

(3) AON Services (India) P. Ltd.
710, Ansal Chambers II,
6, Bhikaji Cama Place,
New Dehli. 110066.

AND

Guanrui
Groupfield Limited
581 Orchard road
Singapore. 238883.

THE RESPONDENT /
THE REGISTRANT

IN THE MATTER OF DISPUTED DOMAIN NAME: - 'AON.CO.IN'
BEFORE MR.S.C.INAMDAR, B.COM. LL.B., F.C.S.

SOLE ARBITRATOR

DELIVERED ON THIS 28th DAY OF OCTOBER TWO THOUSAND
FOURTEEN AT PUNE, INDIA.

SUMMARISED INFORMATION ABOUT THE DISPUTE: -

**01. Names and addresses
of the Complainants: -**

1. AON PLC
8 Devonshire Square, London
EC2M 4PL, United Kingdom

2. AON Holdings B.V.
Admiraliteitskade 62
Rotterdam, 3063 ED
Netherlands.

3. AON Services (India) Pvt. Ltd.
710, Ansal Chambers II
6, Bhikaji Cama Place
New Delhi. 110066

Through its authorized
representative

Rodney D. Ryder / Ravi Goyal
Scriboard
Advocates & Legal Consultants
Level 2, Elegance Towers,
Mathura Road, Jasola
New Delhi. 110025. India

**02. Name and address of
The Respondent: -**

Guanrui
Groupfield Limited
581 Orchard Road
Singapore. 238883

03. Calendar of Major events:

Sr. No.	Particulars	Date (Communications in electronic mode)
01	Arbitration case referred to me & acceptance given by me	01.10.2014
02	Hard copy of complaint received & Notice of Arbitration issued with the instructions to the Respondent to file reply latest by 20.10.2014	10.10.2014
03	Due to non-response of the Registrant / Respondent, date extended suo-motu till 26.10.2014	21.10.2014
04	Notice of closure of arbitration	28.10.2014
06	Award passed	28.10.2014

I] PRELIMINARY: -

- 1) AON PLC is a British company, AON Holdings B.V. is a Dutch company and AON Services (India) Pvt. Ltd. is Indian company. The first two companies have global presence while the Indian company is their arm in India. The companies are mainly engaged in rendering services in the areas of risk management, insurance, reinsurance brokerage and human resources solutions. All these companies have been collectively referred to as **The Complainant** in this Award. The Complainant has filed complaint with National Internet Exchange of India (NIXI) disputing the registration of domain name **AON.CO.IN (the disputed domain name / domain name)**, through its authorized representative **M/s Scriboard, Advocates & Legal Consultants, New Delhi. 110 025.**
- 2) The Complainant has disputed registration of domain name '**AON.CO.IN**' in the name of **Guanrui, Groupfield Limited, Singapore. (The Respondent / Registrant).**
- 3) Major events took place as enumerated in the above table.

II] PROCEDURE FOLLOWED IN ARBITRAION PROCEEDINGS: -

01. In accordance with INDRP read with INDRP Rules of Procedure, notice of arbitration, notice of extension for filing reply / say and notice of closure of arbitration proceedings were sent to the Respondent's registered email address. Copies of each communication were marked to other party and also to NIXI.
02. No personal hearing was requested / granted / held.

III] BRIEF BACKGROUND OF THE COMPLAINANT: -

The Complaint is based on the following points / issues in brief: - -

1. The Complainant states that the domain name registered by the Respondent includes the word AON which is both similar and identical to 'AON MARKS', of which it is the registered owner. A list of such registered trademarks is provided in Annexure to the Complaint, by the Complainant.
2. The Complainant is one of the renowned and leading service providers in the areas of insurance, risk management, brokerage, human resources etc. The Complainant has global presence with its headquarters in London and employs about 66000 employees in 500 offices spread over 120 countries all over the world.
3. The total revenue of the group in the year 2013 was about USD 11.8 Billion. Its shares are listed on New York Stock Exchange.
4. It has its official website www.aon.com which is comprehensive, unique and acclaimed introduction to AON.

