



सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

₹101

e-Stamp

Certificate No.	: IN-DL94115877268082V
Certificate Issued Date	: 22-Apr-2023 08:00 PM
Account Reference	: SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDL-SELF59138876731427V
Purchased by	: SHEETAL VOHRA
Description of Document	: Article 4 Affidavit
Property Description	: ARBITRAL AWARD UNDER INDRP RULES
Consideration Price (Rs.)	: 101 (One Hundred And One only)
First Party	: SRIDHARAN RAJAN RAMKUMAR
Second Party	: SRIDHARAN RAJAN RAMKUMAR
Stamp Duty Paid By	: SRIDHARAN RAJAN RAMKUMAR
Stamp Duty Amount(Rs.)	: 101 (One Hundred And One only)

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₹101



SELF PRINTED CERTIFICATE TO BE
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IN-DL94115877268082V

Please write or type below this line

S. Subramanian

Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.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.

**BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY
INDRP ARBITRATION
THE NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]
INDRP CASE NO: 1671
ARBITRAL TRIBUNAL CONSISTING OF SOLE ARBITRATOR
SRIDHARAN RAJAN RAMKUMAR, ADVOCATE, DELHI HIGH
COURT
COMPLAINT UNDER .IN DOMAIN NAME DISPUTE RESOLUTION
POLICY (INDRP)**

IN THE MATTER OF:

Locon Solutions Private Limited

Echelon Square Plot No.25,

Sector 32, Gurgaon

Haryana – 122001

India

E-Mail: rahul.beruar@beruar.com

...Complainant

Versus

Manish Sharma

A-22, Friends Colony

Sec-23, Sanjay Nagar

Ghazibad

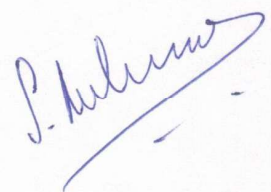
UP

E-Mail: decentsmanu@gmail.com

...Respondent

ARBITRATION AWARD

I. THE PARTIES:



1. COMPLAINANT

The Complainant in this administrative proceeding is Locon Solutions Private Limited, a company incorporated under the Companies Act, 1956 which has filed the present complaint under rules framed under the INDRP.

The Complainant's authorized representative in this administrative proceeding is:

Rahul Beruar
Advocate (D/1691/2002)
Beruar & Beruar LLP
C-8/8777, Vasant Kunj, New Delhi- 110070.
India.
Ph.9910044787;
E-Mail: rahul.beruar@beruar.com; info@beruar.com

The Vakalatnama along with a true copy of the special power of attorney was filed with the Complaint and marked as **Annexure A (Colly)**.

2. RESPONDENT

The Respondent/Registrant of the Disputed Domain Name is UP Scales, Uttar Pradesh, India. A print out of WHOIS details was filed with the Complaint and marked as **Annexure B**.

The Respondent, therefore, did not engage any counsel / advocate in the present administrative proceeding and neither did the Respondent file any reply to the instant domain complaint. Hence, this Complaint has been proceeded *ex-parte*.

II. THE DOMAIN NAME AND REGISTRAR:

The Disputed Domain Name is: GOOGLEHOUSING.IN



The Disputed Domain Name is registered with IN Registry.

The accredited Registrar of the Disputed Domain Name is Key-Systems GmbH, having IANA ID: 269 and URL www.key-systems.net


III. PROCEDURAL HISTORY:

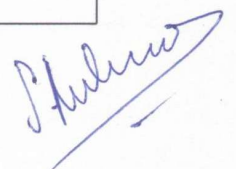
March 03, 2023	Date of Complaint
March 14, 2023	Sole Arbitrator appointed to adjudicate the dispute
March 16, 2023	Arbitral proceedings were commenced by sending notice to Respondent through email as per Paragraph 4(c) of INDRP Rules of Procedure, marking copy of the same to Complainant's authorized representative and to the .IN Registry to file response to the Complaint within 15 days of receipt of the same.
March 31, 2023	Pleadings completed as Respondent failed and neglected to file its response to the domain complaint within 15 days' time period which commenced on March 16, 2023.

Hence this award is proceeded with on basis of the available pleadings and documents only.

IV CASE OF THE COMPLAINANT

The Complainant has provided a table of its trademark registrations for HOUSING AND HOUSING.COM CONTACT' trademarks in India as follows:

S. No	Mark	Trade Mark No	Class	Date of application / Status
1.		2723691	38	23.04. 2014 / Registered and valid up to 23.04.2024



2.	HOUSING	2723692	25	23.04. 2014 / Registered and valid up to 23.04.2024
3.	HOUSING.COM	2782368	38	28.07.2014/ Registered and valid up to 28.07.2024
4.	HOUSING.COM	2782415	42	28.07.2014/ Registered and valid up to 28.07.2024

It was submitted that the Complainant is the exclusive and registered owner of the well-known trademark 'HOUSING' vide Trade Mark No. 2723691 since 23rd April 2014 in class 38 vide certificate No. 1961035 dated 18th August 2018. It was submitted that said registration is subsisting as on date and renewed up to 23rd April 2024. Copy of the said registration certificate was filed with the Complaint and marked as **Annexure C**.

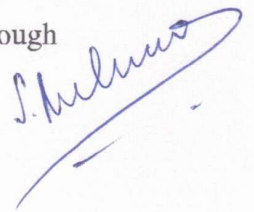
It was submitted that the Complainant has also secured various registrations for the 'HOUSING.COM' and other HOUSING and HOUSING.COM are formative marks and is also the registered proprietor of the mark "HOUSING.COM" vide Trade Mark No. 2782368 since 28th July 2014 in class 38, vide Certificate No. 2011956 dated 24th October 2018. The said registration is valid up to 28th July 2024. Copy of the said registration certificates was filed as **Annexure D (colly)**.

It was submitted that the Complainant is also the owner of the top-level domains (TLD) HOUSING.COM and HOUSING.CO.IN, registered since 23.07.1994 and 16.02.2005 respectively. Extracts from the Whois database for domains 'HOUSING.CO.IN and 'HOUSING.COM was filed as **Annexure E (Colly)**.

V FACTUAL BACKGROUND AND LEGAL BACKGROUND:

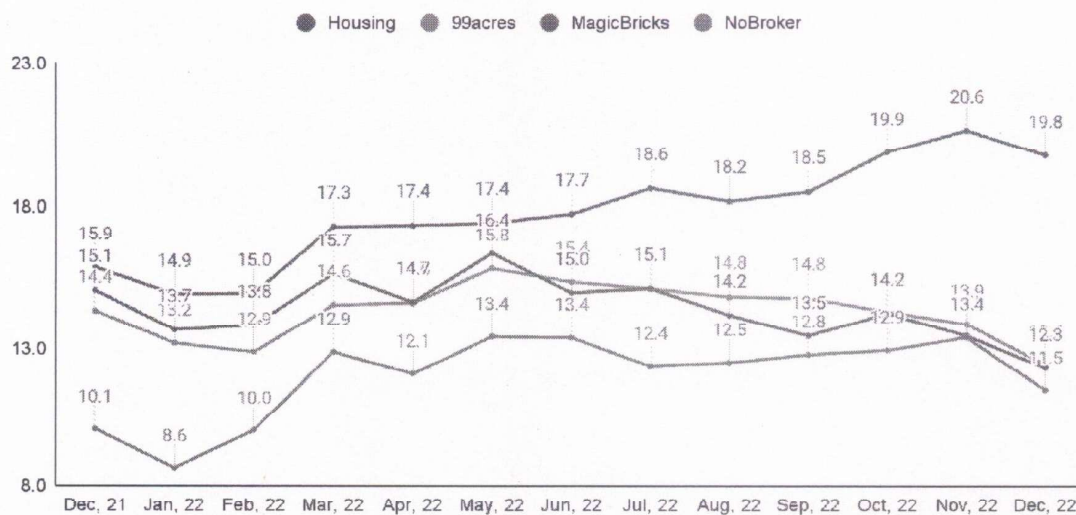
ABOUT THE COMPLAINANT:

1. It was submitted that the Complainant, owns and operates India's leading full stack proptech platform under the brand and registered trademarks HOUSING and HOUSING.COM for homeowners / home seekers, landlords, developers, and real estate brokers, accessible at www.housing.com as well as their mobile apps and website.
2. It was submitted that the Complainant's HOUSING platform, offers advertising /listings for new homes, resale homes, rentals, plots, commercial spaces and co-living spaces in India and is backed by strong research and analytics, which enables the Complainant's experts to provide comprehensive real estate services that cover advertising and marketing, sales solutions for real estate developers, personalized search, virtual viewing, AR&VR content, home loans and other ancillary products to consumers for both buying and renting of a property.
3. It was submitted that founded in 2012, by a group of twelve students from the Indian Institute of Technology (IIT) Bombay, India, the Complainant within few years registered exponential growth and in early March 2015 had a nationwide launch, familiarizing the brand HOUSING / HOUSING.COM across the country. It was submitted that the Complainant has approximately over 10,000 paid brokers registered on the HOUSING /HOUSING.COM platform from July 2022 to December 2022 and serves the interested consumers across India.
4. It was submitted that the Complainant has been a trail-blazer among the Indian real estate portals and was in fact the first startup to bank heavily on technology to make house-renting in India easier. It was submitted that the Complainant was the pioneer to enter the Indian market with credible information backed by data and introduced the concept of map-based search, forcing others in the online real estate space to follow suit. It was submitted that Complainant's housing platform, accessible at, www.housing.com, enables the users to go on a virtual tour through



the houses listed, explore the neighborhood, and evaluate whether the area / location suits their requirements. It was submitted that these features of the Complainant's business proved to be a clincher and established the Complainant, and its HOUSING/ HOUSING.COM platform, as the most preferred real-estate search engine in India.

