



INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

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e-Stamp

सत्यमेव जयते

Certificate No.	: IN-DL32473144303725T
Certificate Issued Date	: 18-Jan-2021 02:57 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ DWARKA/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDLSHIMP1767952518037237T
Purchased by	: KAMAL DAVE
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: KAMAL DAVE
Second Party	: Not Applicable
Stamp Duty Paid By	: KAMAL DAVE
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



.....Please write or type below this line.....

In the matter of the Arbitration Act 1996 as Amended by
Arbitration & Conciliation (Amendment) Act, 2015;

and

INDRP Rules of Procedure;

and

.IN Domain Name Dispute Resolution Policy (INDRP)

and



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Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shclrestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

In the matter of an arbitration between

Coach IP Holdings LLC
Ten Hudson Yards,
New York- 10001,
United States of America

...Complainant

AND

Rickson Rodricks
Domaen.com
Street: Prakash Vazika, LT Road
City: Mumbai State: Maharashtra
Postal Code: 400092 Country: IN
Phone: +91.2228988301
Email: Description: rickson7@yahoo.com

...Respondent

in respect of Disputed Domain Name(s):

[www.coach.in]

INDRP Case No: 1503

FINAL AWARD

A. THE PARTIES AND THEIR REPRESENTATIVES

1. Claimant :

Coach IP Holdings LLC
Ten Hudson Yards,
New York- 10001,
United States of America



Legal Representative

Raghav Malik & Lalit Alley of Lall & Sethi,
D-17, South Extension – II, New Delhi – 110 049,
Tele No.: +91-11-4289-9999, Fax No. : +91-11-4289-9900
email : rmalik@indiaip.com & lalley@indiaip.com.

2. Respondent

Rickson Rodricks
Domaen.com
Street: Prakash Vazika, LT Road
City: Mumbai State: Maharashtra
Postal Code: 400092 Country: IN
Phone: +91.2228988301
Email: Description: rickson7@yahoo.com

B. THE DOMAIN NAMES AND REGISTRAR

1. The disputed domain name [www.coach.in] is registered through the Sponsoring Registrar of the Disputed Domain Name, S.G.S. Technologie Pvt Ltd dba Netandhost.com is accredited with the .IN Registry and is listed on the website of the .IN Registry, reference is made to Annexure B which is attached herewith. The website of the Sponsoring Registrar is <https://www.netandhost.com/>

Contact Address

S.G.S. Technologie Pvt Ltd
6817 Southpoint Parkway, Suite 2104,
Jacksonville, FL 32216.
Email: info@sgstechnologies.net



Netandhost.com
Dhanthuri Building,
Ground floor, Plot no 6,
Rockdale Compound, Somajiguda,
Hyderabad - 500 082
Netandhost.com
Old No.8, New No.17, Ground Floor,
3rd Street, Poes Road,
Teynampet,
Chennai - 600018
support@netandhost.com

C. THE ARBITRAL TRIBUNAL – APPOINTMENT

1. As per the records, on 10th February 2022 NIXI sent intimation to the Arbitrator & the parties including the Respondent regarding the appointment of arbitrator to decide the dispute in respect of domain [www.coach.in].
2. As per the records, I, the undersigned (i.e. Kamal Dave) was appointed as arbitrator by NIXI, in accordance with INDRP Rules of Procedure and .In domain name dispute resolution policy (INDRP), vide appointment order dated 10th February 2022 after I submitted declaration of impartiality and independence at all times with NIXI.
3. The .IN Domain Name Dispute Resolution Policy (INDRP) & Rules of Procedure of INDRP mandates appointment of arbitrator by NIXI, Accordingly clause 5 (b) of INDRP Rules of Procedure provides for it, which reads, "The .IN Registry shall appoint, an Arbitrator from the .IN



Registry's list and shall forward the Complaint along with supporting documents to such Arbitrator".

D. PROCEDURAL HISTORY :

1. After my appointment on 10th February 2022 as arbitrator and its intimation by NIXI to me, I passed Procedural Order No 1 on 11th February 2022, thereby directing the complainant & respondent through email at their registered email addresses provided at www.whois.com service to file their respective pleadings i.e. complaint & reply on or before 14th / 21st February 2022 & 04th March 2022 respectively and to file their respective rejoinder & reply to rejoinder 09th March 2022 & 14th March 2022 and also directed parties to file their respective written arguments on 14th March 2022 and the parties were directed to adhere as per schedule of dates.
2. Pursuant to directions the Complainant submitted Affidavit in support of the complaint duly sworn-in and attested by Notary.
3. The complainant has filed documents regarding service of copy of complaint along-with documents/ annexures, affidavit, through electronically as well as courier as per schedule of dates. The screen shot electronic delivery and copy of courier receipt and tracking report of courier service has been placed on record by the complainant.
4. The respondent has filed its replied on 03rd March 2022 through email but there was delay in filing the physical copy; Therefore for delay in filing physical copy a cost of Rs 1000/- was imposed vide order dated 03rd March 2022; however, cost imposed on the respondent was waived vide order dated 04th March 2022 and also the delay was condoned on filing of application for condonation of delay.
5. The complainant filed their rejoinder on 09th March 2022 and the respondent filed its reply to rejoinder on 10th March 2022.