(A) GROUND OF COMPLAINT ACCORDING TO INDRP RULES: -

1. The domain name www.aon.co.in is confusingly similar to the Complainant's mark AON. The Registrant's domain name contains the word AON which is an integral part of the brand and its **registered trade / service mark** and which is also identical to that of the Complainant's name in which the Complainant has right. It would confuse the customers in India due to this similarity. The Trademark 'AON' has acquired tremendous fame, recognition and goodwill worldwide and is exclusively associated with the Complainant only. The Complainant is also lawful owner of the website www.aon.com and therefore it is more likely that the disputed domain name would confuse the internet users. It is now well established principle that mere addition / change in the suffix such as .in, .co.in, .org etc. would not differentiate the domain name.
2. The term AON has been used by the Complainant since 1987 continuously for a number of years as it is associated exclusively with the complainant.
3. The Registrant / Respondent has no rights or legitimate interests in respect of the domain name www.aon.co.in. The Respondent has no proprietary or contractual rights in whole or in part to the disputed domain name. The Complainant has never authorised the Registrant to use its name partly or fully. The name of the Respondent is GUANRUI which is not similar to the disputed domain name.
4. The Respondent has no active business in the name of AON.

5. The Respondent has registered the disputed domain name in bad faith. When visited, the disputed domain name is directing to a parking page containing several advertisements in an effort to generate revenue through consumers who mistakenly visit it.
6. The Registrant is not making any legitimate non-commercial or fair use of the domain name. The Registrant has no right or legitimate interests in respect of disputed domain name.

(B) REMEDIES SOUGHT BY THE COMPLAINANT: -

On the background of the Complaint and reasons described therein the Complainant has requested for transfer of the Registrant's domain name to it and costs of the proceedings.

IV] REPLY TO THE COMPLAINT / STATEMENT OF DEFENSE: -

Since the present registrant is a fake company no reply has been filed to the Complaint.

V] REJOINDERS OF THE PARTIES: -

In view of non-filing of any reply by the Registrant no rejoinders were called for.

VI] ISSUES & FINDINGS: -

On the basis of the policies and rules framed by NIXI in respect of dispute resolution as also on the basis of submissions of both the parties I have framed following issues. My finding on each issue is also mentioned against it respectively.

S. NO.	ISSUE	FINDING
01	Does the Complainant have trade mark or service mark directly related to the disputed domain name?	Yes
02	Whether the Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights?	Yes
03	Whether the Registrant is owner of trade mark or service mark corresponding to the disputed domain name?	No
04	Whether the Registrant has commonly been known by the domain name?	No
05	Whether the Registrant has any legitimate interests in the disputed domain name?	No
06	Whether the Registrant's domain name has been registered or is being used in bad faith?	Yes
07	Has the Registrant registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name?	Yes

08	Whether the Registrant has intentionally attempted to attract internet users to the Registrant's website or other online location by creating likelihood of confusion with the Complainant's name or mark?	Yes
09	Whether the Registrant has registered the disputed domain name for selling or otherwise transferring it for valuable consideration?	Yes

VII] BASIS OF FINDINGS: -

The Registrant / Respondent has not bothered or has neglected / failed to file any say / reply to the Notice of Arbitration and other communications. Any prudent person, having legitimate interests and rights in the disputed domain name, would have come forward to defend his case and protect his rights / interests. It is also a well settled legal principle that silence amounts to acceptance of the allegations. The mere act of the Registrant of not responding at all, in itself, is evident of the fact that he is well aware that he has no legitimate rights in the disputed domain name.

The above findings are based on the complaint filed by the Complainant and its annexures: -

1. Does the Complainant have trade mark or service mark directly related to the disputed domain name?

The Complainant has stated that it owns the brand AON and its subsidiary / affiliate companies. It has attached copies of the said trade / service marks registered in its name, including in India.

Therefore my finding on this issue is in affirmative.

2. Whether the Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights?

The word 'AON' is an integral / prominent component of subject domain name which is also an integral / prominent component of the registered Trademarks of the Complainant. It is well established beyond doubt by several arbitral decisions in India as also WIPO cases that mere addition of suffix like .in / .org does not differentiate the domain name from the registered trade / service marks or rights therein. Looking at the stature of the Complainant, its global presence as also its strong presence on the internet it is very hard to believe that the Registrant was not aware of the same.

