



ఆంధ్ర ప్రదేశ్ ఆంధ్ర ప్రదేశ్ ANDHRA PRADESH		DA 199290	
Serial No: 27126	Denomination: 100	Date: 12-08-2021	Stamp S. no DA 199290
Purchased By : DR V GOPINATH ARBITROR S/O LATE V K CHAINULU VSP	For : **SELF**	Sub Registrar Ex. Offico Stamp Vendor SRO Visakhapatnam(R.O)	

BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)

.IN FOMSIN NSMR FIDPUYR TRDOLUYION POLICY (INDRP)

Dr. Vedula Gopinath, Sole Arbitrator

Arbitration Award No. INDRP/1421. Dated September 11, 2021

In the matter of Arbitration Between :

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

Complainant

AND

Oname  
Ojdh545, North Goa  
India - 110085

Respondent



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### **THE PARTIES :**

- a. Complainant M/s. Indeed, Inc., Authorised representatives in this administrative proceedings is:

Mr. Sanjay Chhabra & Mr. Bidyut Tamuly,  
Archer & Angle  
#5B, 5<sup>th</sup> Floor, Commercial Towers  
Hotel J W Marriott, Aerocity,  
New Delhi – 110037 India,  
Phone No. +91-11 41954195  
E-mail : [schhabra@archerangel.com](mailto:schhabra@archerangel.com)

- b. Respondent details are:

Oname  
Ojdh545  
North Goa  
Province Goad - 110085 India  
Phone No. +91-8486925870  
Email : [worldjobs145@gmail.com](mailto:worldjobs145@gmail.com)

### **II. DISPUTED DOMAIN NAME & REGISTRY:**

- a) The following Domain name is the subject of this Complaint “<INDEEDSGROUP.IN>”. (copy of WHOIS search report attached as Annxure-2 of the Complaint)
- b) The Registry is the National Internet Exchange of India (henceforth referred to as NIXI).
- c) The Sponsoring Registrar of the Impugned Domain details are:

➤ **Address** : Hiox Softwares Private Ltd.,  
No.7A-F, Ganesha Complex Campus  
N.K. Palayam Road,  
Singanallur, Coimbatore – 641005



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Phone +919384011660  
[support@hioxindia.com](mailto:support@hioxindia.com)

### III. PROCEDURAL HISTORY / BACK GROUND :


06-08-2021	The .1N REGISTRY appointed Dr. Vedula Gopinath as Sole Arbitrator from its panel as per paragraph 5 of INDRP Rules of Procedure.
06-08-2021	Consent of the Sole Arbitrator along with declaration was given to the .1N REGISTRY according to the INDRP Rules of Procedure.
06-08-2021	.1N REGISTRY sent an email to all the concerned intimating the appointment of arbitrator. On the same day, the complete set of the soft copy of the Complaint with Annexure was sent to Respondent.
07-08-2021	Notice of Arbitration was sent to all concern by the Sole Arbitrator.
08-08-2021	Notice was sent by Arbitrator to the Respondent by-mail directing him to file his response within 10 days, marking a copy of the same to the Complainant's representative and .1N Registry.

All pleadings are communicated through Electronic mode.

### IV. COMPLAINANT'S DETAILS:

- a) The Complainant, Indeed, Inc., claims to be providing the world's largest job site in 28 languages with over 250 million unique visitors every month from over 60 different countries. Indeed, owns and has used its corporate website [www.indeed.com](http://www.indeed.com) as an employment related search engine since year 2004 and continues to do so. The Complainant's Trade marks are given below. The Complainant also owns trade mark



  
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registration INDEED in various countries (certificates are attached as Anx-6 of the Complaint)

Trademark	Application number	Application Date	User Claim	Class	Status
INDEED	2044682	October 27, 2010	November 29, 2004	35 & 42	Registered
Indeed	2044681	October 27, 2010	November 29, 2004	35 & 42	Registered

- b) The is complainant also the owner of the India specific domain <indeed.co.in> which was registered and renewed regularly since December 14, 2006. The Complainant has also set up country-specific domain names and websites in major markets. (details given in annexures 8 and 9 of Complainant.
- c. The complainant takes up various promotional and advertising activities. In 2017, the complainant had sponsored the "Talen Acquisition Summit" in Mumbai, India.
- d) The Complainant also owns and has the brand and trademark **INDEED** and variations thereof for over a decade in relation to its highly successful job websites and search engines as well as related goods and services such as mobile applications and online advertising services.
- e) The Complainant recently learnt of the Respondent's registration (on July 15, 2021) of the Disputed Domain Name and use of its corresponding fraudulent website www.indeedsgroup.in for offering *inter alia* job search, *career solutions* and other recruiting solutions identical to those of the Complainant.

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- f) The Complainant has well-established rights in respect of the **INDEED** Marks which have been recognized and confirmed by **NIXI** (National Internet Exchange of India) in view of the prior panel decisions.
- g) The Complainant Company has a large amount of money have also been spent for developing and maintaining the website i.e., <**indeed.com**>.
- h) The Complainant has continuously used the **indeed** Mark in connection with its Goods and Services since at least in the year 2004.
- i) That on accounts of the high, stringent and continuous adherence to non-compromising standards of quality applied by Complainant Company in the manufacture of goods bearing the trademark "<**indeed**>" the same is known for the superior quality and reliability and is extremely popular and highly demanded all over the world including in India.
- j) The Complainant's trademark "<**indeed**>" qualifies to be a well-known trademark within the provisions of the trade marks act and is entitled to the widest protection.
- k) The Complainant's goods/services sold and offered for sale under the trademark "<**indeed**>" are of excellent quality and thus have acquired reputation and goodwill through the world including India and intending



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purchasers identify and recognize goods under the trademark.

