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Sole Arbitrator

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BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2174
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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BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2174
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

SALOMON SAS
14 Chemin des Croiselets,
EPAGNY METZ-TESSY F-74370
France **…(Complainant)**

Versus

JOHN TIMOTHY KELLY
12-65 Bentley Avenue Benito Juarez,
Alberta K2E 7J5, Canada **…(Respondent)**

DISPUTE RELATING IN THE DOMAIN DISPUTE NAME
www.salomon.co.in

Award Dated- 16.11.2026

BEFORE V.P. PATHAK
SOLE ARBITRATOR
AT NEW DELHI

⇒ **DISPUTED DOMAIN NAME & REGISTRAR-**

The disputed domain name is registered through the Registrar of the disputed domain name Dynadot,LLC which is accredited with the .IN registry and is listed on the of the website of the .IN registry.

⇒ **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 21.09.2026. The NIXI on 30.09.2026, appointed the undersigned as Arbitrator to proceed with the case.
2. The Tribunal primarily ordered the Complainant on 30.09.2026, to send the soft & hard copy of the Complaint along with Annexure's to the Respondent & to send the Postal Slip of the same to the Tribunal. The Complainant on 01.10.2026 & 2.10.2026, had sent the hard & soft copy, respectively, along with other documents to the Respondent by Courier, the receipt of which was sent to the Tribunal as well on the same day by the Complainant. As per the courier tracking receipt on 5.10.2026, the hard copy sent by the Complainant to the Respondent was not

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accepted by the Respondent because of which the consignment was put on hold and hence, the hard copy of the Complaint did not reach the Respondent.

3. As per **Rule 5 of the INDRP Rules** the Tribunal issued a notice dated 6.10.2026 calling upon the Respondent to file its reply on the Complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter, but the Respondent did not reply by 21.10.2026.
4. Since, no reply was filed by the Respondent so, in the interest of justice, the Tribunal gave an extension to the Respondent of 5 days till 27.10.2026, but there was still no response.
5. 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.
6. As mentioned above, the Respondent has not replied to any of the notices and has denied receiving the hard copy of the Complaint therefore, this Tribunal is bound to proceed Ex Parte against the Respondent.

⇒ **PARTIES TO ARBITRATION-**

7. The Complainant is **SALOMON SAS**, a French company established in 1947. The Complainant is a globally recognised manufacturer and supplier of sporting goods, including footwear, apparel, ski equipment, snowboarding equipment, hiking gear, trail-running products and related accessories.
8. The Complainant is engaged in the design, manufacture, marketing and distribution of high-performance sporting goods and outdoor products. It has built an international presence through its business operations, authorised distributors, retail networks and online platforms across several jurisdictions, including India.
9. The Complainant is the proprietor of the well-known trademark SALOMON, which it has adopted and used in relation to its sporting goods and related products. The Complainant has secured several trademark registrations and applications for the mark SALOMON and its formative marks in various jurisdictions, including India.
10. The Complainant has placed on record material to demonstrate its longstanding use and promotion of the SALOMON trademark, together with its international goodwill and reputation. The Complainant also distributes and markets its products in India through authorised distributors, including Avio Sports Singapore Pte. Ltd., a subsidiary of ANTA Sports.
11. The Complainant has also established a substantial online presence through its official domain names, including salomon.com, registered on 11.01.1995, and salomonrunning.com, registered on 18.06.1999, which are used in connection with the Complainant's business and promotion of products under the SALOMON trademark. The Complainant contends that, by virtue of its longstanding use, extensive promotion and international recognition, the mark SALOMON has acquired substantial goodwill and reputation and is associated with the Complainant and its business activities.

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12. **Rule 2 of the INDRP Rules of Procedure** provides for communication/services of Complaint. Per this rule, the Respondent was sent a copy of the Complaint on the email shown in the domain name registration data in the .IN Registry's WHOIS database.
13. Despite valid service of the Complaint & reminder through both electronic & physical modes, the Respondent has not filed any response or objections.

