4 On 20th December 2011, I received a soft copy of the complaint from the Complainant.

2.5 On 22nd January 2012, I received a reply from the Respondent.

2.6 On 9th February 2012, the Complainant filed his rejoinder to the reply of the Respondent.

2.7 On 15th February 2012, the Respondent filed his reply to the rejoinder of the Complainant.

2.8 On 21st February 2012, the Complainant filed his comments and clarifications to the reply of the Respondent.

2.9 On 22nd February 2012, I informed all that there would be a hearing on 6th March 2012. This hearing was on the basis of the request for personal hearing made by the Complainant.

Sudhakarans

2.10 On 23rd February 2012, the Respondent informed me that he wanted to surrender the disputed domain name <tommeetippeeindia.in> without any dispute to the complainant. Respondent also agreed to transfer all his registrations and applications for the mark "tommeetippee" and another domain name <tommeetippeeindia.com> to the Complainant. He even prepared to execute an assignment deed to the complainant to put an end to all disputes between the Complainant and the Respondent.

2.11 In view of Respondent's voluntary transfer of the disputed domain name <tommeetippeeindia.in> to the Complainant, I cancelled the personal hearing scheduled on 6th March 2012. I returned the fee for the personal hearing to the Complainant.

2.12 Email is the medium of communication of this arbitration and each email is copied to all, Complainant, Respondent and NIXI.

3. Decision

3.1 The Respondent expressed his willingness to surrender the disputed domain name <tommeetippeeindia.in> to the complainant. On the basis of the Respondent's voluntary agreement, I am ordering transfer of the disputed domain name <tommeetippeeindia.in> to the complainant.

3.2 For all the foregoing reasons, the Complaint is allowed as prayed for in the Complaint.

3.3 It is hereby ordered that the disputed domain name <tommeetippeeindia.in> be transferred to the Complainant.

3.4 There will be no order as to costs.



S.Sridharan

Arbitrator