

सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.

Certificate Issued Date

Account Reference

Unique Doc. Reference

Purchased by

Description of Document

Property Description

Consideration Price (Rs.)

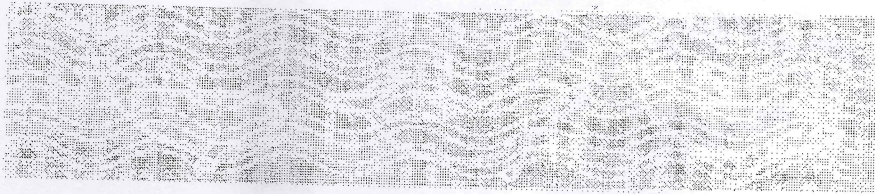
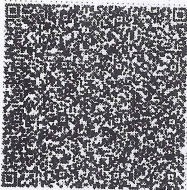
First Party

Second Party

Stamp Duty Paid By

Stamp Duty Amount(Rs.)

: IN-DL57690299908804T
: 09-Mar-2021 05:50 PM
: IMPACC (IV)/ di925103/ DELHI/ DL-DLH
: SUBIN-DL92510317267044491238T
: SRIDHARAN RAJAN RAMKUMAR
: Article 12 Award
: Not Applicable
: 0
: (Zero)
: SRIDHARAN RAJAN RAMKUMAR
: Not Applicable
: SRIDHARAN RAJAN RAMKUMAR
: 100
: (One Hundred only)



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P. Kulkarni

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 Case No: 1320/2021

IN THE MATTER OF:

CEAT Limited

463, Dr. Annie Besant Road

Worli

Mumbai- 400 030 India

Kurian.joseph@ceat.com

...Complainant

VERSUS

Rahul Singh Kumar

F2, lake town city,

Kolkata, West Bengal - 700021

rahulsingh2458978@gmail.com

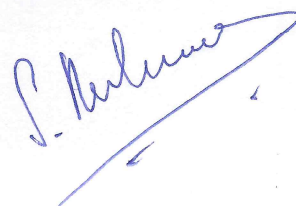
...Respondent

AWARD

1. THE PARTIES:

The Complainant in this arbitration proceeding is, CEAT Limited, which is a public limited company, originally incorporated as CEAT Tyres of India Limited in 1958 under the provisions of the Indian Companies Act, 1956. It was submitted that the Complainant's name was changed to its present name in the year 1990. That the registered office of the Complainant is at 463, Dr. Annie Besant Road, Worli, Mumbai-400 030, India.

The Respondent is one Mr. Rahul Singh Kumar whose details are unknown and had been



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arrayed as Registrant Client Id: RK919342-IN2637 as per information available on Whois website.

2. THE DOMAIN NAME AND REGISTRAR:

The disputed domain name : **ceattyresales.co.in**

The domain name registered with IN REGISTRY

3. PROCEDURAL HISTORY:

January 13, 2021:

Date of Complaint

January, 22 2021:

The .IN REGISTRY appointed Sridharan Rajan Ramkumar as Sole Arbitrator from its panel as per paragraph 5 (b) of INDRP Rules of Procedure after taking a signed statement of acceptance and declaration of impartiality and independence.

January 27, 2021

Arbitral proceedings were commenced by sending notice to Respondent through e-mail 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 within 15 days of receipt of same.

Respondent was served with copies of the Complaint and annexures thereto but failed and neglected to file his response within the 15 days time period intimated to all parties.

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

4. FACTUAL AND LEGAL BACKGROUND :

The Complainant submitted that it carries on an old, established and reputed business and

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is engaged inter alia in manufacturing and marketing automotive tyres, tubes, flaps and other like goods, since almost six decades. The Complainant also submitted that it is engaged in offering retail services dealing in the aforementioned goods from its retail outlets named CEAT Shoppe. The Complainant also submitted that it is also engaged in manufacturing sports goods including cricket bats besides offering retail services of distributing and selling its automotive tyres, tubes, flaps and other like goods from more than 500 retail stores/outlets named CEAT Shoppe outlets located across India. The Complainant submitted that it is represented by one Mr. Kurian Joseph, who is its Vice President-Legal and is duly authorised by virtue of a Power of Attorney dated 09/05/2019 granted in his favour by the Complainant. A copy of the said Power of Attorney was annexed and marked as **Annexure A**.

