



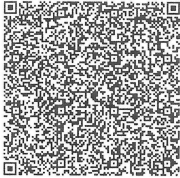
सत्यमेव जयते

# INDIA NON JUDICIAL

## Government of National Capital Territory of Delhi

### e-Stamp

Certificate No.	: IN-DL61553146758796T
Certificate Issued Date	: 18-Mar-2021 02:57 PM
Account Reference	: IMPACC (IV)/ dl859003/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL85900324678549720604T
Purchased by	: ROBIN RATNAKAR DAVID
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: ROBIN RATNAKAR DAVID
Second Party	: Not Applicable
Stamp Duty Paid By	: ROBIN RATNAKAR DAVID
Stamp Duty Amount(Rs.)	: 500 (Five Hundred only)



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**BEFORE THE .IN REGISTRY OF INDIA  
INDRP CASE NO. 1337**

**IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION  
POLICY ("INDRP" or "the Policy"); THE INDRP RULES OF PROCEDURE  
("the Rules") AND THE ARBITRATION AND CONCILIATION ACT, 1996**

**FINAL AWARD**

Page 1 of 18

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BEFORE THE .IN REGISTRY OF INDIA

INDRP CASE NO. 1337

IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME DISPUTE  
RESOLUTION POLICY ("INDRP" or "the Policy"); THE INDRP RULES OF PROCEDURE  
("the Rules") AND THE ARBITRATION AND CONCILIATION ACT, 1996

IN THE MATTER OF:

Indeed, Inc.  
6433 Champion Grandview Way  
Building 1, Austin, Texas 78750  
United States of America

... Complainant

versus

Rohan Sharma  
Reddy Solution  
G5 Ground Floor, Mumbai – 400087 India  
Ph: +91-8578968596  
Email: [sunilreddy9910@gmail.com](mailto:sunilreddy9910@gmail.com)

... Respondent

AND

IN THE MATTER OF

A DISPUTE RELATING TO THE DOMAIN NAME [INDEEDWORK.IN](http://indeedwork.in)

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FINAL AWARD

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Dated this the 19<sup>th</sup> day of March 2021  
Venue: New Delhi, India



ROBIN RATNAKAR DAVID  
SOLE ARBITRATOR

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*Dr. Has*



## I. PARTIES TO THE ARBITRATION

### 1. The Complainant

The Complainant, Indeed, Inc., having its address at 6433 Champion Grandview Way Building 1, Austin, Texas 78750 United States of America. The Complainant is represented by Mr. Sanjay Chhabra and Mr. Bidyut Tamuly of Archer & Angel #5B, 5<sup>th</sup> Floor, Commercial Towers, Hotel J. W. Marriott, Aerocity, New Delhi 110037, India Tel: 011-41954195/011-41954196, Email: [schhabra@archerangel.com](mailto:schhabra@archerangel.com) / [btamuly@archerangel.com](mailto:btamuly@archerangel.com).

2. **The Respondent** is Rohan Sharma, Reddy Solution, G5 Ground Floor, Mumbai – 400087 India Ph: +91-8578968596 Email: [sunilreddy10@gmail.com](mailto:sunilreddy10@gmail.com).

## II. APPLICABLE LAW AND JURISDICTION

### The .IN Domain Name Dispute Resolution Policy

1. The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (**the Policy**) which was adopted by the National Internet Exchange of India (NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name. By registering the domain name [indeedwork.in](https://indeedwork.in) with the NIXI accredited Registrar, the Respondent agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure posted on 16 September 2020 (**the Rules**) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

### Filing of the Complaint and Constitution of the Arbitral Tribunal

2. The Complainant filed a complaint under the .IN Domain Name Dispute Resolution Policy against the Respondent, seeking the transfer of Domain Name [indeedwork.in](https://indeedwork.in) to the Complainant dated 21 January 2021. On 23 February 2021, the .IN Registry sought the consent of Mr. Robin Ratnakar David (the





undersigned), who is a listed .IN Dispute Resolution Arbitrator under Rule 5 (a) of the Rules, to act as Arbitrator in the said matter. On 24 February 2021, Mr. David, gave his consent along with the signed Statement of Acceptance and Declaration of Impartiality and Independence to act in the matter as Arbitrator.

