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**DEEPALI GUPTA**  
**SOLE ARBITRATOR**  
**.IN Registry - National Internet Exchange of India**  
**INDRP Case No: 1477**

**In the matter of Arbitration Between:**

**Crown Worldwide Holdings Limited** .....Complainant

**Versus**

**Crown Packers & Movers** .....Respondent

**Disputed Domain Name : < CROWNRELOCATION.IN >**

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**DEEPALI GUPTA**  
**SOLE ARBITRATOR**

**Appointed by the .IN Registry - National Internet Exchange of India**

**INDRP Case No: 1477**

**In the matter of:**

Crown Worldwide Holdings Limited,  
Suite 2001, China Evergrande Center,  
38 Gloucester Road, Wanchai, Hong Kong.  
Through its Authorized Representative:  
Norton Rose Fulbright Hong Kong,  
38/F, Jardine House, 1 Connaught Place,  
Central Hong Kong.  
Email: apac@crownewww.com  
Email: ip.asia@nortonrosefulbright.com .....

Complainant

**Versus**

Crown Packers & Movers  
1128, Rangpuri, Mahipalpur,  
New Delhi -110037,  
India  
Email: info@crownrelocation.in  
Tel.no.+91 9310962907

Through:  
Gautam Kumar,  
Gati Logistics Packers Movers,  
Plot 35, Towar wali Gali,  
Bijwaahne near Baber Chock,  
New Delhi, Delhi-110061  
Email: info@gatilogistic.in  
Tel.no.(+91) 9416669149  
(Registrant)

.....Respondent

Disputed Domain Name : < **CROWNRELOCATION.IN** >

**ARBITRATION AWARD**

**DATED FEBRUARY 22, 2022.**



**1) The Parties:**

The Complainant in the present arbitration proceedings is Crown Worldwide Holdings Limited, Suite 2001, China Evergrande Center, 38 Gloucester Road, Wanchai, Hong Kong. The Complainant is represented by its Authorised Representative Norton Rose Fulbright Hong Kong, 38/F, Jardine House, 1 Connaught Place, Central Hong Kong.

The Respondent in the present case is Crown Packers & Movers, 1128, Rangpuri, Mahipalpur, New Delhi -110037, India through Gautam Kumar, Gati Logistics Packers Movers, Plot 35, Towar Wali Gali, Bijwaahne near Baber Chock, New Delhi, Delhi-110061, India, as per the details available in the 'WHOIS' database by National Internet Exchange of India (NIXI).

**2) The Domain Name, Registrar and Registrant:**

The disputed domain name is < CROWNRELOCATION.IN >

The Registrar is Endurance Digital Domain Technology LLP.

The Registrant is Gautam Kumar, Gati Logistics Packers Movers, Plot 35, Towar Wali Gali, Bijwaahne near Baber Chock, New Delhi, Delhi-110061, India,

**3) Procedural History:**

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP) adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28<sup>th</sup> June 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Ms. Deepali Gupta as the Sole Arbitrator to arbitrate the dispute between parties in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Dispute Resolution Policy and the Rules framed thereunder.





The Arbitrator submitted the Statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.

- The Complaint was produced before the Arbitrator on 25<sup>TH</sup> December, 2021.

- The notice was issued to the Respondent on 29<sup>th</sup> December, 2021, at his e.mail address info@crownrelocation.in and info@gatilogistic.in communicating the appointment of the Arbitrator in the case and outlining that the Complainant had prayed for transfer of the disputed Domain name < **CROWNRELOCATION.IN** > in its favour. The Respondent was called upon to submit their response within twelve (12) days of the receipt of the Arbitrators email i.e. on or before 10<sup>th</sup> of January 2022.

- The Arbitrator received no response from the respondent within the said timeline or even thereafter. Further the Arbitrator did not receive any delivery failure notification from the Respondents email id, 'info@gatilogistic.in', therefore the respondent is deemed to be served with the complaint. In view of no response / acknowledgement / communication from the Respondent, the Complaint is being decided ex-parte and solely based on the materials and evidence submitted by the Complainant and contentions put forth by them.

