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INDIA NON JUDICIAL

Government of Karnataka

Rs. 100

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Certificate Issued Date : 25-Oct-2021 06:06 PM
Account Reference : NONACC/ kakscsa08/ VIJAYANAGAR2/ KA-BA
Unique Doc. Reference : SUBIN-KAKAKSCSA0827263432412988T
Purchased by : MARAM SURESH GUPTA
Description of Document : Article 12 Bond
Description : ARBITRATION AWARD
Consideration Price (Rs.) : 0
 (Zero)
First Party : MARAM SURESH GUPTA
Second Party : N A
Stamp Duty Paid By : MARAM SURESH GUPTA
Stamp Duty Amount(Rs.) : 100
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ARBITRATION AWARD

.IN REGISTRY – NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]

.IN Domain Name Dispute Resolution Policy

INDRP Rules of Procedure

Disputed Domain Name: <CLINOVA.IN>

INDRP Case No. 1440

Before the Sole Arbitrator: Mr. Maram Suresh Gupta

[Signature]

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ARBITRATION AWARD

.IN REGISTRY – NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]

.IN Domain Name Dispute Resolution Policy

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Disputed Domain Name: <CLINOVA.IN>

INDRP Case No. 1440

Before the Sole Arbitrator: Mr. Maram Suresh Gupta

IN THE MATTER OF:

Clinova Limited

International House,
Southampton International
Business Park
Southampton SO18 2RZ
United Kingdom

.....Complainant

Versus

Mr. Parth Mehta

Vile Parle West
Mumbai 400056
Maharashtra, India

.....Respondent

1. The Parties

- a) The Complainant in the present arbitration proceedings is **Clinova Limited** (hereinafter referred as '**Complainant**'), with its office at International House, Southampton International, Business Park, Southampton SO18 2RZ, United Kingdom. The Complainant is represented by **Ms. Malavika T. Vikram** of M/s. DePenning & DePenning (Patents, Trade Marks, Designs, Copyright), No.: 120 Velachery Main Road, Guindy, Chennai - 600 032, India, Phone: +91 44 4221 3444, Fax: +91 44 4221 3402, [Email: domain@depenning.com](mailto:domain@depenning.com).
- b) The Respondent in the present arbitration proceedings is **Mr. Parth Mehta** (hereinafter referred as '**Respondent**') having postal address: Vile Parle West, Mumbai

400 056, Mumbai, Maharashtra, India, having contact mobile number as + 91 97 6914 5824 and Email: mehta.parth1026@gmail.com. The above contact details of the Respondent were provided by the Complainant in its complaint dated 21st September 2021, wherein they collected these details from .IN registry (*see Annexure – A and Annexure – B*).

2. The Disputed Domain Name and The Registrar

- a) The following information about the disputed domain name and the registrar is as per the information furnished by the Complainant in its complaint and supporting annexures.
- b) The disputed domain name is <CLINOVA.IN> which was created on 12th November 2020 and it was set to expire on 12th November 2021. Based on information from WHOIS database, the registrant client ID is CR450413712 and registrant ROID is C707EEBD7CFE047A894F51AE17516CF47-IN.
- c) The accredited Registrar with whom the disputed domain name was registered is GoDaddy.com.

3. Procedural History

- a) The present arbitration proceeding is as per the .IN Domain Name Dispute Resolution Policy (the “Policy”), adopted by the National Internet Exchange of India [NIXI] and the INDRP Rules of Procedure (the “Rules”), under the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the Respondent agreed to the resolution of disputes according to the Policy and the Rules thereunder.
- b) NIXI vide its email dated 1st October 2021 requested the availability of Mr. Maram Suresh Gupta to act as the Sole Arbitrator in the present matter. In return, on the same day, the Arbitrator indicated his availability and accordingly submitted the fully signed