3. On 24 February 2021, the **Arbitral Tribunal** comprising of the said Mr. Robin Ratnakar David, Sole Arbitrator, was constituted under Rule 5 (b) of the Rules<sup>1</sup> in respect of the Complaint filed by Indeed Inc. USA against Rohan Sharma, the Respondent.
4. On 25 February 2021, the Arbitral Tribunal issued the **Notice of Arbitration** under Rule 5(c) of the Rules.
5. This Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act, 1996 and the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

### III. THE DOMAIN NAME, REGISTRAR & REGISTRANT

1. The domain name which is the subject matter of the Complaint is [www.indeedwork.in](http://www.indeedwork.in).
2. The Domain name is registered with the domain registrar **GoDaddy.com LLC** having its address at 14455 N Hayden Rd. Ste 226 Scottsdale, AZ 85260 – 6993; email-udrpdiscutes@godaddy.com.
3. The Registrant is Rohan Sharma, Reddy Solution, G5 Ground Floor, Mumbai 400087 Maharashtra, Email: sunilreddy9910@gmail.com.

### IV. PROCEDURAL HISTORY

1. On 25 February 2021, the Arbitral Tribunal issued the Notice of Arbitration to the Respondent with the Complaint and annexures by email. The Respondent was directed to file a Response in writing in opposition to the Complaint, if any,

<sup>1</sup> INDRP Rules of Procedure, Rule 5 (b) – The .IN Registry shall appoint an Arbitrator from the .IN Registry's list and shall forward the Complaint along with supporting documents to such Arbitrator.



along with evidence in support of its stand or contention on or before 04 March 2021. In addition, the Complainant was directed to serve a hard copy and a soft copy of the Notice of Arbitration with the Complaint and annexures on the Respondent. On 25 February 2021 the Complainant, in compliance with the said direction sent a soft copy of the Notice of Arbitration with Complaint and Annexures to the Respondent and sent a hard copy of the complaint with annexures through Blue Dart Courier using Air Way Bill number 15974146145. The hard copy was not delivered to the Respondent as the address was stated to be incomplete. However, the soft copy was delivered as per delivery report produced by the Complainant. Accordingly, the Complaint (including annexure) was sent at the email address of the Respondent shown in the WHOIS details and service on the Respondent was done in accordance with Rule 2 of the Rules. However, the Respondent did not file a response to the Complaint by 04 March 2021, the timeline set by the Arbitral Tribunal.

2. Further, in the interest of justice, on 08 March 2021, the Respondent was granted a second and a final opportunity to file a response to the Complaint within a week, that is on or before 15 March 2021. It was also mentioned that in case a response is not filed by the Respondent in time, the Complaint will be determined by the Arbitral Tribunal after considering the Complaint and evidence on record in accordance with the law.
3. Pursuant to the direction dated 08 March 2021, the Complaint (including annexure) was sent at the email address of the Respondent shown in the WHOIS details by the Complainant in addition. Accordingly, service of Complaint on the Respondent was done in accordance with Rule 2 of the Rules. However, the Respondent did not file a response to the Complaint by 15 March 2021.
4. The Arbitral Tribunal received no response from the Respondent and has not been informed of any settlement between the parties. Accordingly, the Respondent was served at its email address provided in the WHOIS details by the Complainant pursuant to directions dated 25 February 2021 and 08 March 2021. As a result, the Arbitral Tribunal finds that the Notice of Arbitration and Complaint and annexures were served on the Respondent as required by Rule 2 of the Rules.
5. All emails from the Arbitral Tribunal were copied to the Complainant and Respondent as well as NIXI.





6. The key procedural steps in these proceedings are summarised by the Arbitral Tribunal below:

No.	Date	Event
1.	23 February 2021	The .IN Registry sought the consent of the .IN Dispute Resolution Arbitrator to act in the matter as Arbitrator.
2.	24 February 2021	The Arbitrator gives his consent along with a signed Statement of Acceptance and Declaration of Impartiality and Independence.
3.	24 February 2021	The Arbitral Tribunal was constituted.
4.	25 February 2021	Notice of Arbitration issued under 5(c) of the Rules by email with Complaint and annexures. Complainant also directed to serve the Respondent with a hard and a soft copy, in addition. Respondent directed to file Response/Reply by 04 March 2021. The Notice of Arbitration and Complaint (including annexures) was sent at the email address of the Respondent shown in the WHOIS details and service on the Respondent was done in accordance with Rule 2 of the Rules.
5.	02 March 2021	Complainant informs the Arbitral Tribunal that the complaint (including annexure) was sent at the email address of the Respondent shown in the WHOIS details and service on the Respondent was done in accordance with Rule 2 of the Rules. The Complainant stated that hard copy delivery failed as the address provided is incomplete.
6.	04 March 2021	No response filed by the Respondent.