The Complainant submitted that it found that the Respondent had registered impugned domain name i.e. ceattyresales.co.in. The Complainant further submitted that it carried out a search in the web page of the <https://www.registry.in/domain-search> on 29th December, 2020 to trace the details of the Respondent. However, all the details of the Respondent were redacted for privacy. The printout of the WHOISDETAILS for ceattyresales.co.in was annexed and marked as **Annexure B**.

Complainant's Trade mark and Service Mark

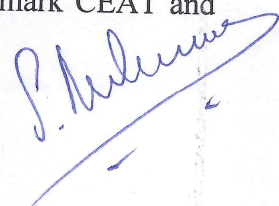
The Complainant submitted that it is one of the most well-known tyre manufacturers in the world tracing its history back to the year 1924, when its predecessor in interest and title, CEAT S.p.A, was established in Turin, Italy. The Complainant submitted that it runs an old, established and reputed business engaged inter alia in manufacturing and marketing automotive tyres, tubes, flaps and other like goods, since almost six decades. It was further submitted that the Complainant manufactures over 35 million tyres each year for passenger and commercial vehicles and motorcycles. It was submitted that the trade/service mark CEAT of the Complainant is an acronym for *Cavi Electrici Affino Torino* i.e. Electrical Cables and Allied Products Turin and is therefore an invented word. True copies of the Complainant's certificate of incorporation was annexed and marked as **Annexure C** to the Complaint.



It was submitted that the Complainant is also engaged in manufacturing sports goods including cricket bats besides offering retail services of distributing and selling its automotive tyres, tubes, flaps and other like goods from more than 500 retail stores/outlets named CEAT Shoppe outlets located across India.

The Complainant further submitted that over the years, its operations have expanded to more than 120 countries worldwide and it enjoys significant reputation worldwide. In addition to manufacturing tyres, the Complainant operates a dedicated customer service network for its consumers providing services including computerized alignment and balancing, nitrogen inflation, periodic tyre rotation etc. Therefore, the Complainant had been using continuously and extensively the mark CEAT as its trade name, trade mark and service mark. Sample copies of a few invoices of the Complainant were provided as **Annexure D** to this complaint.

The Complainant submitted that it had come up with the concept of operating and running a chain of retail stores/outlets named CEAT Shoppe, being a one-stop solution for all tyre related concerns. The Complainant has more than 500 exclusive CEAT Shoppe retail stores/outlets providing its aforementioned goods and services to the customers across India. All details relating to Complainant's CEAT Shoppe are available on Complainant's website <https://www.ceat.com/ceat-shoppe>. The Complainant submitted that it has done voluminous business in relation to its aforementioned goods using the said trade mark CEAT. The Complainant submitted that it has spent substantial sums of money towards advertisement, publicity and promotion of its trade mark CEAT across India. The Complainant submitted that it has the trade mark CEAT is thus regarded as one of the premier brands in the automobile tyre and tube industry. It was submitted that such is the high level of distinctiveness that the said trade mark CEAT commands. Owing to superior quality and efficacy of the Complainant's aforementioned goods coupled with the excellent distribution network and after sales service provided, the trade mark CEAT has achieved lot of name and fame and immense goodwill and reputation had accrued in the said trade mark and the same has come to be associated and identified with the Complainant and its goods. In the ordinary course of its use, the trade mark CEAT and



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any goods branded thereunder are synonymous with and connote and denote to the goods of the Complainant's manufacture.

