



# Registration and Stamp Department

Madhya Pradesh

## Certificate of Stamp Duty

### E-Stamp Details

E-Stamp Code 01010527042021000626  
Total E-Stamp Amount 200  
Govt. Stamp Duty (Rs.) 200 Municipality Duty (Rs.) 0  
Janpad Duty (Rs.) 0 Upkar Amount (Rs.) 0  
Exempted Amount(Rs.) 0  
E-Stamp Type NON-JUDICIAL  
Issue Date & Time 27/04/2021 12:00:56  
Service Provider or Issuer Details ANUBHUTI JAIN/SP010541604201700013  
SP/SRO/DRO/HO Details 24 BDA NEAR JAIN MANDIR PANCHSHEEL NAGAR BHOPAL 462003 HUZUR  
BHOPAL

### Deed Details

Deed Type Award without Property  
Deed Instrument Award without Property  
Purpose ARBITRATION AWARD (Award without Property)

### First Party Details

Organization Name SINGAPORE AIRLINES LIMITED  
Address AIRLINE HOUSE , 25 AIRLINE ROAD SINGAPORE 819829 BHOPAL Madhya Pradesh  
INDIA  
Number of Persons 1

### Second Party Details

Organization Name MILEN RADUMILO  
Address 17 STRADA C. A. ROSETTI BUCHAREST- 10281 BHOPAL Madhya Pradesh INDIA  
Number of Persons 1

ARBITRATION AWARDNAME OF ARBITRATOR- SHRI RAJESH BISARIA

**BEFORE THE ARBITRATOR RAJESH BISARIA**

**UNDER THE**

**.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)**

**[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]**

**ARBITRAL AWARD**

**Date-27.04.2021**

**Disputed domain name: [www.singaporeairlines.in](http://www.singaporeairlines.in)**

**INDRP Case no -1334**

Digitally signed by  
ANUBHUTI JAIN  
Date: 2021.04.27 12:00:58  
IST





## **THE PARTIES**

The **Complainant** is Singapore Airlines Limited, Airline House, 25 Airline Road  
Singapore 819829 SG

The **Respondent** is Milen Radumilo, 17 Strada C.A.Rosetti, Bucharest ,Bucharest 10281  
RO

## **THE DOMAIN NAME AND REGISTRAR**

The disputed domain name: **www.singaporeairlines.in** is registered on 13.10.2020.with  
Dynadot, LLC , Registrar's Address: 210 S Ellsworth Ave #345 San Mateo, CA 94401 US ,  
Telephone Number:+1 6502620100 , E-mail Address: **info@dynadot.com**;  
**accounts@dynadot.com**

## **PROCEDURAL HISTORY**

1

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure.	24.02.2021
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and .IN REGISTRY.	25.02.2021
Due date of submission of Statement of Claim by Complainant	07.03.2021
Complainant's response by submitting their Statement of Claim.	25.02.2021 06.04.2021
Respondent's response by submitting their Statement of Defence against the date of submission as 07.03.2021	Not submitted
Complainant's response by submitting their Rejoinder.	Not required, as Statement of Defence was not submitted by Respondent.
Respondent's response by submitting their Statement of Defence against the extended date of submission as 08.04.2021	Not submitted
Intimation for keeping case reserved for publishing the Award on merit.	15.04.2021
The language of the proceedings.	English



## **FACTUAL BACKGROUND**

### **2 The Complainant :**

The **Complainant** is **SINGAPORE AIRLINES LIMITED** with administrative proceeding is Singapore Airlines Limited of Airline House, 25 Airline Road, Singapore 819829, SG, represented by Paddy Tam, CSC Digital Brand Services Group AB. Telephone: c/o +852 2345 7555 , Fax: c/o +1 302-636-5454 , E-mail: domain\_name@singaporeair.com.sg.