7.	08 March 2021	Respondent granted a second and final opportunity to file Response/Reply by 15 March 2021. The email with Complaint and annexures sent to Respondent. Complainant directed to serve the Respondent. The and Complaint (including annexure) was sent at the email address of the Respondent shown in the WHOIS details and service on the Respondent was done in accordance with Rule 2 of the Rules.
8.	10 March 2021	The Complaint (including annexure) was sent at the email address of the Respondent shown in the WHOIS details and service on the Respondent was done in accordance with Rule 2 of the Rules.
9.	11 March 2021	Meeting Cyber Law
10.	12 March 2021	Meeting Cyber Law
11.	15 March 2021	No response filed by the Respondent.

## V. PARTIES' CONTENTION

### COMPLAINT


1. The Complainant owns two trademarks "**INDEED**" which are registered on 27 October 2010 and stated to be in use since 29 November 2004 and has a significant presence in India for job websites and search engines. The **INDEED** marks are a distinctive identifier and the same are registered in the United States of America since 12 September 2006.
2. The Complainant claims to own [www.indeed.com](http://www.indeed.com) which is its primary website and several other dedicated country specific domain names in various countries and other domain names such as [indeed.amsterdam](http://indeed.amsterdam), [indeed.uk](http://indeed.uk), [indeed.us](http://indeed.us), [indeed.blog](http://indeed.blog), [indeed.career](http://indeed.career), [indeed.jobs](http://indeed.jobs) and [indeed.org](http://indeed.org).

**RELEVANT TRADEMARKS OF THE COMPLAINANT**

Trademark	Application No.	Application Date	Used Since	Class & Specification of Services	Status
<b>INDEED</b>	2044682	October 27, 2010	November 29, 2004	<p>Class 35: Dissemination of advertising for others via the internet.</p> <p>Class 42: Computer services, namely providing a search engine for obtaining job listings, resume postings and other job search information via the Internet.</p>	Registered
<b>indeed</b>	2044681	October 27, 2010	November 29, 2004	<p>Class 35: Dissemination of advertising for others via the Internet.</p> <p>Class 42: Computer services, namely providing a search engine for obtaining job listings, resume postings and other job search information via the Internet.</p>	Registered

*[Handwritten Signature]*

3. The INDEED Marks are a distinctive identifier associated with the Complainant and its services and goods. In addition to its extensive common law rights, the Complainant owns trademark registrations for the **INDEED** Marks in different countries worldwide, including but not limited to the following:

Trademark	Jurisdiction	Registration No.	Registration Date	Specification of Goods & Services
<b>Indeed</b>	United States of America	3141242	September 12, 2006	<p>Class 35: Dissemination of advertising for others via the Internet.</p> <p><i>(first use since November 29, 2004)</i></p> <p>Class 42: Computer Services, namely providing a search engine for obtaining job listings, resume postings, and other job search information via the Internet.</p>
	United States of America	3984951	June 28, 2011	<p>Class 35: Dissemination of advertising for others via the Internet.</p> <p><i>(first use since November 29, 2004)</i></p> <p>Class 42: Computer Services, namely providing a search engine for obtaining job listings, resume postings, and other job search information via the Internet.</p>



Indeed	United States of America	4282756	January 29, 2013	<p>Class 09: Application software for mobile computing devices namely, providing an internet search engine for obtaining job listings, resume postings and other job search information</p> <p><i>(first use since November 29, 2004)</i></p>
Indeed	India	2044682	October 27, 2010	<p>Class 35: Dissemination of advertising for others via the Internet.</p> <p><i>(first use since November 29, 2004)</i></p> <p>Class 42: Computer Services, namely providing a search engine for obtaining job listings, resume postings, and other job search information via the Internet.</p> <p><i>(first use since November 29, 2004)</i></p>
indeed	India	2044681	October 27, 2010	<p>Class 35: Dissemination of advertising for others via the Internet.</p> <p><i>(first use since November 29, 2004)</i></p> <p>Class 42:</p>