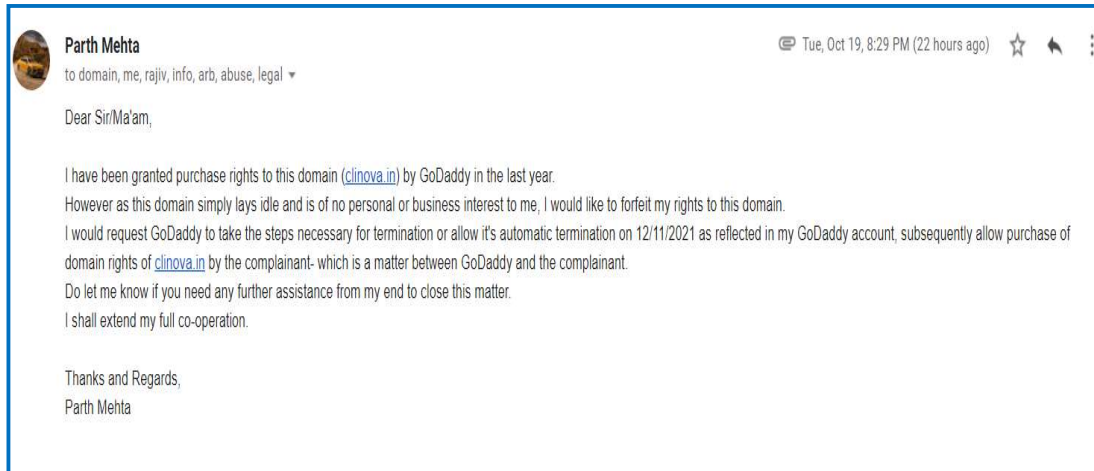
Statement of Acceptance and Declaration of Impartiality and Independence, which complied with the .INDRP Rules of Procedure.

c) Pursuant to the above acceptance and declaration of the Sole Arbitrator, NIXI appointed, vide in its email dated 1st October 2021, Mr. Maram Suresh Gupta as the sole Arbitrator and the same was also intimated to both the Complainant and Respondent (hereinafter '*parties*'). Thereafter, on same day, 1st October 2021, a notice having directions to both the parties was issued by me. In the said notice, the Complainant was directed to furnish copies of the complaint along with supporting annexures to the Respondent both via email and courier/ speed post. In addition, the Respondent was also directed to file his response to the complaint within 10 days from the date of the notice. The Complainant was also instructed to furnish confirmation copies of both the means of communication with the Arbitrator and a copy to NIXI.

d) Based on the records supplied to me by NIXI, it is evident that the Complainant has formally served copies of the complaint and its annexures to the respondent via email, dated 21st September 2021, which is well before the date of initiating the present proceedings. Nonetheless, pursuant to my directions, the Complainant has once again served copies of the Complaint and its supporting annexures both via email and courier to the Respondent. The confirmation copies were also submitted by the Complainant to the Arbitrator with a copy to NIXI, dated 6th October 2021. The courier consignment number when tracked online, it is evident that the hard copies were delivered to the Respondent on 5th October 2021 – having DTDC consignment no.: X35463833.

e) On 11th October 2021, I informed the Parties that though no Response was received by the Panel from the Respondent within the allotted time, in the interest of justice, I granted an additional time of 5 days and that if no reply is filed by 16th October 2021, the award would be passed on merits. The additional time granted to the Respondent

lapsed and no Response was received by the panel. Finally, a response/ reply from the respondent was received by the panel dated 19th October 2021, a screen shot of the response is provided below:



- f) In light of the reply from the respondent, on the very same day, 19th October 2021, I have directed both the parties to mutually discuss and settle the matter. I also directed the parties to share a copy of the settlement agreement, if any, signed between the parties after their mutual discussion. In response to the same, the respondent replied on 20th October 2021 and requested the Complainant to get in touch to discuss and settle. On the very same day, 20th October 2021, the Complainant executed a settlement agreement and sent to the respondent for execution. From the settlement agreement is evident that both the parties are willing to amicably settle the dispute, wherein Mr. Mehta has agreed to transfer the disputed domain name in favour of the complainant.
- g) As per Rule 15 of the INDRP Rules of Procedure, if the parties agree to settle the dispute after the initiation and during the pendency of the proceedings, I am empowered to terminate the Arbitration proceedings and accordingly pass the Arbitration Award in accordance with the settlement reached between the parties.

DECISION

In light of the settlement reached between the parties, I hereby direct that the disputed domain name <CLINOVA.IN> be transferred to the Complainant and the Respondent is requested to cooperate in the smooth transfer of the disputed domain name. I also direct NIXI to oversee the transfer.

The Parties are to bear their own costs.

This award is being passed within the statutory deadline of 60 days from the date of commencement of arbitration proceedings.

A handwritten signature in blue ink that reads "M. Suresh Gupta".

Maram Suresh Gupta

Sole Arbitrator

Date: 25th October 2021