



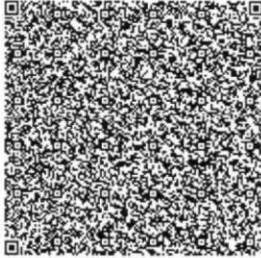
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ARBITRATION AWARD

**.IN REGISTRY – NATIONAL INTERNET EXCHANGE OF
INDIA**

**.IN domain Name Dispute Resolution Policy INDRP Rules
of Procedure**

IN THE MATTER OF:

Wockhardt Limited
Registered Office
Wockhardt Towers,
Bandra Kurla Complex
Bandra (East),
Mumbai 400 051

..... Complainant

VERSUS

Bharat DNS Pvt. Ltd
92 Appar Street,
Thiruvalluvar Nagar,
Thirumangalam, Chennai,
Tamil Nadu-600040

..... Respondent

1. **THE PARTIES:**

The Complainant in this administrative proceeding is Wockhardt Limited Registered Office Wockhardt Towers, Bandra Kurla Complex, Bandra (East), Mumbai 400 051.

The Respondent is Bharat DNS Pvt. Ltd, 92 Appar Street, Thiruvallieswarar Nagar, Thirumangalam, Chennai, Tamil Nadu-600040, India.

2. **THE DOMAIN NAME AND REGISTRAR**

The disputed domain name
<WWW.WOCKHARDT.CO.IN> has been registered by the Respondent. The Registrar with whom the disputed domain is registered is Indian Domains dba Mitsu.in (R74-AFIN).

3. **PROCEDURAL HISTORY**

The Complaint was filed with the .In Registry, National Internet Exchange of India (NIXI), against Mr. Harikishore, Hyderabad, Andhra Pradesh. The NIXI verified that the Complaint together with the annexures to the Complaint and satisfied the formal requirements of the .in Domain Name Dispute Resolution Policy ("The Policy") and the Rules of Procedure ("The Rules").

3.1 In accordance with the Rules, Paragraph-2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed me as a Sole Arbitrator for adjudicating upon the dispute in accordance with The Arbitration and Conciliation Act, 1996, Rules framed there under, .In Dispute Resolution Policy and Rules framed there under on **16th August, 2012**. The parties were notified about the appointment of an Arbitrator on **16th August, 2012**.

- 3.2 The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI to ensure compliance with the Rules (paragraph-6). The arbitration proceedings commenced on **16th August, 2012**. In accordance with the rules, paragraph 5(c). The Respondent was notified by me about the commencement of arbitration proceedings and the due date for filing his response.
- 3.3. The Respondent was granted an opportunity on 16th August 2012, as aforesaid, to file its response if any within ten days. Since the Panel did not receive any response from the Respondent within prescribed time as granted by e-mail communication dated 16th August 2012, the respondent was again granted one more and final opportunity to file its response within seven days of the reminder email of 13th September 2012, failing which respondent was informed that the matter shall be decided by the Panel on the basis of the material available on record and in accordance with provisions of law as applicable. The respondent failed and/or neglected and/or omitted to file any response within the time granted to him by the said notice by email of 16.8.2012 as well as 13th September 2012.
- 3.4 The Panel considers that according to Paragraph-9 of the Rules, the language of the proceedings should be in English. In the facts and circumstances, in-person hearing was not considered necessary for deciding the Complaint and consequently, on the basis of the

statements and documents submitted on record, the present award is passed.

4. FACTUAL BACKGROUND

- 4.1 The Complainant in this administrative proceeding is Wockhardt Limited, a company incorporated as per the provisions of Indian Companies Act, 1956 having its principal place of business at **Wockhardt Towers, Bandra Kurla Complex, Bandra (East), Mumbai 400 051.**
- 4.2 The Complainant claims to be a global pharmaceutical and biotechnology organisation, providing affordable, high-quality medicines for a healthier world. It also claims to be India's leading research-based global healthcare enterprise with relevance in the fields of Pharmaceuticals, Biotechnology and a chain of advanced Super Specialty Hospitals.
- 4.3 The Complainant's Headquarter is in Mumbai, India. The Complainant claims to have operations in the USA, UK, Ireland and France. It also claims to have marketing presence in emerging markets of Russia, Brazil, Vietnam, Myanmar, Sri Lanka, and the African countries of Kenya, Ghana, Nigeria and Tanzania. The Complainant Company also claim to have technical excellence by developing patented modified release formulations and recombinant biotechnology products and it has a multi-disciplinary R&D programme with more than 550 scientists, including over 100 doctorates, in the areas of :
- Pharmaceutical Research