The authorized representative of the complainant is Paddy Tam, CSC Digital Brand Services Group AB with address Drottningatan 92-94, 111 36 Stockholm, Sweden, Telephone: c/o +852 2345 7555, Fax: +1 302-636-5454 , E-mail: udrp@cscglobal.com

### **3 The Respondent:**

The **Respondent** is **MILEN RADUMILO** having its Address:17 Strada C. A. Rosetti, Bucharest, Bucharesti, 10281, RO , Telephone:+1.8666375139 , Fax: NA ,Email:milen.radumilo@gmail.com

### **4 Complainant's Activities:**

- (i) Singapore Airlines Limited (SGX: C6L, also known as SIA) is the national airline of Singapore with its hub at Singapore Changi Airport. Incorporated in 1972, it is known for its unparalleled customer service as well as for its continuing efforts to upgrade its aircraft and technology. Submitted Annexure G-1 & G-2.
- (ii) Today, SIA is internationally recognized as one of the world's leading carriers. It has ranked as the world's best airline in 2019 by Trip Advisor Travellers' Choice, Traveller's World Magazine, Destin Asian (for the 14<sup>th</sup> consecutive year), Business Traveler USA (for the 29<sup>th</sup> time) and Condé Nast Traveler (for 30 out of 32 years) among others. Additionally, Fortune Magazine ranked SIA as 18<sup>th</sup> in the Top 50 World's Most Admired Companies. Submitted Annexure G-3.



- (iii) For the fiscal year of 2018-2019, SIA carried a total of 20,738,001 passengers in 121 passenger aircrafts in fleet to 63 destinations. SIA reported an annual revenue of about \$16.3 billion, a group operating profit of over \$1 billion and a group net profit of \$ 683 million. Submitted Annexure G-4.
- (iv) Further, Complainant has many airline-related subsidiaries, including SIA Engineering Company, a leader in aircraft maintenance, repair and overhaul (MRO) business. SIA Engineering Company services planes of more than 80 airlines from around the world. Complainant's two wholly owned subsidiaries: Silk Air operates regional flights to secondary cities, and Scoot operates as a low-cost carrier. Submitted Annexure G-5.
- (v) Complainant also maintains a strong internet and retail presence through its primary website <singaporeair.com> and its social media profiles. According to Similar Web.com, the Complainant's website at its primary domain name <singaporeair.com> has received a total of 5.64 million visitors during the 6-month period of July to December 2019. Alexa.com gives <singaporeair.com> a global rank of 4,630, 87 in Singapore and 5,580 in India. Complainant is also the owner of the domains <singaporeairlines.com>, registered April 28, 1997 and <singaporeair.co.in> registered May 31, 2004. Submitted Annexure G-6 for website analytics; see also Annexure H for screenshot of website reachable through Complainant's primary domain name and Annexure C for Whois contact details for Complainant's domain names <singaporeair.com>, <singaporeairlines.com> and <singaporeair.co.in>. Moreover, Complainant has over 3.8 million page likes on Facebook, 715,000 followers on Twitter and 82,900 followers on Instagram. Submitted Annexure G-7 for Complainant's social media profiles.

## **5 Complainant's Trade Marks And Domain Names :**

- (i) Singapore Airlines Limited ("Complainant"), is the owner of trademark registrations across various jurisdictions. Submitted Annexure E are printouts from Intellectual Property India, the Mexican Institute of Industrial Property ("IMPI", per its acronym in Spanish), the Canadian Intellectual Property Office ("CIPO"), the Swiss Institute for Intellectual Property ("IPI" per its acronym in French), the United States Patent and Trademark Office ("USPTO"), the Japan Patent Office ("JPO") and the





World Intellectual Property Organization (“WIPO”) for these registrations, which demonstrate that the Complainant has spent a considerable amount of time and money protecting its intellectual property rights. These registrations are referred to hereafter as the “Complainant’s Marks.” The trademarks relevant to this instant matter are mentioned below.

