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INDIA NON JUDICIAL

Government of Karnataka

Rs. 100

e-Stamp

Certificate No. : IN-KA04301594314772U
Certificate Issued Date : 10-Jan-2022 03:23 PM
Account Reference : NONACC (BK)/ kaapxbk09/ M VISHWESHWARAH LAYOUT/ KA-BA
Unique Doc. Reference : SUBIN-KAKAAPXBK0952093568630165U
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 : MARAM SURESH GUPTA
Stamp Duty Paid By : MARAM SURESH GUPTA
Stamp Duty Amount(Rs.) : 100
 (One Hundred only)



10/1/22

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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: <SENHEISER.IN>
INDRP Case No. 1483
Before the Sole Arbitrator: Mr. Maram Suresh Gupta

Handwritten signature

Page 1 of 5

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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: <SENHEISER.IN>

INDRP Case No. 1483

Before the Sole Arbitrator: Mr. Maram Suresh Gupta

IN THE MATTER OF:

Sennheiser electronic GmbH & Co. KG

Am Labor 1

30900 Wedemark

Germany.

.....Complainant

Versus

Vivek Kanojiya

Near Jain Derasar

Near Jain Road

Veraval - 362268

Gujarat

India.

.....Respondent

1. The Parties

- a) The Complainant in the present arbitration proceedings is **Sennheiser electronic GmbH & Co. KG** (hereinafter referred as '**Complainant**'), with its office at Am Labor 1, 30900 Wedemark, Germany. The Complainant is represented by Pascal Böhner, BARDEHLE PAGENBERG Partnerschaft mbB, Prinzregentenplatz 7, 81675 Munich, Germany, Phone No.: +49 (0) 89 928 05-0, Fax No.: +49 (0) 89 928 05-444, Email: legal@lemarit.com
- b) The Respondent in the present arbitration proceedings is **Vivek Kanojiya** (hereinafter referred as '**Respondent**') having postal address: Near Jain Derasar, Near Jain Road, Veraval – 362268, Gujarat, India having email id as: minnipine@gmail.com and contact phone number as +91 90 3363 0330. These contact details of the Respondent were provided by NIXI from WHOIS database and the same were also provided by the Complainant in its revised complaint dated 28th December 2021.



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 <SENHEISER.IN> which was created on 6th October 2021 and was set to expire on 6th October 2022. Based on information from WHOIS database, the registrant client ID is CR505682094 and registrant ROID is C56940E45CEB04FE4832E2BB1B8B527ED-IN.
- c) The accredited Registrar with whom the disputed domain name was registered is GoDaddy, LLC.

3. Procedural History:

27th December 2021 NIXI requested the availability of Mr. Maram Suresh Gupta to act as the Sole Arbitrator in the present matter.

27th December 2021 I have indicated my availability and accordingly submitted to .IN Registry the fully signed Statement of Acceptance and Declaration of Impartiality and Independence.

27th December 2021 NIXI appointed me as an Arbitrator and intimated the same to both the parties along with copies of the complaint, its annexures and WHOIS details. It is pertinent to state that the Complainant did not include respondent details in the original complaint.

27th December 2021 Arbitrator issued directions to both the parties based on WHOIS details. The Complainant was directed to furnish copies of the complaint along with supporting annexures to the Respondent both via email and courier. Besides, the Respondent was also directed to file his response to the complaint within 10 days from the date of notice. Further, the Complainant was also instructed to furnish confirmation copies of both the means of communication to the Arbitrator with a copy to NIXI.

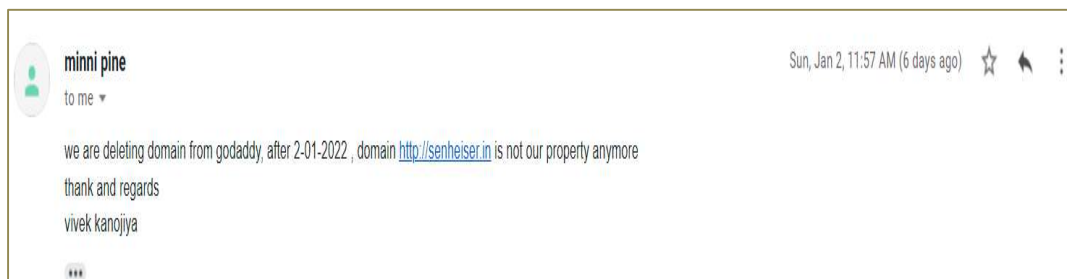
28th December 2021 The Complainant served the panel and Respondent with revised complaint by duly mentioning the full and complete contact details of the Respondent. All supporting annexures were also served



along with the complaint.