- Biotechnology & Genomics Research
- Novel Drug Delivery Systems
- New Drug Discovery Programme. API Research

The Complainant is stated to have employed over 7,500 people globally and is in the forefront of Intellectual Property creation with 1,411 patents filed till date, of which 145 patents have been granted. The complainant also claim to have received award for the maximum number of 'Patent filings and Grants from India'. Recently, in 2012, the US subsidiary Wockhardt USA Inc. was honoured with the presentation of the 2012 DIANA Award by the Healthcare Distribution Management Association (HDMA) for the 'Best Overall Generic Product Manufacturer'.

- 4.4. The complainant is the registered proprietor of trade mark/service mark WOCKHARDT in India and in many other countries in the world. The complainant is also the registrant of various domain(s) in which the mark WOCKHARDT is used as a key, leading and essential component. The respondent has registered the impugned domain with the mark WOCKHARDT forming a leading and essential parties thereof.

5. PARTIES CONTENTIONS

5A COMPLAINANT

5A(1) The Complainant company is mainly into the following fields:

Research & Development:

The Complainant has developed a number of lead molecules, mainly in the area of anti-infectives; these are currently at various stages of development. The company has also seen consistent expansion in the global generics

market. This was enabled through an aggressive programme targeting three strategic platforms for launching generic products in the advanced markets.

These comprise:

- Injectables ((Cephalosporins & Non-Cephalosporins)
- Blockbuster molecules going off patent
- Value-added generics (NDDS, niche)

The Complainant has also developed products for Abbreviated New Drug Applications (ANDAs), for the US and European markets. Many products, which are less competitive and difficult to replicate, are in the pipeline. There are 87 ANDAs approved in the US and 23 in the EU markets.

Biotechnology

The Company is also into bio-technology and its programme is geared towards a single objective of making high-quality affordable products that will take the benefits of science, to a large section of patients. Complainant Company has competent organisation of skilled biotechnologists and 'concept to market' capabilities, in all facets of development and manufacture of recombinant biopharmaceuticals. The Company's capabilities include gene cloning, development of production strains, purification etc. The Company's product **Wosulin** is the first r-DNA insulin developed and manufactured outside the US and Europe.

Biotechnology Park

The Wockhardt Biotech Park was commissioned in September 2004 at Aurangabad, India. It was inaugurated by the then President of India, Dr. A P J Abdul Kalam. This state-of-the-art complex comprises six dedicated manufacturing facilities, with small to large scale manufacturing capabilities and is built to comply with US FDA and EMEA cGMP standards. The complex has the capacity to cater to 10-15% of the global demand for major biopharmaceuticals.

Community Care

Wockhardt Foundation is a national, secular, non-profit organization engaged in human welfare and social service activities. It is headed by Mr. Huzaifa Khorakiwala. The foundation aims to work towards the upliftment of the poor, weak and needy. Various programmes, having long reaching benefits for the society are run under the umbrella of the foundation, like HIV/AIDS Wharf, Little Hearts etc.

5A(2) The Complainant considers their trade/service name/mark an important and an extremely valuable asset and thus in order to protect the same, has secured trade mark registration for the mark "Wockhardt" globally including India. The copies of the certificates of registrations are filed on record. The Complainant submits that the registrations[s] listed above are duly valid and subsisting as on date.

5A(3) The complainant's official website

www.wockhardt.com is a comprehensive, unique and acclaimed introduction to the Complainant Company.

5A(4) Google Search of the term "**Wockhardt**" throws up a huge number of results, each and every one of which pertains to the Complainant only.

5A(5) The Complainant claims that under the trade/service name/mark "**Wockhardt**" has been continuously increasing since the date of adoption and use of the mark. At present, the Complainant's trade name/mark is a name to reckon with and has acquired an enormous goodwill not only in India but in many countries across the globe.

5A(6) The Complainant has spent a huge amount of money on the promotion and advertisement of its services and products under the trade/service name/mark "Wockhardt" since its adoption and use. The Complainant's Sales turnover runs into Crores of rupees. The Complainant states that its net sales revenue during the Financial year 1st April 2011 to 31st March 2012 was Rs 2,56,040 Lakhs.