- (ii) Complainant submitted list of their various registrations in India , with details of their Trade mark, application/Registration number, Date of Application / Registration, Country, Class and Goods and Submitted AnnexureE-1 (photocopy of the Certified Copy of the entry of the trademarks).
- (iii) The Complainant is also the registered proprietor of the trademark SINGAPORE AIRLINES in various countries with details of their Trade mark, application/Registration number, Date of Application / Registration, Country and Class(es) and submitted Annexure E-2 (photocopies of the Registration Certificates/Online Status in respect of the aforesaid mentioned jurisdictions). Complainant’s Domain name registrations are singaporeairlines.com, singaporeair.com and singaporeair.co.in with date of registration on 28.04.1997, 16.03.1995 and 31.05.2004 respectively. Submitted Annexure C (print outs of the WHOIS Records for Complainant’s domain names) and Annexure H (screenshots of the website reachable through Complainant’s domain names).

## 6 Respondent’s Identity and activities :

- (a) The **Respondent** is **MILEN RADUMILO** having its Address:17 Strada C. A. Rosetti, Bucharest, Bucharesti, 10281, RO , Telephone:+1.8666375139 , Fax: NA ,Email: milen.radumilo@gmail.com
- (b) The identity and other activities of the Respondent is not known as, they failed to submit Statement of Defence or any of the documents, within the given time schedule.



## **SUBMISSIONS BY COMPLAINANT**

- 7 Complainant submitted Domain name complaint with pages 1 to 10 and annexure from pages from 01 to 138. As per the INDRP Rules of Procedure, Clause 4(a) – *The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator's discretion.*

The Complainant submitted annexures with 138 pages. The complainant failed to follow this clause , by submitting about 138 pages of annexures and other documents , otherwise the application is submitted as per INDRP Rules of Procedure. The extra documents submitted as mentioned above has been allowed, in the interest of justice at large, with a caution to Complainant for future.

## **THE CONTENTIONS OF THE COMPLAINANT**

### **8 The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights**

- (i) By virtue of its trademark and service mark registrations (Annexure E), Complainant is the owner of the SINGAPORE AIRLINES trademark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Jurisprudential Overview 3.0”) at 1.2.1: “Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.”
- (ii) The country code top level domain (ccTLD) “.in” can be disregarded for purposes of assessing similarity of the domain names to the trade marks. See Morgan Stanley v. Bharat Jain, INDRP/156 (Oct. 27, 2010) (regarding morganstandleybank.co.in) and EH Europe GmbH v. Sabari V, INDRP/843 (Feb. 14, 2017) (regarding enersys.co.in).



- (iii) The Second Level Domain of the Disputed Domain Name consists solely of Complainant's SINGAPOREAIRLINES trademark, resulting in a domain name that is identical to the Complainant's SINGAPOREAIRLINES trademark and thus meeting the requirements under 4.a.(i) of the Policy. See Pepsi Co, Inc vs. Bijon Chatterji, INDRP/014 (June 24, 2006) (Panel finding the disputed domain <pepsico.in> confusingly similar to complainant's PEPSICO trademark). See also Singapore Airlines Limited v. Wang Liquan, INDRP/1227 (Jun. 29, 2020) (Panel finding the disputed domain name <singaporeair.in> confusingly similar to complainant's SINGAPOREAIR trademark). Submitted Annexure E for Complainant's trademark registrations.
- (iv) The Complainant submits that the Disputed Domain Name<singaporeairlines.in> contains the Complainant's complete trademark name registered in India and other countries. The Disputed Domain Name is visually and phonetically identical and/or confusingly similar to the trademark and trade name of the Complainant. Such registration by the Respondent amounts to violation of Para 3 of the INDRP which states that a Registrant is solely responsible to ensure before the registration of the disputed domain name that such domain name registration does not violate the rights of any proprietor/brand owner.
- (v) Further, the Complainant submits that upon perusal of the Respondent's website <singaporeairlines.in>, the Respondent is using the website to list third-party links where most links directly conflict with the Complainant's own offerings. Submitted Annexure F for screenshot of the Disputed Domain Name.
- (vi) In summary, the Complainant's brand is well recognized and respected worldwide, including in India. The Complainant has made significant investment to advertise and promote its SINAGPOREAIR trademark worldwide in the media and in the Internet over the years.
- (vii) Based on the foregoing, the Disputed Domain Name is clearly identical to Complainant's SINGAPOREAIR trademark.