⇒ **FACTS OF THE CASE-**

- **Complainant:**

14. The Complainant has placed on record documentary material in support of its longstanding use of and statutory rights in the trademark SALOMON and its formative marks. The Complainant submits that the mark has been continuously and extensively used since 1947 in relation to sporting goods, footwear, apparel, ski equipment, hiking gear and other outdoor sports products. **ANNEXURE C-2**
15. The Complainant has produced details of its trademark registrations and applications for the mark SALOMON and its formative marks in several jurisdictions, including India. The material placed on record reflects Indian trademark registrations for SALOMON under Classes 22, 25 and 28, dating back to 06.02.1982. **ANNEXURE C-3**
16. The Complainant has further submitted that it markets and distributes its products in India through authorised distributors, including Avio Sports Singapore Pte. Ltd., a subsidiary of ANTA Sports. It has also placed on record extracts of its online retail platforms displaying products bearing the SALOMON mark, including footwear and other sporting goods.
17. The Complainant has established its online presence through its official websites and domain names, including salomon.com, registered on 11.01.1995, and salomonrunning.com, registered on 18.06.1999. The Complainant has also placed on record details of its domain name registrations incorporating the SALOMON mark. **ANNEXURE C-4**
18. The Complainant has relied upon copies of previous domain name proceedings in which it successfully sought recovery of domain names incorporating the SALOMON mark. According to the Complainant, these decisions further demonstrate its efforts to protect its trademark rights against unauthorised adoption and use of domain names incorporating the said mark. **ANNEXURE C-5**
19. The Complainant states that the disputed domain name **salomon.co.in** came to its notice in 2026. As per the WHOIS records placed on record, the disputed domain name was registered on 08.04.2026 through the Registrar, Dynadot, LLC, with the Respondent, reflected as the registrant. The WHOIS records also reflect the nameservers associated with Sedo parking services. **ANNEXURE C-1 and C-1A**
20. The Complainant has placed on record screenshots of the website operating under the disputed domain name. The screenshot dated 02.07.2026 depicts a webpage displaying links and categories relating to Salomon footwear and running shoes. A subsequent screenshot dated 03.09.2026 depicts the disputed domain name being advertised for sale for € 99 through a domain sale/parking webpage. **ANNEXURE C-6**

- **Respondent:**

21. The Respondent has not filed any reply, explanation, or justification in response to the Complaint, despite due service of notice.

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⇒ **CONTENTIONS OF PARTIES-**

- **Complainant:**

22. The Complainant contends that it is the proprietor of the trademark SALOMON, which has been used continuously for over 75 years and enjoys substantial goodwill and reputation internationally, including in India. It submits that its trademark rights are supported by registrations in several jurisdictions, including India, and that the disputed domain name was registered long after the Complainant had established its rights in the said mark.
23. The Complainant submits that the disputed domain name salomon.co.in is identical and confusingly similar to its registered trademark SALOMON, which has been incorporated in its entirety. It is contended that the addition of the country-code domain extension ".co.in" does not distinguish the disputed domain name from the Complainant's trademark or alter the likelihood of confusion.
24. The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It submits that the Respondent has not been authorised, licensed or otherwise permitted to use the SALOMON trademark and is neither affiliated with nor connected to the Complainant. The Complainant also submits that the Respondent is not commonly known by the disputed domain name and has no independent entitlement to use the mark SALOMON.
25. The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that the Respondent registered the disputed domain name despite the Complainant's longstanding and well-established rights in the SALOMON trademark. The Complainant further relies upon the website screenshots showing links relating to Salomon footwear and running shoes, followed by the subsequent advertisement of the disputed domain name for sale for € 99, as circumstances supporting its allegation of bad-faith registration and use.
26. The Complainant also relies upon previous domain name dispute decisions in which domain names incorporating the SALOMON trademark were ordered to be transferred, and submits that the said decisions demonstrate the recognition and protection accorded to its trademark rights. **ANNEXURE C-5**
27. On the basis of the aforesaid submissions, the Complainant prays that the disputed domain name salomon.co.in be transferred to the Complainant and that appropriate directions be issued to the .IN Registry in this regard.
28. In support of its contentions, the Complainant has relied upon, inter alia, *Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.* ; *Oki Data Americas, Inc. v. ASD Inc.* ; *Infosys Technologies Ltd. v. Adinath Infosys Pvt. Ltd. & Ors.,* wherein protection was recognized against deceptive adoption of trademarks and domain names, cybersquatting, passing off and unauthorized exploitation of established goodwill.
29. The Complainant further submits that the principles governing protection of domain names and trademarks have also been recognized in various judicial and arbitral precedents including *Yahoo! Inc. v. Akash Arora & Anr., Rediff Communication Ltd. v. Cyberbooth & Anr., Dr. Reddy's Laboratories Ltd. v. Manu Kosuri, Morgan Stanley v. Bharat Jain, Google India Pvt. Ltd. v. Gulshan Khatri, Instagram LLC v. Ding Riguo (INDRP/1183), Wacom Co. Ltd. v. Liheng (INDRP/634).* According to the Complainant, the principles laid down therein are applicable to the facts of the present dispute.
30. The Complainant accordingly prays for appropriate relief under the INDRP, including cancellation of the Respondent's registration of the disputed domain name and/or transfer of the disputed domain name to the Complainant.

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31. **Clause 3(d)** of the INDRP requires a Respondent to not knowingly use the domain name in violation or abuse of any applicable laws or regulations. The obligations imposed by clause 3(d) are an integral part of the INDRP applicable to all the Respondents, and cannot be ignored, as was observed by the Ld. Arbitrator in the case- *Momondo A/S vs. Ijorghe Ghenrimopuzulu,* INDRP Case No 882.
32. Thus, the Complainant prays for directions to the .IN Registry of NIXI to transfer the disputed domain name "salomon.co.in" to the Complainant."