5A(7) The Complainant in order to expand its presence decided to obtain a domain name registration. The Complainant settled for < www.wockhardt.com > [along with many other domain name registrations including < www.wockhardtin.com >] as a natural extension of its corporate name for the registration of its domain name. The complainant then spent considerable amount of money and skill to develop a

website on the obtained domain name <www.wockhardt.com>. The complainant also has the following domains registered which are as follows:

- a. wockhardtfield.com
- b. wockhardthospitals.net
- c. wockhardthospitals.com
- d. wockhardtinfra.dev.com
- e. alyante.com
- f. wockhardt.in.com
- g. wockhardt.com
- h. insulins.biz
- i. antibioticwatch.com
- j. infectionwatch.com
- k. pharmazmali.com
- l. bpharmab.com
- m. pharmazworld.com
- n. pharmazshoppe.com
- o. ewockhardt.com
- p. ulcerwatch.com
- q. giwatch.com
- r. vaccinewatch.com
- s. liverwatch.com
- t. tranquilitywatch.com
- u. hepatitiswatch.com
- v. viscodynecric.com
- w. kidneywatch.com
- x. wockhardthospitals.co.in
- y. wockhardthospital.biz
- z. wockhardthospitals.biz
- aa. wockhardthospitals.org
- bb. wockhardthospital.org
- cc. wockhardthospital.co.in
- dd. wockhardtusa.com

ee. wockhardtdiabetic.com
ff. wockhardtkidneycare.org
gg. wockhardtfoundation.org
hh. wockpromoserve.com
ii. wockempower.com
jj. glaritus.com
kk. wockinfinity.com
ll. vintonhealthcare.com
mm. wharf.in

B. Respondent

5B(1) The Respondent has been given opportunities to file its response to the Complaint, by the panel by its notice(s) dated 16th August 2012 and 13th September 2012. However, the respondent has failed to file any response within the prescribed time or extended time or to seek any further extension of time. The case of the complainant, therefore, remain unrebutted.

6. DISCUSSIONS AND FINDINGS

- 6.1 The Complainant, while filing the Complaint, submitted to arbitration proceedings in accordance with the .In Dispute Resolution Policy and the Rules framed thereunder in terms of paragraph (3b) of the Rules and Procedure. The Respondent also submitted to the mandatory arbitration proceedings in terms of paragraph 4 of the policy, while seeking registration of the disputed domain name.
- 6.2 Paragraph 12 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and that there shall be no in-person hearing (including hearing by teleconference video conference, and web

conference) unless, the Arbitrator, in his sole discretion and as an exceptional circumstance, otherwise determines that such a hearing is necessary for deciding the Complaint. I do not think that the present case is of exceptional nature where the determination cannot be made on the basis of material on record and without in-person hearing. Sub-Section 3 of Section 19 of The Arbitration & Conciliation Act also empowers the Arbitral Tribunal to conduct the proceedings in the manner it considers appropriate including the power to determine the admissibility, relevance, materiality and weight of any evidence.

- 6.3 It is therefore, appropriate to examine the issues in the light of statements and documents submitted as evidence as per Policy, Rules and the provisions of the Act.
- 6.4 In accordance with the principles laid down under order 8 Rule 10 of the Code of Civil Procedure, the arbitrator is empowered to pronounce judgment against the Respondent or to make such order in relation to the Complaint as it think fit in the event, the Respondent fails to file its reply to the Complaint in the prescribed period of time as fixed by the panel.
- 6.5. The award can be pronounced on account of default of Respondent without considering statements or averments made by the Complainant on merit. However, in view of the fact that preliminary onus is on the Complainant to satisfy the existence of all conditions under the policy to obtain the relief's claimed, the panel feels it appropriate to deal with

the averments made by the Complainant in its Complaint in detail and to satisfy itself if the conditions under the policy stand satisfied.

- 6.6. The Respondent has not filed its reply or any documentary evidence in response to the averments made in the complaint. The averments made in the complaint remain unrebutted and unchallenged. There is no dispute raised to the authenticity of the documents filed by the Complainant.
- 6.7. The onus of proof is on the Complainant. As the proceedings are of a civil nature, the standard of proof is on the balance of probabilities. The material facts pleaded in the Complaint concerning the Complainant's legitimate right, interest and title in the trade mark, trade name and domain name <WWW.WOCKHARDT.CO.IN> and the reputation accrued thereto have neither been dealt with nor disputed or specifically denied by the Respondent. The Respondent has not also denied the correctness and genuineness of any of the Annexures/Exhibits filed by the Complainant along with the Complaint.
- 6.8. Under the provisions of Order 8 Rule 5 of the Code of Civil Procedure, 1908 the material facts as are not specifically denied are deemed to be admitted.
- 6.9. The decision of Hon'ble Supreme Court of India in the matter of **Jahuri Sah Vs. Dwarika Prasad** – AIR 1967 SC 109, be referred to. The facts as are admitted expressly or by legal fiction require no

formal proof. (See Section 58 of the Indian Evidence Act, 1872).