**9. The Respondent has no rights or legitimate interests in respect of the domain name**

- (i) The granting of registrations by Intellectual Property India, IMPI, CIPO, IPI, USPTO, JPO and WIPO to Complainant for the SINGAPORE AIRLINES trademark is prima facie evidence of the validity of the term "SINGAPORE AIRLINES" as a trademark, of Complainant's ownership of this trademark, and of Complainant's exclusive right to use the SINGAPORE AIRLINES trademark in commerce on or in connection with the goods and/or services specified in the registration certificates. Submitted Annexure E.
- (ii) Respondent is not commonly known by the Disputed Domain Name, which evinces a lack of rights or legitimate interests. See Policy, clause 4(c)(ii); Whois data for the Disputed Domain Name set forth in Annexure B and also World Natural Bodybuilding Federation, Inc. v. Daniel Jones The Dot Cafe, D2008-0642 (WIPO June 6, 2008) (finding that a respondent, or his/her organization or business, must have been commonly known by the at-issue domain at the time of registration in order to have a legitimate interest in the domain).
- (iii) The Complainant submits that the Respondent is neither commonly / popularly known in the public nor has applied for any registration of the marks "SINGAPORE AIRLINES" nor any similar mark, nor has registered his business under the said name with the Ministry of Corporate Affairs, India. Furthermore, Complainant has not licensed, authorized, or permitted Respondent to register domain names incorporating Complainant's trademark. "In the absence of any license or permission from the Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed." See Sportswear Company S.P.A. v. Tang Hong, D2014-1875 (WIPO Dec. 10, 2014). In the instant case, the pertinent Whois information identifies the Registrant as "Milen Radumilo", which does not resemble the disputed domain name in any manner – thus, where no evidence, including the Whois record for the disputed domain name, suggests that Respondent is commonly known by the disputed domain name, then Respondent cannot be regarded as





having acquired rights to or legitimate interests in the disputed domain name within the meaning of 4(c)(ii). See *Moncler S.p.A. v. Bestinfo*, D2004-1049 (WIPO, Feb. 8, 2005) (in which the panel noted “that the Respondent’s name is “Bestinfo” and that it can therefore not be “commonly known by the Domain Name” [moncler.com]”). Furthermore, at the time of filing the complaint, Respondent was using a privacy WHOIS service, which past panels have also found to equate to a lack of legitimate interest. See *Jackson National Life Insurance Company v. Private WhoIs* www.jacksonnationallife.com N4892, D2011-1855 (WIPO Dec. 23, 2011) “The Panel concludes that the Respondent possesses no entitlement to use the name or the words in the Complainant’s marks and infers [...] from the “Private Whois” registration that it is not known by such name. There is no evidence of the Respondent ever being commonly known by the name or words now included in the disputed domain name”. Submitted Annexure B for Disputed Domain Name’s Whois record.

- (iv) The Disputed Domain Name redirects internet users to a variety of third-party websites, some of which feature pay-per-click links related with the services offered by Complainant and could be viewed as competitors. Respondent has intentionally chosen a domain name based on a famous trademark in an effort to direct Internet users to a parked aggregator website. At first, the website found at the Disputed Domain Name displays the message “This will only take a moment. Please wait...” before taking users to various, unrelated websites. Each time a user types in the URL a different website is displayed. The Respondent can thus be seen as using the Disputed Domain Name in an attempt to profit off the fame of Complainant’s mark and direct users to an aggregator website that offers competing services. As such, the Respondent is not using the Disputed Domain Name to provide a bona fide offering of goods or services as allowed under Policy clause 4(c)(i), nor a legitimate noncommercial or fair use as allowed under Policy clause 4(c)(iii). Numerous past Panels have confirmed that such use does not bestow legitimate rights or interests upon a respondent. See *Direct Line Ins. plc v. Low-cost-domain*, FA 1337658 (NAF Sept. 8, 2010) (“The Panel finds that using Complainant’s mark in a domain name over which Complainant has no



control, even if the domain name redirects to Complainant's actual site, is not consistent with the requirements of Policy clause 4(c)(i) or clause 4(c)(iii)..."). Submitted Annexure F for screenshots of websites reachable through Disputed Domain Name.