Against this the Respondent has not claimed having any registered trade mark or service mark consisting of the word 'AON'.

Therefore my finding on the first issue is affirmative.

3. Whether the Registrant is owner of trade mark or service mark corresponding to the disputed domain name?

The Registrant has not filed any reply / say to the Notice of Arbitration / Complaint. It is therefore required to be presumed that the Registrant has no trade mark or service mark corresponding to the disputed domain name.

Therefore my finding on this issue is in negative.

4. Whether the Registrant has commonly been known by the domain name?

The name of the Present Registrant, as available on the Whois records is Guanrui, Groupfield Limited. As such, there is no possibility of his being known with the term of disputed domain name.

Therefore my finding on this issue is in negative.

5. Whether the Registrant has any legitimate interest in the disputed domain name?

The Registrant has no registered trademark or service mark which includes the words 'AON'. He is not commonly known by that name or any variation or combination thereof. He has not established that he has been using the registered domain name for bona fide business activities or for non-commercial purpose. He is not authorised / permitted by the Complainant to use the said name. He has not shown any other nexus with the disputed domain name or any authority by the Complainant in this behalf.

Therefore my finding on this issue is negative.

6. Whether the Registrant's domain name has been registered or is being used in bad faith?

The domain name is registered by the Registrant, without any authority, agreement or arrangement between the Complainant and the Registrant. The landing page of the disputed domain name is directing to several advertisements. Therefore there is strong room to believe that the Registrant has registered the disputed domain name in order to make money illegally.

Therefore my finding on this issue is affirmative.

7. Has the Registrant registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name?

The act of the Registrant or registering the disputed domain name without any authority, similar trade mark or service mark registered in its name has automatically resulted into denial to the Complainant of its lawful rights to register and use the disputed domain name for its legitimate business purposes.

Therefore my finding on this issue is in affirmative.

8. Whether the Registrant has intentionally attempted to attract internet users to the Registrant's website or other online location by creating likelihood of confusion with the Complainant's name or mark?

When we visit the disputed website, we are led to a landing page having various ads on it. It is very likely that the Registrant might be making profits by way of pay per click or any other method similar to it. This is obvious act of intentionally attempting to attract internet users by creating likelihood of confusion with the Complainant's name / mark.

Therefore my finding on this issue is affirmative.

9. Whether the Registrant has registered the disputed domain name for selling or otherwise transferring it for valuable consideration?

The Complainant has not claimed that there was any express demand of money made by the Registrant to the Complainant. However it is very likely that this might happen in future if the Complainant does not preventive steps.

Therefore my finding on this issue is positive.

IX] CONCLUSION AND BASIS OF AWARD: -

From above discussion this panel has reached the conclusion that: -

1. The disputed domain name includes the word AON which is an integral part of the registered trade-marks and registered domain name of the Complainant. It means the Complainant's rights, interests and reputation are at stake in the disputed domain name.
2. The Registrant / Respondent does not have any registered trade mark / service mark in his name containing the words 'AON'. There is no authority given by the Complainant to the Registrant to use the disputed domain name. Hence the Registrant does not have any legitimate interest in the same.
3. The Registrant is not commonly known by the disputed domain name.
4. The Registrant is not making bona fide and fair use of the disputed domain name, much less for non-commercial purpose.
5. The Respondent / Registrant has failed to establish any nexus, rights or interests in or with the disputed domain name in any way.

From all findings on the issues framed, it can be concluded that the Registrant has registered domain name without any right or legitimate interest in it.

On the basis of my findings on issues framed as above and foregoing discussion I pass the following award: -

01. **The Complainant is entitled to the disputed domain name – 'AON.CO.IN' and hence the same be transferred to the Complainant.**
02. **The Registrant / Respondent shall pay to the Complainant, all documented costs of these proceedings and relevant expenses.**

Dated: - 28.10.2014
Place: - Pune


(S.C.INAMDAR)
SOLE ARBITRATOR