



मध्य प्रदेश MADHYA PRADESH

AX 965776

BEFORE THE ARBITRATOR RAJESH BISARIA
UNDER THE
.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)
[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

ARBITRAL AWARD

Date-12.02.2022

Disputed Domain Name: www. prdestaff.in

INDRP Case no -1488

THE PARTIES

(1)

The **Complainant** is PrideStaff, Inc., 7535 N. Palm Ave, Ste. 101, Fresno, California 93711, United States

The **Respondent** is Shri Chetan Bandi, 3-4-922, Satyanagar Barkatpura, Hyderabad , Telangana. PIN 500027, E mail Id-chetanbandi03@gmail.com, Phone: +91.9704324660



THE DOMAIN NAME AND REGISTRAR

(2)

- (a) This dispute concerns the domain name bearing RD ID-
D92AB78CC8BFB46F6AEE1C4480C5EE970-IN
is identified as pridestaff.in
- (b) The disputed domain name: www.pridestaff.in and it is registered with
Registrar 'whois.godaddy.com'.

PROCEDURAL HISTORY

(3)

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure	06.01.2022
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI .	06.01.2022
Due date of submission of Statement of Claim by Complainant (instructed by mail dated 06.01.2022)	16.01.2022
Complainant's response by submitting their Statement of Claim. Soft copy Hard copy	13.01.2022 15.01.2022
Due date of submission of Statement of Defense by Respondent (instructed by mail dated 06.01.2022)	21.01.2022



Further due date of submission of Statement of Defense by Respondent (instructed by mail dated 25.01.2022)	28.01.2022
Respondent's response by submitting their Statement of Defense against the due date of submission as 21.01.2022 & 28.01.2022	Not submitted
Complainant's response by submitting their Rejoinder. (Statement of Defense not submitted by Respondent)	Not required
Complainant's response by submitting proof of delivery of complaint along with all annexures to Respondent Soft copy sent vide mail dated 13.01.2022 (1.39 PM) and Hard copy of the same was sent by Complainant to Respondent's address via FedEx courier and shipped on January 6, 2022 from the USA. The FedEx tracking number is 7756 8435 5468, as per Complainant mail dated 13.01.2022 (1.39 PM). Complainant also submitted the delivery report of courier service (delivered on 17.01.2022) vide their mail dated 20.01.2022	13.01.2022 17.01.2022
Intimation that the Respondent failed to submit the required/said documents within the time limit mentioned in mail ie 06.01.2022 and 25.01.2022, therefore the Respondent lost their right to entertain it. The proceeding of this case was kept closed for award and the matter would be decided ex-parte on the basis of the material on record with this tribunal as per INDRP policy'.	03.02.2022
The language of the proceedings.	English



FACTUAL BACKGROUND

(4) The Complainant :

The **Complainant** is PrideStaff, Inc., 7535 N. Palm Ave, Ste. 101, Fresno, California 93711 , United States.

(5) Authorized Representative of the Complainant:

Samantha M. Quimby, Esq.	Carl Eppler, Esq.
Frost Brown Todd LLC	Frost Brown Todd LLC
One Columbus – Suite 2300	One Columbus – Suite 2300
Columbus, Ohio 43215-3467	Columbus, Ohio 43215-346
Telephone:+1 614.559.7282	+1 615.251.5559
Facsimile:+1 614.464.1737	+1 615.251.5551
E-mail:squimby@fbtlaw.com	ceppler@fbtlaw.com

Preferred method for communications :

The Complainant's preferred method of communications directed to the Complainant in the proceeding is as follows:

Electronic-only material:

Method: e-mail
Address: squimby@fbtlaw.com; ceppler@fbtlaw.com
Contact: Samantha M. Quimby, Esq.; Carl Eppler, Esq.

Material including hardcopy (where applicable):

Method: Courier
Address: FROST BROWN TODD LLC
One Columbus, Suite 2300
10 West Broad Street
Columbus, Ohio 43215- 3467
United States
Telephone: +1 614.559.7282
Facsimile: +1 614.464.1737
Contact: Samantha M. Quimby



(6) The Respondent:

The **Respondent** is Shri Chetan Bandi, 3-4-922, Satyanagar Barkatpura, Hyderabad , Telangana. PIN 500027 E mail Id- chetanbandi03@gmail.com, Phone: +91.9704324660

(7) Complainant's Activities:

Complainant was founded in 1978 and is one of the most well-known staffing firms in the United States. Today, Complainant has over 85 offices nationwide and is in the business of providing professional staffing services for both employers with professional staffing needs and individuals looking for job placement services (the "PrideStaff Services").