5. It was submitted that the Complainant also owns the domains 'housing.co.in' as well as 'housing.com' and as on date operates the property-tech platform under the brand HOUSING/ HOUSING.COM vide its website accessible at www.housing.com (any user reaching the domain 'housing.co.in' is also re-directed to the Complainant's website at www.housing.com) as well as through the mobile apps available on both Google Play as well as Apple App Store, as HOUSING: Buy, Rent, Sell & Pay, and Property Search by Housing.com respectively. It was submitted that the Complainant's website accessible at www.housing.com (and indirectly through www.housing.co.in) is the most prominent and preferred way for the users/consumers to browse and learn of the Complainant's offerings, connect with the Complainant and avail its services. It was submitted that the Complainant's leading position and the popularity as well as demand of the services under the trademarks HOUSING / HOUSING.COM is evident from the colossal web-traffic registered by the Complainant's website at www.housing.com in the year 2022 itself, as represented in the graph and the table reproduced hereinbelow:



S. Kumar

Sr.	Month No.	Web-traffic in millions for the Complainant's website at, www.HOUSING.com
i.	December 2021	15.9
ii.	January 2022	14.9
iii.	February 2022	15
iv.	March 2022	17.3
v.	April 2022	17.4
vi.	May 2022	17.4
vii.	June 2022	17.7
viii.	July 2022	18.6
ix.	August 2022	18.2
x.	September 2022	18.5
xi.	October 2022	19.9
xii.	November 2022	20.6
xiii.	December 2022	19.8

Extracts from the Complainant's website at www.housing.com was filed with the complaint and marked as **Annexure F**.

6. It was submitted that the Complainant's mobile app on Google Play - HOUSING: Buy, Rent, Sell & Pay has also registered over 10 million downloads and has over 246,000 reviews. Extracts from the Complainant's mobile apps was filed along with the complaint and marked as **Annexure G**.
7. It was submitted that the Complainant, through its platform under the trademarks HOUSING / HOUSING.COM not only provides a wide range of options for its consumers to choose from, including buying and renting options for residential properties, commercial properties, paying guest and co-living properties as well as plots but also provides a variety of ancillary goods and services, including assistance and facilitation in online rent agreements, home interiors, packers and movers, payment on credit, housing premium services for tenants and buyers, solar rooftops and property management services, *inter alia*. it was submitted that

the Complainant's platform under the trademarks HOUSING/HOUSING.COM, has dedicated sections for each of the said offerings, which also hosts all the information and details necessary for the customer to know while making their purchase/rent decisions. It was submitted that with customer satisfaction as its prime concern, the Complainant's continuously endeavors to develop technology and tools that simplify and yet enrich the user experience and provide the customer the required solution with minimum hassle.

8. It was submitted that the Complainant's platform under the brand HOUSING, as on date hosts over 11 lakhs property listings across India and has catered numerous users till date and enables its customers to explore international properties via a dedicated section on their website at www.housing.com/international, wherein the Complainant lists properties across 116 countries and regions across the globe.
9. It was submitted that the Complainant also extensively advertises and promotes the trademarks HOUSING/ HOUSING.COM through both print and digital media, including social media platforms. It was submitted that the Complainant has created and maintains highly credible, accurate, active and updated profiles, accounts and handles on social media and content sharing platforms such as Facebook, Twitter, YouTube, Instagram, etc. wherein millions of people turn to the Complainant's said social media profiles for updates. It was submitted that the Complainant's primary profile under the well-known trademark "HOUSING.COM" on Facebook @housing.com created in May 2012 has over 1.4 million likes and 1.7 million followers as on date. It was submitted the Complainant's twitter handle @Housing has over 30 thousand followers as on date. In fact, the popularity and support earned by the trademarks 'HOUSING'/ 'HOUSING.COM' and the Complainant, is clearly visible from the large number of followers/ subscribers registered by the Complainant's dedicated profiles on various social media platforms, such as Facebook, Twitter and Instagram *inter alia* as mentioned above. It was submitted that the all of the above accounts and handles maintained by the Complainant on the internet clearly and prominently display the trademarks 'HOUSING' and /or 'HOUSING.COM' on each page, post, video, etc. popularizing the said trademarks among the masses. Extracts from



the Complainant's social media profiles on Facebook, Twitter and, prominently displaying the trademark 'HOUSING' was filed and marked as **Annexure H**.

10. It was submitted that the Complainant also operates a highly popular YouTube channel under the trademark 'HOUSING.COM' wherein it regularly posts updates and videos relating to its goods and services as well as the real estate industry. It was submitted that the popularity and goodwill earned by the Applicant's said YouTube channel is evident from the large viewership garnered by the said channel, which has over 112,000 subscribers and more than 90 million views. It was submitted that the trademarks 'HOUSING' and 'HOUSING.COM' are prominently used on the Complainant's said YouTube channel, instantly popularising and promoting the trademarks among millions of viewers and the general public. Extracts from the Complainant's said YouTube channel under the trademark was filed along with the Complaint and marked as **Annexure I**.
11. It was submitted that the Complainant also spends colossal resources in terms of time, human intellect and money with a view to promote the brand HOUSING, including the HOUSING and HOUSING trademarks as well as formative marks thereof, and the goods and services thereunder and maintain their strong hold as the leading real estate search platform and service provider. It was submitted that the promotional expenses incurred by the Complainant between the period 2018 – 2022 under the HOUSING brand and trademarks are tabulated hereinbelow:

Sr. No.	Financial Year	Advertising and sales promotion expenses (Approx. in INR in lakhs)
i.	2017-18	2418
ii.	2018-19	5240
iii.	2019-20	4490
iv.	2020-21	3729

v.	2021-22	7984
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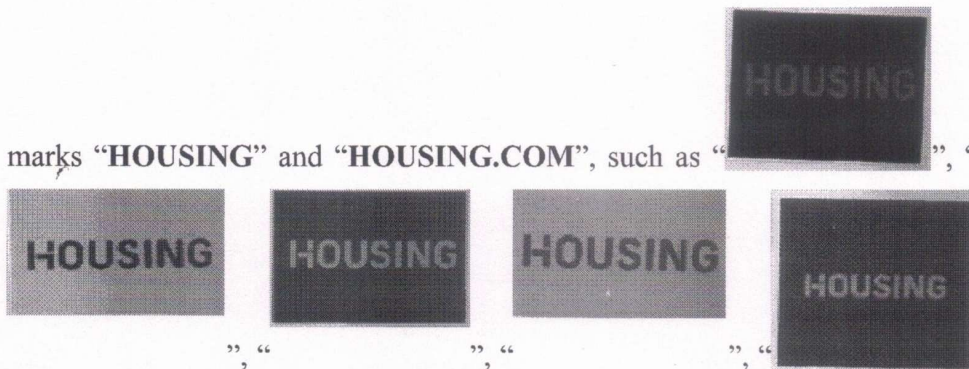
12. It was submitted that the trademark HOUSING was conceptualised and adopted by the Complainant, in complete *bonafide* and to provide a unique identity to its related goods and services when no third party was using same/similar marks. It was submitted that since the establishment of its business and adoption of the said trademarks HOUSING and HOUSING.COM in 2012 and 2013, the Complainant have, registered exponential growth and garnered immense goodwill and reputation across the country as well as globally. It was submitted that the Complainant's growth, achievements and its journey of success has been extensively covered in the national as well as international media, including being featured in special reports published by Forbes India *inter alia*. Extracts/ copies of some of the media reports featuring the Plaintiff, their founder and /or the brand HOUSING was filed as **Annexure J**.
13. It was submitted that in view of the above, by virtue of their continuous, open and uninterrupted use as well as promotion since their adoption in 2012/ 2013, the trademarks HOUSING and HOUSING.COM, have in addition to being inherently distinctive, also acquired distinctiveness, a secondary meaning and well-known reputation in favour of the Complainant and have come to be associated with the Complainant and its goods and services alone and none else.
14. It was submitted that the goodwill and reputation as well as the well-known states earned by the Complainant under the trademarks HOUSING and HOUSING.COM is also evident from colossal revenue generated from the provision of the goods and services under the well-known trademarks and brand HOUSING and formative marks thereof. It was submitted that operations revenue generated by the Complainant under the brand and trademarks HOUSING / HOUSING.COM during the period 2018 – 2022 are tabulated herein below:

Sr. No.	Financial Year	Income from operations (Approx. INR in lakhs)
i.	2017-18	2977
ii.	2018-19	5680
iii.	2019-20	7864
iv.	2020-21	8812
v.	2021-22	20710