				<p>Computer Services, namely providing a search engine for obtaining job listings, resume postings, and other job search information via the Internet.</p> <p>(first use since November 29, 2004)</p>
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4. The Complaint states that the disputed domain name **indeedwork.in** was created on 30 September 2020 by the Respondent and is identical to the Complainant's trademark **INDEED** and the domain names **<INDEED.COM>** and **<INDEED.CO.IN>** which it has been using since 1998 and 2006, respectively. The dominant and distinctive feature of the disputed domain name is the incorporation of the Complainant's entire trademark, with the addition of only the top-level country-code domain for India .IN. The Complainant has alleged that the Respondent is using the disputed domain name passively.
5. It is stated that the Respondent is not affiliated with Complainant and not licensed to use the earlier trademarks **INDEED**. The Complainant holds statutory rights in the said trademarks and such use of the disputed domain name violates the Complainant's rights. The Respondent has not been assigned, or granted licensed to register or make use of the registered trademark **INDEED**
6. The Complainant submits that the disputed domain Name is identical with and/or confusingly similar to the Complainant's **INDEED** Marks. The Disputed Domain Name incorporates the Complainant's registered trademark **INDEED** in its entirety along with the descriptive word "WORK" as a suffix.
7. The Complainant has well-established rights in respect of the **INDEED** Marks which have been recognised and confirmed by NIXI (National Internet Exchange of India). In February 2019, the Learned Arbitrator, in its order directing transfer of the disputed domain to the Complainant in *Indeed, Inc. V. Josh Mathews <indeedjob.co.in>* (INDRP/948) observed that :

*"While the Registrant's domain name contains the term "INDEED" in its entirety, he has just added generic term "JOB" to this term. It is noteworthy*





*that the term so added 'JOB' directly concerned with the main business activity of the Complainant, in which it has gained long standing reputation. By adding such word to the registered trademark, the Registrant has cleverly coined the term 'INDEEDJOB', thereby compeleeeing the internet user to think that it is official website of the Complainant."*

In the INDRP order **Indeed, Inc. Vs. Indeedworld <indeeworld.in> (INDRP/931)** passed in January 2018, the Learned Arbitrator in its decision stated:

*"... it is well settled proposition that when the relevant trademark is recognizable within the disputed domain name, the addition of any generic or common language term would not prevent a finding of confusing similarity under the first element of UDRP Policy".*

As recently as in February 2019, the Learned Arbitrator, in its order directing transfer of the disputed domain to the Complainant in **Indeed, Inc. Vs. Indeedworld <indeedonline.in> (INDRP/1059)** held that:

*In my opinion, owing to the worldwisle presence of the Complainant's business the term "online" in the disputed domain name could make Internet users to believe that such domain name and the content soriginating therefrom belongs to the Complainant.*

8. It is submitted that the addition of the word "WORK" as a suffix to the Complainant's registered trademark **INDEED** is incapable of lending the Disputed Domain Name any distinctiveness or reduce its similarity with the Complainant's **INDEED** Marks and presence of the said generic word enhances the degree of similarity between the rival brands. The word "WORK" is simply indicative of the kind of services which is identical to those offered by the complainant under the **INDEED** Marks around the world, including in India. The Complainant is known globally as an employment/job search engine since early 2000s and hence use of the disputed Domain Name will , in all likelihood, make internet users believe that it originates from the Complainant, when that is not the case. Therefore, the term "WORK" as a suffix to the prior and registered trademark **INDEED** is not sufficient to avoid confusion between the Disputed Domain Name and the **INDEED** Marks of the Complainant.
9. The Complainant contends that even if the Respondent were offering actual services relating to "work" through the Disputed Domain Name, such use would still support a finding of bad faith use and registration, as these are the same





services offered by the Complainant under its registered **INDEED** Marks. The same was upheld in **Kingston Technology corp. V. C/o Asiakingston.com (WIPO Case No.FA1464515)** where the Panel observed that *"finding use of domain name incorporating Complainant's trademark in connection with the sale of competing products to constitute bad faith"*.