(8) Complainant's Trade Marks And Domain Names :

- (a) PrideStaff is the owner of all intellectual property rights in and to the following Trademark Registration in the United States in connection with its use of the PrideStaff Mark (defined below):

PRIDESTAFF (U.S. Reg. No. 2,116,589), Registered November 25, 1997, for use in connection with: employment agency services; personnel relocation services; personnel placement and recruitment services; temporary personnel placement and recruitment services; contract staffing services; personnel management consulting services; and personnel outplacement services in Class 35, with a first use date of March 1, 1995.

- (b) Copies of printouts from the TESS online database of the United States Patent and Trademark Office for this registration were submitted as Annex B. The registration is prima facie evidence of the validity of the registered trademark, Complainant's ownership of the registered trademark, and Complainant's exclusive right to use the registered trademark in



connection with the services specified in the certificate of registration enumerated above under 15 U.S.C. § 1115(a), as well as constructive notice of Complainant's claim of ownership under 15 U.S.C. § 1072.

- (c) Complainant has used the PrideStaff Mark in connection with the PrideStaff Services since at least as early as 1995. Since 1996, Complainant has owned and used the <pridestaff.com> domain name. Today, customers can learn all about Complainant, request staffing services, and apply for posted positions through the <pridestaff.com> website. Print outs submitted at Annex C. Accordingly, <pridestaff.com> has become an important asset to Complainant and a key means of communicating with its customers and the public.
- (d) The registration identified above and included in Annex B is valid and subsisting, and PrideStaff owns record title to the PrideStaff Mark.
- (e) Complainant has used the PrideStaff Mark as a service mark continuously and exclusively in connection with job placement services since 1995.
- (f) Complainant maintains strict control over the use of the PrideStaff Mark as its services are only offered to the public directly through Complainant, or its authorized franchisees.
- (g) Complainant is well-known in the staffing industry and its PrideStaff Services have received numerous independent awards and recognitions from unrelated third parties, showcasing the strength and value of the PrideStaff Mark, submitted with Annex D.
- (h) Among these awards and recognitions is the "Best of Staffing" industry award based upon reviews and feedback from Complainant's clients and peers. While Complainant has received awards from "Best of Staffing" annually since 2010, it has been awarded the "Best of Staffing Talent Diamond Award" for the last five (5) years in a row (2017–2021) in connection with its PrideStaff Services. Less than 1% of all North American staffing firms have achieved this level of recognition, making the PrideStaff Services, promoted using the PrideStaff Mark, even more sought after and desired, and further showcases the commercial strength of the PrideStaff Mark. Seeid.



(9) Respondent's Identity and activities :

According to the WHOIS database at the time the Complaint was filed, Respondent's contact information is hidden behind the use of a privacy shield. A copy of the printout of the WHOIS database search conducted on December 2, 2021 is provided as Annex A. According to the correspondence including the WHOIS information for the <pridestaff.in> domain name provided by the NIXI Legal Officer on January 3, 2022, the Registrant for the disputed domain name is Chetan Bandi, 3-4-922 Satyanagar Barkatpura, Hyderabad, Telangana 500027 India. A copy of the printout of the Notice is provided in Annex A. Complainant hereby amends its Complaint to add Chetan Bandi as the Respondent herein. Complainant intends that all such references to "Respondent" herein shall refer to Chetan Bandi.

SUBMISSIONS BY COMPLAINANT

- (10) Complainant submitted Domain name complaint with pages 1 to 13 and annexure from A to H.

As per the INDRP Rules of Procedure, Clause 4(a) –

The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator's discretion.

The Complainant submitted Pleadings of more or less 5000 words and annexure with in 100 pages. The application is submitted as per the INDRP Rules and Procedures.

- (11) Complainant was directed to submit proof of delivery of complaint along with all annexure (to Respondent) to the AT.

