



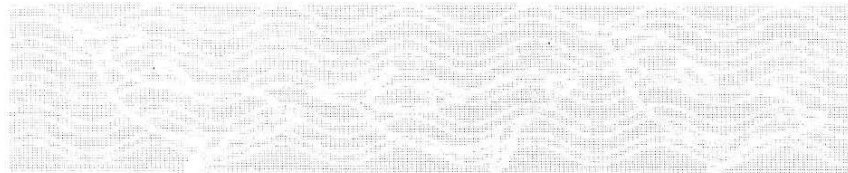
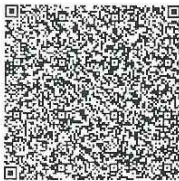
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INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

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Certificate Issued Date	: 22-Jul-2021 01:05 PM
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Unique Doc. Reference	: SUBIN-DL85900399006422071377T
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.)	: 100 (One Hundred only)



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BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 1383

IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY, THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION & CONCILIATION ACT, 1996

FINAL AWARD

[Signature]

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**BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 1383**

**IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY, THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION & CONCILIATION ACT, 1996**

IN THE MATTER OF:

**MOTOROLA TRADEMARK HOLDINGS LLC
222 W MERCHANDISE MART PLAZA
SUITE 1800, CHICAGO, IL 606504
UNITED STATES OF AMERICA**

... Complainant

versus

**C. VISHWANATHAN
SHOP No.20, GROUND FLOOR,
KASI ARCHADE, 116, SIR THYAGARAYA ROAD,
T.NAGAR, CHENNAI - 600017, TAMIL NADU**

... Respondent

AND

IN THE MATTER OF:

A DISPUTE RELATING TO THE DOMAIN NAME MOTOROLASERVICE.IN

FINAL AWARD

**Dated: 28 July 2021
Venue: New Delhi, India**


**ROBIN RATNAKAR DAVID
SOLE ARBITRATOR**

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I. PARTIES TO THE ARBITRATION

1. The Complainant

The Complainant is Motorola Trademark Holdings LLC., having its address at 222 W Merchandise Mart Plaza Suite 1800, Chicago, IL 606504 United States of America. The Complainant is represented by Ms. Komal Kaul, Advocate, Zeus IP Advocates LLP., Email: kkaul@zeusip.

2. The Respondent

The Respondent is C. Vishwanathan, Shop No.20, Ground Floor Kasi Arcade, 116 South Garage T Nagar, Chennai.

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 (“INDRP” or “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 www.motorolaservice.in with the NIXI accredited Registrar, the Respondent agreed to resolve 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 (“the Arbitration Act”).

Filing of the Complaint and Constitution of the Arbitral Tribunal

2. The Complainant filed a Complaint dated 29 April 2021 under the .IN Domain Name Dispute Resolution Policy against the Respondent, seeking the transfer of Domain Name motorolaservice.in to the Complainant. On 24 May 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 25 May 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 as required by the Arbitration Act.

3. On 27 May 2021, the Arbitral Tribunal comprising of the said Mr. Robin Ratnakar David, Sole Arbitrator, was constituted under Rule 5 (b) of the Rules¹ in respect of the Complaint filed by Motorola Trademark Holdings LLP against the Respondent.
4. On 31 May 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 and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and the arbitrability of the dispute.

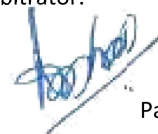
III. THE DOMAIN NAME, REGISTRAR & REGISTRANT

1. The domain name which is the subject of the Complaint is www.motorolaservice.in which was registered on 22 April 2015.
2. The said domain name is registered with the domain registrar Endurance Domains Technology LLP, Registrar IANA ID: 801217.
3. The Registrant is C. Vishwanathan, Shop No.20, Ground Floor Kasi Arcade, 116 South Garage, T Nagar, Chennai.

IV. PROCEDURAL HISTORY

1. On 31 May 2021, the Arbitral Tribunal issued the Notice of Arbitration by email to the Respondent with the Complaint under Rule 5(c) of the Rules. The Respondent was directed to file a Response, if any, in writing in opposition to the Complaint along with evidence in support of its stand or contention on or before 07 June 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 01 June 2021 the Complainant, in compliance with the above said direction, sent a soft copy of

¹ 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.