- **Respondent:**

33. The Respondent has not filed any reply.

⇒ **ANALYSIS-**

According to the above-mentioned facts of the case, the Tribunal must decide the following points-

A. Whether the Respondent's domain salomon.co.in is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.?

The Complainant has placed sufficient material on record to establish its statutory rights in the trademark SALOMON, including registrations in India dating back to 06.02.1982. The material also demonstrates the Complainant's longstanding and extensive use of the said mark in relation to sporting goods, footwear, apparel and other outdoor sports products. The disputed domain name "salomon.co.in" incorporates the Complainant's trademark SALOMON in its entirety. The only addition is the country-code domain extension ".co.in", which is a technical component of the domain name and does not distinguish it from the Complainant's trademark. The distinctive and essential element of the disputed domain name remains identical to the Complainant's registered mark.

In conclusion, the disputed domain name is confusingly similar in appearance, structure, commercial impression, and overall identity to the Complainant's trademark SALOMON, and is therefore liable to create an impression of association or affiliation with the Complainant.

B. Whether the Respondent has rights claims, or legitimate interests in respect of the disputed domain name.?

The Complainant has specifically asserted that the Respondent has not been authorised, licensed or otherwise permitted to use the SALOMON trademark or to register a domain name incorporating the said mark. The Complainant has further submitted that the Respondent is neither affiliated with the Complainant nor commonly known by the disputed domain name. The material placed on record does not indicate that the Respondent has any independent trademark rights or other legitimate entitlement in the expression SALOMON. Further, the screenshots of the disputed website dated 02.07.2026 show links and categories relating to Salomon footwear and running shoes, while the subsequent screenshot dated 03.09.2026 shows the domain name being offered for sale for € 99. Such use, in the absence of any material establishing a bona fide offering of goods or services or legitimate non-commercial or fair use, does not demonstrate any rights or legitimate interests on the part of the Respondent. The Complainant has thus made out a prima facie case that the Respondent lacks rights or legitimate

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interests in the disputed domain name. This principle has been consistently recognized under the INDRP, including in *Instagram LLC v. Ding Riguo (INDRP/1183) and Wacom Co. Ltd. v. Liheng (INDRP/634).* In the present case, despite due service of the Complaint and notice of these proceedings, the Respondent has chosen not to appear or file any material in support of its registration.

In the present case, despite due service of the Complaint and notice of these proceedings, the Respondent has chosen not to appear or file any material in support of its registration. The Respondent has therefore failed to discharge the burden of establishing any rights or legitimate interests in respect of the disputed domain name.

C. Whether the Respondent's domain name is registered or is being used in absolute bad faith?

The Complainant has established that the trademark SALOMON has been in use since 1947 and enjoys prior statutory and commercial recognition. The disputed domain name, registered on 08.04.2026, wholly incorporates the Complainant's distinctive trademark. In view of the reputation and longstanding use of the mark, the Respondent's adoption of the identical mark in the disputed domain name cannot be regarded as coincidental.

The website screenshots dated 02.07.2026 show links relating to Salomon footwear and running shoes, indicating that the disputed domain name was being used in a manner connected with the Complainant's goods. Further, the screenshot dated 03.09.2026 shows that the disputed domain name was offered for sale for EUR 99. These circumstances, when considered together, indicate that the Respondent was seeking to derive commercial advantage from the Complainant's trademark or exploit its goodwill.

The Respondent has neither filed a reply nor offered any explanation for the registration or use of the disputed domain name. Having regard to the Complainant's prior rights, the nature of the website links and the offer to sell the disputed domain name, the circumstances establish that the disputed domain name was registered and/or is being used in bad faith. Accordingly, the third requirement under the INDRP stands satisfied.

⇒ **<u>CONCLUSION-</u>**

34. Considering the pleadings, documents, and material placed on record, this Tribunal is of the view that the Complaint has merit and deserves to be allowed.
35. In view of the pleadings, documents and material placed on record, this Tribunal is of the considered view that the Complaint has merit and deserves to be allowed. The Complainant has successfully established its statutory rights in the trademark SALOMON, which substantially pre-date the registration of the disputed domain name.
36. The Respondent has failed to establish any rights or legitimate interests in the disputed domain name. The material placed on record, including the product-related links displayed on the disputed website and the subsequent offer of the domain name for sale, supports the finding that the disputed domain name was registered and/or used in bad faith.
37. Accordingly, this Tribunal holds that the Complainant has satisfied all three requirements under Paragraph 4 (a) of the .IN Domain Name Dispute Resolution Policy. The Complaint is therefore allowed, and the disputed domain name

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"salomon.co.in" is directed to be transferred in favour of the Complainant, SALOMON SAS.

38. In view of the foregoing, this Tribunal holds that the disputed domain name salomon.co.in is confusingly similar to the Complainant's trademark SALOMON, that the Respondent has no rights or legitimate interests therein, and that the said domain name has been registered and used in bad faith.
39. Accordingly, the **Complaint is allowed** and the disputed domain name "salomon.co.in" is directed to be transferred in favour of the Complainant."

⇒ **ORDER-**

40. The .IN Registry of NIXI is directed to transfer the disputed domain name "salomon.co.in" to the Complainant forthwith. Registry to do the needful.
41. Parties to bear their own costs.
42. This Award is passed today at New Delhi on 16.11.2026.

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Former Judge
Sole Arbitrator

V.P.Pathak
Sole Arbitrator
Date- 16.11.2026