(a) In this regard, it is observed that Complainant had sent to Respondent, the soft copy of their complaint along with all



annexures & other documents , vide their mail dated Soft copy sent vide mail dated 13.01.2022 (6.34PM)

- (b) Hard copy of the same was sent by Complainant to Respondent's address via FedEx courier and shipped on January 6, 2022 from the USA. The FedEx tracking number is 7756 8435 5468, as per Complainant mail dated 13.01.2022 (1.39 PM). Complainant also submitted the delivery report of courier service (delivered on 17.01.2022) vide their mail dated 20.01.2022. Received hard copy of delivery report on 02.02.2022.

THE CONTENTIONS OF THE COMPLAINANT

- (12) **The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights:**

- (a) The PrideStaff Mark is the subject of an incontestable trademark registration (and had become incontestable long prior to the registration of the PRIDESTAFF.IN domain name) which provides Complainant with the legal presumption that the PrideStaff Mark is conceptually strong. In addition, Respondent would be precluded, by operation of law, from arguing that the PrideStaff Mark is descriptive. *See Park 'N Fly, Inc. v. Dollar Park and Fly, Inc.*, 469 U.S. 189(1985); *see also Debbie Robus and Greg Robus v. Nicky Suard (Driven One, Inc.)* (WIPO D2000-0941) ("...the incontestable status of Complainant's trademarks forecloses an attack based upon contentions that the marks are or have become merely descriptive").
- (b) Despite Complainant having no trademark registration in India, it is well-established that "possessing an Indian trade mark application or registration is not a prerequisite for establishing trade mark rights under the Policy." *See Instant Domain Search, Inc. v. Thrive*



Travel Servs., Ltd., INDRP/1267 (Oct. 30, 2020) (citing *ZipRecruiter Inc. v. Amy Cox*, INDRP/1102 (Aug. 6, 2019)).

- (c) Numerous UDRP cases have also recognized Complainant's rights in the PrideStaff Mark. *See, e.g., PrideStaff, Inc. v. James Butler-Fleming* (WIPO D2021-2031)(involving the domain name <pridestaffing.org>); *PrideStaff, Inc. v. Mike Gregor* (WIPO 2021-2030)(involving the domain name <pridstaff.com>); *PrideStaff, Inc. v. Marilyn Foster, Pride Staffing LLC*(WIPO D2021-1971)(involving the domain name <pridestaffingservice.com>); *PrideStaff, Inc. v. Pearl Njinjoh, Trearl*(WIPO D2021-2033)(involving the domain name <pridestaffjobs.com>). That Complainant has an incontestable U.S. trademark registration coupled with a long history of use of the mark (and thereby corresponding common law rights) and having had numerous UDRP panelists recognize its rights in the PrideStaff Mark, is sufficient to establish Complainant's rights in the PrideStaff Mark under the Policy. *See Instant Domain Search, Inc.*, INDRP/1267.
- (d) The PRIDESTAFF.IN domain name incorporates the PrideStaff Mark in its entirety. Thus, it is the *exact* same mark. If a domain name incorporates a mark in its entirety, the domain name is identical or at least confusingly similar to the trademark. *Starbucks Coffee Co. v. SRITE Inst. Shree Ram Inst. of Tech. Ed.*, INDRP/456 (Feb. 6, 2013) (citing *Lego Juris A/S v. Robert Martin*, INDRP/125 (Feb. 14, 2010)).
- (e) The addition of the ".in" suffix does nothing to obviate this confusion between PRIDESTAFF.IN and the PrideStaff Mark. Several arbitral decisions in India found that adding a suffix like ".in" or ".org" does not differentiate the domain name from the marks. *See, e.g., Shulton Inc. v. Mr. Bhaskar*, INDRP/483 (May 9, 2013). Thus, Respondent's use of PRIDESTAFF.IN is confusingly similar to the trademark in which Complainant has rights.