The Complainant submitted that it had launched 'CEAT' Cricket Rating in 1995, which had come to be recognized as one of the most comprehensive and credible rating systems in International cricket. Taking this initiative forward, in the year 1995-1996, the Complainant has also launched its 'CEAT' International Cricket Rating Awards, an annual event, to recognize excellence in International cricket. Distinguished cricketers, such as Brian Lara of West Indies [1995-96], Mark Waugh of Australia [1995-96], Sachin Tendulkar of India [1996-97], Jacques Kallis of South Africa [1998-99], Sourav Ganguly of India [1999-00], Muttiah Muralitharan of Sri Lanka [2000-01], Shane Warne of Australia [2001-02] and others have been felicitated at the Complainant's CEAT Awards. The Complainant is also a registrant of the dedicated website namely www.ceatcricketrating.com/shop/. The Complainant also provides cricket bats bearing the trade mark CEAT for the endorsement to renowned cricketers, both male and female, such as Ms. Harmanpreet Kaur, Ajinkya Rahane, Ishan Kishan, Rohit Sharma and Shubman Gill. Pictures of various cricketers endorsing the CEAT brand have been annexed and marked as **Annexure E**.

The Complainant submitted that it had also recently introduced the CEAT GoSafe S95 face mask, CEAT Gosafe Hand Sanitizer Gel and CEAT Gosafe Surface Disinfectant Spray to help India stay safe during the Covid-19 pandemic outbreak. With this, the Complainant has made a foray into the PPE business in line with its commitment to safety. A printout of the screenshot of Complainant's advertisement of its CEAT GoSafe products have been annexed and marked as **Annexure F**.

The Complainant submitted that it has widely promoted its goods and services under its trade/service mark CEAT. Copies of some of the Complainant's promotional materials have been annexed and marked as **Annexure G**.

The Complainant further submitted that since its inception it had used the mark CEAT as a trade/service mark and as its trade name extensively and continuously in India and

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foreign jurisdictions with exceptional success and had generated huge revenues under the said trade mark. The Complainant submitted that it sells its goods under the trade mark CEAT on an extensive scale throughout India and had in the last financial year 2019-20 sold goods bearing the said trade mark CEAT in excess of Rs. 6470.32 crores and it had spent more than Rs. 160.96 crores for the year 2019-20 towards advertisements, promotion, publicity, etc. Copy of a statement of the annual sales and advertisement figures for the tyres, tubes and flaps sold and advertised under the trade mark CEAT was annexed as **Annexure H**.

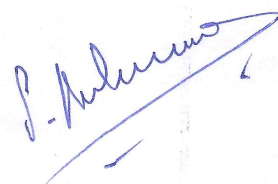
Further, the Complainant had been presented various awards and had received accolades from various trade associations, committees in recognition of the stellar reputation and insurmountable goodwill subsisting in the Complainant's business. The Complainant provided the following overview of the awards which have been accorded to it:

Marketing and Advertising:

- Creative Excellence Award, India Awards , 2017
- Silver Award, Big Bang Awards: Best Media Innovation Radio, Drive Safe Dad Campaign, 2016
- Silver Award, India Digital Media Awards: Best Integrated Media Campaign- Films/TV shows/Events, Chade The Monsoon-2016
- Gold Award, Media Abby Awards, Goa fest : Best Use of Mobile Media – Drive safe dad, 2015
- Gold Award, The Advertising Club, Emvies: Best media Innovation-Digital- Mobile/Handheld Devices – Drive safe dad, 2015
- Gold Award, Abbys-Goa Fest: Best Non Fiction Series, Chade the monsoon – 2014
- Effies Silver: Superior Grip Sustained campaign – 2014

Quality Awards:

- ABK - AOTS 5S Excellence Award, Jan 2017
- ABK - AOTS 5S Excellence Award, Dec 2016



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- British safety council : Sword of Honour, Nov 2016
- British safety council : 5 Star, Mar 2016
- 6th Annual Manufacturing & Supply Chain Award
- Employers Federation of India - National Excellence Award in Employee Relations

(CAPEXIL) Awards

- Complainant submitted that it had received the prestigious Deming Prize, which was awarded recognizing the achievement of business transformation by implementing Total Quality Management (TQM). It is worthwhile to mention that Complainant became the first tyre company in the world, outside of Japan, to have the honour of achieving this award.
- The Complainant submitted that it is ranked highest in India for Original Equipment (OE) Tyre customer satisfaction in a study by J.D. Power 2017.