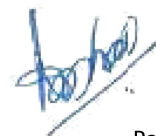
the Notice of Arbitration along with the Complaint and annexures to the Respondent. The hard copy of the Complaint with its annexures was sent on 01 June 2021 through Blue Dart Express Limited vide Airway Bill number 15848202543 dated 01 June 2021 and by Speed Post on 03 June 2021. Copies of the Complaint and Notice of Arbitration sent by the Arbitral Tribunal and also sent by the Complainant were not returned undelivered. Accordingly, the Notice of Arbitration and the Complaint (with annexures) was sent at the email address of the Respondent shown in the WHOIS details as also the postal address of the Respondent. Therefore, the service of Notice of Arbitration and 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 07 June 2021, the timeline set by the Arbitral Tribunal.

2. The Arbitral Tribunal granted the Respondent a second and final opportunity on 08 June 2021, in the interest of justice, to file a response to the Complaint on or before 22 June 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. The Arbitral Tribunal received no response from the Respondent and has not been informed of any settlement between the parties. As aforementioned, the Respondent was served at its email address provided in the WHOIS details and the postal address of the Respondent under directions dated 01 June 2021 and 08 June 2021. The Respondent was also served by e-mail and through Speed Post and Blue Dart Express as per directions. Thus, the Arbitral Tribunal finds that the Notice of Arbitration and the Complaint and annexures were duly served on the Respondent as required by Rule 2 of the Rules.
4. All emails from the Arbitral Tribunal were copied to the Complainant and the Respondent as well as NIXI.
5. The key procedural steps are summarised below:

No.	Date	Event
1.	24 May 2021	The .IN Registry sought the consent of the .IN Dispute Resolution Arbitrator to act in the matter as Arbitrator.





2.	25 May 2021	The Arbitrator gives his consent, along with a signed Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the Arbitration Act.
3.	27 May 2021	The Arbitral Tribunal was constituted.
4.	31 May 2021	The Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules by email with the Complaint and its annexures. The Complainant was also directed to serve the Respondent with a hard and a soft copy, in addition. The Respondent was directed to file Response/Reply by 07 June 2021. The Notice of Arbitration and the Complaint (including annexures) was sent at the email address of the Respondent shown in the WHOIS details. The service on the Respondent was done in accordance with Rule 2 of the Rules.
5.	01 June 2021 and 03 June 2021	The Complainant informs the Arbitral Tribunal that the Complaint (including annexures) was sent at the email address of the Respondent shown in the WHOIS details. The Complainant sent hard copy of the Complaint to the Respondent as the address provided through Blue Dart Express and by Speed Post.
6.	07 June 2021	Response not filed by the Respondent.
7.	08 June 2021	The Respondent granted a second and final opportunity to file its Response/Reply by 22 June 2021 in the interest of justice. The email attaching the Complaint and annexures sent by the Arbitral Tribunal at the email address of the Respondent shown in the WHOIS details. The said email was not returned undelivered and service on the Respondent was duly done in accordance with Rule 2 of the Rules.
8.	22 June 2021	Response not filed by the Respondent.



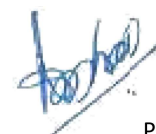
V. PARTIES' CONTENTION

The Complainant

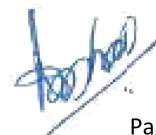
1. The Complainant states that it is a Delaware Limited Liability Company founded in 1928 and is a global leader in mobile and broadband communications. Complainant claims to own the trademark "Motorola" which was first used in 1930.
2. The Complainant has applied for and owns registration in its Motorola Trademark in major jurisdictions around the globe. In India, the Complainant is the registered proprietor of the Trademark Motorola as under:

Trademark	Registration No.	Class(s)	Date of Application
MOTOROLA	225581	09	26/11/1964
 MOTOROLA	1407733	09, 12, 37, 38 and 42	21/12/2005
MOTOROLA	1240572	37, 38 and 42	30/09/2002
MOTOROLA	IRDI-3940449	09, 10, 11, 14, 35, 36, 37, 38, 41, 42,	19/12/2017
 motorola	4516488	07, 11	01/06/2020

3. The Complainant also owns the domain names www.motorola.com and www.motorola.in. The Complainant contends that the user's generic top level domain ".com" helps the users identify the site as a business or commercial site. The Complainant's products bearing the Motorola Trademark are prominently displayed and advertised on each of the websites under the said domain names. It is stated that consumers can easily obtain information regarding the price, range, list of products, etc. through the said websites. It is stated that the said websites act as online shopping portals for the consumers.