6. That in the first week of April 2022, due to viral flu I became seriously ill which resultantly caused severe fatigue/ exertion and was compelled to take rest therefore passing of the final award got delayed by 20 days. I regret the delay in passing of the final award.

E. PLEADINGS :

1. The complainant has filed its complaint stating out facts & circumstances of the case which are as follows :

a. The Complainant contended that

- "...The Complainant is a world-renowned and a leading design house of modern luxury accessories and lifestyle collections, with a long-standing reputation built on quality craftsmanship established in the year 1941. The Complainant approaches design with a modern vision, reimagining luxury for today with an authenticity and innovation that is uniquely Coach.
- The Complainant has grown from a family-run workshop in a Manhattan loft to a leading American marketer of fine accessories and gifts for women and men. The Complainant, today is one of the most recognized fine accessories brands in the United States of America and in targeted international markets. The Complainant offers premium lifestyle accessories to a loyal and growing customer base and provide consumers with fresh, relevant and innovative products that are extremely well made, at an attractive price. The Complainant's product offerings include women's and men's bags, women's and men's small leather goods, business cases, footwear, apparel, wearables including outerwear, watches, weekend and travel accessories, scarves, sun wear, fragrance, jewelry, bags and other lifestyle products. Together with the licensing partners, the Complainant also offers watches, footwear, eyewear and fragrance. Print-out from the Complainant's website detailing the history of the Complainant is enclosed herewith as Annexure C.
- The Complainant owns and uses several well-known trademarks including but not limited to well-known trade mark COACH, the HORSE & CARRIAGE Device represented as as well as . The adoption of the trade mark and trading name COACH by the Complainant dates back to the year 1941 and the same has been in use ever since. The HORSE & CARRIAGE Device was designed to convey the impression of luxury, royalty and elegance. The Complainant is a global leader in premium luxury products like clothes, bags and accessories, etc. available in five continents in over 900 directly-operated stores worldwide and many more in collaboration with their global wholesale and distributor partners including in India.
- The Complainant is the lawful proprietor of earlier trade mark COACH, which has been used by the Complainant at worldwide level including India since past several years. In India, the Complainant is registered proprietor of earlier trade mark COACH as well its formatives in various



classes, particulars of which are mentioned in the list enclosed herewith as Annexure D. These registrations are valid and subsisting and by virtue of the same, the Complainant has the exclusive right to use the aforementioned trade marks. Additionally, by virtue of the said registrations and by virtue of the provisions of Section 31 of the Trade Marks Act, 1999, the registration is the prima facie evidence of its validity. Copies of the registration certificates for few of the earlier trade mark COACH and its formatives are enclosed herewith as Annexure E.

- The Complainant's products have been sold on a wide and extensive scale all over the world by itself and/or through its distributors and licensees for the last several decades. A statement of the worldwide year-wise sales figures of the Complainant's products under the trademark COACH during the period 2008 to 2019.
- In addition to the above, the Complainant also has a presence on the World Wide Web and is the owner of the domain names <https://www.coach.com/> and <http://www.tapestry.com/our-brands/#brand-coach>. Users of the Internet can easily identify that it is the Complainant's site which they are coming to. The generic top-level domain ".com" helps the user identify the site as a business or commercial site. The above-mentioned websites can be accessed from anywhere across the world including in India. Further, from the website, complete details of the information relating to the products sold under the trade mark COACH may be obtained. The Complainant's website www.coach.com was set up on April 30, 1996 and can be accessed by users all over the world including India. Print-out of few pages of the Complainant's said websites along with print out of WHOIS Domain Name page of the Complainant are enclosed herewith as Annexure G and Annexure H respectively.
- The Complainant's products under the earlier trademarks COACH has also been endorsed by famous international celebrities. The Complainant and its earlier trade mark COACH have also been otherwise discussed about and been featured in various leading magazines such as VOGUE, TRAVEL+LEISURE, WALL STREET JOURNAL, THE NEW YORKER, GRAZIA etc. where the products under the said earlier trade mark of the Complainant have been highly rated and praised. These articles and magazines are widely circulated and are accessible to consumers in India as well. Copies of online publications of articles, advertisements, and blogs are enclosed herewith as Annexure I.
- The products of the Complainant under the trade mark COACH is also available at leading duty-free shops at most major airports around the world including but not limited to the international airports in United States of America, India, Qatar, Malaysia, Dubai, Singapore, Australia and Thailand. Several Indian traveling out of India or foreigners traveling into India pass through these airports where they are exposed to the trade mark COACH of the Complainant. A few snap shots/ print outs from the websites of such airports are enclosed herewith as Annexure J.
- The Complainant's products bearing the earlier trade mark COACH have been available in India for the last several years. The Complainant has its exclusive stores in several Indian states like Chennai, Kolkata, Mumbai, Bangalore and Delhi. Extracts in support of the same are enclosed



herewith as Annexure K. The products under the Complainant's said earlier trade mark are also available in India on e-retail websites such as Tata Cliq and Ajio. By virtue of such long, extensive and continuous use in almost all major jurisdictions around the world including India, the relevant consumers associate the brand COACH solely with the Complainant. Extracts in support of the same are enclosed herewith as Annexure L.