The Complainant submitted that its trade/service mark **CEAT** had acquired distinctiveness and is a well-known trade/service mark associated exclusively with the Complainant and its business. In fact the Honorable High Court of Bombay, India, in its order dated 25.03.2019 designated the Complainant's mark **CEAT** as a well-known mark. Copy of the order is attached as **Annexure I**. Further, the Honorable High Court of Bombay, Commercial Division have passed an order in IA NO: 1 of 2020 in CEAT Limited vs Tirupati Conveyors India Private Limited, wherein, CEAT is reiterated as well know trademark. Copy of the order has been filed as **Annexure J**.

CEAT has also been recently included in the list of trade marks which are declared as Well-Known. The same had been published in the Trade Marks Journal 1978 dated December 14, 2020. Copy of the Publication has been filed as **Annexure K**.

5. THE COMPLAINANT'S STATUTORY AND COMMON LAW RIGHTS

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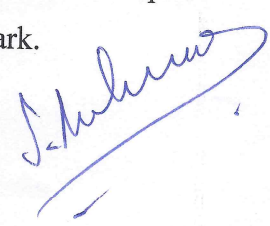
The Complainant submitted that by virtue of priority in adoption, long, continuous, uninterrupted and extensive usage of the mark **CEAT** for several decades, the Complainant has acquired substantive common law rights to use the **CEAT** mark.

By virtue of its very nature, being an invented word, the mark **CEAT** is arbitrary in relation to the Complainant's business and has been uniquely adopted in relation of the business of the Complainant. On account of its unique adoption, coupled with the distinctiveness acquired by the mark **CEAT** by virtue of its use, the mark **CEAT** has become exclusively and solely associated with the Complainant.

Details of the turnover and advertisement expenses incurred by the Complainant in relation to its trade/service mark, for the last five years was furnished as under:

S No	Period Ending	Annual Turnover [In INR, Crores]	Advertising Spend [In INR, Crores]
1	2019-2020	6470.32	160.96
2	2018-2019	6757.93	168.92
3	2017-2018	6244.28	146.72
4	2016-2017	6333.04	122.13
5	2015-2016	6082.43	108.26

It was submitted that the promotional efforts of the Complainant had resulted in the **CEAT** mark becoming a well-known trade/service mark of the Complainant. Thus, use by any other person of the trade/service mark **CEAT** or any other phonetically, visually or deceptively similar mark would not only result in immense confusion and deception but would also be in violation of the Complainant's rights in the said mark.






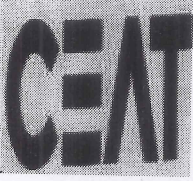


It was further submitted that apart from the common law rights in the trade/service mark **CEAT**, the Complainant is also the registered proprietor of the trademark **CEAT** in over 120 countries. It was submitted that **CEAT GOMMA SOC. PER AZ** and **CEAT SpA** were the registered proprietors of the trademark **CEAT** since 1961. These rights were assigned to the Complainant in 1978. The worldwide registrations for the trademark **CEAT** were held by **CEAT SpA**, which were subsequently assigned to **Pirelli & C.S.p.A.** It was submitted that **Pirelli & C. S.p.A** assigned worldwide rights in the trademark **CEAT** to the Complainant by virtue of an assignment in 2010.