- (v) Additionally, one of the websites that the Disputed Domain Name's aggregator redirects to is offering the Disputed Domain Name for sale in an amount that far exceeds the Respondent's out-of-pocket expenses in registering the domain, which serves as further evidence of Respondent's lack of rights and legitimate interests. Past Panels have consistently upheld this view. See *Siemens AG v. Tech Narayana Software Pvt. Ltd.*, INDRP/1260 (Sep. 1, 2020) (finding that registering a domain name "for impending the use of the domain name by the Complainant and awaiting its future resale" does not constitute a legitimate use nor confer any rights to the respondent). See also *LEGO Juris A/S v. Super Privacy Service LTD c/o Dynadot*, D2019-2853 (WIPO, Jan. 3, 2020) ("the disputed domain name is put for sale (at the price of USD 800) and also redirects toward dynamic websites whose content is of commercial nature and even sometimes very likely fraudulent. Obviously such a use of a domain name which is identical to well-known trademarks is neither a bona fide offering of goods or services, nor a legitimate noncommercial use or fair use"). Submitted Annexure F-1 for screenshot of website offering Disputed Domain Name for sale.
- (vi) Respondent first gained control of the Disputed Domain Name on or around October 13, 2020, which is significantly after Complainant filed for registration of its SINGAPOREAIRLINES trademark with Intellectual Property India, IMPI, CIPO, IPI, USPTO, JPO and WIPO, and also significantly after Complainant's first use in commerce of its trademark in 1972. Submitted Annexure E for Complainant's trademark registrations and Annexure B for Disputed Domain Name's Whois data, including the registration date set forth above.
- (vii) Respondent first gained control of the Disputed Domain Name on or around October 13, 2020, which is significantly after the Complainant's registration





of its <singaporeairlines.com> domain on April 28, 1997, as well as its registrations of <singaporeair.com> on March 16, 1995 and <singaporeair.co.in> on May 31, 2004. Submitted Annexure B for Whois data for the Disputed Domain Name, displaying the registration date set forth above and Annexure C for Whois data for Complainant's primary domain names, including the registration dates set forth above.

- (viii) Lastly, the Complainant submits that the Disputed Domain Name was intentionally created by the Respondent for commercial gain, to misleadingly divert the consumers or traders of the Complainant to the Disputed Domain Name, thereby causing irreparable loss, harm and damage to the goodwill and business of the Complainant.
- (ix) From the above circumstances, it is apparent that Respondent has failed to comply with Para 7 of INDRP, it can be established that the Respondent has no rights or legitimate interests in the Disputed Domain Name wherein the onus is on the Registrant to prove that they have a right and legitimate interest in the domain name.

#### **10. The domain name was registered and is being used in bad faith**

- (i) The Complainant and its SINGAPORE AIRLINES trademark are known internationally, with trademark registrations across numerous countries. The Complainant has marketed and sold its goods and services using this trademark since 1972, which is well before Respondent's registration of the Disputed Domain Name on October 13, 2020.
- (ii) At the time of registration of the Disputed Domain Name, the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks and that registration of domain names containing well-known trademarks constitutes bad faith per se. In addition to the numerous trademarks filed in connection with Complainant's business prior to Respondent assuming control of the Disputed Domain Name on or around October 13, 2020, Complainant has been consistently recognized as the world's best airline by various respected authorities and currently operates flights from 11 cities in



India (Ahmadabad, Bengaluru, Chennai, Cochin, Coimbatore, Delhi, Hyderabad, Kolkata, Mumbai, Thiruvananthapuram and Vishakhapatnam) which demonstrates Complainant's fame (Submitted and referred Annexure G-3 & G-8).