## V. PARTIES CONTENTIONS :

### A. COMPLAINANT :

- (i) The Complainant's **INDEED** Marks and Services and goods thereunder are prominently advertised on major social networking sites such as Facebook.
- (ii) The Complainant also makes its services available to the public via its mobile applications on the two most prominent mobile platforms in the world – Apple (App Store) and Android (Good Play Store).
- (iii) The mere addition of the letter “S” and word “**GROUP**” 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 trade mark **INDEED**.
- (iv) The Complainant has been continuously and extensively using the registered trademark, **INDEED** in commerce since its adoption in 2004 – both internationally as well as in India and thus its rights in the **INDEED** Marks are beyond reproach.
- (v) The complainant has alleged that respondents does not have rights or legitimate interest in respect of domain name and also the respondents have no registered trade mark rights of the said domain name. The complainant has alleged that respondents clearly intend to mislead potential customers of the complainant to its website.




  
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- (vi) It is contended that the Complainant's prior use and registration give its priority in the **INDEED** Mark vis-a-vis Respondent.
- (vii) The Respondent's Website heavily focuses on the **INDEED** Mark and Complainant, creating a false sense of sponsorship and/or affiliation between Complainant and Respondent and/or complainant and the Dispute Domain.
- (viii) The Respondent's disputed domain name is identical or confusingly similar to the **INDEED** Mark because the dominant part of the Disputed Domain incorporates literal elements of the **indeed** Mark.
- (ix) The Respondent's Website utilizes the **indeed** Mark or marks identical or confusingly similar thereto, without Complainant's authorization only buttressing the conclusion that the Disputed Domain is likely to be confused with the **INDEED** Mark.
- (x) As per the Complainant's knowledge, the Respondent is not the owner or beneficiary of a trade or service mark that is identical to the Disputed Domain.
- (xi) The Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized Respondent to register or use the **INDEED** Mark in any manner.



  
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- (xii) The Respondent is creating a likelihood of confusion with the **indeed**. Mark by incorporating the **INDEED** Mark in the Disputed Domain and using it through Respondent's Website.
- (xiii) The Respondent intended to attract Internet users for commercial gain by trading off the goodwill associated with the **INDEED** mark by creating likelihood of confusion with the **indeed** Mark as to the source, sponsorship, affiliation or endorsement of the Disputed Domain name.
- (xiv) The Complainant has further alleged that the domain name is registered by the respondents and is used by them in bad faith.
- (xv) The complainant has submitted that its trademarks are well known in India. The complainant has further alleged that the respondent's intention is not to act in good faith but has got registered the disputed Domain name in bad faith.

**B. RESPONDENT :**

The Respondent in spite of Notices, didn't submit any response. As it appears the Respondent did not opt to reply at all.



  
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## VI. DISCUSSION & FINDINGS / REASONING :

### (a) .IN Domain Name Dispute Resolution Policy (INDRP).

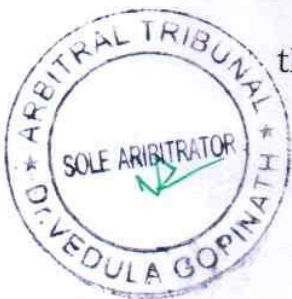
#### (I) .IN Domain Name Dispute Resolution Policy (INDRP).

In order to obtain the transfer of the Disputed Domain Name, Complainant should, according, prove all the following three elements to paragraph 4 of the Policy.

- (i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) The Disputed Domain Name has been registered and is being used in bad faith.
- (iv) Further pursuant to paragraph 6 & 7 of INDRP Policy, the Respondent have no legitimate interest and the same have been used in bad faith.

The Complainant has fully satisfied the aforesaid required aspects to prove their case.

(II) It has been contended that Respondent is only using the Disputed Domain Name in a way of create a likelihood of confusion in the minds of the public as to the source of the products and services offered on its website, and thus to misleadingly attract users to its website at Complainant's detriment and to benefit from the trademark's goodwill.




  
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- (III) In case of failure of default of Respondent in sending response or reply to the complaint, the Arbitrator is empowered to announce the judgment as he thinks proper and appropriate as per applicable laws.
- IV.. The allegations levelled by Complainant against Respondent appears to have been proved basing on the evidential value of the documents submitted.
- V. Various previous panels have given favorable decision in favor of complainant in similar cases (details given Para 10.4 of Complainant.) This Arbitral Tribunal concurs with the views of these decisions.
- VII. In view of the foregoing discussion, the Arbitral Tribunal arrives at a Logical conclusion of accepting the prayer of the Complainant.
- VIII. **DECISION:** For all the foregoing reasons, in accordance with paragraph 10 of the .INDRP, the Arbitral Tribunal orders that the Respondent shall cease to use the name INDEED and also the disputed Domain Name i.e., <INDEEDSGROUP.IN> be transferred to the Complainant. There is no order as the costs. National Internet Exchange of India (NIXI) are advised to take incidental or ancillary action involved in the transfer of the Domain Name as directed.

Visakhapatnam  
Dated Sept.11,2021



  
**Dr. Vedula Gopinath**  
**Sole Arbitrator**

**Dr. Vedula Gopinath**  
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Advocate(High Court) & Corporate Advisor  
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