The Complainant provided a list of few of the trademark registrations secured by the Complainant in India as detailed below:

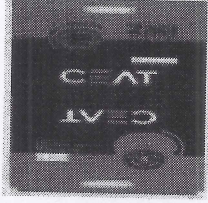
Sr. No.	Trade Mark	Class	Registration No.	Status
1.	CEAT	12	204251	Registered
2.		12	466079	Registered
3.		12	561135	Registered
4.		12	599737	Registered
5.	CEAT	12	604993	Registered
6.	CEAT SAMRAAT	12	604994	Registered

S. Subramanian

7.		12	605276	Registered
8.		12	1496993	Registered
9.		12	1540264	Registered
10.		12	1540265	Registered
11.		12	1540266	Registered
12.		12	1678126	Registered
13.	CEAT MILAZE	12	1701310	Registered
14.	CEAT BULAND	12	1775350	Registered
15.	CEAT GRIPP	12	1778736	Registered
16.	CEAT THETAA	12	2026660	Registered
17.	CEAT CZAR	12	2026662	Registered
18.	CEAT PRO BIO	12	2092582	Registered
19.	CEAT ECODRIVE	12	3334100	Registered

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20.	CEAT SECURADRIVE	12	3334101	Registered
21.	CEAT SPORTDRIVE	12	3334102	Registered
22.	CEAT	12	3573642	Registered
23.	CEAT STEPNEE	12	3727493	Registered
24.	CEAT GRIPP MAX	12	4077675	Registered
25.	CEAT LYFE MAX	12	4077676	Registered
26.	CEAT ROCK MAX X3	12	4235203	Registered
27.		12	4270895	Registered
28.	CEAT (device)	12	4270896	Registered
29	CEAT	28	2818906	Registered
30	CEAT (Label)	28	2818908	Registered
31	CEAT (word)	35	2818907	Registered
32	CEAT (label)	35	2818909	Registered
33	CEAT CRICKET RATING	41	2128923	Registered
34	CEAT SHOPPE	37	2124659	Registered

The registrations for the Complainant's Mark and CEAT formative marks in the table above are valid and subsisting.

The grant of the aforementioned trademark registrations in favour of the Complainant for the trademark **CEAT** is in itself adequate recognition of the Complainant's proprietary rights in the trademark **CEAT**.

I have noticed that trademark no. 204251 for the wordmark CEAT in class 12 has been filed as early as 17/08/1961 and is a valid and subsisting mark.

6. INTERNET PRESENCE

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The Complainant submitted that it has devoted an enormous amount of time, effort and energy in promoting and advertising the said mark in the print and online media and the said mark is consequently identified solely with the Complainant. It is pertinent to note that the Complainant is itself the Registrant of the following domain names containing its trade/service mark **CEAT**:

- **ceat.com**
- **ceatltd.com**
- **ceat.in**
- **ceattyres.in**
- **ceatonline.in**
- **ceatconnect.in**
- **ceatcricketrating.org**

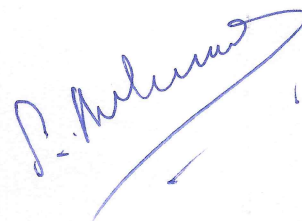
7. RECOGNITION OF THE COMPLAINANT'S RIGHTS IN ITS TRADE MARK/NAME CEAT

The Complainant's rights in its trademark / name **CEAT** had been recognized in a previous WIPO decision, being *CEAT Limited v. Vertical Axis Inc. / Whois Privacy Services Pty Ltd*, WIPO Case No. D2011-1981, wherein the domain name **ceat.com** was transferred to the Complainant. A copy of the said decision has been filed as **Annexure L**.

This Complaint is based on the following grounds:

8. PARTIES CONTENTIONS:

A. Complainant



- (a) The Domain Name is identical or confusingly similar to a Trademark of the Complainant
- (b) Respondent had no legitimate interest in the domain name
- (c) Respondent had registered the domain name in bad faith

B. Respondent

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

9. DISCUSSION AND FINDINGS:

I hold that the Respondent's domain name is identical to the trademark/ trade name in which the Complainant has absolute and sole rights.

A. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant had rights:

I find that the Respondent's domain name < ceattyresales.co.in > is confusingly similar/ identical to the well-known trade/service mark of the Complainant, **CEAT**. I hold that the Complainant overwhelming common law as well as statutory rights in its trade/service mark **CEAT** in India and foreign jurisdictions. Therefore, the Complainant is the sole legitimate owner of the trade/service mark **CEAT**. The trademark **CEAT** enjoys fame as can be seen from the fact that it has been declared as a well-known trademark by the Indian Trademark Registry.

I find that the Respondent's registration of domain **ceattyresales.co.in** will induce members of the public and trade to believe that the website belongs to the Complainant or that the Respondent has a trade connection, association, relationship or approval with/of the Complainant, when it is not so. The said website will be cause fraud on the general public.

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B. The Respondent had no rights or legitimate interests in respect of the domain name:

I hold that the Respondent had no rights/ legitimate interest in the domain name <ceattyresales.co.in> for the following reasons:

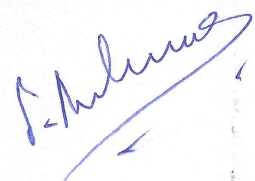
The Respondent admittedly and evidently has no connection whatsoever with the Complainant and the Complainant has not licensed or otherwise permitted the Respondent to apply for any domain name incorporating the trade/service mark "CEAT" and/or "ceattyre".

The Respondent has not made any legitimate offering of goods or services under the mark "CEAT" and/or "ceattyre" through the disputed domain name. I find that the Respondent's intention is only to cheat general public pretending to be a website hosted by the Complainant. The only purpose of the website very apparently is an invitation to the public in general to start their tyre dealership business in their town with just a low investment. The contents of the website clearly support the above views and findings.

I further hold that there is no plausible explanation for the adoption and registration of the domain name <ceattyresales.co.in> by the Respondent, since the Complainant's trade/service mark CEAT is an invented word other than the intention of the Respondent to misappropriate the reputation of the Complainant's trade/service mark CEAT and confuse and deceive the unwary customer of the Complainant.

Therefore, I find that the sole purpose of the Respondent's registration of the disputed domain name is to defraud general public in making them believe that it is a website hosted by the Complainant and to divert traffic from the Complainant's websites and that proves the fact that the Respondent had no rights or legitimate interest in the disputed domain name.

C. The domain name was registered in bad faith:



I hold that the Respondent had registered the impugned domain name in bad faith for the following reasons:

That the Respondent had adopted the domain name i.e. www.ceattyresales.co.in only with an intend to defraud the Complainant's valued customers and for extracting money / personal details from them. It is evident that the Complainant has come across instances where the Respondent had been approaching general public through various social media platform like Facebook offering CEAT dealership against payment. Thus it is clear that the website www.ceattyresales.co.in was also created to cheat those who enquire for our distributorship/dealership/sub-dealership.

That by adopting a domain name using the Complainant's well - known and distinctive trademark CEAT the Respondent has intentionally attempted to lure Internet users to the Respondent's website or other on-line location, by posing itself as the Complainant with the sole intention to cheat those who enquire for the Complainant's distributorship/dealership/sub-dealership.

That the Respondent had not made any legitimate offering of goods or services under the Complainant's trade/service mark CEAT through the disputed domain name, on the contrary the Respondent posing itself as the Complainant has intentionally done so to defraud gullible consumers and to make money by offering without any authority, dealership/distributorship of the Complainant against payment Hence, the Respondent is only attempting to usurp the reputation and goodwill of the Complainant's trade/service mark CEAT through the disputed domain name.

It is furthermore held in various precedents in this regard that the 'domain names' are fast emerging corporate assets and have evolved as a fulcrum of a company's visibility and marketing operations. Business transactions are primarily being carried out only through internet addresses rather than street addresses or post boxes or even faxes. Hence, it becomes critical that unscrupulous individuals are not permitted to usurp well-known trademarks and domain names to unfairly benefit from such act to support their illegal act.