- (iii) Further, performing internet searches across the three leading search engines for "Singapore airlines" returns multiple links referencing Complainant and its business. See *Caesar World, Inc. v. Forum LLC*, D2005-0517 (WIPO Aug. 1, 2005) ("given the Complainant's worldwide reputation and presence on the Internet, indicates that Respondent was or should have been aware of the marks prior to registering the disputed Domain Name"). Submitted Annexure I for internet search results. See also *Robert Bosch GMBH v. Zhao Ke*, INDRP/894 (Aug. 10, 2017) (where it was found that, as the respondent has not established rights or legitimate interests in the domain name adverse inference can be drawn about the respondent's adoption of the domain name that corresponds to a well-known mark, and consequently establishes the respondent's bad faith).
- (iv) INDRP Policy dictates that bad faith can be established by evidence demonstrating that the Respondent is "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." See INDRP Policy 6(iii) (Annexure D). Here, Respondent creates a likelihood of confusion with Complainant and its trademarks by registering a domain that consists solely of Complainant's "SINGAPORE AIRLINES" trademark, which demonstrates that Respondent is using the Disputed Domain Name to confuse unsuspecting internet users looking for Complainant's services, and to mislead internet users as to the source of the domain name and its websites. By creating this likelihood of confusion between the Complainant's trademarks and the Disputed Domain Name, leading to misperceptions as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name, the Respondent has demonstrated





a nefarious intent to capitalize on the fame and goodwill of the Complainant's trademarks in order to increase traffic to the Disputed Domain Name's website for Respondent's own pecuniary gain, as evidenced by Respondent's use of an aggregator website. As previously stated, at first the website found at the Disputed Domain name displays the message, "This will only take a moment. Please wait..." before taking users to various, unrelated websites, at least one of which offers services that compete directly with those offered by Complainant and can even be viewed as direct Competitors of Complainant. Each time a user types in the URL a different website is displayed. See *Edmunds.com v. Ultimate Search, Inc.*, D2001-1319 (WIPO Feb. 1, 2002) ("Registration and use of a domain name to redirect Internet users to websites of competing organizations constitutes bad faith registration and use under the Policy"); see also *DatingDirect.com Ltd. v. Aston*, FA 593977 (NAF Dec. 28, 2005) (Respondent is appropriating Complainant's mark to divert Complainant's customers to Respondent's competing business. The Panel finds this diversion is evidence of bad faith registration and use pursuant to Policy Clause 4(b)(iii)). Submitted Annexure F for screenshots of the websites reachable through the Disputed Domain Name.

- (v) The Disputed Domain Name can only be taken as intending to cause confusion among internet users as to the source of the Disputed Domain Name, and thus, the Disputed Domain Name must be considered as having been registered and used in bad faith pursuant to Policy Clause (b)(iv), with no good faith use possible. More specifically, where the Disputed Domain Name consists solely of Complainant's SINGAPORE AIRLINES trademark and is being used in conjunction with an aggregator website, there is no plausible good-faith reason or logic for Respondent to have registered the Disputed Domain Name. Rather it is indicative of an intention to hold the disputed domain name "for some future active use in a way which would be competitive with or otherwise detrimental to Complainant." See *Jupiters Limited v. Aaron Hall*, D2000-0574 (WIPO, August 3 2000). Further, considering these circumstances, any use of the Disputed Domain Name whatsoever, whether actual or theoretical, would have to be in bad faith: "it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not



be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law" (Telstra Corp. Ltd. v. Nuclear Marshmallows, D2000-0003 (WIPO Feb. 18, 2000)). Submitted Annexure F for screenshots of websites reachable through Disputed Domain Name.

(vi) Previous Panels have concluded that evidence of prior Panel decisions in which domain names have been transferred away from the Respondent to complaining parties supports a finding that Respondent has engaged in a bad faith pattern of "cybersquatting." See Arai Helmet Americas, Inc. v. Goldmark, D2004-1028 (WIPO Jan. 22, 2005) (finding that "Respondent has registered the disputed domain name, <aria.com>, to prevent Complainant from registering it" and taking notice of another UDRP proceeding against the respondent to find that "this is part of a pattern of such registrations"). The Respondent here has previously been involved in over 100 UDRPs, including the below-listed cases, which provides evidence of the pattern of cybersquatting in which Respondent is engaging.