- In this time and age of ever-growing influence of social media and alternative advertising platforms, the Complainant herein has setup and maintains its own personal pages on various social media websites to disseminate information about their brand COACH and the goods provided under the same. Extracts in support of the same are enclosed herewith as Annexure M.
- As per the provisions of The Trade Marks Act, 1999, the trade mark COACH and its formatives qualify as a well-known trade marks and were well known trade marks on the date on which the disputed domain was applied for registration. The Complainant's trade mark COACH also belongs to the category of famous trademarks as defined by Article 6bis of the Paris Convention to which India is a signatory. The Complainant's trade mark COACH enjoys immense goodwill, and the said reputation and goodwill is not confined to any specific geographic location or goods.
- By virtue of the extensive use, promotion and enormous business activities throughout the world, as mentioned in the preceding paragraphs, the well-known and earlier trademark COACH has acquired substantial goodwill and reputation globally, including in India. Due to the inherent distinctive character, extensive use and acquired recognition, the well-known and earlier trade mark COACH has come to be exclusively associated and identified, in the minds of the public and others connected with the trade, with goods and services originating from the Complainant alone. The Complainant alone has the exclusive right to use the well-known and earlier trade mark COACH, as part of its domain name, trade mark and/or company name and / or in any other manner whatsoever. The said well-known and earlier trade mark of the Complainant merits protection from a third party's act of cyber piracy and/or cybersquatting including that of the Respondent.
- The fame and goodwill associated with the well-known and earlier trade mark COACH is also made apparent by the fact that a common law search for the Complainant's trade mark COACH on a popular search engine www.google.com as on February 1, 2022 reflects over 4,38,00,00,000 hits and more importantly, the results on the initial few search pages, pertain to the Complainant's COACH domain and brand name. Printouts of the first few pages of the search results are enclosed herewith as Annexure N. The domain name COACH is one of the most important commercial assets for the Complainant.

b. The complainant further contended under the head, "*Factual and Legal Grounds* -



I. The Complainant contended that, "...The Respondent's domain name is identical to a name, trade mark or service mark in which the Complainant has rights:

- Based upon the Complainant's information and belief, the Respondent registered the Disputed Domain Name on February 16, 2005. An extract of the Database where the creation date is mentioned has already been enclosed herewith. Further, a perusal of the website under the Disputed Domain Name reveals that the Respondent is currently not using the said domain name. Printouts of the domain name registration details from WHOIS website and the website www.coach.in are enclosed herewith as Annexure O.
- The Disputed Domain Name, COACH.IN, is identical to the well-known and earlier trade mark COACH and domain name COACH of the Complainant inasmuch as the trade mark COACH is subsumed in its entirety in the Disputed Domain Name. COACH is enriched in the minds of the members of trade and public and the same forms a prominent part of the Disputed Domain Name. See EPSON Europe BV v. M31 Internet Palma, S.L. Case No. D2005-0604 (If the disputed domain name did not include the trade mark EPSON, its significance and importance would have been completely different in the sense that it would not specifically relate to Complainant or its Services).
- In addition, at the time when the Respondent registered the Disputed Domain Name, the trade mark COACH was already registered in India and owing to the reasons aforementioned, the same is likely to be protected as a well-known trade mark as defined under section 2(1)(zg) of the Trade Marks Act, 1999, which merits enhanced protection. The Respondent cannot claim or show any rights to the Disputed Domain Name that are superior to Complainant's rights, goodwill and reputation in the well-known and earlier trade mark COACH as has been established by way of documentary evidence being filed with the present Complaint.
- Accordingly, the first condition that Respondent's domain name is identical/ virtually identical to a name, trade mark or service mark in which the Complainant has rights, as per Clause 4 (a) of the Policy, has been satisfied.
- The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;
- The Complainant's well-known and earlier trade mark COACH, being highly distinctive, there can be no plausible justification for the adoption of the Disputed Domain Name. Such adoption and use of the Disputed Domain Name create a likelihood of confusion and deception amongst the members of trade and public that the goods or services from the website under the Disputed Domain Name originate from the Complainant, which is not the case. Also, such adoption and use of the Disputed Domain Name is likely to dilute the brand equity of the well-known and earlier trademark COACH of the Complainant.
- It is pertinent to mention that through its counsel, the Complainant had addressed a letter dated February 6, 2018 to the Respondent asking the Respondent to immediately cease use of the word COACH either as part of a domain name or trade name or trade mark, or in any other form whatsoever and to transfer the Disputed Domain Name to the Complainant. Despite sending various follow ups on February 26, 2018, March 14, 2018 as well as April 10, 2018, no



response on compliance has been received from the counterparty, till date. Copies of the aforesaid demand letter and follow-up letters are enclosed herewith as Annexure P.