6.10. The Panel therefore accepts the case set up and the evidence filed by the Complainant and concludes that the same stand deemed admitted and proved in accordance with law.

6.11. Paragraph 10 of the Policy provides that the remedies available to the Complainant pursuant to any proceedings before an arbitration panel shall be limited to the cancellation or transfer of domain name registration to the Complainant.

6.12. Paragraph 4 of the Policy lists three elements that the Complainant must prove to merit a finding that the domain name of the Respondent to be transferred to the Complainant or cancelled:

A. IDENTICAL OR CONFUSINGLY SIMILAR

6A.1 The Complainant is the registered proprietor/applicant of the mark 'Wockhardt'. The Complainant submits that the filings and registrations listed for the mark 'Wockhardt' are in force, duly valid and subsisting as on date. Copies of the certificates of registration are filed on record and are prime facie evidence of validity. The validity of said registrations are neither disputed nor challenged nor rebutted by the respondent.

6A.2 The name/mark "Wockhardt" has acquired unique importance and is associated with the Complainant. A mere mention of the said name/mark establishes an identity and connection with the Complainant and none else. The Complainant owns all the rights in the said name which is its "Trade Mark" & "Service Mark". The

said facts are established on the basis of the documentary evidence filed on record by the complainant and which remained unrebutted & unchallenged.

- 6A.3 The complainant submits that a mere glance at the disputed domain name gives rise to the likelihood of enormous confusion as to its origin as the domain name used by the Respondent is identical to the corporate name of the Complainant in and unto which the Complainant otherwise have and assert statutory and common law proprietary rights. The Complainant enjoys statutory and common law proprietary rights over the said trade mark 'WOCKHARDT'; and the said marks are identified with the Complainant and no one else. The Complainant has undertaken tremendous efforts in terms of publicity and marketing activities, not only within India but also across the globe. The utmost mala fide intention of the respondent is evident from the fact that not even a single letter differs between the disputed domain name and the corporate name of the Complainant
- 6A.4 The disputed domain name contains the entirety of the Complainant's trademark.
- 6A.5 The complainant submits that the term "Wockhardt" is a well known mark which is prevalent amongst the trader business man and public at large. It has been used by the Complainant continuously for a number of years; today it is associated exclusively with the Complainant. The use by any other concern of an identical/deceptively similar mark to that of the Complainant's mark "Wockhardt" is bound to lead to confusion and deception and amounts to passing off,

and any person or entity using the service mark "Wockhardt" in any manner is bound to lead customers and users to infer that its product or service has an association or nexus with the Complainant. The word Wockhardt forms a prominent part and features of the Complainant corporate name. It is also a registered trademark being registered under class 5 of the 4th Schedule of the Trade and Merchandise Marks Act 1958.

6A.6 The mark "Wockhardt" has been in extensive, continuous and uninterrupted use since the year 1970 in relation to the Complainant's business. As a result of the reputation and goodwill acquired by the Complainant Company "Wockhardt" use of the said name or any other deceptively similar word by any person or entity as a part of its domain name would inevitably convey and is bound to suggest to the members of the business that the business or products of another person are those of the complainant and associated or connected with that of the complainant. People have come to associate the name "Wockhardt" with a certain standard of goods and services. Any attempt by another person to use the name in business and trade acts is likely to and probably will create an impression of a connection with the Complainant's group of companies. More specifically, the mark "Wockhardt" has been in use by the Complainant in relation to all its stationery articles including letterheads, visiting cards, order forms, bill books, envelopes, application forms and in relation to sales promotional materials, such as, brochures, catalogues, etc. The mark "Wockhardt" has also been used in relation to advertisements and related

business/commercial information disseminated in several print media such as newspapers, magazines etc. both in India as well as abroad. In each of the instances of use, the mark "Wockhardt" is prominently displayed and has become the focus of the Complainant's entire business.