- Trent Limited v. Milen Radumilo, INDRP/1061 (Feb 2, 2020).
- Sociedad de Ahorro y Credito Credicom, Sociedad Anonima v. Milen Radumilo, D2020-2885 (WIPO, Jan. 19, 2021).
- Pfizer Inc. Wyeth LLC v. Perfect Privacy, LLC / Milen Radumilo, D2020-2368 (WIPO, Dec. 28, 2020).
- Google LLC v. Milen Radumilo, NAF 1921474 (FORUM, Dec. 30, 2020).
- Carrefour v. Perfect Privacy, LLC / Milen Radumilo, D2019-2610 (WIPO, Dec. 10, 2019).
- Wikimedia Foundation, Inc. v. Milen Radumilo, D2019-0009 (WIPO, Feb. 26, 2019).

Submitted Annexure J-1 for prior INDRP and UDRP decisions against Respondent.

(vii) In addition to the Disputed Domain Name, the Respondent currently holds registrations for several other domain names that misappropriate the trademarks of well-known brands and businesses. This fact demonstrates that the Respondent is engaging in a pattern of cybersquatting/typosquatting,





which is evidence of bad faith registration and use of the Disputed Domain Name. See BHP Billiton Innovation Pty Ltd v. Cameron David Jackson / PrivacyDotLink Customer 2415391 / PrivacyDotLink Customer 2463008, D2016-2020 (WIPO, November 21, 2016) “The litany of calculated, bad faith behaviour sustained over a long period of time, the weight of the numerous UDRP decisions against him, the sheer number of specific findings that he engaged in a pattern of bad faith conduct and the fact that this serial cybersquatter has not placed any explanation before this Panel as to his bad faith conduct can lead to no other conclusion”. See also Yale University v. Domain Holding Corp. AS and Eric Keller, D2013-1404 (WIPO, September 26, 2013) “Given the [...] Respondent’s undisputed history as a serial cybersquatter, the Panel concludes that Respondent has registered and used the Domain Name in bad faith under the Policy.” The below represent further examples of cybersquatting/tiposquatting by Respondent, thus establishing a pattern of such conduct and bad faith registration and use:

- <123netflix.us> (Netflix, Inc. – NETFLIX)
- <air-berlin.us> (Air Berlin GmbH & Co. Luftverkehrs K.G. – AIR BERLIN)
- <amazons.us> (Amazon Technologies, Inc. – AMAZON)
- <legos.us> (Lego Juris A/S – LEGO)
- <nike-shop.us> (Nike Innovate C.V. - NIKE)

Submitted Annexure J-2 for Whois information for a selection of Respondent’s other infringing domains.

- (viii) As aforementioned, Respondent is currently offering to sell the Disputed Domain Name, which constitutes bad faith under Section 6(i) of the INDRP Policy (see Annexure D) because Respondent has demonstrated an intent to sell, rent, or otherwise transfer the Disputed Domain Name for valuable consideration in excess of his out-of-pocket expenses. It is well established that seeking to profit from the sale of a confusingly similar domain name that incorporates a third party’s trademark demonstrates bad faith. See *Singapore Airlines Limited v. Wang Liqun*, INDRP/1227 (Jun. 29, 2020) (finding bad



faith where “[Respondent’s] only interest in the disputed domain name is to derive illegal money from its sale”). This is corroborated by the Indian Supreme Court decision in *American Home Products Corporation vs. Mac Laboratories Pvt. Ltd.*, wherein, at AIR 1986 SC 136, such practices were considered a “cardinal sin” of Trade Mark law. Submitted Annexure F-1 for screenshot of website offering Disputed Domain Name for sale.

