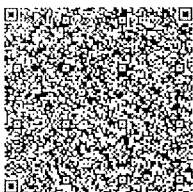




Certificate No. : IN-UP42584400475833X
Certificate Issued Date : 17-May-2025 10:12 AM
Account Reference : NEWIMPACC (SV)/ up14015404/ GAUTAMBUDDH NAGAR 1/ UP-GBN
Unique Doc. Reference : SUBIN-UPUP1401540482709724262713X
Purchased by : VARUN SINGH
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) :
First Party : VARUN SINGH
Second Party : Not Applicable
Stamp Duty Paid By : VARUN SINGH
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



Please write or type below this line

BEFORE NATIONAL INTERNET EXCHANGE OF INDIA
MR. VARUN SINGH, ADVOCATE: SOLE ARBITRATOR
INDRP CASE NO. 1965

IN THE MATTER OF:-

Arbitration under the .IN Domain name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India which sets out the legal framework for resolution of dispute in connection with .IN domain name, and the INDRP Rules of Procedure

AND IN THE MATTER OF:-

Dispute relating to the domain name <upl.in>

Varun Singh
Page 1 of 11

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shrestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

AND IN THE MATTER OF:-

UPL Limited

R& D Center, Plot Nos. B-20 & C-12,
Road No. 16, Wagle Industrial Estate,
Thane-West, Thane- Maharashtra – 400604

.....Complainant

Versus

Chandan MA

82, ii Main, Bangalore, Karnataka-560061
India

Chandan123@gmail.com

.....Respondent

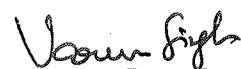
AWARD

19.05.2025

1. The present arbitration proceedings are initiated under and in accordance with the INDRP, and the INDRP Rules of Procedure which are adopted by the National Internet Exchange of India (NIXI) which governs the dispute in connection with .IN domain name.
2. The Complainant has filed the subject Complaint against the Respondent seeking costs and transfer of the domain name <upl.in> from the Respondent to the Complainant.
3. The Registrant/Respondent has registered the <upl.in> (hereinafter 'disputed domain name') with the domain name Registrar duly accredited with the NIXI i.e. Spaceship, Inc. since 11 November, 2013.

Procedural history


4. The consent of the Arbitrator was sought for in the present matter by the NIXI vide email dated 26.03.2025 and the Arbitrator gave his consent along with his statement of



acceptance and declaration of impartiality vide his email dated 26.03.2025.

5. I was appointed as an Arbitrator by the NIXI in the present matter vide their email dated 07.04.2025 which email containing the complaint and all relevant documents was marked to the Respondent (<chandan123@gmail.com>) as well. The Arbitrator issued a notice dated 08.04.2025 under Rule 5(c) of INDRP Rules of Procedure whereby the Respondent was directed to file its reply to the Complaint till 20.04.2025. The said notice issued by the present Arbitrator was marked via email to the Complainant and to the Respondent, which email did not bounce back. The Respondent was duly served with the complaint and documents vide email dated 07.04.2025 by NIXI. Thereafter, the notice 08.04.2025 of the Arbitrator was also duly served on the Respondent vide Arbitrator's email dated 08.04.2025.
6. In the said Notice dated 08.04.2025, the Complainant was directed to serve again on the Respondent the subject complaint and all accompanying documents, including the said Notice, so that the Respondent is provided with ample opportunity to file his reply.
7. The Learned Counsel for the Complainant vide email dated 14.04.2025 to this Tribunal, informed that he had complied with the direction in the Notice dated 08.04.2025. The Learned Counsel of the Complainant informed this Tribunal in the said email dated 14.04.2025 the following:-

- a. The Respondent was served with the domain complaint along with all annexures and said Notice


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dated 08.04.2025 through his email dated 10.04.2025. It is noted that the email dated 10.04.2025 whereby the complaint and documents were served on the Respondent was marked to the Arbitrator as well.

b. The hard copy of the domain complaint, under the cover letter dated April 12, 2025 of the Learned Counsel along with annexures, was dispatched to the Respondent through physical modes, as per the postal address mentioned in the WHOIS records provided by the .IN Registry. The postal receipt, the cover letter dated April, 12, 2025 was attached with the said email dated 14.04.2025.

