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IN-DL27368180314079X

BEFORE THE ARBITRAL TRIBUNAL

V.P.PATHAK

SOLE ARBITRATOR

ARBITRAL AWARD

*V.P. Pathak*

V. P. PATHAK  
H.J.S.  
Former Judge  
Sole Arbitrator

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**BEFORE THE .IN REGISTRY OF INDIA  
INDRP CASE NO. 1978  
IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME  
DISPUTE RESOLUTION POLICY; THE INDRP RULES OF PROCEDURE  
AND THE ARBITRATION CONCILIATION ACT, 1996**

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*VP Pathak*  
V. P. PATHAK  
H.J.S.  
Former Judge  
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**BEFORE THE .IN REGISTRY OF INDIA  
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AND THE ARBITRATION CONCILIATION ACT, 1996**

Compagnie De Sain-Gobain  
Tour SAINT-GOBAIN  
12 place de l'Iris  
92400 Courbevoie  
France

....Complainant

**Versus**

Huzefa Raja  
33 Sembudoss Street  
Chennai, Tamil Nadu  
600001  
India

....Respondent

**DISPUTE RELATING IN THE DOMAIN DISPUTE NAME**

**[www.saintgobain.org.in](http://www.saintgobain.org.in)**

**Award Dated- 12.05.2025**

**BEFORE V.P.PATHAK  
SOLE ARBITRATOR  
AT NEW DELHI**

**DISPUTED DOMAIN NAME & REGISTRAR-**

1. The disputed domain name is registered through the Registrar of the disputed domain name [www.GoDaddy.com](http://www.GoDaddy.com), LLC, which is accredited with the .IN registry and is listed on the of the website of the .IN registry.

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### ARBITRATION TRIBUNAL-

1. The Complainant has filed this Complaint for the disputed domain name to be transferred to it. To decide this Complaint, NIXI has appointed the undersigned as Arbitrator. A consent letter with a declaration of impartiality by the undersigned to decide this case was sent to NIXI on 26.03.2025.
2. This Tribunal resumed this matter on 9.04.2025, by ordering the Complainant through email to serve the Respondent with the hard and soft copy of the Complaint along with the annexures within 5 days.
3. On 10.04.2025, the Respondent replied to the email, as mentioned above requesting to end this domain dispute case as soon as possible as the Respondent had been miscommunicated by the website “Go Daddy” regarding the current disputed domain name.
4. The Tribunal is constituted under the INDRP Policy and Rules. Under Rule 13, the arbitration proceedings must be conducted according to the Arbitration and Conciliation Act, 2019 (as amended up to date) read with the Arbitration & Conciliation Act, Rules, Dispute Resolution Policy and its by-laws, and guidelines, as amended from time to time.
5. As mentioned above, the Respondent has replied to the order sent to both the parties through email. Based on the facts of the case the Tribunal will decide the present Award.

### FACTS OF THE CASE-

6. The Complainant (www.saint-gobain.com) is a French company that specializes in the production, processing and distribution of materials for the construction and industrial markets. Saint-Gobain is a worldwide reference in sustainable habitat and construction markets. It takes a long-term view to develop products and services for its customers that facilitate sustainable construction. In this way, it designs innovative, high-performance solutions that improve habitat and everyday life.
7. For 350 years, the Complainant has consistently demonstrated its ability to invent products that improve quality of life. It is now one of the top industrial groups in the world with around 47.9 billion euros in turnover in 2023 with 1,60,000 employees (**Annexure 2**).
8. The Complainant operates in India since 1996. With 77 manufacturing sites, Saint-Gobain employs over 8,300 employees in India (**Annexure 3**).
9. The Complainant owns a large portfolio of trademarks including the wording “SAINT-GOBAIN” in several countries as submitted. (**Annexure 4**).

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10. The Complainant owns multiple domain names consisting in the wording “SAINT-GOBAIN”, such as “saint-gobain.com” registered since December 29, 1995, and “saint-gobain.in”, registered since February 16, 2005 (**Annexure 5**).
11. The Respondent on January 23<sup>rd</sup>, 2025, registered the disputed domain name and it shows as “website under construction”. (**Annexure 1, 6 & 7**)
12. The Complainant states that the disputed domain name “*saintgobain.org.in*” is identical to its trademark SAINT-GOBAIN, as it is contained without addition or deletion. Furthermore, the Complainant contends that the addition of the ccTLD (Country Code Top Level Domain) “.ORG.IN” is not sufficient to escape the finding that the domain is confusingly similar to its trademark and does not change the overall impression of the designation as being connected to the trademark of the Complainant.
13. The Complainant states that the disputed domain name “saintgobain.org.in” is identical to its well-known trademark SAINT-GOBAIN and has mentioned a case-  
*WIPO Case No. D2020-3549, Compagnie de Saint- Gobain v. On behalf of saint-gobain-recherche.net owner, Whois Privacy Service / Grigore PODAC- The Panel is satisfied that the Complainant is a well-established company which has operated for decades worldwide under the trademark SAINT-GOBAIN.*
14. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name, and he is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with, the Respondent. Neither license nor authorisation has been granted to the Respondent to make any use of the trademark or apply for registration of the disputed domain name by the Complainant.
15. Moreover, the disputed domain name “saintgobain.org.in” resolves to a website under construction. Therefore, the Complainant contends that Respondent did not make any use of the disputed domain name since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain name. It demonstrates a lack of legitimate interests in respect of the disputed domain name.
16. Finally, the disputed domain name has been set up with MX records which suggests that it may be actively used for email purposes (**Annexure 7**). This is also indicative of bad faith registration and use because any email emanating from the disputed domain name could not be used for any good faith purpose. A judgment submitted by the Complainant is filed in this regard.