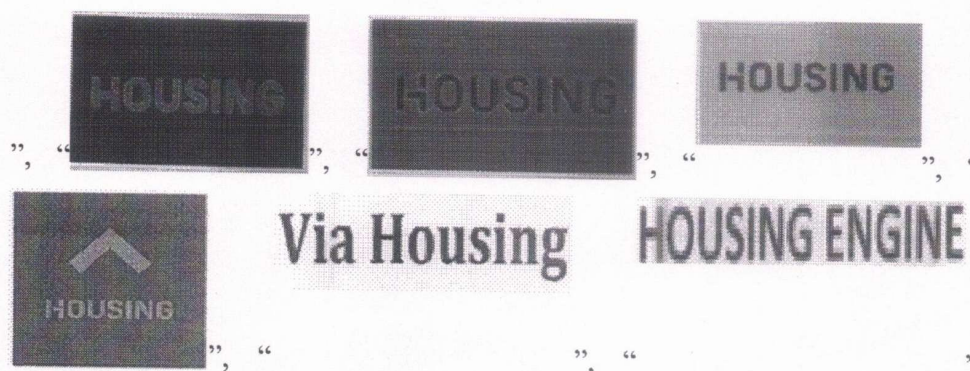
15. It was submitted that the Complainant's goodwill and popularity is further evident from the numerous awards, recognitions and accolades won by the Complainant under the brand HOUSING, some of which are listed hereinbelow:
- a. Gold – Best Creative in e-commerce category, Primetime Awards 2021;
 - b. Silver – Best Integrated Campaign – Primetime Awards 2021;
 - c. Bronze – Brand Rejuvenation – Indian Marketing Awards 2021;
 - d. Winner – Realty+ Marketing Campaign of the Year, 2021
 - e. Winner – Best Brand Campaign in Asia Leadership Conclave on Branding Excellence 2022
 - f. Silver – Home and Real Estate (category) – Best Social Media Brand Awards, 2022
 - g. Silver – Best use of social media for Occasion – Best Social Media Brand Awards, 2022

Extracts from media reports covering the above awards won by the Complainant was filed with the Complaint and marked as **Annexure K**.

16. It was submitted that the Complainant has, over the past decade, also conceived, adopted and used several formative marks based on the primary



Shun



and “**HOUSING LIFE STYLE**” *inter alia*, all of which include the trademark ‘HOUSING’ as their dominant essential element.

17. It was submitted that the Complainant zealously protects its intellectual property rights, including the rights in the well-known brand and trademarks “**HOUSING**” and “**HOUSING.COM**” as well as various other formative marks comprising of “HOUSING” as dominant and essential elements in respect of goods and services in various relevant classes. It was submitted that a representative list of trade marks registrations obtained by the Complainant for its various “HOUSING” and “HOUSING.COM” trademarks and composite marks which comprise of “HOUSING”, as the document essential element thereof (collectively known as “HOUSING trademarks”) are tabulated herein below:

Sr. No.	Trademark Image	Application Number	Classes	Status	Valid Upto
1	HOUSING	2782379	1	Registered	28-07-2024
2	HOUSING	2782380	2	Registered	28-07-2024
3	HOUSING	2782381	3	Registered	28-07-2024
4	HOUSING	2782382	4	Registered	28-07-2024
5	HOUSING	2782383	5	Registered	28-07-2024
6	HOUSING	2782384	6	Registered	28-07-2024
7		2782385	7	Registered	28-07-2024

[Handwritten signature]

	HOUSING				
8	HOUSING	2782386	8	Registered	28-07-2024
9	HOUSING	2782387	9	Registered	28-07-2024
10	HOUSING	2782388	10	Registered	28-07-2024
11	HOUSING	2782389	11	Registered	28-07-2024
12	HOUSING	2782390	12	Registered	28-07-2024
13	HOUSING	2782391	13	Registered	28-07-2024
14	HOUSING	2782392	14	Registered	28-07-2024
15	HOUSING	2782393	15	Registered	28-07-2024
16	HOUSING	2782394	17	Registered	28-07-2024
17	HOUSING	2782395	18	Registered	28-07-2024
18	HOUSING	2782397	20	Registered	28-07-2024
19	HOUSING	2782398	21	Registered	28-07-2024
20	HOUSING	2782399	22	Registered	28-07-2024
21	HOUSING	2782400	23	Registered	28-07-2024
22	HOUSING	2782401	24	Registered	28-07-2024
23	HOUSING	2782404	28	Registered	28-07-2024
24	HOUSING	2782405	28	Registered	28-07-2024
25	HOUSING	2782406	30	Registered	28-07-2024
26	HOUSING	2782407	31	Registered	28-07-2024
27	HOUSING	2782408	32	Registered	28-07-2024



28	HOUSING	2782409	33	Registered	28-07-2024
29	HOUSING	2782410	34	Registered	28-07-2024
30	HOUSING	2782412	39	Registered	28-07-2024
31	HOUSING	2782413	40	Registered	28-07-2024
32	HOUSING	2782414	41	Registered	28-07-2024
33	HOUSING	2782415	42	Registered	28-07-2024
34	HOUSING	2782416	43	Registered	28-07-2024
35	HOUSING	2782417	45	Registered	28-07-2024
36	HOUSING	2880034	35	Registered	12-01-2025
37	HOUSING	2880037	38	Registered	12-01-2025
38	HOUSING	2880038	41	Registered	12-01-2025
39	HOUSING	2880039	42	Registered	12-01-2025
40	HOUSING	2880040	44	Registered	12-01-2025
41	HOUSING	2880041	45	Registered	12-01-2025
42	HOUSING	2880043	19	Registered	12-01-2025
43	HOUSING	2880044	25	Registered	12-01-2025
44	HOUSING	2880045	35	Registered	12-01-2025
45	HOUSING	2880048	38	Registered	12-01-2025
46	HOUSING	2880049	41	Registered	12-01-2025
47	HOUSING	2880051	44	Registered	12-01-2025
48	HOUSING	2880052	45	Registered	12-01-2025

S. Pulam

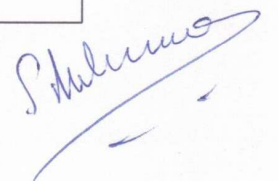
49	HOUSING	2880055	25	Registered	12-01-2025
50	HOUSING	2880056	35	Registered	12-01-2025
51	HOUSING	2880059	38	Registered	12-01-2025
52	HOUSING	2880060	41	Registered	12-01-2025
53	HOUSING	2880061	42	Registered	12-01-2025
54	HOUSING	2880062	44	Registered	12-01-2025
55	HOUSING	2880066	25	Registered	12-01-2025
56	HOUSING	2880070	38	Registered	12-01-2025
57	HOUSING	2880072	42	Registered	12-01-2025
58	HOUSING	2880073	44	Registered	12-01-2025
59	HOUSING	2880074	45	Registered	12-01-2025
60	HOUSING	2880077	25	Registered	12-01-2025
61	HOUSING	2880078	35	Registered	12-01-2025
62	HOUSING	2880081	38	Registered	12-01-2025
63	HOUSING	2880082	41	Registered	12-01-2025
64	HOUSING	2880083	42	Registered	12-01-2025
65	HOUSING	2880084	44	Registered	12-01-2025
66	HOUSING	2880085	45	Registered	12-01-2025
67	HOUSING	2880088	25	Registered	12-01-2025
68	HOUSING	2880089	35	Registered	12-01-2025
69	HOUSING	2880092	38	Registered	12-01-2025
70	HOUSING	2880093	41	Registered	12-01-2025












S. Anil Kumar

71	HOUSING	2880094	42	Registered	12-01-2025
72	HOUSING	2880095	44	Registered	12-01-2025
73	HOUSING	2880096	45	Registered	12-01-2025
74	HOUSING	2880121	25	Registered	12-01-2025
75	HOUSING	2880122	35	Registered	12-01-2025
76	HOUSING	2880125	38	Registered	12-01-2025
77	HOUSING	2880126	41	Registered	12-01-2025
78	HOUSING	2880127	42	Registered	12-01-2025
79	HOUSING	2880128	44	Registered	12-01-2025
80	HOUSING	2880129	45	Registered	12-01-2025
81	HOUSING	2880132	25	Registered	12-01-2025
82	HOUSING	2880133	35	Registered	12-01-2025
83	HOUSING	2880136	38	Registered	12-01-2025
84	HOUSING	2880137	41	Registered	12-01-2025
85	HOUSING	2880138	42	Registered	12-01-2025
86	HOUSING	2880139	44	Registered	12-01-2025
87	HOUSING	2880140	45	Registered	12-01-2025
88	HOUSING.COM	2782333	1	Registered	28-07-2024
89	HOUSING.COM	2782334	2	Registered	28-07-2024
90	HOUSING.COM	2782335	3	Registered	28-07-2024
91	HOUSING.COM	2782336	4	Registered	28-07-2024
92	HOUSING.COM	2782337	5	Registered	28-07-2024
93	HOUSING.COM	2782338	6	Registered	28-07-2024