8. In view of foregoing, it is apparent that the Respondent was served with domain complaint along with all other documents firstly by NIXI vide their email dated 07.04.2025, secondly by the Complainant vide their email dated 10.04.2025, and thirdly through post under the covering letter dated 12.04.2025 of the learned Counsel of the Complainant. The Notice dated 08.04.2025, via email dated 08.04.2025, by the Arbitrator was also served on the Respondent. The said email of the Arbitrator did not bounce back. All possible attempts were made to serve the Respondent. Therefore, I can safely hold that the Respondent was duly served with the domain complaint along with documents thereto. This Tribunal has not received any communication from Respondent till date.

9. In view of foregoing, it is safe to hold that Respondent was duly served with the present complaint and annexures thereto, and is aware of the present proceedings. The

Respondent has avoided any participation in the present proceedings.

10. Rule 5(d) of the INDRP Rules of Procedure states that the date of commencement of the arbitration proceeding shall be the date on which the arbitrator issues notice to the Respondent. Therefore, the date of commencement of arbitration in the present case is 08.04.2025. Rule 5(e) of the INDRP Rules of Procedure states that an Arbitrator shall pass an award within a period of 60 days from the date of commencement of the arbitration proceeding and in exceptional circumstances, the timeline may be extended by a maximum period of 30 days by the Arbitrator subject to a reasonable justification in writing. The present award is passed within the timelines prescribed under the INDRP Rules of Procedure.

Issues for consideration

11. Paragraph 4 of the INDRP provides the grounds on which a Complaint can be filed by the aggrieved Complainant who considers that a registered domain name conflicts with his/her legitimate rights or interests on the following grounds:

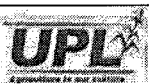

- (a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.





Contention of the Parties

12. The Complainant in its complaint, *inter alia*, states the following:-

- a. The Complainant was incorporated in the year 1969 and is engaged in the crop protection chemicals, industrial chemicals and chemical intermediates. In 2018-19, the revenue of the Complainant was USD 4.7 Billion. It provides solutions in the field of agriculture and other related business such as environmental solutions, environment electronics, specialty chemicals and agriculture.
- b. The Complainant adopted its name UPL Ltd in the year 2013 and prior thereto, it was known as United Phosphorus Limited.
- c. The Complainant owns the trade mark 'UPL'. The Complainant has cited few trade marks which are registered as under:-

Trade mark	Number	Date	Class
UPL	2503011	26 March 2013	01
UPL	2695839	10 March 2014	01, 05, 31, and 44
	1420531	10 Feb 2006	01
UPL	2503010	26 March 2013	05
	1420530	10 Feb 2006	05
UPL	1411342	04 January, 2006	31

	1420529	10 February 2006	31
UPL	2797650	26 August 2014	44
	2804097	04 September 2014	44

- d. The Complainant states that apart from the foregoing, the Complainant has applied for and have registrations registrations for the trade mark UPL in numerous countries throughout the world including Australia , Mexico, Jordan, etc.
- e. The Complainant has also mentioned the substantial sales figures for the year 2003 to 2023 pertaining to the products under the UPL portfolio. The Complainant is a part of Bell Weather Index Nifty 50 and has received many awards.
- f. The Complainant through its website i.e. <upl-ltd.com> provides information about the Complainant and its trade mark UPL.
- g. It is stated that the UPL has also been pronounced as a “well-known mark” by the Department for Promotion of Industry and Internal Trade vide Trade Marks Journal No. 2093 dated 27/02/2023.
- h. The Complainant states that the Respondent created the disputed domain name on 11, November, 2013. It is stated that the disputed domain name contains the Complainant’s entire well-known trade mark.

Vaishu Singh

13. The Respondent has not filed any reply to the Complaint filed by the Complainant, despite ample opportunity, as mentioned above.