- Moreover, it is also submitted that when the Complainant anonymously approached the Respondent, they responded stating "share your best offer and we will decide accordingly". The Complainant herein craves leave to rely on the averment due to the confidentiality and anonymity of the said communication.
- The Respondent is not affiliated with Complainant in any way, nor is the Respondent licensed to use the well-known and earlier trade mark COACH of the Complainant. The Respondent has never been legitimately recognized as COACH, which forms an imperative part of the Disputed Domain Name. See *Broadcom Corp. v. Ibecom PLC*, FA FA0411000361190 (finding no rights or legitimate interests where there was nothing in the record to indicate that Respondent was commonly known by the domain name); and *Tercent Inc. v. YI*, FA0301000139720 (finding that the WHOIS information, and its failure to imply that Respondent is commonly known by the disputed domain name, is a factor in determining that Policy 4(c)(ii) does not apply).
- The manner of illegal adoption and misuse of the Complainant's well-known and earlier trade mark, is discussed further in 'Clause C' below. The Respondent is knowingly, with intent of commercial gain, trying to mislead and divert the consumers of the Complainant to its website. Further the Respondent has registered the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant for valuable consideration. The Respondent merely wants monetary gains from such adoption of domain name. Such adoption and use of the Disputed Domain Name is likely to tarnish the well-known and earlier trade mark of the Complainant. Therefore, the Respondent does not have and / or cannot be permitted to own or even be considered to have any legitimate right or interest in the Disputed Domain Name as the same has been registered to make unlawful monetary gains.
- Given the fame of the Complainant's Mark as a trade mark, trade name and domain name, it is not possible to conceive any use by the Respondent of the Disputed Domain Name that would not constitute infringement of the Complainant's rights in its Trade Mark. See *Veuve Clicquot Ponsardin v. The Polygenix Group Co.*, WIPO Case No. D2000-0163 at Section 6. Mere registration by Respondent of the Disputed Domain Name is thus further evidence of Respondent's bad faith. See *Telstra Corporation Limited v. Nuclear Marshmallows*, Case No. WIPO D2000-0003.
- Accordingly, the second condition, that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as per Clause 4 (b) of the Policy has been satisfied.

II. The Complainant further contended that, "...The Disputed domain name was registered and is being used in bad faith:"

- The bad faith of the Respondent in registering the Disputed Domain Name can be simply established from the fact that the Respondent has registered the Disputed Domain Name by adopting the well-known and earlier trademark COACH of the Complainant in its entirety. In



view of the foregoing submissions, it is clear that the Respondent was fully aware of the Complainant's business and propriety as well as the details of domain names under ownership of the Complainant. This clearly evidences the fact that the Respondent is using the Disputed Domain Name in "bad faith" with the intention of diverting traffic by attracting internet users for commercial gain to its website by creating a likelihood of confusion with the Complainant's well-known mark as to the source, sponsorship, affiliation or endorsement of its website and the services on them. In any case, the trademark COACH of the Complainant is so well-known that it cannot be considered that the Respondent was not aware of the same at the time of its adoption. Moreover, despite being on notice, the Respondent has renewed their registration of the disputed domain name. The contents of 'Clause B' are reiterated and the same are not being repeated herein for the sake of brevity. See Victoria's Secret Stores Brand Mgmt., Inc. v. Michael Bach, FA 1426668 (Although Complainant has not submitted evidence indicating actual knowledge by Respondent of its rights in the trade mark, the Panel finds that, due to the fame of Complainant's [VICTORIA'S SECRET] mark, Respondent had actual notice at the time of the domain name registration and therefore registered the domain name in bad faith under Policy 4(a)(iii).) and Amazon.com, Inc. v. Korotkov, Case No. D2002-0516 (Respondent evidently is familiar with the sphere of Internet-based commerce. In that sphere the Complainant's trade mark AMAZON.COM® is so well known, being practically a euphemism for an Internet bookstore (among other things), that it is inconceivable Respondent was unaware of the trade mark, its connotations and its commercial attractiveness).