4. The Complainant contends that the dispute in the present proceedings relates to the adoption and use of the domain name www.motorolaservice.in by the Respondent and internet searches of the reveal that the website under the impugned domain name lists Motorola phones. The Complainant states that the Respondent has wantonly adopted the impugned domain name incorporating 'Motorola' which is identical to the Complainant's well-known, registered and earlier trademark and trade name Motorola and the same is a violation of the Complainant's valuable rights in its previously registered mark Motorola. It is stated the impugned domain name is likely cause confusion and also dilute the distinctive character of the Complainant's well-known, registered trademark and trade name Motorola.
5. It is alleged that the Complainant owns statutory and common law rights in the trademark Motorola in India and throughout the world. The domain name registered in connection with the .in extension is "Motorola Service". It is submitted that the Respondent by making use of the identical term "Motorola" along with the word Service in the domain name has tried to draw an association with the Complainant by falsely implying that they are the authorized service centre/providers for the Complainant. The Respondent's Domain Name is identical to the trademark in which the Complainant has prior common law and statutory rights, the Respondent's attempt to encash upon the goodwill and reputation acquired by the trademark Motorola and the dishonest intent by the Respondent obvious due to the presence of the term Service in the domain name, thereby suggesting a direct connection with the Complainant and their goods and services.
6. It is stated that the disputed domain name is bound to mistaken it as a name related to the Complainant's trade name and trademark Motorola, and there is a considerable risk that the industry and public will perceive the disputed domain name belongs to the Complainant and there exists a commercial relation between the Respondent and the Complainant. By using the Complainant's trademark as a dominant part of the disputed domain name, the Respondent is exploiting the goodwill and the image of the Complainant's earlier and well-known trademark Motorola, which is bound to result in dilution and other damage for the Complainant.
7. It is urged that the Respondent's dishonest and *mala fide* intentions are evident from the similarities as mentioned below:-



- a) The Respondent has *mala fide* and wantonly adopted and is using the impugned domain name www.motorolaservice.in which is identical to the Complainant's well-known and earlier trademark and trade name Motorola;
- b) The identity of the impugned domain name is of such a heightened degree that the Respondent has added the term 'Service' with the term 'Motorola', which is an insignificant difference and shows a relation to the Complainant's business;
- c) The Respondent has not only adopted the impugned domain name but has also adopted and is using the impugned marks on its website which is identical to the Complainant's prior, well-known and registered Motorola trademark.

The website of the Respondent found at the impugned domain name www.motorolaservice.in display the Complainant's Motorola Trademark and its famous "batwing" logo as shown below:

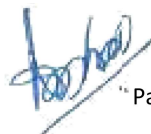


In view of the above the Complainant states and submits that the Respondent has completely copied the Complainant's well-known, registered and earlier trademark and trade name Motorola and its famous "batwing" logo to give an impression to the consumers and persons in the trade that the source of the offending goods and business of the Respondent has nexus with the Complainant. The Complainant also provided a side-by-side comparison of the competing marks has been given below:

Particulars	Complainant's earlier and well-known trade mark	Respondent's impugned mark
Domain Name	www.motorola.in	<u>www.motorolaservice.in</u>
Trademark	MOTOROLA 	

It is urged that a visual comparison shows that the Respondent's impugned domain name is a substantial reproduction/imitation of the Complainant's well-known, registered and earlier trade name and trademark Motorola and its famous "batwing" logo. The adoption and/or use of the impugned mark by the Respondent as its domain name, on its products, or in any other manner amounts to a violation of the Complainant's rights in its well-known, registered and earlier trademark Motorola and its famous "batwing" logo. The Complainant's well-known, registered and earlier trademark Motorola and its famous "batwing" logo has been identically reproduced/used by the Respondent and the impugned domain name is visually, structurally, phonetically identical to the Complainant's well-known, registered and earlier trademark Motorola and domain names.