4) **FACTUAL BACKGROUND:**

The Complainant is the owner of various registrations for its Crown Marks. The Complaint is based on the Complainants registered and unregistered rights and interests in its various "CROWN" and Crown device trade marks and names, including the "CROWN", "CROWN RELOCATIONS" and "CROWN RELOCATIONS & Crown Device" marks, collectively hereinafter called the "CROWN MARKS". The Complainant is the owner of CROWN MARKS as well as the common law rights arising from its goodwill and reputation resulting from its extensive and continuous use of the Crown Marks in respect of various goods and services around the world. The Complainant is a part of Crown Worldwide Group of companies that was established in the year 1965 and the Complainant was established in the year 1978. The Complainant is one of the largest privately owned



companies in the field of international removals and its business constitutes seven major divisions. The Complainant provides comprehensive services supporting relocation individuals, families, corporates and employees all over the world including multinational companies and government organizations. The Complainant operates globally in over 200 locations, employs over 3,300 people in nearly 45 countries providing expert services. The Complainant is today one of the leading companies providing expert specialized relocation services. In India the Complainant has presence through its subsidiary 'Crown worldwide Private Limited' for more than 25 years and operates out of various locations including Delhi, Bengaluru, Chennai, Mumbai etc. The Complainant and its subsidiaries have registered more than 100 top level and country code top-level(ccTLD) domain names comprising the trade mark "CROWN".

**5) Summary of Complainant's contentions:**

The Complainant has contended that each of the element in the .IN Domain Name Dispute Resolution Policy are applicable to the present dispute. It has thus been contended that the Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; that the Registrant's has no rights or legitimate interests in respect of the domain name that is the subject of complaint; and the Registrant's domain name has been registered or is being used in bad faith. The Complainant has in support of its case has made the following submissions:

- a) The Complainant states that they are the owners of the Trade Mark 'CROWN RELOCATIONS'. It is submitted by the Complainant that the Complainant operates globally in over 200 locations in nearly 45 countries and is one of the leading companies providing expert specialized international relocation services. The complainant through its subsidiary Crown Worldwide Private Limited has been operating in India for last more than twenty five years from various locations.
- b) The Complainant states that the name and mark "CROWN" was adopted by the Complainant in the year 1975 and since then it has been using the



said mark and/or name globally on a large scale for goods and services. It is stated further that the mark has been used in relation to a variety of services including mobility, records management, logistics, fine art, wine cellars and relocation provisions. That since 1995 the said mark is being used by the Complainant in India.

- c) Complainant states that it provides services through, amongst others, its online portal/ website which is accessible from around the world including India. Further that the online portal/ website can be location specific on choosing appropriate options on the site. That many business professionals who move globally depend upon the complainant for consistent and superior relocation services. The website of the Complainant is replete with testimonials and customer reviews of persons utilizing Complainant's relocation services and recording their appreciation in various countries. It is stated that the Complainant has an exhaustive website by the name '**crownrelo.com**' through which they provide ancillary services to relocation as well and the assistance provided shows the level of expertise of the Complainant. It is thus stated that the Complainant has conducted and concluded substantial amount of business via the internet.
- d) It is stated further by the complainant that the complainant itself and through its affiliates / subsidiaries has registered more than 100 top level and country code top-level(ccTLD) domain names comprising the trade mark "CROWN". The illustrative list of some of the Domain names and creation date are as follows:

	Domain Name	Creation Date
1.	www.crownworldwide.com	09.04.1997
2.	www.crownrelo.com	09.10.1998
3.	www.crownrms.com	30.11.2000
4.	www.crownwinecellars.com	22.11.2002
5.	www.crownfineart.com	31.01.2005
6.	www.crown-logistics.com	08.08.2005
7.	www.crownrelo.co.in	04/10/2005
8.	www.crownarms.co.in	04/10/2005



9.	www.crownworldmobility.co.in	09.12.2011
10.	www.crownworldmobility.com	13.12.2011