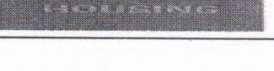
Shilpa

94	HOUSING.COM	2782339	7	Registered	28-07-2024
95	HOUSING.COM	2782340	8	Registered	28-07-2024
96	HOUSING.COM	2782341	9	Registered	28-07-2024
97	HOUSING.COM	2782342	10	Registered	28-07-2024
98	HOUSING.COM	2782343	11	Registered	28-07-2024
99	HOUSING.COM	2782344	12	Registered	28-07-2024
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101	HOUSING.COM	2782346	14	Registered	28-07-2024
102	HOUSING.COM	2782347	15	Registered	28-07-2024
103	HOUSING.COM	2782349	17	Registered	28-07-2024
104	HOUSING.COM	2782350	18	Registered	28-07-2024
105	HOUSING.COM	2782351	19	Registered	28-07-2024
106	HOUSING.COM	2782352	20	Registered	28-07-2024
107	HOUSING.COM	2782353	21	Registered	28-07-2024
108	HOUSING.COM	2782354	22	Registered	28-07-2024
109	HOUSING.COM	2782355	24	Registered	28-07-2024
110	HOUSING.COM	2782356	23	Registered	28-07-2024
111	HOUSING.COM	2782358	26	Registered	28-07-2024
112	HOUSING.COM	2782359	27	Registered	28-07-2024
113	HOUSING.COM	2782361	29	Registered	28-07-2024
114	HOUSING.COM	2782362	30	Registered	28-07-2024
115	HOUSING.COM	2782363	31	Registered	28-07-2024
116	HOUSING.COM	2782364	32	Registered	28-07-2024











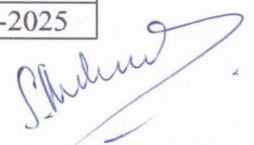
117	HOUSING.COM	2782357	25	Registered	28-07-2024
118	HOUSING.COM	2782360	28	Registered	28-07-2024
119	HOUSING.COM	2782365	33	Registered	28-07-2024
120	HOUSING.COM	2782366	34	Registered	28-07-2024
121	HOUSING.COM	2782368	38	Registered	28-07-2024
122	HOUSING.COM	2782369	39	Registered	28-07-2024
123	HOUSING.COM	2782370	40	Registered	28-07-2024
124	HOUSING.COM	2782371	41	Registered	28-07-2024
125	HOUSING.COM	2782372	42	Registered	28-07-2024
126	HOUSING.COM	2782373	43	Registered	28-07-2024
127	HOUSING.COM	2782374	44	Registered	28-07-2024
128	HOUSING.COM	2782375	45	Registered	28-07-2024
129		2880185	1	Registered	12-01-2025
130		2880186	2	Registered	12-01-2025
131		2880187	3	Registered	12-01-2025
132		2880188	4	Registered	12-01-2025
133		2880189	5	Registered	12-01-2025
134		2880191	7	Registered	12-01-2025
135		2880192	8	Registered	12-01-2025
136		2880193	9	Registered	12-01-2025
137		2880194	10	Registered	12-01-2025
138		2880195	11	Registered	12-01-2025
139		2880196	12	Registered	12-01-2025

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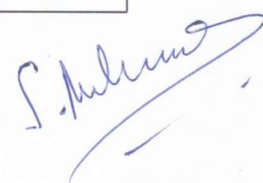
140		2880197	13	Registered	12-01-2025
141		2880198	14	Registered	12-01-2025
142		2880199	15	Registered	12-01-2025
143		2880200	16	Registered	12-01-2025
144		2880201	17	Registered	12-01-2025
145		2880202	18	Registered	12-01-2025
146		2880203	19	Registered	12-01-2025
147		2880204	20	Registered	12-01-2025
148		2880205	21	Registered	12-01-2025
149		2880206	22	Registered	12-01-2025
150		2880207	23	Registered	12-01-2025
151		2880208	24	Registered	12-01-2025
152		2880209	25	Registered	12-01-2025
153		2880210	26	Registered	12-01-2025
154		2880211	27	Registered	12-01-2025
155		2880212	28	Registered	12-01-2025
156		2880214	30	Registered	12-01-2025
157		2880215	31	Registered	12-01-2025
158		2880216	32	Registered	12-01-2025
159		2880217	33	Registered	12-01-2025
160		2880218	34	Registered	12-01-2025
161		2880219	35	Registered	12-01-2025
162		2880221	37	Registered	12-01-2025

Shilpa

163		2880222	38	Registered	12-01-2025
164		2880223	39	Registered	12-01-2025
165		2880224	40	Registered	12-01-2025
166		2880225	41	Registered	12-01-2025
167		2880226	42	Registered	12-01-2025
168		2880227	43	Registered	12-01-2025
169		2880228	44	Registered	12-01-2025
170		2880229	45	Registered	12-01-2025
171	HOUSING ENGINE	2618450	36	Registered	25-10-2023
172	HOUSING ENGINE	2618453	35	Registered	25-10-2023
173	HOUSING LIFE STYLE	2618454	35	Registered	25-10-2023
174	Via Housing	2910131	1	Registered	26-02-2025
175	Via Housing	2910132	2	Registered	26-02-2025
176	Via Housing	2910133	3	Registered	26-02-2025
177	Via Housing	2910134	4	Registered	26-02-2025
178	Via Housing	2910135	5	Registered	26-02-2025
179	Via Housing	2910136	6	Registered	26-02-2025
180	Via Housing	2910137	7	Registered	26-02-2025
181	Via Housing	2910138	8	Registered	26-02-2025
182	Via Housing	2910139	9	Registered	26-02-2025
183	Via Housing	2910140	10	Registered	26-02-2025
184	Via Housing	2910141	11	Registered	26-02-2025
185	Via Housing	2910142	12	Registered	26-02-2025
186	Via Housing	2910143	13	Registered	26-02-2025
187	Via Housing	2910144	14	Registered	26-02-2025
188	Via Housing	2910145	15	Registered	26-02-2025
189	Via Housing	2910146	16	Registered	26-02-2025
190	Via Housing	2910147	17	Registered	26-02-2025
191	Via Housing	2910148	18	Registered	26-02-2025
192	Via Housing	2910149	19	Registered	26-02-2025
193	Via Housing	2910150	20	Registered	26-02-2025
194		2910151	21	Registered	26-02-2025



	Via Housing				
195	Via Housing	2910152	22	Registered	26-02-2025
196	Via Housing	2910153	23	Registered	26-02-2025
197	Via Housing	2910154	24	Registered	26-02-2025
198	Via Housing	2910155	25	Registered	26-02-2025
199	Via Housing	2910156	26	Registered	26-02-2025
200	Via Housing	2910158	28	Registered	26-02-2025
201	Via Housing	2910159	29	Registered	26-02-2025
202	Via Housing	2910160	30	Registered	26-02-2025
203	Via Housing	2910161	31	Registered	26-02-2025
204	Via Housing	2910162	32	Registered	26-02-2025
205	Via Housing	2910163	33	Registered	26-02-2025
206	Via Housing	2910164	34	Registered	26-02-2025
207	Via Housing	2910165	35	Registered	26-02-2025
208	Via Housing	2910166	36	Registered	26-02-2025
209	Via Housing	2910167	37	Registered	26-02-2025
210	Via Housing	2910168	38	Registered	26-02-2025
211	Via Housing	2910169	39	Registered	26-02-2025
212	Via Housing	2910170	40	Registered	26-02-2025
213	Via Housing	2910171	41	Registered	26-02-2025
214	Via Housing	2910172	43	Registered	26-02-2025
215	Via Housing	2910173	44	Registered	26-02-2025
216	Via Housing	2910174	45	Registered	26-02-2025



217	HOUSING	2723691	38	Registered	23-04-2024
218	HOUSING	2723692	25	Registered	23-04-2024

18. It was submitted that by virtue of its open, continuous use as well as extensive promotion since over a decade, the Complainant's trademarks "HOUSING" and "HOUSING.COM", *inter alia* enjoy exceptional goodwill, high brand recognition, retention and recall in respect of the Complainant and its goods/services alone. It was submitted that consequently, no third party, much less the Respondent can be allowed to misappropriate it.

ABOUT THE RESPONDENT

19. It was submitted that the only information related to the Respondent available in the .IN Registry's WHOIS lookup database is the state and country, i.e., UP SCALES, Uttar Pradesh, India". It was submitted that remaining information pertaining to identity and contact details of the Registrant of the domain name 'googlehousing.in'.

THE COMPLAINANT RELIED UPON THE FOLLOWING GROUNDS IN SUPPORT OF THE COMPLAINT AND ITS CLAIM THAT THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND USED IN BAD FAITH.

A. The disputed name is identical and/or confusingly similar to a trademark or service mark in which the Complainant has rights:

- i. It was submitted that the disputed domain name 'googlehousing.in', registered by the Respondent is identical to the well-known and registered 'HOUSING' trademarks which have been adopted and used by the Complainant continuously, extensively, uninterruptedly, and openly since 2012, as detailed in paragraph 28 of Section VI hereinabove. It was submitted that the disputed domain name 'googlehousing.in' is also identical and confusingly similar to Complainant's domain names 'housing.co.in' and 'housing.com' as detailed in Section V hereinabove.