8. The Complainant asserts that the Respondent does not have rights or legitimate interests in the impugned domain name and has not registered it as a trademark, service mark or company name anywhere in the world. The Respondent has not used the mark for a *bona fide* offering of goods/services and the Respondent is not commonly known by the name "Motorola Service"; nor has the Respondent made any legitimate non-commercial use of the domain name.
9. It is submitted that no evidence has been found that the Respondent is using the name Motorola Service as a company name or has any other legal rights in the name. It is argued that the illegality in the registration of the impugned domain name is arising from the fact that domain names today are a part and parcel of corporate identity/ trade name. A domain name acts as the address of the company on the internet and can be termed as a web address or a web mark just like a trademark. Therefore, the Respondent is simply trying to sponge off the Complainant's well-known, registered and earlier trade name and trademark Motorola. The Complainant has not licensed or otherwise permitted the Respondent to use the trademark Motorola. It is urged that there exists no relationship between the Complainant and the Respondent whatsoever and consequently, the Respondent has no rights or legitimate interests in respect of the domain name.
10. Complainant alleges that the Respondent has registered the impugned domain name in bad faith to make unlawful gains. The term Motorola is associated only with the Complainant and the Respondent had no previous

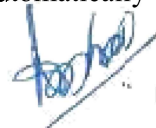


connection with the domain name – www.motorolaservice.in and has clearly registered the said domain name to ride upon the goodwill and reputation of the Complainant in its trademark and trade name Motorola.

11. It is stated that the Respondent can have no plausible explanation as to how it came to adopt the impugned domain name www.motorolaservice.in in the first place except to have picked up the Complainant's identical trademark Motorola in its entirety and making the same part of the domain name to draw an apparent association with them and to depict to the public at large that they are the authorized service centre for the Complainant when that is not the case. As the Respondent is not affiliated or authorized by the Complainant, they have no right to be exploiting or encashing upon the goodwill and reputation earned by the Complainant in its earlier and well-known trademark Motorola, and use of the same as part of the domain name has been done only in bad faith. The Respondent can neither have any explanation whatsoever for adoption of the impugned domain name nor can any explanation be accepted in such a case of blatant copying of the Complainant's rights in its well-known, registered and earlier trademark Motorola.
12. It is stated that the Respondent's knowledge of the Complainant's reputation is also evident from the fact that the Respondent is misleading the general public into believing that it has some business connection with the Complainant, when this is not the case. The Respondent has adopted the impugned domain name www.motorolaservice.in dishonestly and with malafide intentions to ride upon the goodwill and popularity of the Complainant's well known and earlier trade name and trademark Motorola. It is abundantly apparent that by registering a domain name corresponding to a widely known trademark, the Respondent has intentionally tried to divert Internet users to its webpage for commercial gain. This behavior constitutes bad faith use and may tarnish the Complainant's reputation by, *inter alia*, attracting Internet users to a webpage that appears to be endorsed by the Complainant when no such endorsement.

THE RESPONDENT

1. The Respondent has neither filed any response to the Notice of Arbitration dated 31 May 2021 and notice dated 08 June 2021 nor a 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.

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 required by Paragraph 4 of the Policy² namely:
 - 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.
2. Accordingly, the Arbitral Tribunal shall deal with each of the elements as under:
 - a) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights.
 - (i) The Complainant is the registered proprietor of the trademark "Motorola" by Application No. 225581 dated 26 November 1964 with the Government of India under Class 9. The Complainant has other registrations for Motorola on subsequent dated in classes 7, 9, 10, 11, 12, 14, 35, 36, 37, 38, 41 and 42. The Complainant also obtained trademark registrations for the mark Motorola in several jurisdictions globally. A perusal of the record and documents filed

² 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
- (c) the Registrant's domain name has been registered or is being used in bad faith.



show that the Complainant owns domain names www.motorola.com and www.motorola.in since 1994 and 2005 respectively. The trademark Motorola has been used by the Complainant since 1930. 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 Motorola in India and other jurisdictions and the domain names motorola.com and motorola.in.