- e) It is stated by the Complainant that as can be seen the Complainant is the registered proprietor of various domain names containing the word "CROWN". It is stated by the complainant that the complainant's websites are very popular amongst internet users. That these websites disseminate valuable information and knowledge regarding the Complainant's products, services and business under the Crown Marks. That these websites garner a significant number of hits every month and are accessible from around the world. The Complainant has annexed as Annexure D depicting a list of Domain Names and their 'WHOIS' details. It is further stated that the Complainants goodwill and reputation in the Crown Marks pervades both the real world and cyber space. The Complainant has annexed as Annexure E some extracts from its website in this respect.
- f) It is further stated by the Complainant that as a result of long, extensive and continuous use of the Crown Marks in respect of its goods and services throughout the world, the Crown Mark is identified and associated by the public at large exclusively with the Complainant and its business. It is further stated by the Complainant that by virtue of its global presence providing broad range of goods and services, it has gathered reputation and goodwill over the years and hence the Crown Marks have acquired well-known status.
- g) It is further stated by the Complainant that the Complainant possesses legitimate and protectable rights by virtue of its various registrations for the Crown Marks. Besides, it also possesses the common law rights resulting from its long, extensive and continuous use of Crown Marks globally. It is stated that the Complainant has invested years of time, capital, efforts and resources in the Crown Marks as a result of which the Crown Marks have attained immense goodwill and reputation and are the most significant and important intellectual property owned by the Complainant. It is stated that the Crown Marks are representative of



the Complainants goods and services, brand identity, business reputation and public identification throughout the world.

- h) The Complainant thus submits that the Registrant's Domain Name 'crownrelocation.in' incorporates the Complainants trademark and names of "CROWN", "CROWN RELOCATIONS" and "CROWN RELOCATIONS & Crown Device" in its entirety.
- i) Thus, Complainant/ Claimant submits that the Registrants Domain Name is identical or confusingly similar to the Crown Marks in which the Complainant has rights.
- j) The Complainant further states that it has not authorized, licensed or permitted the Registrants of the disputed domain name to use any of the Crown Marks or any similar or identical marks.
- k) Complainant submits that the Registrant / respondent does not own any registered rights in any Crown Marks. That the Complainant is the registered owner of these Crown marks and related domain names in various jurisdictions. That Crown marks are well known and associated with the Complainant only. That the respondent does not have any right to associate with the disputed domain name for any reasons whatsoever.
- l) The Complainant submits that the disputed domain name directs to a website which is clearly used to infringe and pass off the Complainant's business and create confusion amongst the public. In particular, the respondent's dishonest adoption and use of identical or confusingly similar domain name and its conduct of offering for sale goods and services similar to those of Complainant's can not create any right or legitimate interests in the disputed domain name.
- m) It is further submitted by the complainant that the respondent's registration of the disputed domain name is clearly aimed to take unfair advantage of the goodwill and reputation of Complainant's Crown Marks and to divert visitors/ customers by creating initial internet confusion and thereby commercially gain profit from the dishonest use of Complainant's Crown Marks.





- n) The Complainant submits that the respondent is indulging in unfair use of the disputed domain name with an intention to reap profits and tarnishing the goodwill and reputation of the Complainant.
- o) The Complainant submits that the disputed domain name has been registered and is being used in bad faith.
- p) It is stated that the disputed domain name was created and registered only on 4<sup>th</sup> April 2020 by the respondent whereas the Complainant already has globally established strong goodwill and reputation in various Crown Marks. It is evident that the respondent was well aware of the Complainants business and its prior rights in Crown Marks at the time of creating and adopting the identical or similar domain name which leads to a website depicting in text the words “CROWN RELOCATION”.
- q) It is stated by the Complainant that the respondent is using the disputed domain name for advertising and selling services in packing, moving and storage that are identical to that being offered by the Complainant through their website. Annexure F has been relied upon depicting the printout of respondent’s website. That respondent has used identical mark as that of the Complainants registered Mark throughout its website shows the respondents intention to create confusion and pass itself off as the Complainant:-