- ii. It was submitted that the disputed domain name incorporates the Complainant's trademark HOUSING in its entirety, but for the necessary suffix "in" and does not add any distinguishing element to it. The suffix ".in" is necessary for India-specific top-level domains on the internet and ought not to be taken into consideration while comparing the disputed domain name with the Complainant's well-known trademark HOUSING and the Complainant's Domain Names. It was submitted that the prefix "google" is a third-party trademark (not the Respondent) and use thereof in the disputed domain name gives a false impression that the same is associated with Google LLC (which is not the case) and/or that the disputed domain name is a search engine page/result relating to the Complainant.
- iii. It was submitted that it has already been established above that the Complainant also owns and operates various web-platforms, mobile apps and social media profiles under the HOUSING trademarks and also has registered the domains www.housing.co.in and www.HOUSING.COM. It was submitted that the any individual coming across the disputed domain name will assume it to be one of many web-platforms /domains and websites owned and used by the Complainant to extend its services under its "HOUSING" trademarks. It was submitted that the Complainant already owns and operates domains like www.housing.co.in and www.housing.com, any viewer may easily be confused with the disputed domain or even assume that the Complainant itself owns the disputed domain name.
- iv. It was submitted that the content for the disputed domain name keeps changing, and primality includes articles related to real estate news across the country, which are directly related to the goods and services offered by the Complainant.
- v. It was submitted that the screenshot of the webpage displayed at the disputed domain name has been reproduced herein below for the ease of reference:



Chrome File Edit View History Bookmarks Profiles Tab Window Help

Google Housing - Top Real Estate X

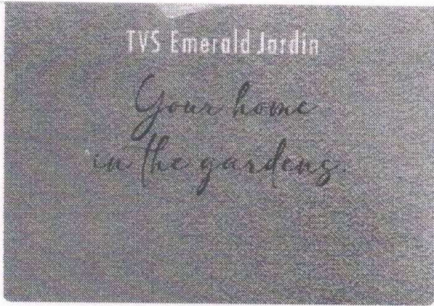
googlehousing.in


DPB International Home | Obed Indraprastha Gas... Thomas Pink win... BAILI - England e... Viral Hepatitis | Gil... www.mca.gov.in... Central Drugs Sta... Other Bookmarks

Launching, Singasandra, Bengaluru Your Home in the Gardens

TVS Emerald Jardin Pre Launching, Singasandra, Bengaluru Your Home in the Gardens, 2 BHK Homes Starting at 62.99 Lakh* Onwards.


Google Housing






TVS Emerald Jardin Pre Launching, Singasandra,...

September 13, 2022 • 2,676 views



Naiknavare Eminence 4 & 4.5 BHK Luxury Residences...

August 31, 2022 • 374 views



Omaze Chowk Chandni Chowk - Purani Delhi ka...

August 02, 2022 • 135 views

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Google Housing - Top Real Estate X

googlehousing.in/#

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Handovers for 76 units and interiors commenced.

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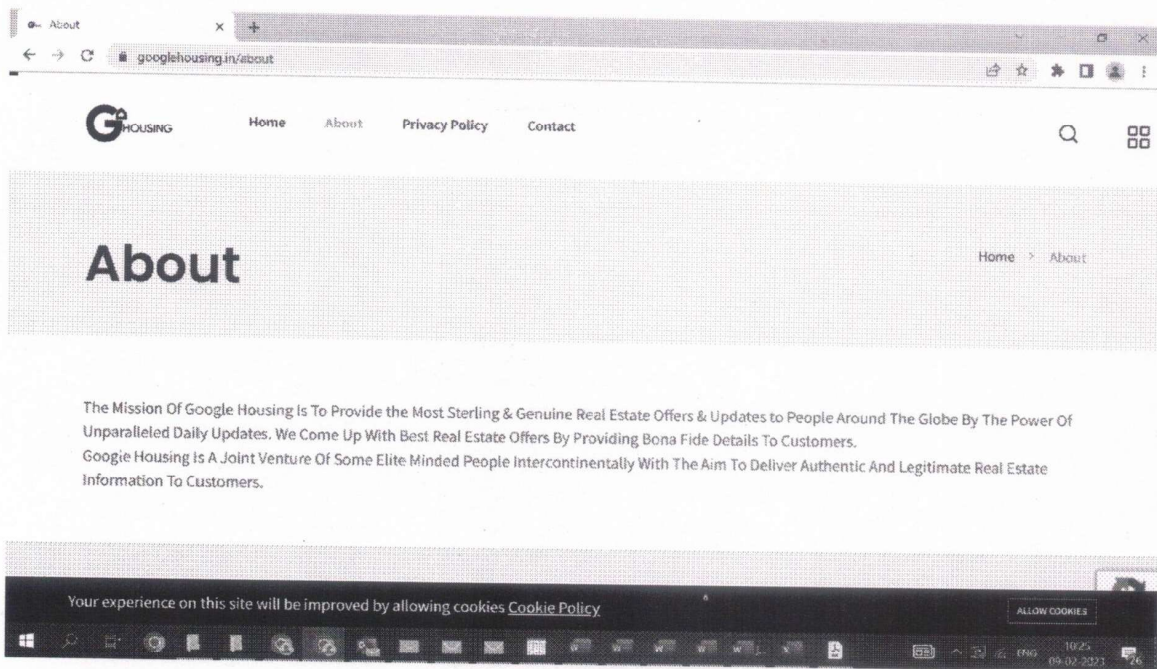
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<https://googlehousing.in/century-ethos-prime-hebbal-bengaluru>

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- vi. It was submitted that the above screenshots of the website at disputed domain name – GoogleHousing.com, particularly their ‘About’ section, wherein the Registrant describes itself as a ‘joint venture’ of ‘elite minded people Intercontinentally with the Aim to deliver authentic and legitimate Real Estate Information To Customers’, unambiguously evidences the Registrant’s *malafide* attempt of misrepresenting itself as a joint venture of the Complainant (operating a leading real estate search platform - HOUSING) and the Google LLC (operator of the GOOGLE search engine). It was submitted that the hosting of abovementioned misleading content on the disputed domain name, is a clear instance of likelihood of confusion as every time a viewer looks up the disputed domain name, he/she is compelled to assume some connection between the content displayed on the disputed domain and Complainant’s HOUSING trademarks and services thereunder or assume that the Complainant has collaborated with the third-party Google LLC and is hosting the disputed domain name as a joint venture and providing real estate news.

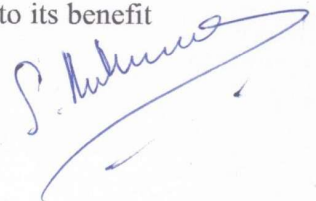
- vii. It was submitted that the disputed domain name is identical and/or confusingly similar to the Complainant’s registered HOUSING

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trademarks and therefore capable of causing confusing in the minds of the viewers and general public.

B. The Registrant/ Respondent has no rights or legitimate interests in respect of the disputed domain name:

- i. It was submitted that the Respondent is neither known by the name Google nor by HOUSING, as both the said names/trademarks are registered by their respective proprietors, i.e., Google LLC (registered proprietor of the trademark GOOGLE) and the Complainant (registered proprietor of the trademark HOUSING), who are in no manner whatsoever related to the Respondent. It was submitted that the Respondent has no rights or legitimate claims in respect of the disputed domain name googlehousing.in, which is identical to and based on the Complainant's well-known "HOUSING" trademarks. It was submitted that the Complainant, the rightful proprietor of the HOUSING trademarks globally has never authorized the Respondent or any third-party to secure and/or continue to hold the registration of the disputed domain name. Additionally, the Respondent does not have any trademark registration for the trademark Google housing and/or any similar mark.
- ii. It was submitted that the no contents, particulars, or details of the Respondent are displayed on the website and the Respondent merely refers to itself as a joint venture. It was submitted that the Respondent, despite being well aware that he/she has no legitimate rights in the Complainant's HOUSING trademarks, has simply registered the disputed domain name in 2020, in order to benefit from the Complainant's goodwill and deceive the visitors by registering a domain name that entirely incorporates the Complainant's well-known HOUSING trademark without including any distinguishing features.
- iii. It was submitted that the Respondent continues to hold the said website purely with the *malafide* intention of preventing the Complainant from securing the registration and using the disputed domain name to its benefit



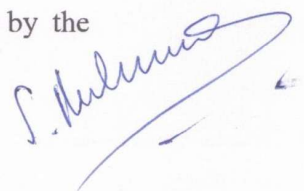
as conferred under the law. It was submitted that the Respondent, being well aware of the Complainant's business and service under the HOUSING trademarks on various web-platforms, has specifically held on to the registration of the said domain name with a view to put the Complainant through unnecessary losses and harassment and cause confusion in the minds of the general public as well as to misappropriate the goodwill and reputation associated with the Complainant.