(ii) A side-by-side comparison of the competing marks is given below:

Particulars	Complainant's trade mark	Respondent's mark
Domain Name	www.motorola.com <u>www.motorola.in</u>	<u>www.motorolaservice.in</u>
Trademark	MOTOROLA 	

A visual comparison of the disputed domain name motorolaservice.in of the Respondent with the Complainant's name, trademark, brand Motorola and the domain names motorola.com and Motorola.in, demonstrate that "Motorola" is entirely contained in the disputed domain name of the Respondent along with the Complainant's "batwing" logo. Further, the dominant and distinctive feature of the disputed domain name is the incorporation of the Complainant's trademark, brand name and 'batwing' logo in its entirety only with the addition of the term "service".

(iii) In *Yahoo! Inc. v Akash Arora & Anr. (1999 PTC (19)210 Delhi)*, the Hon'ble 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's name in its entirety and was deceptively similar and could be perceived as being that 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.

- (iv) The registered trademark "Motorola" and the domain names <motorola.com> and <motorola.in>, are distinctive and the Respondent's domain name "motorolaservice.in" bears the Complainant's registered trademark "Motorola" in its entirety. Considering the similarity between the Complainant's trademark and domain name "Motorola" and 'batwing' logo the domain name "motorolaservice.in" of the Respondent, the Arbitral Tribunal finds that an average consumer would be led to believe that the Complainant and the Respondent and/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 motorolaservice.in is identical and confusingly similar to the Complainant's registered trademarks "Motorola" and as also to the domain names – <motorola.com> and <motorola.in>. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy paragraph 4(a) is satisfied.

b) The Registrant has no rights or legitimate interests in respect of the domain name

- (i) To pass muster under paragraph 4(b) of the Policy, the Complainant has to show that the Respondent has no rights to and legitimate interests in the disputed domain name under paragraph 6 of the Policy.
- (ii) According to paragraph 3³ of the Policy, it is the obligation of the Respondent (registrant) to provide complete and accurate

³ 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:

- (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.



particulars and find out before registration that the domain name intended for registration does not violate the rights of any third party. The Complainant has been able to establish that the Complainant and its trademark, service mark and brand name have been in use since 1930 and is commonly known by the name “Motorola” and that it owns and holds intellectual property rights in the name, trademark and brand name in India and several other jurisdictions. Further, the Complainant owns the domain names <motorola.com> and <motorola.in> since 1994 and 2005 respectively and has a global presence. However, the disputed domain name www.motorolaservice.in was created on 22 April 2015. Further the Complainant has categorically asserted that the Respondent is not affiliated or authorised by the Complainant to use the trademark and trade name Motorola.

- (iii) Accordingly, 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.motorola.in and has satisfied the second element under paragraph 4 (b) of the Policy.
- c) The Registrant's domain name has been registered or is being used in bad faith
- (i) On considering the documents placed on record and as discussed above it is clear that the Respondent has no previous connection with the domain name www.motorolaservice.in. Further the Respondent is not affiliated or authorised by the Complainant to use the trademark Motorola.
 - (ii) It is evident that the Respondent knew of and targeted Complainant's trademark and Respondent has registered and used the Disputed Domain Name in bad faith. In *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) has been considered by *Valvoline Licencing and Intellectual Property LLC v. jau Khan* WIPO Case No. D2018-1486 based on the balance of facts set forth above and the latitude of the trademark, it is more likely than not that the Respondent knew of and targeted that Complainant's trademark and Respondent



should be found to have registered and used the disputed domain name in bad faith.

- (iii) Further the use of the term “Motorola” in its entirety in the disputed domain name www.motorolaservice.in is deliberate attempt to attract Internet users to its website by creating a likelihood of confusion with the Complainant’s trademark and website to infringe and violate the rights of the Complainant and is therefore a clear violation of paragraph 7(c) of the Policy.
- (iv) Considering the findings above, Arbitral Tribunal holds that the Respondent’s domain name www.motorolaservice.in has been registered and is being used in bad faith. Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

VI. DISPOSITIONS

The Arbitral Tribunal holds that the Respondent’s domain name www.motorolaservice.in is identical and confusingly similar to the name, trademark and brand name “Motorola” owned by the Complainant. The Respondent has no rights or legitimate interests in the domain name www.motorolaservice.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.motorolaservice.in be transferred to the Complainant, namely Motorola Trademark Holdings LLC, 222 W Merchandise Mart Plaza, Suite 1800, Chicago, IL 606504 United States Of America

Place: New Delhi
Date: 28 July 2021



Robin Ratnakar David
Sole Arbitrator
The Arbitral Tribunal