10. The Complainant states that the Respondent has no legitimate interest in the disputed domain name **indeedwork.in** and the same has registered and is using the same in bad faith. The Complaint alleged that the Respondent must have been aware of the Complainant's trademark when it registered the disputed domain name. The Complainant prays for a ruling that the disputed domain name **indeedwork.in** be transferred to Complainant.

#### RESPONDENT:

1. The Respondent has not filed a response to the Notice of Arbitration dated 25 February 2021 and notice dated 08 March 2021. The Respondent did not respond to the Notice of Arbitration or reply to the contentions of the Complainant even though the Respondent has been served in accordance with the Rules. However, the Respondent's default would not automatically result in a decision in favour of the Complainant. The Supreme Court in Sudha Agrawal v X Additional District Judge and others (1996) 6 SCC 332 held that even in an uncontested matter the petitioner's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Therefore, the Complainant must still establish each of the three elements required by paragraph 4 of the Policy.

#### VI. DISCUSSIONS AND FINDINGS

1. A complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements contained in Paragraph 4 of the Policy<sup>2</sup> namely:

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<sup>2</sup> 4. Class of Disputes

4. Class of Disputes: Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

(a) the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and

(b) the Registrant has no rights or legitimate interests in respect of the domain name; and



- a) the Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.
- b) The Respondent has no rights or legitimate interests in respect of the domain name; and
- c) The Respondent's domain name has been registered or is being used in bad faith.

Accordingly, the Arbitral Tribunal shall deal with each of the elements as under:

**2. The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights.**

**2.1** The Complainant is the registered proprietor of the trademark "INDEED" No. 2044682 dated 27 October 2010 and trademark "INDEED" No. 2044681 dated 27 October 2010 from the Registrar of Trademarks, Trademarks Registry, Mumbai Government of India. The Complainant owns trademark registrations for the marks INDEED in USA and India. The Complainant's domain name [www.indeed.com](http://www.indeed.com) since 30 March 1998 and [indeed.co.in](http://indeed.co.in) was created on 14 December 2006. The trademarks INDEED have been used by the Complainant since 2004. The Complainant owns domain names with its brand INDEED in several countries. A careful consideration of the Trademark registrations and extracts of the WHOIS records filed by the Complainant establish that the Complainant owns and holds intellectual property rights in the name, trademark and brand INDEED in India and other jurisdictions and the Complainant owns the domain names [<indeed.com>](http://indeed.com) and [<indeed.co.in>](http://indeed.co.in).

**2.2** A visual comparison of the disputed domain name [indeedwork.in](http://indeedwork.in) and other domain names with INDEED of the Respondent with the Complainant's name, trademark, brand INDEED and the domain names [indeed.com](http://indeed.com) and [indeed.co.in](http://indeed.co.in), demonstrate that "INDEED" is entirely contained in the disputed domain name of the Respondent. Further, the dominant and distinctive feature of the disputed domain name is the incorporation of the Complainant's trademark and brand name in its entirety. Further, it is note worthy that the complainant is an employment related search engine since 2004 and the disputed domain [indeedwork.in](http://indeedwork.in) in which has the addition of the word "WORK" may not be a coincidence and the suffix is only indicative of the kind of services provided.

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(c) the Registrant's domain name has been registered or is being used in bad faith.





2.3 In *Yahoo! Inc. v Akash Arora & Anr. (1999 PTC (19)210 Delhi)*, the Delhi High Court enjoined the use of domain name 'yahooindia.com' in a suit filed by Yahoo! Inc., the owner of the trademark "Yahoo" and the domain name <yahoo.com> by holding that defendant's domain name incorporated the plaintiff name in its entirety and was deceptively similar and could be perceived as being of the Plaintiff's. In *eBay, Inc v. Progressive Life Awareness Network*, WIPO Case No. D2001-0068, the UDRP returned a finding that the domain name <gayebay.com> incorporated the complainant's mark "ebay" in its entirety which is confusingly similar to complainant's mark.