(13) The Respondent has no rights or legitimate interests in Respect of the domain name:

- (a) According to Paragraph 3 of the Policy, it is the registrant's responsibility to find out before registration whether the domain name it plans to register infringes or violates someone else's rights. Thus, Respondent should have exercised reasonable efforts to ensure its actions would not encroach upon Complainant's rights. *Starbucks Coffee Co.*, INDRP/456 (citing *Salmi Oy v. PACWEBS* (WIPO D2009-0040)).
- (b) Complainant has been using the PrideStaff Mark and the <pridestaff.com> domain name for approximately 25 years prior to Respondent's registration of <pridestaff.in>. It can thus be reasonably inferred that Respondent was aware of Complainant's prior rights in the PrideStaff Mark at the time the PRIDESTAFF.IN domain name was registered. See *Comerica, Inc. v. GaoGou*, INDRP/420 (Dec. 1, 2012) (citing *Yves St. Laurent v. S. Kambatta*, INDRP/389 (Sept. 15, 2012)).
- (c) Complainant recently discovered the existence of the PRIDESTAFF.IN domain name. Upon review of the website associated with the PRIDESTAFF.IN domain name, Complainant discovered that it resolved to a website for a company purporting to specialize in IT consulting services, employment recruitment, and staffing. Moreover, the website explicitly solicits business in the United States, utilizing a U.S.-based phone number with a "515" area code that services Des Moines, Iowa, United States, and providing a physical address in the United States, namely "3500 W. Texas 78520, US" in the header of the webpage and "3500 W Alton Gloor Blvd., Brownsville, Texas 78520, US" in the footer of the webpage. Printouts of the PRIDESTAFF.IN website as retrieved on November 29, 2021 were submitted as Annex E.
- (d) Upon investigation, Complainant discovered that the physical address listed on the website associated with the PRIDESTAFF.IN



domain name is likely false, as Google maps shows that this location is actually a Walmart Supercenter & not related to "PrideStaff" in any way. Referred Annex F.

- (e) On December 6, 2021, Complainant sent correspondence to Respondent at the email address provided on its website (info@pridestaff.in) demanding that Respondent cease all use of the PrideStaff Mark in connection with employment recruitment outsourcing and staffing services directed to customers in the U.S. and to transfer the PRIDESTAFF.IN domain name to Complainant. Referred Annex G.
- (f) As of the filing of this Amended Complaint, Complainant has not received a response from the info@pridestaff.in email address or any other purported representative of Respondent.
- (g) Given this, coupled with the use of a U.S. based phone number and listing what is clearly a false U.S. address on the website associated with the PRIDESTAFF.IN domain name, it is evident that the use and registration of the PRIDESTAFF.IN domain name is for illegitimate purposes.
- (h) Complainant has no relationship with Respondent. Respondent is neither a licensee of, nor otherwise currently affiliated with, Complainant. Respondent is under no contractual relationship with Complainant to distribute any PrideStaff services. Respondent has never been authorized by the Complainant to use the PrideStaff Marks or to register the PRIDESTAFF.IN domain name (or any other domain name containing "PrideStaff").
- (i) Here, Respondent has no legitimate interest in the PRIDESTAFF.IN domain name. Respondent's name is not "PrideStaff" nor is Respondent a franchisee nor otherwise affiliated with Complainant. *See, e.g., Research In Motion Limited v. Dustin Picov*, (WIPO D2001-0492) (when a domain name is obviously connected with a Complainant and its products, its very use by a Registrant with no connection to the Complainant suggests "opportunistic bad faith.").



- (j) Respondent is using the disputed domain name and email addresses to appear to be a legitimate staffing firm, but there is no indication that the business is a going concern. *See, e.g., PrideStaff, Inc. v. Registration Private, Domains By Proxy, LLC / Code optimal Solutions, Code optimal solutions <pridestaffingco.com>* (WIPO D2020-0154) (ruling that Respondent's use of the disputed domain name to host a website that purported to offer the same or similar services as the Complainant was sufficient inference that Respondent's use was neither a bona fide offering of goods or services or a noncommercial use). Rather, Respondent is using the PRIDESTAFF.IN domain name for illegitimate purposes which do not equate to a bona fide offering of services in connection with the PRIDESTAFF.IN domain name.

