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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: <techron.in>

INDRP Case No. 1447

Before the Sole Arbitrator: Mr. Maram Suresh Gupta

[Signature]

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ARBITRATION AWARD

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.IN Domain Name Dispute Resolution Policy

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Disputed Domain Name: <techron.in>

INDRP Case No. 1447

Before the Sole Arbitrator: Mr. Maram Suresh Gupta

IN THE MATTER OF:

CHEVRON CORPORATION,

6001 Bollinger Canyon Road,

San Ramon, CA 94583

USA.

.....Complainant

Versus

Wang Liquan,

1028 Chaoyangmenwai Street,

Beijing, 100 066, China.

.....Respondent

1. The Parties

- a) The Complainant in the present arbitration proceedings is **CHEVRON CORPORATION** (hereinafter referred as '*Complainant*'), with its office at 6001 Bollinger Canyon Road, San Ramon, CA 94583, United States of America (USA). 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 **Wang Liquan** (hereinafter referred as '**Respondent**') having postal address: No. 1028 Chaoyangmenwai Street, Beijing 100066, China, having email id as: corporatedomains@163.com and contact phone number as (+86).1065538900. These contact details of the Respondent were provided by the Complainant in its complaint dated 8th October 2021, wherein they collected the same 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 **<techron.in>** and was created on 12th January 2018. It was set to expire on 12th January 2022. Based on information from WHOIS database, the registrant client ID is TU12SKG7YETGJC11 and registrant ROID is C2A46002C1C394EBB83B693D8001D82-IN.
- c) The accredited Registrar with whom the disputed domain name was registered is Tucows Inc, 96 Mowat Avenue, Toronto, ON M6K 3M1, Canada.

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 29th 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, I have indicated my 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 29th 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 29th 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. 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 to the Arbitrator with a copy to NIXI.
- d) The Complainant served copies of the Complaint and its supporting annexures only via email to the Respondent. The confirmation copies of the email sent to the respondent were submitted by the Complainant to the Arbitrator with a copy to NIXI, dated 12th November 2021. It is pertinent to state that the confirmation copies were sent by the Complainant after a follow-up emails from the panel. It is evident that hard copies of the complaint and its copies were not served via courier to the Respondent.
- e) On 12th November 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 17th November 2021, the award would be passed on merits. The additional time granted to the Respondent lapsed and no Response was received by the panel. In reality, there has been absolutely no communication from the Respondent till today.




4. Factual Background and Parties Contentions

The Complainant has made the following submissions in support of its complaint against the Respondent. The contentions are detailed as follows:

- a) From **Annexure – C** it is evident that the complainant has long history. It appears that the complainant is an integrated company involved in producing and transporting crude oil and natural gas and is having presence in different countries of the world. A perusal of **Annexure C** details the history of complainant and substantiates the aspects recited in this paragraph.
- b) Similarly, a perusal of **Annexures D** indicates a product of Complainant bearing the name ‘TECHRON’ and a perusal of **Annexure E** clearly indicate that the Complainant is the registered owner of the trademark TECHRON. The marks registered include the device mark (Table 1) as recited below under class 4 of the Trademarks Act, 1999.

Table 1: Registered Trademark of the Complainant

REGISTERED TRADEMARKS MARK OF THE COMPLAINANT	
[Annexure E]	
TM Application No.: 704547 (screenshot is provided below)	
	

Most importantly, the Complainant has also renewed the mark and is valid/ renewed till 11th April 2026. In addition to the above mark, the Complainant has also furnished another registered trademark (word mark) TECHRON bearing application number 1340229 - a computer generated renewal certificate of the same is provided as second document under **Annexure – E**. This mark is valid till 22nd February 2025.

- c) Further, the Complainant also owns domain names under the mark TECHRON and is associated with active internet presence. A perusal of **Annexures F and G** substantiates the aspects recited in this paragraph and also the aspects pertinent to domain name (techron.com and techron.co) ownership.
- d) The Complainant contends that the disputed domain name (www.techron.in) subsumes its registered trademark TECHRON thereby amounting to infringement. The Complainant submits here that the disputed domain name was registered by the Respondent in bad faith, as the distinctive and dominant element in the Respondents domain is the word TECHRON.
- e) The Respondent did not reply to the Complainant's contentions even after providing a fair opportunity. It is pertinent to reiterate that till today, this Panel has not received any response from the Respondent's.

5. Discussion and Findings

- a) As per Paragraph 4(i) of the Policy, the Complainant is required to show that it has a right in the trademark which it intends to assert. Based on the documents furnished by the Complainant it is abundantly evident that the trademark TECHRON is registered bearing application number 704547 and has been used since 11th April 1996. Similarly, the other registered mark bearing application number 1340229 has been used since 22nd February 2025. In addition, the Complainant has never authorized the Respondent in any manner whatsoever to offer the goods for sale under its registered trademark TECHRON.