- (ix) Respondent, at the time of initial filing of the Complaint, had employed a privacy service to hide its identity, which past Panels have held serves as further evidence of bad faith registration and use. See Dr. Ing. H.C. F. Porsche AG v. Domains by Proxy, Inc., D2003-0230 (WIPO May 16, 2003). See also WIPO Overview 3.0 at § 3.6 (“Panels have also viewed a respondent’s use of a privacy or proxy service which is known to block or intentionally delay disclosure of the identity of the actual underlying registrant as an indication of bad faith.”). Submitted Annexure B for Whois information for the Disputed Domain Name.
- (x) Finally, on balance of the facts set forth above, it is more likely than not that the Respondent knew of and targeted Complainant’s trademark, and Respondent should be found to have registered and used the Disputed Domain Name in bad faith. See *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, D2014-1754 (WIPO Jan 12, 2014) (“the Panel makes its finding regarding bad faith registration by asking whether it is more likely than not from the record of the evidence in the proceeding that Respondent had the ELECTRIC FOOTBALL trademark in mind when registering the Domain Name.”)

## 11. Remedy Sought

Complainant prayed to grant the following relief:

In accordance with Para 10 of the INDRP and Paragraph 3(b) (vii) of the Rules the Complainant requests the Hon’ble Tribunal to transfer the disputed domain name to Complainant.





## **12. Other Legal Proceedings**

No other legal proceedings have been commenced or terminated in connection with or relating to the disputed domain name that is the subject of the present Complaint.

## **RESPONSE BY THE RESPONDENT**

13. As per my mail dated 25.02.2021 & 03.04.2021, Respondent was directed to submit their Statement of Defence by 07.03.2021 & 08.04.2021 respectively. But Respondent failed to submit the required documents up to 08.04.2021. It is pertinent to mention that Respondent even did not response in submitting request for extension of time limit. It was intimated to all concerning about keeping case reserved for publishing the Award on merit, by mail dated 15.04.2021

## **REJOINDER BY THE COMPLAINANT**

14. Since Respondent failed to file the Statement of Defence , so there is no question of submitting the Rejoinder by the Complainant.

## **DISCUSSION AND FINDINGS**

15. After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure and Respondent has been notified of the complaint of the Complainant. In fact, no parties raised any objection over constitution Tribunal.
16. Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant must prove each of the following three elements of its case:
- (a) The Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
  - (b) The Respondent has no rights or legitimate interest in respect of the domain name; and
  - (c) The Respondent's domain name has been registered or is being used in bad faith.



**17. The Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights:**

**Facts & Findings**

- (i) On the basis of the facts and various judgments submitted by Claimant and due to non submission of Statement of Defence or any other document by Respondent, the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

**18. The Respondent has no rights or legitimate interest in respect of the domain name:**

**Facts & Findings**

- (i) On the basis of the facts and various judgments submitted by Claimant and due to non submission of Statement of Defence or any other document by Respondent, the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

**19. The Respondent's domain name has been registered or is being used in bad faith:**

**Facts & Findings**

- (i) On the basis of the facts and various judgments submitted by Claimant and due to non submission of Statement of Defence or any other document by Respondent, the Arbitral Tribunal concludes that the Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

20. There was total lockdown in Bhopal (Madhya Pradesh), India, due to pandemic COVID for the last 20 days. All the offices were closed during this period and thereby the required stamp paper for publishing the award, could not be purchased in time.



Therefore the award of this Arbitration case could not be published within 60 days ie up to 23.04.2021. Due to this reason, the timeline for the publishing this award has been further extended as per the provision of Clause 5(e) of the INDRP Rules of Procedure.

### **ARBITRAL AWARD**

1. Now I, Rajesh Bisaria , Arbitrator, after examining, hearing and considering the statements of both the parties and oral & documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 12 & 13 of the INDRP Rules of Procedure and Clause 10 of .IN Domain Name Dispute Resolution Policy (INDRP) , as follows:


*Arbitral Tribunal orders that the Respondent disputed domain name www.singaporeairlines.in be transferred to the Complainant.*

*Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs 10000/-(Rs Ten thousand only) is being imposed on the Respondent, as per the provision in clause 10 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to NIXI for putting the administration unnecessary work.*

AT has made and signed this Award at Bhopal (India) on 27.04.2021 (Twenty Seventh Day of April, Two Thousand Twenty One).

Place: Bhopal (India)

Date: 27.04.2021

  
27/04/2021  
(RAJESH BISARIA)  
Arbitrator