- 6A.7 The complainant submits that the use by any other concern of an identical/deceptively similar mark to that of the Complainant's mark "Wockhardt" is bound to lead to confusion and deception and any person or entity using the service mark "Wockhardt" in any manner is bound to lead customers and users to infer that its product or service has an association or nexus with the Complainant.
- 6A.8 The complainant further submits that In the present case, it is very natural for an internet user, who wishes to reach / visit the website of the complainant to type its corporate / commercial name followed by "<.com>" and / or "<.in>". This will lead the Internet user to believe that the Complainant is associated with or owns the web site bearing the domain name <www.wockhardt.co.in>.
- 6A.9 The Complainant further submits that the domain name <www.wockhardt.co.in> is identical to the trademark "Wockhardt".
- 6A.10 The Respondent has not disputed any contentions raised by the Complainant in the Complaint. The Panel also finds and holds that the disputed Domain Name **WWW.WOCKHARDT.CO.IN** is identical and/or deceptively similar to the earlier registered trade marks and Domain names of the Complainant. The whole of

Complainant's trade mark/domain name has been incorporated in the disputed domain name and there is bound to be confusion and deception in the course of trade by the use of disputed domain name. Therefore, the Complainant has been successful in proving that the domain name WWW.WOCKHARDT.CO.IN is identical and/or confusingly similar to the trademark WOCKHARDT of the Complainant.

6B. The Respondents have no interest or legitimate right with respect to the Disputed Domain Name.

6B.1 The Complainant submits that the Respondent in this administrative proceeding has no rights or legitimate interests whatsoever in the disputed domain name and more particularly those giving rise to the circumstances prevailing in paragraph 4 (c) of the Policy. It is submitted that there is no bona fide offering of goods or services under the disputed domain name by the Respondent. It is also pertinent that after registering the domain name "wockhardt.co.in", the Respondent has not created any website till now.

6B.2 The Complainant further submits that the Respondent has no proprietary or contractual rights in any registered or common law trade mark corresponding in whole or in part to the disputed domain name.

6B.3 The Complainant submits:

- [1] Respondent has no connection with the Complainant or any company licensed by Complainant;
- [2] Respondent is not commonly known by the disputed domain name or the trademark;

[3] Respondent was not and is not authorized by Complainant to register, hold or use the disputed domain name.

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6B.4 The Complainant further submits that the Respondent is not, either as an individual, business or other organization, commonly known by the name "Wockhardt". Secondly, the Complainant has not licensed or otherwise permitted the Respondent to use its service mark "Wockhardt" or to apply for any domain name incorporating this mark.

6B.5 The Complainant further submits that The Complainant contends that the Respondent has never been commonly identified with the disputed Domain Name or any variation thereof prior to Respondent's registration of the disputed Domain Name. Furthermore, the burden is on the Respondent to prove that it has rights and legitimate interests in the disputed Domain Name.

6B.6 The Complainant further submits that the illegality in the registration of the disputed domain name arises from the fact that domain names today are a part and parcel of corporate identity. A domain name acts as the address of the company on the internet and can be termed as a web address or a web mark just like a trade mark or service mark. It is also the internet address of a company.

6B.7 The Respondent did not dispute any of the contentions raised by the Complainant in its Complaint. The case set up by the Complainant is deemed to be admitted as not disputed by the Respondent. The Panel also finds, on the basis of the material available on record, that the respondent has no legitimate right or interest in the disputed domain name. The respondent has failed to

show any justification for the adoption, use or registration of disputed domain name.

6B.8 The Panel, therefore holds that the circumstances listed above demonstrate rights or legitimate interests of the Complainant in the domain name **<WWW.WOCKHARDT.CO.IN>** and holds that Respondent has infringed the rights of the Complainant by registering the Domain Name and has no legitimate right or interest therein.

C. **Registered and used in Bad Faith**

6C.1 For a Complainant to succeed, the Panel must be satisfied that a domain name has been registered and is being used in bad faith.

6C.2 Paragraph 6 of the Policy states circumstances which, if found shall be evidence of the registration and use of a domain name in bad faith:

6C.3 With regard to registration in bad faith, the Complainant submits that it is inconceivable that the registration of the disputed domain name was made without full knowledge of the existence of the Complainant and its trademark[s]. The Complainant's "Wockhardt" trademark is globally well-known as they have continuously been used since 1970 or thereabout. Further, the Marks have received extensive media attention, having been prominently featured in numerous publications with local, national and international audiences. The Complainant submits that the brand of the Complainant has become so valuable that it represents the amount by which the brand is likely to enhance the company's future cash flows.