- It is clear from the submissions made hereinabove, that the Respondent was well aware of the goodwill and reputation of the Complainant's well-known and earlier trademark COACH at the time of adoption of the Disputed Domain Name, and has registered the same only for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, for valuable consideration.
- Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith, see Caravan Club v Mrgsale NAF Decision FA 95314. In Playboy Enterprises International, Inc. v. Hector Rodriguez, WIPO Case No. D2000-1016 (playboychannel.com and playboynetwork.com), it was said that "People, who manifest an intent to traffic in domain names that incorporate well-known or famous trade marks, as the Respondent does here, simply do not expend their efforts with the sole intention of relinquishing those domain names for just their out-of-pocket registration costs. The goal of their efforts, simply put, is an expectation of receiving an adequate reward, i.e. sufficient profit, from this trafficking," transfer awarded. Consequently, the Complainant submits that bad faith use of the Disputed Domain Name is quite clear in this case, given the content on the Respondent's website and multiple attempts to sell the Disputed Domain Name.
- In Entrepreneur Media, Inc. v. Smith, 279 F.3d 1135, 1148 (Where an alleged infringer chooses a mark he knows to be similar to another, one can infer an intent to confuse) and Twitter, Inc.



v. Ozkan, WIPO D2014-0469 (Under the circumstances, the Panel does not hesitate in ruling that Respondent registered the disputed domain name in bad faith. Complainant's trade mark is famous, and there are few conceivable good faith uses for the disputed domain name by others. The Panel infers that Respondent knew of Complainant's trademarks and Respondent registered its confusingly similar domain name in an attempt to draw Internet users to its own website). See Crocs, Inc. v. Chutz, FA0706001002536 (finding bad faith where Respondent's use of Complainant's mark in its domain was "capitalizing on the illusion of direct affiliation with Complainant's business and goodwill) and Microsoft Corp. v. ABK et al., FA1211001473573 (Respondent is also disrupting Complainant's business by causing the public to associate Complainant's [sic] with Respondent's malware warnings, potentially malicious download links, and survey/offer schemes that contain no privacy policies and lack reliable contact information). The registration of the Disputed Domain Name by the Respondent with actual knowledge of Complainant's rights is evidence of bad faith registration.

- The adoption of the aforementioned Disputed Domain Name by the Respondent is solely for preventing the Complainant from reflecting their well-known trade mark in a corresponding domain name and for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant for valuable consideration and also in bad faith through the use of the Complainant's well-known trademark. This only shows the mala fide intention of the Respondent to wrongfully gain monetary benefits at the cost of the goodwill and reputation of the Complainant's well-known and earlier trade mark COACH. Such acts constitute misrepresentation to the members of trade and public, with a view to mislead them into believing that the Respondent is affiliated with the Complainant. Such acts are not only prejudicial to the rights of the Complainant but also to the members of trade and public.
- The activities of the Respondent rise to the level of a bad faith usurpation of the recognition and fame of Complainant's well-known and earlier trade mark COACH to improperly benefit the Respondent financially, in violation of applicable trade mark and unfair competition laws. Moreover, these activities demonstrate bad faith registration and use of the Disputed Domain Name in violation of the Policy under paragraph 7 which promulgates that bad faith can be found where there is evidence.

III. The Complainant further contended that, "...The Respondent's domain name is identical to a name, trade mark or service mark in which the Complainant has rights:"

- circumstances indicating that Respondent has registered or Respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trade mark or service mark or to a competitor of the Complainant, for valuable consideration in excess of [Respondent's] documented out-of-pocket costs directly related to the domain name; or
- Respondent has registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that [Respondent] has engaged in a pattern of such conduct; or



- by using the domain name, the Respondent has intentionally attempted to attract Internet users to the [Respondent'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 [Respondent's] website or location or of a product or service on the Registrant's website or location.
- The adoption of the Disputed Domain Name, in the manner as discussed above, proves, beyond reasonable doubt, the bad faith adoption by the Respondent. In view of the above, the Complainant has sufficiently proven that adoption and use of the Disputed Domain Name falls within the purview of clause 4(c) of the INDRP policy.

c. The complainant sought remedies under the head - "VII. Remedies Requested - In accordance with Paragraph 11 of the Policy, for the reasons described in Section V above, the Complainant requests that the Panel appointed in this proceeding issues a decision that the Disputed Domain Name [www.coach.in] be immediately transferred to Complainant. Costs as may be deemed fit, may also be awarded."

2. The respondent has filed its response with supporting affidavit

a. The respondent has contended that, "

- "At the outset, I state that, the Complainant seems to have filed a mischievous complaint only to harass me the respondent and gain transfer of my domain name using bad faith and methods. There is major lack of substance in the complaint, a few inaccuracies/falsehoods and therefore the complaint deserves to be rejected out rightly.
- I have been a Coach since 1996 and still am one.
- I registered the domain name Coach.in in 2005 lawfully and subsequently renewed registration each year for almost 17 years.
- Complainant has filed a mischievous complaint, with the intent to harass me the Respondent, and try to win over the most suitable domain name that would appeal to their business, without having the rights and justification to do so. There is overwhelming lack of substance in the complaint and inaccurate information too, therefore the complaint deserves to be rejected out rightly.
- I have no business in the line of goods that the Complainant has showcased themselves to be in, either in India or internationally and do not intend to be conducting any business in that line.
- The majority of the contents of the complaint are denied by me.