*CAC (Czech Arbitration Court) Case No. 102827, JCDECAUX SA v. Handi Hariyono- There is no present use of the disputed domain name, but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.*

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17. The contentions of the Complainant in the present disputed domain case are understandable and simple. The WHOIS search result of the Respondent's impugned domain name "saintgobain.org.in" appears to be registered on 23<sup>rd</sup> January 2025. However, the Complainant contends that Respondent did not make any use of disputed domain name since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain name.
18. The disputed domain name "saintgobain.org.in" is identical to the well-known trade/service mark "SANTGOBAIN" of the Complainant, which has been bought by the Respondent illegally and without authority.
19. The Complainant has filed the instant Complaint challenging the registration of the domain name *www.saintgobain.org.in* under the "org.in" Domain Name Dispute Resolution Policy (INDRP) and the rules framed thereunder. The Complainant has preferred this arbitration by raising this dispute for the resolution of its grievances.
20. **Rule 2 of the INDRP Rules of Procedure** provides for communication/services of the Complaint. Per this rule, the Respondent was sent a copy of the Complaint at the email shown in the domain name registration data in the .IN Registry's WHOIS database.
21. On 9.04.2025, the Tribunal had ordered the Complainant to send the Respondent the soft and hard copy of the complaint along with annexures.
22. The Respondent has replied to the present complaint of the Complainant through email date 10.04.2025 and has requested the Tribunal to dispose of the matter as the present disputed domain name was not bought in a mala fide manner.
23. On 10.04.2025, the Respondent via email sent a reply to the above-mentioned order stating that it had no intention of using the disputed domain name similar to the Complainant's trademark as alleged.
24. Since it had communicated with the website "GoDaddy" asking whether or not it could use the domain in issue now and only after verification, the Respondent took the domain.
25. The respondent has also contended that it has not used the domain in question and that after receiving the Complaint, it had deleted the same.
26. The Respondent has also mentioned that it had not taken the disputed domain name to create confusion or mislead anyone. It has not gained any monetary benefit from this domain name since it was acquired; the Respondent has not even used it in any manner.
27. The Complainant & the Respondent, shortly after the Respondent's reply dated 10.04.2025, had decided to settle the matter amicably, since the Respondent had deleted the disputed domain name from its end.
28. The Tribunal in this regard ordered both parties via order dated 29.04.2025, to jointly submit a notarised copy of the compromise deed detailing terms and

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conditions regarding the disputed domain name “saintgobain.org.in” duly signed by both parties or their authorised representatives/signatories. To this, the Complainant has replied that it does not wish to incur extra costs by producing a notarised copy and that the Tribunal, if it may, continue further with the procedure.

### **CONCLUSION-**

29. Considering the above facts, the Tribunal is of the view that since the Respondent has acknowledged its mistake as soon as the complaint was sent to it, the disputed domain name was deleted and taken down at its end. Furthermore, the complainant was convinced by the reply sent by the Respondent, and both parties decided to settle the matter amicably.
30. In addition to everything mentioned above, it is pertinent to mention that the Respondent is not using the Complainant’s domain name anymore and has admitted the fact that it was misinformed by “GoDaddy” the Registrar.
31. The Complainant has the full right and ownership of the domain name "SAINTGOBAIN" & “saintgobain.org.in.”
32. In the interests of natural justice, the Tribunal is of the view that since both parties have joined hands, the complaint should be allowed.
33. This Award is being passed as per Clause 5 (e) of the INDRP Rules, and Arbitration Act, 1996.

### **ORDER-**

34. The.IN Registry of NIXI is directed to transfer the disputed domain name “SAINTGOBAIN.ORG.IN”, if so far not deleted or transferred, to the Complainant forthwith. Registry to do the needful.
35. Parties to bear their own costs.
36. This Award is passed today at New Delhi on 12.05.2025.

V.P. PATHAK  
H.J.S.  
Former Judge  
Sole Arbitrator  
**V.P.Pathak**  
**Sole Arbitrator**  
**Date- 12.05.2025**