Respondent's disputed domain name confusingly similar to Complainant's trade mark

14. The trade mark 'UPL' of the Complainant is a registered trade mark. Section 28 of the Trade Marks Act, 1999, confers rights to the Complainant by registration of the trade mark 'UPL' including the right to exclusive use of the said trade mark. Furthermore, UPL has been recognized as a "well-known" trade mark vide Trade Marks Journal No. 2093 dated 27/02/2023. The Complainant has shown the usage of the trade mark UPL through the trade mark registrations, articles, publications, revenue figures. The Complainant also won awards and accolades.
15. The Complainant has produced documents including trade mark registrations in India and abroad, WHOIS record, extracts from website to show the prior use of the trade mark 'UPL'. On the other hand, the website of the Respondent under the disputed domain name is not functional.
16. It is well established law that the specific top-level domain such as '.com', '.net', '.in' etc does not affect the domain name for the purpose of determining whether it is identical or confusingly similar (*Relevant decision:- Rollerblade, Inc. v. Chris McCrady*¹). Therefore, TLD '.in' is to be disregarded while comparing the disputed domain name with the trademark of the Complainant. When the trade mark of the

¹ WIPO Case No. D2000-0429

Vasundhara Singh

Complainant 'UPL' and the disputed domain name is considered, there is no doubt that the disputed domain name is confusingly similar to the registered trade mark UPL, the tradename and domain name of the Complainant.

17. In view of foregoing, it is apparent that the disputed domain name <upl.in> is confusingly similar to the registered trade mark UPL, the domain name and trade name of the Complainant. Therefore, The Complainant has established its case under paragraph 4 (a) of the INDRP.

Respondent has no rights or legitimate interests in disputed domain name

18. The Respondent has used entire trade mark 'UPL' of the Complainant, in the disputed domain name. The Respondent is not known by the domain name. The disputed domain name is not shown to be active. The disputed domain name is not being used in connection with an active website. Furthermore, the registration of the disputed domain name is created and used without any consent of the Complainant.
19. The disputed domain name also makes a hopeless attempt to make an association with the Complainant's trade mark and domain name which can never be termed as legitimate use of the disputed domain name. The disputed domain name uses in its entirety the word 'UPL' which is the registered trade mark of the Complainant to divert the users from the Complainant's platform.
20. The Respondent cannot be said to have any legitimate right or interest in the disputed domain name which is confusingly similar to a registered trade mark of the Complainant.

Varun Singh

21. The disputed domain name incorporates a trade mark which is neither owned by the Respondent nor the Respondent is known by the name 'UPL'.
22. Furthermore, failure to make an active use of the disputed domain name demonstrates that Respondent is not using the disputed domain name for a bona fide offering of goods or services or a legitimate non-commercial fair use.
23. Therefore, the Respondent/Registrant has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established its case under paragraph 4 (b) of the INDRP.

Baid Faith

24. The registration of the disputed domain name affects the rights of the Complainant vis-à-vis its registered trade mark 'UPL' which finds its place prominently in its domain name i.e. <upl-ltd.com> and its trade name as well. Therefore, the Complainant's right to exclusively use its registered trade mark 'UPL' is affected by the registration of the disputed domain name.
25. The disputed domain name will negatively affect the goodwill and reputation of the Complainant thereby disrupting business of the Complainant. Therefore, the registration of the disputed domain name is in bad faith according to paragraph 7(d) of the INDRP.
26. In *Telstra Corporation Limited v. Nuclear Marshmallows*² it was observed that "*It is possible, in certain circumstances,*

² WIPO Case No. D2000-0003

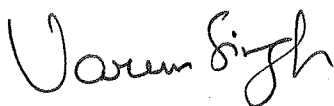
Varun Singh

for inactivity by the Respondent to amount to the domain name being used in bad faith.” Notwithstanding the absence of activity on the website relating to disputed domain name, its confusing similarity to the Complainant's registered trademark, coupled with the Respondent's lack of legitimate rights, demonstrates bad faith registration.

27. The Respondent registered the disputed domain name and not even using the said domain name for any purpose, therefore the said registration is in bad faith to confuse internet users as to a possible association between the disputed domain name and the Complainant. The registration of the disputed domain name is in bad faith according to paragraph 7(c) of the INDRP.
28. In view of foregoing, it is apparent that the registration of the disputed domain name is in bad faith to hurt the commercial activity of the Complainant. The Complainant has established its case under paragraph 4 (c) of the INDRP.

Decision

29. In view of the foregoing, it is ordered that the disputed domain name <upl.in> be transferred to the Complainant. Parties are ordered to bear the cost of the present proceedings.



(VARUN SINGH)

Sole Arbitrator

Advocate-on Record

1203, Tower-8, SDS NRI Residency,
GH 04/A, Sector-45, Noida,
Uttar Pradesh-201303