2.4 The registered trademark "INDEED" and the domain names <indeed.com>, <indeed.co.in>, <indeed.jobs>, <indeed.career> are distinctive and the Respondent's domain name "INDEEDWORK.IN" bears the Complainant's registered trademark "INDEED" in its entirety. Considering the similarity between the Complainant's trademark and domain name "INDEED" and the disputed domain name "indeedwork.in" of the Respondent and the addition of the generic term 'work' which is directly concerned with the principal activity of the Complainant, the Arbitral Tribunal finds that an average consumer would be led to believe that the Complainant and the Respondent or the disputed domain name are related. After taking into consideration the facts of the present case and the settled law on the issue, the Arbitral Tribunal finds that the disputed domain name indeedwork.in is identical and confusingly similar to the Complainant's registered trademarks "INDEED" and as also the domain names – <indeed.com>, <indeed.co.in>. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy paragraph 4(a) is satisfied.

### 3. The Registrant has no rights or legitimate interests in respect of the domain name

3.1 To pass muster under paragraph 4(b) of the Policy, the Complainant has to show that the Respondent has no rights under paragraph 6 of the Policy.

3.2 According to paragraph 3 of the Policy<sup>3</sup>, it is the obligation of the Respondent (registrant) to provide complete and accurate particulars and find out before

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<sup>3</sup> Paragraph 3 of the INDRP:

3. Registrant's Representations

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:





registration that the domain name intended for registration does not violate the rights of any third party. The Complainant and its trademark, service mark and brand name have been in use since 2004 and is commonly known by the name 'INDEED'. The Complainant has been able to establish that it owns and holds intellectual property rights in the name, trademark and brand name **INDEED** in India and other jurisdictions and Complainant owns the domain names - [<indeed.com>](http://indeed.com), [<indeed.co.in>](http://indeed.co.in) and has a global presence of the Complainant. However, the disputed domain name [www.indeedwork.in](http://www.indeedwork.in) was created on 30 September 2020 by the Respondent by providing incorrect credentials of the Respondent to infringe and violate the rights of the Complainant. Further, the Respondent has not made any demonstrable preparations for the use of the disputed domain name, the Respondent was not known by the disputed domain name and the disputed domain name is clearly hit by paragraph 6 of the Policy.

**3.3** In view of the above, the Arbitral Tribunal finds that the Complainant has made a prima facie case that the Respondent has no rights and legitimate interests in respect of the disputed domain name [www.indeedwork.in](http://www.indeedwork.in) and has satisfied the second element under paragraph 4 (b) of the Policy.

**4. The Registrant's domain name has been registered or is being used in bad faith**

**4.1** The Arbitral Tribunal notes that the disputed domain name is being held passively. In *Aditya Birla Management Corporation v Chinmay* INDRP/1197 (decided on January 23, 2020) it was held the Respondent is involved in cyber-squatting by registering a domain name containing the well-known trademark of the complainant and thereby gaining illegal benefits.

**4.2** Further the use of the term 'INDEED' in its entirety with the addition of the generic term 'WORK' which is concerned with the principal business activity of the complaint. Clearly the Registrant/Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complaint's trademark and website. This is a violation of paragraph 7(c) of the Policy.

- 
- (a) the credentials furnished by the Registrant for registration of domain name are complete and accurate;
  - (b) to the knowledge of registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;
  - (c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and
  - (d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations.



4.3 Accordingly, the Arbitral Tribunal holds that the Respondent's domain name has been registered and is being used in bad faith. Therefore, the requirement of the third element in paragraph 4(c) of the Policy has been satisfied.

## VII. DISPOSITIONS

The Arbitral Tribunal holds that the Respondent's domain name [www.indeedwork.in](http://www.indeedwork.in) is identical and confusingly similar to the name, trademark and brand name "INDEED" owned by the Complainant. The Respondent has no rights or legitimate interests in the domain name [www.indeedowrk.in](http://www.indeedowrk.in) and the same has been registered in bad faith. The three elements set out in paragraph 4 of the INDRP Policy have been established by the Complainant.

Accordingly, and in terms of the .INDRP Policy, the Arbitral Tribunal hereby directs that the disputed domain name [www.indeedwork.in](http://www.indeedwork.in) be transferred to the Complainant, namely Indeed Inc, having its address at 6433 Champion Grandview Way Building 1, Austin, Texas 78750 United States of America.

Place of Arbitration: New Delhi

Date: 19 March 2021



**Robin Ratnakar David**  
Sole Arbitrator  
The Arbitral Tribunal