- iv. It was submitted that at the cost of sounding repetitive, the use of the disputed domain name by the Respondent will deceive the public into believing that the disputed domain name, registered by the Respondent, is associated with or endorsed by the Complainant in some way or is a joint venture of the Complainant. It was submitted that such unauthorised use will invariably lead to an impression building in the users' minds that the Respondent being the Registrant of the disputed domain name is associated with the Complainant through contractual relations such as franchisee, licensee, distributor, *inter alia*. It was submitted that additionally, if such unauthorized use by the Respondent is allowed to continue, it may also lead to dilution of Complainant's well-known trademark, loss of goodwill and degradation of brand equity.
- v. It was submitted that the Respondent has no rights or legitimate interests in the disputed domain name as the impugned domain name comprises of well-known trademarks of two globally popular entities namely GOOGLE INC (third-party) and Locon Solutions Pvt Ltd – the Complainant herein and thus the Respondent cannot claim any rights whatsoever in the trademarks Google and Housing or their combination in any form whatsoever, including the disputed domain name and or offering any goods/services under the disputed domain.

C. The disputed domain name was registered and is being used in bad faith:



- i. It was submitted that the disputed domain name googlehousing.in was registered and is being used by the Respondent in bad faith to cause confusion and mislead the Complainant's consumers, users as well as the general public and to dilute the well-known reputation enjoyed by the Complainant under the HOUSING trademarks as well as cause colossal loss and damage to Complainant's venture under the brand HOUSING.
- ii. It was submitted that it is a settled law that registration of an identical or confusingly similar domain name that is patently connected with a particular trademark owned by another entity, with no connection with the trademark owner is indicative of bad faith as understood in the policy. It was submitted that the use of same or similar domain name is likely to lead to diversion of users which could result from such users mistakenly accessing one domain name instead of another and is likely to have a greater impact in case of web-based businesses in the present digital world, which is characterized by rapid progress and instant and theoretically limitless accessibility to users and potential customers. It was submitted that the General public/ users seeking the Complainant's services under the HOUSING trademarks on one domain name may be confused if they accidentally arrive at a different but similar website under the disputed domain name hosting similar / related content.
- iii. It was submitted that the Complainant's use of the trademark HOUSING dates back to 2012. It was submitted that trademark HOUSING as well as HOUSING formative marks have acquired immense goodwill and popularity during the past decade by virtue of its open, continuous and extensive use as well as promotion by the Complainant worldwide, including and specifically in India. It was submitted that even a preliminary search over the internet or survey among the public in general reveals that the HOUSING trademarks are associated with the Complainant alone and is being used by them in their trade and business since 2012. It was submitted that the Respondent deliberately chose to register the disputed domain name googlehousing.in with *mala fide* intent of deriving undue advantage from the goodwill and impeccable reputation enjoyed by the

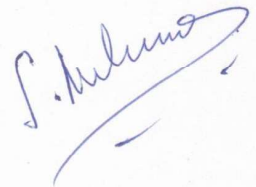


Complainant and its business under the HOUSING trademarks and to intentionally attract internet users and collect their information, who mistakenly believe that the domain name is related to Complainant or its services and the various web-platforms operated by the Complainant under the HOUSING trademarks.

- iv. It was submitted that the disputed domain name is absolutely unrelated to the Complainant. It was submitted that if the disputed domain name is visited by any potential customer of the Complainant, they will be misled into believing that either the Complainant's website is taken over by Google LLC (owner of trademark 'GOOGLE'), or the Complainant has suspended the search portal and rather established a venture for publishing real estate news and updates and other related services under the HOUSING brand and therefore subscribe to the disputed domain name. It was submitted that such impression will consequently disappoint and mislead the loyal users/ consumers, secured by the Complainant by extending the services of the highest standards for over a decade and eventually lead to a loss of Complainant's goodwill and cause irreparable losses.
- v. It was submitted that the Respondent knowingly chose to register and use the disputed domain name 'Googlehousing.in' to divert users from the Complainant's official website hosted the Complainant's domain names, deceive the customers into visiting the disputed domain name and drawing damaging conclusions as to the Complainant's operation under the HOUSING brand, thus adversely affecting the Complainant's goodwill and reputation. It was submitted that the Respondent is guilty of registering and using the disputed domain name Googlehousing.in in bad faith as per INDRP policy and rules.

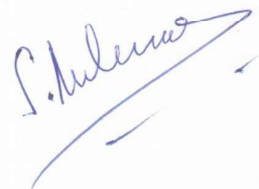
The Complainant finally requests that the disputed domain name be transferred to the Complainant.

V. PARTIES CONTENTIONS:



A. COMPLAINANT

- i. The Disputed Domain Name GOOGLEHOUSING.IN is identical and/or confusingly similar to the well-known HOUSING trademarks of the Complainant as well as the Complainant's website's domain name viz. www.housing.co.in.
- ii. Respondent has used the disputed domain name by requesting the login data of HOUSING customers in a targeted and illegal manner in order to use it for dishonest purposes.
- iii. The Disputed Domain Name GOOGLEHOUSING.IN will give to the consumers an impression that the Respondent is associated with the Complainant in some form or the other.
- iv. Respondent has no legitimate interest in the Disputed Domain Name GOOGLEHOUSING.IN;
- v. The adoption / use of the Complainant's well-known registered mark HOUSING as part of the Disputed Domain Name or in any manner whatsoever results in the infringement of the rights of the Complainant in its HOUSING trademarks.
- vi. The Respondent is taking advantage of innocent customers by hosting the impugned website on the Disputed Domain Name GOOGLEHOUSING.IN who may be unwary about the authenticity of the Respondent.
- vii. The Respondent has incorporated the well-known mark HOUSING of the Complainant in the Disputed Domain Name GOOGLEHOUSING.IN only with the aim of making illegal gains from the goodwill and reputation of the Complainant.



- viii. The HOUSING trademark is a well-known mark and is associated with the Complainant alone and none else.
- ix. The use of HOUSING trademark in the Disputed Domain Name is without due cause and has been done to take unfair advantage of the distinctive trademark and reputation.
- x. The Disputed Domain Name GOOGLEHOUSING.IN has been registered in bad faith with dishonest intention only to mislead the innocent public and used for dishonest purposes.
- xi. The adoption of the Disputed Domain Name is not for non-commercial purposes and does not fall within the ambit of 'fair use'.

B. RESPONDENT

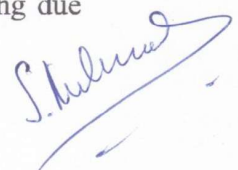
The Respondent did not file its reply to contest the claims of the Complainant and thus this award is based on pleadings and documents filed by the Complainant only.

VI. DISCUSSION AND FINDINGS:

The INDRP (.IN Domain Name Dispute Resolution Policy), adopted by NIXI, provides that a domain name owner must transfer its domain name registration to a complainant/trademark owner if:

- 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.

I have gone through the pleadings i.e., the Complaint filed by Complainant. I have also gone through documents filed by the Complainant with the Complaint. After giving due



consideration to pleadings, documents, facts and legally settled principles, I hold that in the present case all three requirements for transfer of the disputed domain name have been met. I further hold that the disputed domain name of the Respondent is visually, phonetically, structurally and conceptually deceptively similar to the trademark and domain name of the Complainant over which the Complainant, who is prior adopter, prior user and registered proprietor of the well-known HOUSING word and has absolute and sole rights. Consequently, I hold that the Respondent does not have any rights or legitimate interest over the Disputed Domain Name GOOGLEHOUSING.IN and hence the same needs to be transferred to the Complainant. I hold that the company name / trade name / trade mark / house mark / domain name HOUSING and has exclusively and solely become associated and recognized with the Complainant. I hold that due to such exclusive association of the HOUSING trademarks with the Complainant, and also considering the numerous prior registered domain names of the Complainant containing the HOUSING marks, the Complainant alone has the right to utilize the HOUSING trademark as a domain name registered with the .IN Registry. I hold that the Respondent is not entitled to register the disputed domain name as the Respondent has failed to establish any right over the HOUSING trademark and the same is associated only with the Complainant.