(14) The domain name was registered and is being used in bad faith:

- (a) Paragraph 7(c) of the Policy describes specific circumstances which indicate bad faith in connection with the use and registration of a domain name and which apply to this case:
- (b) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.
- (c) Respondent registered the PRIDESTAFF.IN domain name well after the PrideStaff Mark had become a well-known and incontestable trademark of Complainant, and after Respondent knew or should have known of Complainant's superior and prior rights. Respondent, who is claiming to be located in the United States, had constructive knowledge of Complainant's superior and



prior rights in the PrideStaff Mark. *Starbucks Coffee Co.*, INDRP/456(finding registration of the domain name <starbucks.com> by the complainant was constructive notice to the respondent on the complainant's rights in the "Starbucks" mark and domain name). Therefore, use and registration of the identical trademark and domain name PRIDESTAFF.IN was done in bad faith. Referred *id.* ("Thus, the adoption of an identical trademark/domain name ... by the respondent is very much in bad faith.").

- (d) Given Complainant's prominence in the field of employment recruiting and staffing services, Respondent's choice of this domain name was clearly done with the intention to trade off and infringe upon the PrideStaff Mark. Respondent, purportedly located in the United States, undoubtedly registered the PRIDESTAFF.IN domain name to capitalize on the goodwill associated with the PrideStaff Mark by those seeking assistance with staffing, recruiting, and employment services, thus making the registration of the PRIDESTAFF.IN domain name in bad faith. The domain name itself implies that internet browsers and potential consumers can go to the domain to receive further information about PRIDESTAFF® branded services – i.e., staffing opportunities – which is false.
- (e) Furthermore, Respondent maintains MX-records for the PRIDESTAFF.IN domain name. Referred Annex H. This allows Respondent to send and receive emails from the disputed domain name indicating that PRIDESTAFF.IN may be used for fraudulent email communications. As noted in *Tetra Laval Holding & Fin. S.A. v. Himali Hewage* (WIPO D2020-0472), "given the Respondent's lack of rights or legitimate interests in the disputed domain name, and the confusing similarity of the disputed domain name to the Complainant's trademark, any use of the disputed domain by Respondent for email communication would carry a



high risk of implied affiliation with the Complainant and be a use in bad faith.”

- (f) Due to the assignment of MX-records for the PRIDESTAFF.IN domain name, coupled with the lack of an established and bona fide business use of the PRIDESTAFF.IN domain name, it can be inferred that the PRIDESTAFF.IN domain name was set up to engage in some type of employment scam. WIPO panels have routinely found a lack of rights or legitimate interests in situations where a respondent used the disputed domain name in connection with an employment scam. *See Starwood Hotels & Resorts Worldwide, Inc., Sheraton LLC, Sheraton Int’l Inc. v. Isaac Isaac* (WIPO D2011-1275).
- (g) Moreover, because Respondent’s use of the disputed domain name would imply an affiliation with Complainant, Complainant is not required to show that Respondent has sent (or replied to) communications. Respondent’s mere ability to send such communications is sufficient to prove bad faith. Referred *bioMérieux v. Registration Private* (WIPO D2020-3499) (“The establishment of MX records for a domain name is a use of it. Where the use of the disputed domain name sets up the Respondent to engage in behavior that would falsely imply an affiliation with the Complainant that is a use of the disputed domain name in bad faith.”).
- (h) In addition, Respondent’s use of a privacy shield and/or its lack of providing adequate contact information to display in a WHOIS search, while not considered evidence of bad faith use under the Policy per se, can be taken into account in appropriate cases, such as the case herein when such concealment of identity provides a further inference of bad faith. *See, e.g., Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domain deals, Domain Administrator* (WIPO D2008-1302) (“While privacy shields might be legitimate in some cases, such as protecting the identity of a critic against reprisal, it is difficult to see why this Respondent



needs to protect its identity except to frustrate the purposes of the Policy or make it difficult for a brand owner to protect its trademarks against infringement and cyber squatting.”).

- (i) Lastly, Respondent registered PRIDESTAFF.IN in May of 2021, long after the PrideStaff Mark had become a well-known trademark of Complainant.
- (j) Given the above, including Respondent’s targeted advertising and promotion of its competitive services in the United States and to United States customers and businesses, Respondent’s unauthorized registration and use of the PRIDESTAFF.IN domain name is in bad faith. As noted by a panelist in a similarly situated WIPO case, “[t]he evidence submitted supports the finding that the Respondent is engaged in an attempt to pass itself off as the Complainant and to attract Internet users to its website for its own commercial benefit” and that, therefore, Respondent “registered and is using the disputed domain name in bad faith.” See *PrideStaff, Inc. v. Registration Private, Domains By Proxy, LLC / Code optimal Solutions, Code Optimal Solutions <pridestaffingco.com>* (WIPO D2020-0154) (citing *Claudie Pierlot v. Yinglong Ma* (WIPO D2018-2466)).