- Even before the complainant entered the Indian market and used the brand Coach, while it was a stranger to most Indians, I was practicing as a Coach at a Computer Coaching institute in 1996. Thereafter I started my own Coaching Institute in 1997 called "Sharp Computer Education" abbreviated as SCE. To support my claim, the attached Annexure RA, contains:
 - a. an email screenshot from VSNL (taken over by Tata Indicom) sending me details about my institute's official email address: SCE@bom3.vsnl.net.in. I am unable to extract any further emails from within that inbox, because VSNL/Tata Indicom unilaterally decided to close many old email inbox services from the 1990's, irrespective of whether we wanted to pay and continue or not.
 - b. an email screenshot from an Exhibitor trying to attract my attention for participating at their Kids centric event as a Coaching institute for Kids.
 - c. Photo of a student Card front side photograph copy
 - d. Photo of a student Card back side photograph copy
 - e. Water resistant advertisement poster/boards.
- I expanded on my Coaching career by having associations with coaching institutes through employment or franchising or affiliations. I was a coach at the following computer coaching institutes:
 - Words Computer Education, Dahisar, Mumbai (Employed)
 - Galaxy Computer Institute, Dahisar, Mumbai (Employed)
 - Sharp Computer Education, Borivali, Mumbai (Self owned)
 - Sharp Computer Education, Kandivali, Mumbai (Franchise)
 - Sharp Computer Education, Malad West, Mumbai (Franchise)
 - Pentasoft Computer Institute, Andheri West, Mumbai (Affiliation)
 - St. Angelo's Computer Institute — with 40 branches in Maharashtra, India (Affiliation).
- I have directly and indirectly (through employees) coached over 3000 persons for a course of duration between one month and two years. With short presentations, seminars and sessions etc... the number of people coached is over 10,000. I have conducted in-person physical coaching sessions for teachers, professors and students from various schools, colleges and universities in India and Kenya.
- As a practicing Coach and mentor, I have my own good reputation, goodwill, high worth, high recall value, and trust since 25 years.
- Computer software Coaching was my first job and was also my first business. I took it up after adequate education, gaining expertise, knowledge and having high interest in the field of both Coaching and Computers. There was high demand in those years (1995 to 2000) for Computer coaching. I chose this career seriously, sacrificing further studies in my core subject Biology and withdrawing from further studies in medical college where I applied to gain a M.B.B.S qualification.
- My institute Sharp Computer Education, where I ran the business and also coached students from 1997 was a proprietorship business in Mumbai. It's sister concern was Sharp Solutions,



dealing in the business of computer software and Internet services. Sharp Solutions was also a proprietor business and was registered nationally with the Govt. of India under the Software Technology Park scheme between 2006 and 2011. The attached Annexure RB contains a copy of a Green Card given by the Govt. of India for its smooth operations, as well as a Letter of Permission

- I have been a multi-faceted coach, able to provide coaching in various fields, most of which are:
 - Computer Software
 - Computer Hardware
 - Technical trading on the Forex, Commodities and Securities Markets
 - Internet Business
 - Marketing
 - Entrepreneurship
 - Corporate team building.
- The attached Annexure RC, contains some screenshots of emails I received from people across India with an interest or request to Coach them on Internet business or Forex trading. Keeping privacy concerns in mind, I have crossed out the info of the individual sending the emails. Also attached in the same Annexure RC are photographs of such coaching being conducted at a venue.
- It is pertinent to note that the Complainant has filed a Complaint after a very long delay. The domain name was registered in 2005 and complaint has been filed in 2022, after approximately 17 years.
- I raise an objection to the Complaint or Affidavit of Complainant not being filed by the Complainant nor there being any authorization provided by the Complainant toward another person to file the Complaint or Affidavit of Complainant. Such a complaint by a person or the inability of the Complainant to fulfill the Procedural Order no. 1 you have passed, who did not provide NIXI/you any authorization towards another person to file an Affidavit makes the complaint incompetent and thus the complaint should be immediately dismissed.
- With respect to Complaint document Paragraph/Point no. 13:
 - a. What do they mean by "earlier trade mark COACH"? Is it not the Complainant's existing trade mark?
 - b. The mark Coach may have been used by the Complainant in India only since 2016, which is more than 10 years after I have registered the domain name in 2005. The Complainant may have opened their first store in India in 2016. See: <https://www.dnaindia.com/lifestyle/report-mumbai-welcomes-india-s-first-coach-store-2230087> The attached Annexure RD contains a screenshot of the above article. This news has also been covered/advertised in other media and publications, copies of which are on the internet.