6C.4 The Complainant further submits that At present, the domain name < www.wockhardt.co.in > is being held by the Respondent. This is in bad faith and a clear attempt to take advantage of the Complainant's goodwill and reputation. This is an attempt to misuse the domain name by the use of a simple domain name extension variant. It is submitted by the complainant that the Respondent by registering the domain name, intentionally attempts to attract for financial gain, internet users to the Respondent's website, by creating a deliberate confusion and/or deception with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The mark "Wockhardt" having been extensively used is understood and associated by consumers in India and throughout the world as the mark of the Complainant denoting its services and business. On account of the high degree of inherent and acquired distinctiveness, which the mark "Wockhardt" is possessed of, the use of this mark or any other phonetically, visually or deceptively similar mark, by any other person would result in immense confusion and deception in the trade, leading to passing off. The name/mark "Wockhardt" has acquired unique importance and is associated with the Complainant to the strict exclusion of all others. A mere mention of the said name/mark establishes an identity and connection with the Complainant and none else.

6C.5 It is the Complainant's contention that the Respondent has registered the impugned domain name in bad faith for the following reasons:

1. The mark "Wockhardt", having been extensively used in relation to the business of the Complainant, has acquired distinctiveness and is understood and associated by consumers in India

as well as abroad as the mark of the Complainant denoting its goods, services and business. Any incorporation of the said mark in a domain name is bound to be in bad faith. The Respondent clearly knew of the Complainant's prior rights when registering the domain name. This by itself constitutes "bad faith".

2. More specifically customers would be induced to believe that the Respondent has some connection with the Complainant in terms of a direct nexus or affiliation with the Complainant and that the Respondent is carrying on activities that have been endorsed by the Complainant and the services that are sought to be offered by the Respondent are at the same level of quality and reliability as that offered by the Complainant and its group companies.

6C.6 It is inconceivable that the Respondent could have registered the disputed Domain Name without being aware of the Complainant's rights. In light of the Respondent's presumed knowledge of the Complainant's rights, it is reasonable to infer that the Respondent could not have registered the disputed Domain Name without the intention to target these rights in some manner. Furthermore, it would be extremely difficult, if not impossible, for the Respondent to use the disputed Domain Name as the name of any business, product or service for which it would be commercially useful without violating the Complainant's rights. Thus, the disputed domain name was registered in bad faith which is also evident from the fact that the Respondent is now trying to sell it through the internet to any third party.

6C.7. The following circumstances are material to the issue in the present case:

1. the Complainant's trademark has a strong reputation and is widely known on a global basis;
2. taking into account the nature of the disputed domain name, which would inevitably associate the disputed domain name closely with the Complainant's group of domains and companies in the minds of consumers, the plausible actual or contemplated active use of the disputed Domain Name by the Respondent would be illegitimate, such as by way of passing off, infringement of consumer protection legislation and/or infringement of the Complainant's rights under trademark law;
3. the Respondent may also be engaging in other similar cyber-squatting activities.

6C.8 The complainant submits that on account of the high degree of inherent and acquired distinctiveness which the mark "Wockhardt" is possessed of, the use of this mark or any other phonetically, visually or deceptively similar mark, by any other person would result in immense confusion and deception in the trade.

6C.9 The complainant further submits that the Respondent has obtained registration for the disputed domain name in bad faith for either or all of the following motives:

1. The domain name could be used by the Respondent to extract huge sums of money from the Complainant who has legitimate interest in the said domain name. This is pretty much evident as the Respondent is not running any website on the disputed domain name.

2. The Respondent can transfer or sell the domain name to some competing interest of the Complainant who may damage the goodwill and reputation of the Complainant by inserting prejudicial material in relation to the Complainant Company. This will lead to complete tarnishment of the Complainant's image if valuable property like the domain name falls into the hands of competing interests.

6C.10 The facts and circumstances explained in the complaint coupled with the material on record clearly demonstrate that the domain name **<WWW.WOCKHARDT.CO.IN>** was registered by the respondents in bad faith.

6C.11 The panel accepts the contentions of the Complainant as have been raised by them and holds that the registration of the domain name on part of the Respondent is in bad faith.

7. **DECISION**

In view of the fact that all the elements of Paragraphs 6 and 7 of the policy have been satisfied and in the facts and circumstances of the case, the panel directs the

- Transfer of the domain name **WWW.WOCKHARDT.CO.IN** to the Complainant.



AMARJIT SINGH

Sole Arbitrator

Dated: October 8, 2012