Therefore, from the averments made by the Complainant, it is clear that the Respondent is neither a licensee nor has it otherwise obtained the authorization of any kind whatsoever to use the registered trademark TECHRON. Accordingly, the Respondent does not have any legitimate interest and it appears that the Respondent has registered the disputed domain name only to enrich itself unjustly from such unauthorized adoption and registration.

- b) Once the Complainant makes a *prima facie* case showing its legal rights and lack of any kind of rights/ authorizations to the Respondent from the Complainant, the Respondent must come with proof of legitimate interest in the disputed domain name to rebut the presumption. Nonetheless, the Respondent has failed to file any Response till today towards the Complaint. According to Paragraph 8 (b) of the Rules I have given a fair opportunity to the parties to present their case. Though sufficient time (10 days + 5 days) was offered, the Respondent failed to file any response to the Complaint. Accordingly, under Paragraph 12 of the Rules, the proceedings are set to award *ex parte*.
- c) In light of the above circumstances, my decision is based upon the assertions; evidences presented by the Complainant and inferences drawn from the Respondent's failure to file/ submit a Response despite offering sufficient opportunity and time to do so.

6. Issues in the Dispute

The Complainant invoked Paragraph 3 of the Rules to initiate arbitration proceedings by filing a Complaint with NIXI. The Respondent in registering the disputed domain name has submitted to the mandatory arbitration proceedings in terms of Paragraph 4 of the Policy, which determines the essential elements for a domain name dispute, which are as follows:

- Whether the disputed domain name is identical or confusingly similar to the registered trademark (legal right) of the Complainant?



- Does the Registrant/ Respondent have any right or legitimate interest in the disputed domain name?
- Does the disputed domain name of the Registrant/ Respondent is registered and is being used in bad faith?

All the above three essential elements are discussed in the following sections:

Essential Element No. 1: Whether the disputed domain name is identical or confusingly similar to the registered trademark (legal right) of the Complainant?

The test for confusing similarity involves the comparison between the registered trademark and the disputed domain name. In the present case, the disputed domain name incorporates the Complainant's registered trademark TECHRON in its entirety. In order to assess confusing similarity, it is permissible for the Panel to ignore the generic Top-Level Domain ("gTLD") ".in". In short, the disputed domain is identical to the Complainant's registered trademark TECHRON. In addition, the Complainant has furnished sufficient evidence (registration certificate/ renewal certificate) in support of its registered trademark TECHRON, arising out of its use. Therefore, given the Complaint and its accompanying annexure documents and cited case laws, I am convinced beyond any ambiguity that the disputed domain name is absolutely same/ identical to the Complainant's registered trademark TECHRON. Accordingly, the disputed domain name is identical to Complainant's registered trademark. The complainant has satisfied the first essential element.

Essential Element No. 2: Does the Registrant/ Respondent have any right or legitimate interest in the disputed domain name?

Firstly, from the submissions of the Complainant it is clear that they have never authorized the Respondent in any fashion or otherwise not licensed to use its registered trademark TECHRON for a domain name registration. Besides, it appears that the



Respondent is an individual by the name Wang Lique. There is also no evidence to suggest that the Respondent is commonly known by the disputed domain name or that the individual/ Respondent has any rights in TECHRON. In short, the Respondent is not affiliated or related to the Complainant in any way whatsoever.

Secondly, the burden of proof to establish legitimate interest over the disputed domain name lies with the Respondent. However, the Respondent failed to submit a reply to the Complainant within the allotted time. Thus, the Respondent fully and completely failed to establish legitimacy in registering the disputed domain name. Accordingly, in light of the Complaint with annexures and Respondent's failure to file reply to the Complaint, I believe that the Respondent does not have a right and legitimate interest.

Essential Element No. 3: Does the disputed domain name of the Registrant/ Respondent is registered and is being used in bad faith?

The Complainant is the registered owner of TECHRON as an Indian Trade Mark since 1995. In addition, the panel accepts that the Complainant's mark TECHRON enjoys world-wide reputation and also has wide presence in the internet. At present, due to rapid advancement in information technology services, reputation of marks transcends national borders. In the present case, a simple cursory internet search for the disputed domain name TECHRON would have disclosed its ownership and its use thereof by the Complainant. Accordingly, a strong presumption arises towards the aspect that the Respondent was very much aware of the existence of the Complainant's mark TECHRON at the time of registering the disputed domain name. Therefore, using the same known and registered mark of the Complainant strongly suggests opportunistic bad faith. The fact that the Respondent has not replied to the Complainant's contentions, further points to bad faith. In light of the above, it is evident beyond reasonable doubt that the Respondent has adopted the disputed domain name in bad faith.



7. Decision

The Complainant has succeeded in establishing all the three essential elements of the .INDRP Policy.

In light of the above discussions and in accordance with the Policy and Rules, the Panel directs the transfer of disputed domain name <techron.in> to the Complainant with a request to NIXI to monitor the transfer.

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



Maram Suresh Gupta

Sole Arbitrator

Date: 19th November 2021