(15) Remedy Sought:

- (a) In accordance with the Rules and for the reasons described above, Complainant requests the Arbitrator appointed in this administrative proceeding issue a decision transferring PRIDESTAFF.IN to Complainant.
- (b) In accordance with the Rules and the reasons described above, Complainant requests the Arbitrator also award Complainant’s documented costs in the filing of this Amended Complaint.



(16) Other Legal Proceedings:

No other legal proceedings have yet been commenced or terminated in connection with or relating to the domain name that is the subject of the Amended Complaint.

RESPONSE BY THE RESPONDENT

(17) As per AT mail dated 06.01.2022 and 25.01.2022, Respondent was directed to submit their Reply of Complaint(Statement of Defense) by 21.01.2022 and 28.01.2022 respectively. But the Respondent failed to submit the said documents by 21.01.2022 and even up to 28.01.2022. It was intimated to all concerning by AT mail dated 03.02.2022 that 'The Respondent has lost their right to entertain it. The proceeding of this case is kept closed for award and the matter would be decided ex-parte on the basis of the material on record with this tribunal as per INDRP policy.

(18) Received mail dated 04.02.2022 (12.47 AM) from Respondent from their mail ID- chetanbandi03@gmail.com, the last para is reproduced as below-

We are willing to take down the domain to avoid any legal issues and not want to be a thorn in your way. This was completely done without any bad intentions.

REJOINDER BY THE COMPLAINANT

(19) Since Respondent failed to file the Statement of Defense, so there is no question of submitting the Rejoinder by the Complainant.



DISCUSSION AND FINDINGS

- (20) After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure by NIXI and Respondent has been notified of the complaint of the Complainant.
- (21) Respondent was given enough opportunity to submit Reply of Complaint (Statement of Defense) from by 21.01.2022 and 28.01.2022. But Respondent failed to submit the same within said time limit, therefore the Respondent had lost their right to entertain it. The proceeding of this case was kept closed for award on 03.02.2022 and now the matter is to be decided ex-parte on the basis of the material on record with this tribunal as per INDRP policy.
- (22) Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant must prove each of the following three elements of its case:
- (a) The Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
 - (b) The Respondent has no rights or legitimate interest in respect of the domain name; and
 - (c) The Respondent's domain name has been registered or is being used in bad faith.



- (23) **The Respondent's domain name is identical or confusingly Similar to a trademark or service mark in which the Complainant has rights:**

Facts & Findings

- (i) On the basis of the submitted facts and referred Awards of various WIPO cases by Complainant and due to non submission of Statement of Defense by Respondent, the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

- (24) **The Respondent has no rights or legitimate interest in respect of the domain name:**

Facts & Findings

- (i) On the basis of submitted facts and referred Awards of WIPO cases by Complainant and due to non submission of Statement of Defense by Respondent, the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

- (25) **The Respondent's domain name has been registered or is being used in bad faith:**

Facts & Findings

- (i) On the basis of submitted facts and referred Awards of WIPO cases by Complainant and due to non submission of Statement of Defense by Respondent, the Arbitral Tribunal concludes that the Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.



(26) ARBITRAL AWARD

I, **Rajesh Bisaria**, Arbitrator, after examining and considering the pleadings and documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 12 & 13 of the INDRP Rules of Procedure and Clause 10 of .IN Domain Name Dispute Resolution Policy (INDRP), as follows:

Arbitral Tribunal orders that the disputed domain name

WWW. PRIDESTAFF.IN

be forthwith TRANSFERRED from Respondent to Complainant.

Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs 10000/- (Rs Ten thousand only) is being imposed on the Respondent, as per the provision in clause 10 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to .IN Registry for putting the administration unnecessary work.

AT has made and signed this Award at Bhopal (India) on 12.02.2022 (Twelfth Day of February, Two Thousand Twenty Two).

Place: Bhopal (India)

Date: 12.02.2022


12/02/2022
(RAJESH BISARIA)

Arbitrator