A. The disputed name is identical and/or confusingly similar to a trademark or service mark in which the Complainant has rights:

I hold that the Complainant has successfully demonstrated by way of its Complaint that the Disputed Domain Name phoenix-contact.in is identical and / or confusingly similar to the HOUSING trademarks in which the Complainant has unquestionable rights for the following reasons:

- i. I find that the disputed domain name googlehousing.in, registered by the Respondent is identical to the well-known and registered HOUSING trademarks which have been adopted and used by the Complainant continuously, extensively, uninterruptedly, and openly since 2012. I find that the disputed domain name googlehousing.in is also identical and

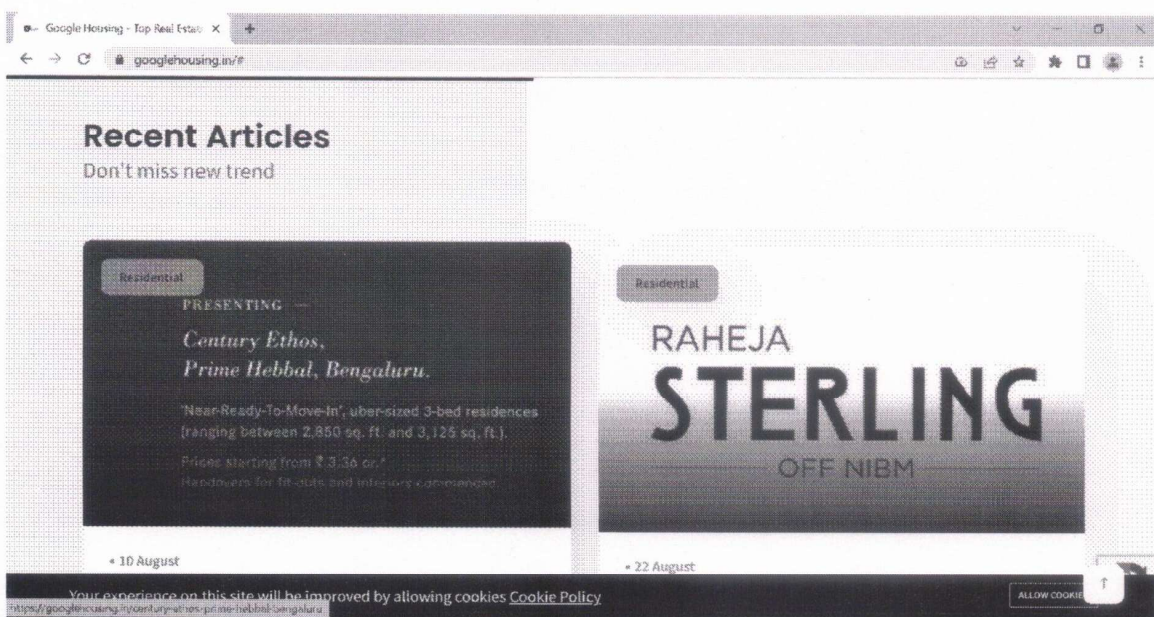
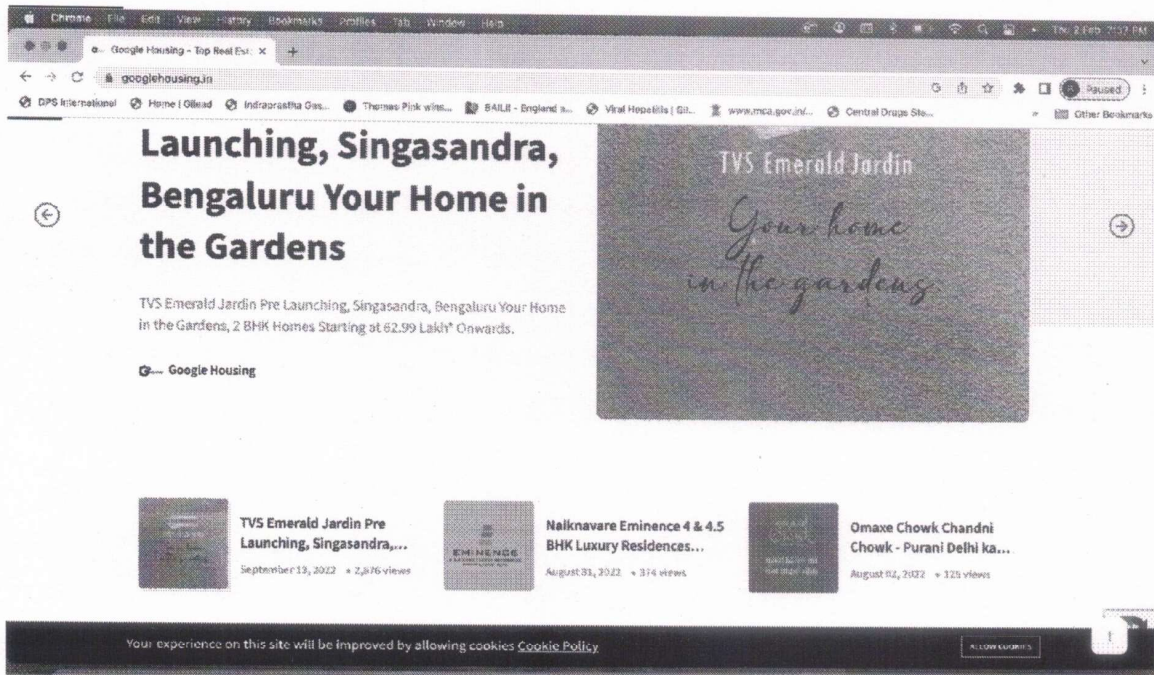


confusingly similar to Complainant's domain names housing.co.in and housing.com.

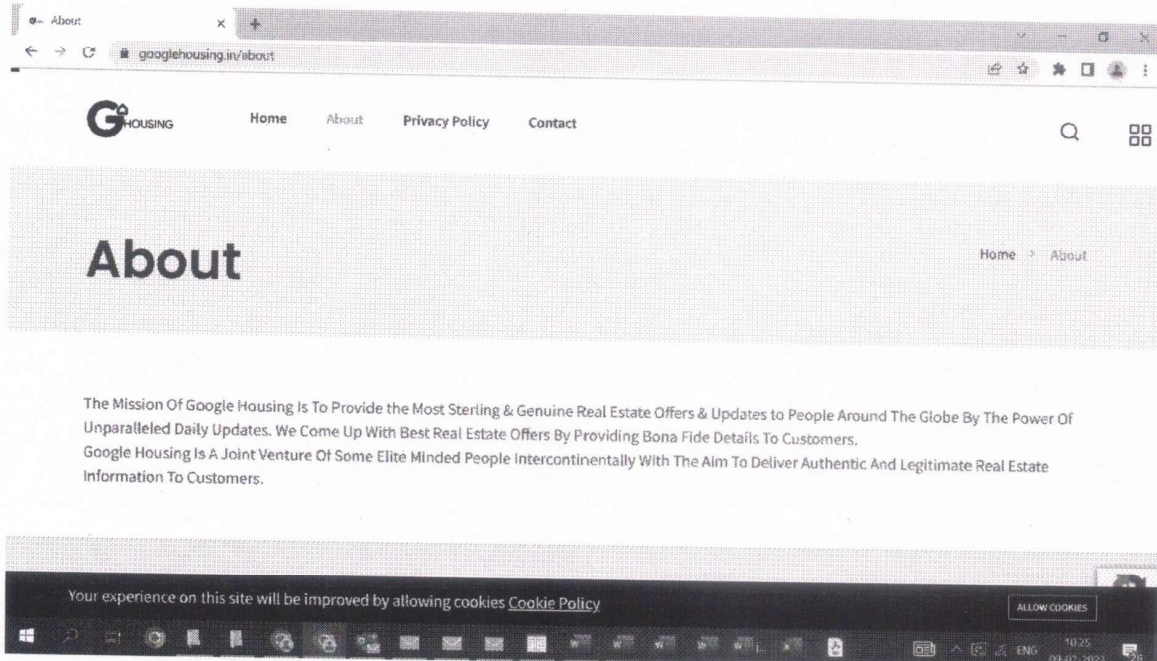
- vi. I find that the disputed domain name incorporates the Complainant's trademark HOUSING in its entirety, but for the necessary suffix in and does not add any distinguishing element to it. The suffix ".in" is necessary for India-specific top-level domains on the internet and ought not to be taken into consideration while comparing the disputed domain name with the Complainant's well-known trademark HOUSING and the Complainant's Domain Names. I find that the prefix "google" is a third-party trademark (not the Respondent) and use thereof in the disputed domain name gives a false impression that the same is associated with Google LLC (which is not the case) and/or that the disputed domain name is a search engine page/result relating to the Complainant.
- vii. I find that it has already been established above that the Complainant also owns and operates various web-platforms, mobile apps and social media profiles under the HOUSING trademarks and also has registered the domains www.housing.co.in and www.HOUSING.COM. I find that the any individual coming across the disputed domain name will assume it to be one of many web-platforms /domains and websites owned and used by the Complainant to extend its services under its HOUSING trademarks. Given the fact that the Complainant already owns and operates domains like www.housing.co.in and www.housing.com, any viewer may easily be confused with the disputed domain or even assume that the Complainant itself owns the disputed domain name.
- viii. I find that the content for the disputed domain name keeps changing, and primality includes articles related to real estate news across the country, which are directly related to the goods and services offered by the Complainant.

S. Mulvaney

- ix. I find that the screenshot of the webpage displayed at the disputed domain name has been reproduced herein below for the ease of reference clearly that the Disputed Domain Name phoenix-contact.in is identical and / or confusingly similar to the HOUSING trademarks in which the Complainant has unquestionable rights:



P. N. N. N.



- x. I find that the above screenshots of the website at disputed domain name – GoogleHousing.com, particularly their ‘About’ section, wherein the Registrant describes itself as a ‘joint venture’ of ‘elite minded people Intercontinentally with The Aim to Deliver Authentic And Legitimate Real Estate Information To Customers’, unambiguously evidences the Registrant’s *malafide* attempt of misrepresenting itself as a joint venture of the Complainant (operating a leading real estate search platform - HOUSING) and the Google LLC (operator of the GOOGLE search engine). I find that the hosting of abovementioned misleading content on the disputed domain name, is a clear instance of likelihood of confusion as every time a viewer looks up the disputed domain name, he/she is compelled to assume some connection between the content displayed on the disputed domain and Complainant’s HOUSING trademarks and services thereunder or assume that the Complainant has collaborated with the third-party Google LLC and is hosting the disputed domain name as a joint venture and providing real estate news.

