



उत्तर प्रदेश UTTAR PRADESH

P 651867

Bodhisatva Acharya

ARBITRATOR

(Appointed by .IN Registry-National Internet Exchange of India)

Case No.....Of 2009

ARBITRATION AWARD: DISPUTED DOMAIN NAME www.alibaba.in

In the matter of:

Alibaba Group Holding Limited,
Formerly known as Alibaba.com Corporation ("Alibaba"),
Fourth Floor, One Capital Place,
P.O. Box 847,
George Town, Grand Cayman,
Cayman Island.
Email- tim.steinert@hk.alibaba-inc.com

Filed by its authorized representative attorney
Lovells

11th Floor, One Pacific Place,
88Queensway, HONG KONG
Email- Gabriela.kennedy@lovells.com

....Complainant



उत्तर प्रदेश UTTAR PRADESH

P 996658

Vs.

Rickson Rodricks and Domaen com
Prakash Vazika,
L.T. Road
MUMBAI-400092
INDIA

Email: ricksn7@yahoo.com Respondent

A W A R D

1. The Parties:

The complainant in this arbitration proceeding is Ababa Group Holding Limited, Formerly known as Alibaba.com Corporation ("Alibaba"), Fourth Floor, One Capital Place, P.O. Box 847, George Town, Grand Cayman, Cayman Island. Email- tim.steinert@hk.alibaba-inc.com and it has been filed by its authorized representative attorney Lovells 11th Floor, One Pacific Place, 88Queensway, HONG KONG Email- Gabriela.kennedy@lovells.com .

Respondent in this arbitration proceeding is Rickson Rodricks and Domaen.com, Prakash Vazika, L.T. Road MUMBAI-400092 INDIA
Email: rickson7@yahoo.com.

2. The Domain Name, Registrar & Registrant:

The disputed domain name is www.alibaba.in

3. Procedural History:

The complainant, through its authorized representative, filed this complaint to NIXI regarding the disputed domain name www.alibaba.in following the clause 4 of the policy of **.IN Registry** and **.IN Registry** appointed **Mr. Bodhisatva Acharya (The Arbitrator)** as sole Arbitrator under clause 5 of the policy. The Arbitrator submitted his statement of acceptance and declaration of Impartiality and the Independence on November 20th, 2009. The complaint was produced before the Arbitrator on November 24th, 2009 and the Arbitrator sent a notice, to the Respondent through his email for the Arbitration Proceeding on November 25th, 2009, with a 10 days deadline to submit his reply but up to January 20th, 2010 nothing was submitted by the Respondent. Hence the AWARD is being declared on the January 21st 2010 as Ex-parte.

4. Factual Background:

Alibaba was founded in the year 1999 at one city of china named Hang Zhou and it is working and growing day by day as e-commerce global leader and it is also listed on Hong Kong Stock Exchange since November 2007. Alibaba.com operates three channel online business-to-businesses (B2B) market places and these market places are forming a community by more than 38 million registered users of 240 countries worldwide. The whole business is running under the brand of Alibaba and millions of dollars have been spent by Alibaba to promote the business and its eCommerce services under the trademark of ALIBABA and by its promotion and its campaign it has found a large number of key buyers in the loyalty of trademark of Alibaba. It is also doing very well in India.



The success of Alibaba in India has established a dedicated website at www.alibaba.com/countrysearch/In/India.html which facilitates membership subscription and B2B trading for India and it also offers a comprehensive information section on/for doing business in India and after association with Infomedia India Limited the beta version was launched thereof and it is now India's largest yellow pages network company.

It is proposed that the local Indian B2B trading platform will be operated using the Domain Name www.alibaba.co.in and same was owns by a decision in 2008 as shown by **Annexure -7**.

But the complainant was shocked when he came to know that again a domain name has been registered as www.alibaba.in by the registrant Rickson Rodricks the Respondent. The complainant lodged a complainant against the Respondent on November 6th 2009 for an Arbitration Proceeding and a notice was sent by the Arbitrator to the Respondent but the Respondent didn't pay any attention regarding in filing his reply thereof hence it is decided as Ex-parte.

5. Parties Contentions:

(a) Complainant contends that

(i) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;

(ii) The Registrant has no rights or legitimate interests in respect of the domain name; and

(iii) The Registrant's domain name has been registered or is being used in bad faith, and the domain name be transferred to the Complainant.

(b) Respondent contends that

The respondent gave no response and produced no reply before Arbitrator.

A handwritten signature in blue ink, consisting of stylized initials and a long horizontal stroke extending to the right.

6. Discussion & Findings:

Any Person who considers that a registered domain name conflicts with his legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

(i) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has right.

(ii) The Registrant has no rights or legitimate interests in respect of the domain name; and

(iii) The Registrant's domain name has been registered or is being used in bad faith.

After having gone through the records, documents, produced by the Complainant, Arbitrator's findings are that the complainant has proved all the aforesaid premises in his favor and he is has produced all the documentary proof in his favor to satisfy the Arbitrator The Respondent is not with clean hand and his intention is wrong. Therefore he has no right to use the disputed domain name.

7. Decision:

Hence the Arbitrator decides, The disputed domain name www.alibaba.in is identical or confusingly similar to registered trademark of the Complainant and Respondent has no right to use the disputed domain name and the Respondent domain name has been registered in bad faith'

The Arbitrator further decides and orders that the domain name www.alibaba.in shall be transferred to the Complainant with immediate effect.

Complaint hence is allowed with no costs.


BODHISATVA ACHARYA
SOLE ARBITRATOR
NIXI 21/01/2016