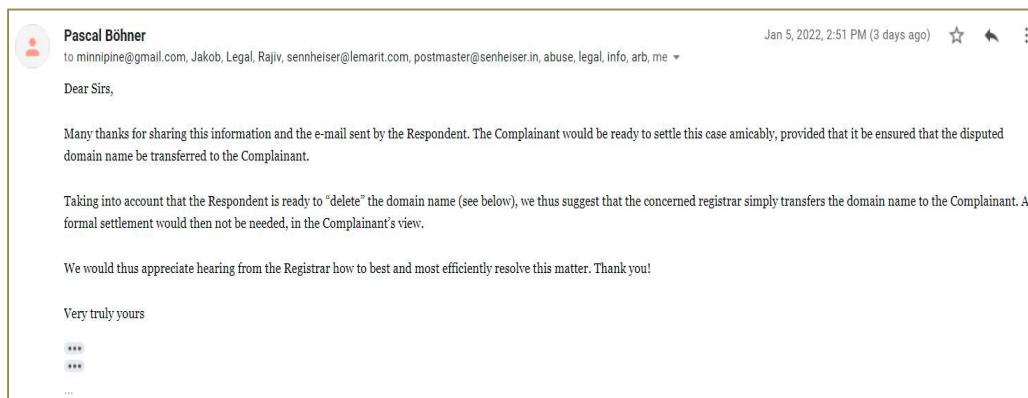
2nd January 2022

Respondent replied from his authorized email id as provided at the time of domain registration (minnipine@gmail.com). The panel quotes the reply/ communication in full as a screenshot (**see screenshot # 1**) for reference below and the same was forwarded to the complainant with a copy to NIXI.



Screenshot # 1: Reply/ response from the Respondent, dated **2nd January 2022**

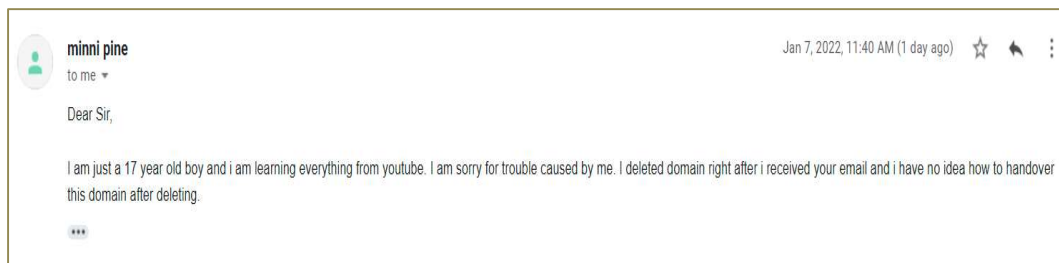
In light of the above reply/ response from the Respondent I directed the parties to discuss and amicably settle the matter. Additionally, I also directed to share a copy of the settlement agreement, if any, with the panel before 10th January 2022. In response to the same, the Complainant responded, dated 5th January 2022. The panel quotes the reply/ communication from the Complainant in full as a screenshot (**see screenshot # 2**) for reference below:



Screenshot # 2: Reply/ response from the Complainant, dated **5th January 2022**

Thereafter, on the same day, 5th January 2022 i replied back to the Complainant with a copy to the Respondent that the Registrar/ panel would require a formal settlement of dispute to proceed with the steps involved in transfer of domain name. As a matter of surprise, the panel received another reply/ response from the Respondent dated 7th January 2022. The panel

quotes the reply/ communication in full as a screenshot (see **screenshot # 3**) for reference below:



Screenshot # 3: Reply/ response from the Respondent, dated 7th January 2022

I replied back to the Respondent on the same day to provide any evidence document in support of deletion of domain name. I am aware that deleting a domain name is NOT straight forward as it is locked at different levels. From the 2nd email/ response (see **screenshot # 3**) of the Respondent it appeared to me that he is ready to handover/ transfer the disputed domain name to the Complainant. Accordingly, I directed the Respondent to send a formal consent via email, before 10th January 2022 to effect the transfer of disputed domain name to the Complainant. As directed, the Respondent replied by providing the email consent, with a copy to all the parties, to transfer the disputed domain name, dated 8th January 2022. The panel quotes the reply/ communication in full as a screenshot (see **screenshot # 4**) for reference below:



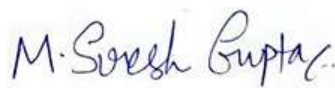
Screenshot # 4: Reply/ response from the Respondent, dated 8th January 2022

4. Decision

Since the Respondent has voluntarily agreed to transfer the disputed domain name to the complainant via its registered mobile id, this award is not being passed on merits. The Panel herewith directs that the disputed domain name <SENHEISER.IN> be transferred 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.

Date: 10th January 2022


Maram Suresh Gupta
Sole Arbitrator