The Complainants Mark	Respondents Infringing Mark
	

- r) The Complainant stated that it is evident that the respondent created and designed its website intentionally in such manner to falsely portray an association or affiliation with the Complainant for illicit commercial gain. That such conduct on part of respondent is an obvious attempt to divert internet users to its website through the dishonest use of



Complainants Crown Marks that clearly demonstrates bad faith and infringes the rights of the Complainant. That the use of disputed domain name in this manner disrupts the Complainants business by creating confusion amongst the public as to the source and association of the respondent's website and the products and services offered and diverting the internet users and customers misleading them to believe that the respondent's business is associated or endorsed by the Complainant's.

**6) RESPONDENT:**

The Respondent did not respond in these proceedings although notices have been sent to the Respondent under the INDRP Rules.

**7) DISCUSSION AND FINDINGS**

Under the INDRP Policy the following three elements are required to be established by the Complainant in order to obtain the relief of transfer of the disputed domain name:

- (i) The disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights and
- (ii) The Respondent lacks rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered or is being used in bad faith.

**Identical or confusingly Similar:**

The Complainant has submitted evidence of its trademark registrations for the "CROWN RELOCATIONS" mark in India as also many other countries and has accordingly established its rights in the mark not only in India but globally. The Complainant has also provided evidence of the reputation, goodwill and fame associated with its mark due to its extensive use. The disputed domain name incorporates the Claimants 'CROWN RELOCATIONS' trademark in its entirety

It is well established that in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark. The ccTLD “.in” does not prevent confusing similarity and is typically disregarded for purposes of this element.

The disputed domain name is accordingly found to be confusingly similar to the Complainant’s mark. The Complainant has successfully fulfilled the first element under paragraph 4 of the Policy, that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights.

**Rights and Legitimate Interests:**

The second element requires the Complainant to put forward a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Although the onus of proving that the Respondent lacks rights or legitimate interests in the disputed domain name lies on the Complainant, the same may amount to ‘proving in negative’ hence may not be possible. Hence the Complainant has to make out a prima facie case that the respondent lacks rights or legitimate interests, whereafter, the burden of proof on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Complainant has argued that the Respondent lacks rights or legitimate interests in the disputed domain name and has submitted that as far as Claimant is aware the Registrant does not own any registered rights in any trademarks that comprise part or all of the disputed domain name. That the Complainant is the registered owner of these Crown marks and related domain names in various jurisdictions. That Crown marks are well known and associated with the Complainant only.

The Complainant states that it has not authorized, licensed or permitted the Registrants of the disputed domain name to use any of the Crown Marks or any similar or identical marks.

The evidence on record depicts that the disputed domain name directs to a website which is clearly used to infringe and pass off the Complainant’s business and create confusion amongst the public. The respondents use of identical or confusingly





similar domain name to the registered trademark of Complainant and its conduct of offering for sale goods and services similar to those of Complainant's is clearly aimed to take unfair advantage of the goodwill and reputation of Complainant's Crown Marks and to divert customers by creating initial internet confusion and thereby commercially gain profit dishonestly.

The respondent is indulging in unfair use of the disputed domain name and tarnishing the goodwill and reputation of the Complainant.

The Registrant's use of the Domain Name to supply identical services as those of the Claimants which are protected by the Claimant's Indian trade mark rights constitutes an infringement of those rights. That use of the Domain Name to provide competing services to those in which the Claimant enjoys a global reputation, cannot constitute a legitimate non-commercial interest in the Domain Name. Thus, prima facie, the Registrant has no rights or legitimate interests in respect of the disputed Domain Name.

The Complainant has argued that due to extensive use of the CROWN mark globally and in India, the mark is distinctive and enjoys substantial goodwill, reputation and fame. It is found that the Complainant has acquired rights in the "CROWN RELOCATIONS" mark through use and registration and the Complainant has provided evidence of the mark being distinctive and having a substantial recognition. In the light of these facts and circumstances, it is found that the respondent's use of the "CROWN RELOCATIONS" mark which is distinctive of the Complainant and its products, does not constitute legitimate use or fair use of the mark by the Respondent.