P. Kulkarni

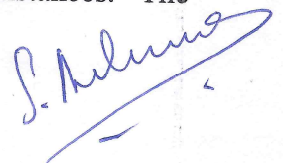
It is therefore held that the disputed domain name has been registered by the Respondent in bad faith and without any *bonafide* cause.

That Paragraph 7 of the .IN Domain Dispute Resolution Policy (INDRP) provides a list of circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in a disputed domain name. In the circumstances narrated above I hold that none of them are applicable to the Respondents in present case, as elaborated hereunder:

I find that the disputed domain name has not been used in connection with *bona fide* offering of goods or services by the Respondent. That the domain name has instead been used to offer goods and services in violation of the trademark rights of the Complainant. The Respondent is using the disputed domain name to advertise and promote their goods and services under the mark CEAT TYERS, misleading the consumers into believing that www.ceattyresales.co.in is in some manner affiliated to the Complainant by using the word CEAT TYERS in conjunction with the generic words 'brand'.

That the domain name had been registered as recently as 29-11-2020 by the Respondent who has registered and designed the website solely for misleading the consumers. The Respondent has only recently adopted the name to ride on the goodwill of the Complainant. Thus, the question of being known by the domain does not arise in the first place. The Respondent registered the disputed domain name for commercial gain as is clear from the fact that the same is creating a wrong impression in the minds of consumers of the presumed connect with the Complainant. That the Respondent has put the disputed domain name to an illegitimate commercial purpose or for unfair use by way of attempting to capitalize on the goodwill and reputation of the Complainant. There is a clear intent for commercial gain to misleadingly divert consumers.

I hold that none of the exemptions provided under paragraph 7 of the .IN Domain Dispute Resolution Policy (INDRP) apply in the present circumstances. The



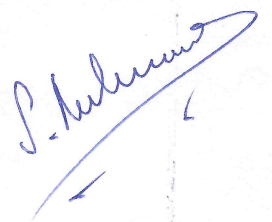
Complainant has not authorized, licensed, or permitted the Respondent to register or use the Domain Name or to use the CEAT trademark. The Complainant has prior rights in the trademark CEAT which precedes the registration of the disputed domain name by the Respondent.

That the Complainant has therefore established a *prima facie* case that the Respondent have no rights and legitimate interests in the disputed domain name and thereby the burden of proof shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Domain Name.

Under paragraph 6(iii) of the IN Domain Dispute Resolution Policy (INDRP), if by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location, it shall be evidence that the Registrant's registration and use of the domain name is in bad faith.

I hold that the disputed domain name is deceptively similar to the Complainant's registered trademark CEAT, in which the Respondent cannot have any rights or legitimate interest.

It is clear from the fact that Respondent had registered the disputed domain name for sole purpose of designing the website to mislead consumers. By doing so the Respondent has intentionally attempted create a likelihood of confusion with the Complainant's registered trademark as to the source, sponsorship, affiliation, or endorsement of the disputed domain name. I hold that the well-known status of the trademark CEAT, which was adopted and applied by the Complainant well prior to the registration of the disputed domain, makes it extremely unlikely that Respondent created the disputed domain name independently without any knowledge of Complainant's trademark.



That it had been consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can itself create a presumption of bad faith and so it opined about the Respondent's registration of the impugned domain name.

That I did not receive a Response/ Reply to the Complaint dated January 13, 2021 on behalf of the Respondent.

10. DECISION

- a) In view of the above facts and circumstances, it is clear that the Complainant had succeeded in its complaint.
- b) That the .IN Registry of NIXI is hereby directed to transfer the domain name/URL of the Respondent "www.ceattyresales.co.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 this 09th Day of March, 2021.



Sridharan Rajan Ramkumar
Sole Arbitrator

Date: 09/03/2021