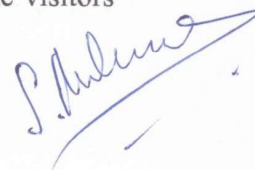
[Handwritten Signature]

- xi. I find that the disputed domain name is identical and/or confusingly similar to the Complainant's registered HOUSING trademarks and therefore capable of causing confusing in the minds of the viewers and general public.

B. The Registrant/ Respondent has no rights or legitimate interests in respect of the disputed domain name:

I hold that the Complainant has successfully demonstrated by way of its Complaint that the Respondent has no right or legitimate interest in the disputed domain name < Googlehousing.in > for the following reasons:

- i. I find that the Respondent is neither known by the name Google nor by HOUSING, as both the said names/trademarks are registered by their respective proprietors, i.e., Google LLC (registered proprietor of the trademark GOOGLE) and the Complainant (registered proprietor of the trademark HOUSING), who are in no manner whatsoever related to the Respondent. I find that the Respondent has no rights or legitimate claims in respect of the disputed domain name googlehousing.in, which is identical to and based on the Complainant's well-known HOUSING trademarks. I find that the Complainant, the rightful proprietor of the HOUSING trademarks globally has never authorized the Respondent or any third-party to secure and/or continue to hold the registration of the disputed domain name. Additionally, the Respondent does not have any trademark registration for the trademark Googlehousing and/or any similar mark.
- ii. I find that the no contents, particulars, or details of the Respondent are displayed on the website and the Respondent merely refers to itself as a 'joint venture'. I find that the Respondent, despite being well aware that he/she has no legitimate rights in the Complainant's HOUSING trademarks, has simply registered the disputed domain name in 2020, in order to benefit from the Complainant's goodwill and deceive the visitors



by registering a domain name that entirely incorporates the Complainant's well-known HOUSING trademark without including any distinguishing features.

- iii. I find that the Respondent continues to hold the said website purely with the *malafide* intention of preventing the Complainant from securing the registration and using the disputed domain name to its benefit as conferred under the law. I find that the Respondent, being well aware of the Complainant's business and service under the HOUSING trademarks on various web-platforms, has specifically held on to the registration of the said domain name with a view to put the Complainant through unnecessary losses and harassment and cause confusion in the minds of the general public as well as to misappropriate the goodwill and reputation associated with the Complainant.
- iv. I find that the use of the disputed domain name by the Respondent will deceive the public into believing that the disputed domain name, registered by the Respondent, is associated with or endorsed by the Complainant in some way or is a joint venture of the Complainant. Such unauthorized use will invariably lead to an impression building in the users' minds that the Respondent being the Registrant of the disputed domain name is associated with the Complainant through contractual relations such as franchisee, licensee, distributor, *inter alia*. Additionally, if such unauthorized use by the Respondent is allowed to continue, it may also lead to dilution of Complainant's well-known trademark, loss of goodwill and degradation of brand equity.
- v. I find that the Respondent has no rights or legitimate interests in the disputed domain name as the impugned domain name comprises of well-known trademarks of two globally popular entities namely GOOGLE INC

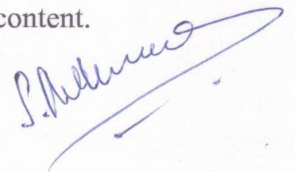


(third-party) and Locon Solutions Pvt Ltd – the Complainant herein and thus the Respondent cannot claim any rights whatsoever in the trademarks Google and Housing or their combination in any form whatsoever, including the disputed domain name and or offering any goods/services under the disputed domain.

C. The disputed domain name was registered and is being used in bad faith.

I hold that the Respondent has registered the disputed domain name in bad faith as per Paragraph 7(c) of the INDRP for the following reasons:

- i. I find that the disputed domain name googlehousing.in was registered and is being used by the Respondent in bad faith to cause confusion and mislead the Complainant's consumers, users as well as the general public and to dilute the well-known reputation enjoyed by the Complainant under the HOUSING trademarks as well as cause colossal loss and damage to Complainant's venture under the brand HOUSING.
- ii. I find that it is a settled law that registration of an identical or confusingly similar domain name that is patently connected with a particular trademark owned by another entity, with no connection with the trademark owner is indicative of bad faith as understood in the policy. I find that the use of same or similar domain name is likely to lead to diversion of users which could result from such users mistakenly accessing one domain name instead of another and is likely to have a greater impact in case of web-based businesses in the present digital world, which is characterized by rapid progress and instant and theoretically limitless accessibility to users and potential customers. I find that the General public/ users seeking the Complainant's services under the HOUSING trademarks on one domain name may be confused if they accidentally arrive at a different but similar website under the disputed domain name hosting similar / related content.



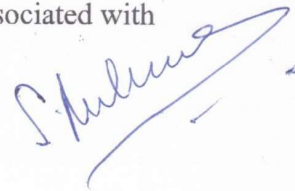
- iii. I find that the Complainant's use of the trademark HOUSING dates back to 2012. The trademark HOUSING as well as HOUSING formative marks have acquired immense goodwill and popularity during the past decade by virtue of its open, continuous and extensive use as well as promotion by the Complainant worldwide, including and specifically in India. I find that even a preliminary search over the internet or survey among the public in general reveals that the HOUSING trademarks are associated with the Complainant alone and is being used by them in their trade and business since 2012. I find that the Respondent deliberately chose to register the disputed domain name 'googlehousing.in' with *mala fide* intent of deriving undue advantage from the goodwill and impeccable reputation enjoyed by the Complainant and its business under the HOUSING trademarks and to intentionally attract internet users and collect their information, who mistakenly believe that the domain name is related to Complainant or its services and the various web-platforms operated by the Complainant under the HOUSING trademarks.
- iv. I find that the disputed domain name is absolutely unrelated to the Complainant. I find that if the disputed domain name is visited by any potential customer of the Complainant, they will be misled into believing that either the Complainant's website is taken over by Google LLC (owner of trademark 'GOOGLE'), or the Complainant has suspended the search portal and rather established a venture for publishing real estate news and updates and other related services under the HOUSING brand and therefore subscribe to the disputed domain name. I find that such impression will consequently disappoint and mislead the loyal users/consumers, secured by the Complainant by extending the services of the highest standards for over a decade and eventually lead to a loss of Complainant's goodwill and cause irreparable losses.



- v. I find that the Respondent knowingly chose to register and use the disputed domain name Googlehousing.in to divert users from the Complainant's official website hosted the Complainant's domain names, deceive the customers into visiting the disputed domain name and drawing damaging conclusions as to the Complainant's operation under the HOUSING brand, thus adversely affecting the Complainant's goodwill and reputation. I find that the Respondent is guilty of registering and using the disputed domain name Googlehousing.in in bad faith as per INDRP policy and rules.
- vi. I find that finally, in light of the above submissions, I hold that it is overwhelmingly clear that the Respondent's registration of the disputed domain name Googlehousing.in has been registered in bad faith, without sufficient cause and is intended to take advantage of the Complainant's immense reputation and prominent presence on the internet in order to confuse the public to the detriment of the Complainant.

In view of all the above facts and well-known legal precedents, I find and hold as under:

- That the disputed domain name of the Respondent is identical and confusingly similar to the Complainant's HOUSING trademarks.
- That the use of the disputed domain name Googlehousing.in is likely to lead to enormous confusion *qua* its origin due to the use of the Complainant's trade mark HOUSING as a whole in the disputed domain name being phonetically, visually and structurally identical to the Complainant's trademark HOUSING.
- That the disputed domain name was registered in bad faith by the Respondent.
- That the disputed domain name is strictly identical to the Complainant's distinctive mark, consumers would certainly mistakenly assume that a website / disputed domain name is operated or endorsed by the Complainant, when such would not be the case.
- That the Respondent has deliberately attempted to create a false impression in the minds of the consumers that the Respondent is somehow associated with or endorsed by the Complainant to ride on the goodwill and reputation associated with



the Complainant and to unjustly enrich from the same.

- That the Respondent has no rights or legitimate interests in respect of the disputed domain name.
- That there is also an imminent likelihood of damage which may be caused to the public at large and also cause irreparable damage to the Complainant's reputation and goodwill through the disputed domain name.
- That the Respondent does not have any affiliation or connection with the Complainant and company name / trade name / trade mark / house mark / domain name HOUSING consequently it is inconceivable that the Respondent's adoption of the name Googlehousing.in which is identical to the Complainant's HOUSING amongst other trademarks and domain names with HOUSING can be seen as merely coincidental.

VII. DECISION

- a) In view of the above facts and circumstances, it is clear that the Complainant has succeeded in its complaint.
- b) That the .IN Registry of NIXI is hereby directed to transfer the domain name/URL of the Respondent <Googlehousing.in> to the Complainant;
- c) In the facts and circumstances of the case no cost or penalty is imposed upon the Respondent. The Award is accordingly passed on the 03 of May, 2023.



Sridharan Rajan Ramkumar
Sole Arbitrator

Date: 03/05/2023