The Complainant has further argued that the Respondent has registered the disputed domain name after a considerable time of the Complainant having established its rights in the CROWN mark. It is found that the Complainant has provided evidence of its prior adoption of the "CROWN RELOCATIONS" mark. The Complainant has submitted that the use of the mark by the respondent is likely to mislead people and the respondent lacks rights to use the said trademark in the disputed domain name. The Complainant's submissions that the Respondent's use of mark in the disputed domain name is likely to mislead Internet users is plausible.



Use of the said trademark “CROWN RELOCATIONS” by the Respondent with the intention of attracting customers is likely to cause confusion and deception to those who encounter the disputed domain name. Internet users are likely to believe that the disputed domain name is in some way connected to the Complainant or is endorsed or authorized by the Complainant. Use of a trademark with the intention to derive benefit from the mark and to make improper commercial gains by such use is recognized as infringing use under INDRP Policy. The use of the Complainant’s “CROWN RELOCATIONS” mark by the Respondent, is found to be misleading use of the mark, and is accordingly found not qualifying as legitimate use by the Respondent.

In the light of the facts and circumstances discussed, it is accordingly found that the Complainant has made out a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name. The second element under paragraph 4 of the Policy has been met by the Complainant.

#### **Bad faith**

The evidence on record clearly demonstrates the Complainant’s prior adoption and extensive use of the “CROWN RELOCATIONS” mark. The disputed domain name has been registered on 4<sup>th</sup> April 2020 whereas the trademark registration of “CROWN RELOCATIONS” mark was obtained by the Claimant much prior. The Complainant has annexed evidence of “CROWN RELOCATIONS” being registered trademark in various countries specifically from the year 2014 onwards. These facts establish that the Complainant’s prior adoption of the “CROWN RELOCATIONS” mark and the evidence filed by the Complainant also establish that it has extensively used the said trademark in commerce for a number of years continuously and the mark is recognized internationally and is well known, which has substantial value.

The Respondent has been found to have no rights or legitimate interests in the disputed domain name. It is furthermore observed that the facts, circumstances and the evidence indicate that the Respondent has used the “CROWN RELOCATIONS” Mark in the disputed domain name to intentionally mislead and attract for commercial gain, internet users to its website by creating a likelihood of



confusion with the mark of Complainant and based on the reputation associated with the mark.


There are numerous precedents under the Policy, where it has been held that the registration of a domain name with a well known mark which is likely to create confusion in the minds of Internet users and attempting to use such a domain name to attract Internet traffic based on the reputation associated with the mark is considered bad faith registration and use under the Policy. Refer to *Patagonia Inc v Doublefist Ltd. INDRP Case No. 1185 <Patagonia.co.in>*, where it was found that the use of complainants mark in the domain name is likely to mislead the public and it was found to be registration and use of the domain name in bad faith under the Policy. Or refer to *Colgate Palmolive Company and Colgate Palmolive (India) Ltd v Zhaxia, INDRP Case No. 887*, where bad faith was found when the respondent had registered the disputed domain name to cause confusion with the complainants mark. Similarly in the present case it is found that the use of the “CROWN RELOCATIONS” mark by the Respondent is likely to attract customers based on the Complainant’s mark and Internet users are likely to be misled by the use of the trademark in the disputed domain name.

For the reasons discussed, the registration of the disputed domain name by the Respondent leads to the conclusion that the domain name in dispute was registered and used by the Respondent in bad faith.

In the light of all that has been discussed, it is found that the Respondent has registered the disputed domain name in bad faith. Accordingly, it is found that the Complainant has established the third element under paragraph 4 of the Policy.

### **DECISION**

In view of the above findings it is ordered that the disputed domain name <CROWN RELOCATION.in > be transferred to the Complainant.



Deepali Gupta  
Sole Arbitrator  
Date: 22<sup>nd</sup> February, 2022.