- c. The complainant cannot have the exclusive right to use the aforementioned trade mark/s in all categories of goods and services, but only specifically for the goods and services they have received the certification of registration for.
- d. After it's first store in India was opened in or around July 2016, approximately five and a half years have passed up till the date of the complaint, out of which for almost two years, stores in malls/shopping-complexes/airports etc... were completely shut in lock down or severely restricted to open. Thus it's only been the recent three and a half years that the Complainant may have used their brand/mark in India.
- e. It seems the paragraph/point 13 in the complaint is intentionally lacking complete/accurate information and is intended to show misleading usage and rights which are in fact limited. With respect to Complaint document Paragraph/Point no. 16:
- There are over 1 Billion websites on the World Wide Web (source: Google search). Almost all of the websites are accessible from India. That does not mean that Indians have visited, are likely to visit or identify with the two mentioned sites which the Complainant says they own, or any of 999 million others on the World Wide Web that exist just like the Complainant's sites or mine. They did not operate a store specifically in India nor publicize any website in India from 2005 till 2015. Without any such publicity an Indian is as blind or unknowing to the Complainant's foreign website as he/she is to the more than 999 million others on the Internet.
 - With respect to Complaint document Paragraph/Point no. 17:
 - a. As per complainant's Annexure I, it is clear to see that most or all offline Indian magazines where the Complainant has been featured, were in or after 2018. This chronologically makes sense, as it is after the launch of the Complainants first store in India in 2016.
 - b. As for some of the international journals or magazines mentioned, they may be accessible to consumers in India but so are thousands of others, which the majority of Indian's would have never heard of, let alone access. I state that the majority of Indians would not have subscribed to or seen any of these international journals or magazines and specifically not the issues in which the Complainant may have been featured or advertised.
 - With respect to Complaint document Paragraph/Point no. 18: Take my example. Before 2016, I as an Indian passed through the International airports of India, Malaysia, Dubai, Singapore and Thailand (countries mentioned by the complainant). Yet, I do not remember being exposed to the trade mark Coach at the duty free shops. The complainant's products maybe available there, but a travelling Indian would never be exposed to all brands or know amongst the hundreds of brands and tens of thousands of products at each airport, unless the person made a purchase or had a special event/interaction with the product/brand. I did not and it is safe to assume based on the sheer voluminous number of brands and products at each airport that the majority of travelling Indians would not too have been exposed to the Complainant's brand with a reasonable sense of remembering it well.
 - With respect to Complaint document Paragraph/Point no. 19:



- a. The mentioned products could only be available in the mentioned stores and cities of India specifically during or after 2016 approximately. Complainant's Annexure K may not prove otherwise.
- b. The Indian e-retail websites would also be listing the products on or after 2016.
- c. It is amply clear to see that in India the Complainant's brand Coach has had a relatively short and non-extensive usage by the Complainant.
- With respect to Complaint document Paragraph/Point no. 21:
 - a. I completely reject that 'COACH' was a well-known trade mark on the date of domain registration application. It may have been applied for as a trade mark, it may have been registered as a trade mark, but in no way was it a well-known trade mark in India in the year 2005, 11 full years before the Complainant opened its first store for business. Please see Annexure RD for supporting information.
 - b. I reject that the said reputation and goodwill of the Complainant's trade mark is not confined to any specific geographic location or goods. There is no proof of high awareness, let alone goodwill or reputation for the Complainant's name, entity or its trade mark in India in 2005 or prior to that year.
- With respect to Complaint document Paragraph/Point no. 22: I strongly reject that the mark COACH has a distinctive character worldwide, and specially reject it as being distinctive in India. It has not been exclusively associated or identified with goods and services originating from the Complainant alone, in the minds of the public. I would like to share the common knowledge and sense of the public, by referring to the dictionary meaning of the word Coach: "give (someone) extra teaching" and "teach (a subject or sport) as a coach". Please find in Annexure RE the dictionary meaning through screenshots from Google and the Merriam-Webster dictionary website. Also shared are the translations as per Google for the English word Coach into Hindi.
- With respect to Complaint document Paragraph/Point no. 23: The paragraph (point 23 of the Complainant) is easy to mis-understand.
 - a. Fame and goodwill cannot be accurately associated with many search results (hits as Complainant referred to
 - b. Complainant's Annexure N does not have "Printouts of the first few pages", but just 1 page, which has been shared to highlight the many results associated with the Complainants brand. This is clearly a misrepresentation.
 - c. It is public knowledge that many wealthy companies use power, money and connections to buy media and ads. They also employ search engine optimization (SEO) methods to rank at the top of results. The first few results and pages in no way should be taken as a fair method to assess fame and goodwill or even worse, to assess rights.
 - d. As per Google themselves: "SEO - Search engine optimization: the process of making your site better for search engines. Also the job title of a person who does this for a living: We just hired a new SEO to improve our presence on the web." Source:



<https://developers.google.com/search/docs/beginner/seo-starter-guide> As per Wikipedia: "SEO is performed because a website will receive more visitors from a search engine when websites rank higher on the search engine results page (SERP). These visitors can then potentially be converted into customers." Source: https://en.wikipedia.org/wiki/Search_engine_optimization

e. If one skips the first 20 hits/results (or 2 pages of hits) from the Complainant's mentioned 4,38,00,00,000 hits at Google, the facts become so much more clear. On the next 20 hits/results (ie page 3 & 4 of the hits), one can see that the vast majority (18 out of 20) have NO relation to the brand COACH but are results about the English word COACH which has much greater significance, meaning and importance in India and worldwide. Here is a direct link to see from Google results 21 onwards: <https://www.google.com/search?q=coach&start=20> No multinational brand will benefit much from the generic English word being ranked higher, but if it is coincidentally that this same word is a mark of the Complainant then it would benefit them to employ SEO tactics to rank higher in the Google search results. By doing so one cannot equate fame and goodwill, as a searcher searching for something related to the English dictionary meaning of the word Coach will simply be disappointed to see the existing Google results and jump a few pages to reach results more relevant to him/her. Also many companies of low repute and notoriety come up high in the Google search results by employing SEO.

f. I share below a list of website names from Google when you search for "coach" These are the websites which CONTAIN the word Coach in their domain name, but are not at all (or largely not) related to the Complainant's brand Coach. The below websites are obtained from just the first 10 or so result pages at Google. There will be hundreds or thousands of similar websites using Coach in the domain name. Further, without the word Coach in the domain name but using the word Coach on their website, as a part of general vocabulary or English usage (as per the meaning in an English dictionary), I am sure there are over 100,000 websites or web pages. Websites using "Coach" in the domain name (among the Top 10 or so Google page results)

<https://coachtube.com>

<https://www.coachup.com/>

<https://www.actioncoach.com/>

<https://thecoachcrew.com/>

<https://internationalcoachingcommunity.com/>

<https://www.strategiccoach.com/>

<https://coach.afl/>

<https://instituteofcoaching.org>

<https://recyclecoach.com/>

<https://coach.o.com/>

<https://thelifecoachschool.com/>



<https://www.turnitin.com/products/>
<https://www.coachmag.co.uk/>
<https://www.lifecoach-directory.org.uk/>
<https://www.coachcert.com/>
<https://coach.uoregon.edu/>
<https://nudgecoach.com/>
<https://becomea.coach/> (Note, one can even register a .coach domain name today)
<https://www.vdlbuscoach.com/en> (related to the Coach's relevance to Travel and Bus)
<https://edu.google.com/teacher-center/programs/certified-coach/> (Even Google has a Coach program)

The above list is to highlight that the vast majority of Google search results are related to the word Coach representing it's dictionary meaning and not related to the Complainant's goods.

g. When it comes to context, if one were to search for "coach gurugram" as an example, the results will clearly show the meaning of the word Coach and it's public context. Please see Annexure RF containing the screenshot. Or click: <https://www.google.com/search?q=coach+gurugram>

- With respect to Complaint document Paragraph/Point no. 25: Point 25 has almost no relevance to this case and the domain Coach.in. For in the case referenced: "EPSON Europe BV v. M31 Internet Palma, S.L. Case No. D2005-0604" it was a non dictionary word "Epson" combined along with a generic word "proyector" (meaning 'Projector' in the Spanish language) to form the disputed domain name "proyectoresepson.com". The word "Epson" is easily understood with evidence to be both distinctive and have no secondary meaning. For our case, the domain name is wholly "Coach" which is primarily a generic English word with multiple dictionary meanings and popular usage throughout the world.
- With respect to Complaint document Paragraph/Point no. 26: When I registered the Domain Name, I had no idea whether COACH was already registered in India as a trade mark or not. But I did have an idea that neither the Complainant nor any other entity had used Coach as a brand name with any reasonable good will and reputation that was known and visible in India. My rights to the domain name, are superior than the Complainants, as I was a practicing Coach (for almost 10 years) before I registered the domain name, still am a personal Coach now and will be a Coach in the future, apart from all the other reasons and justifications in my reply to the Arbitrator. I intend to publicize my services through the domain name as per my business needs.
- With respect to Complaint document Paragraph/Point no. 27: I submit that on the date I did the domain registration in February 2005, the Complainant may not have had the rights to the word "Coach". They may have applied for it before and received the certification after the date of my registering the domain name. The rights and marks they applied for are specifically for certain goods and services.



- With respect to Complaint document Paragraph/Point no. 28: The mark COACH is NOT highly distinctive. There is great justification for me to adopt the Domain Name, which as mentioned before, is to publicize my services as a Coach which I have been able to perform since 1996. As for confusion and deception, please note: Godaddy (the largest Domain registrar in the world) as well as Google allow anyone to register a ".coach" domain name today. Which means that technically, just like a .com domain name, there can be over 100 million domain names registered in the future, with a .coach extension. Will the Complainant believe that all such domains are not justified, likely to cause confusion and deception amongst the public? Here are examples of 3 websites using domain names with the TLD (Top level domain extension) as a .coach and not a .com or .net or .org or .in:
<https://enhance.coach/> (United Kingdom)
<https://www.jamiebunn.coach/> (Australia)
<https://trachsel.coach/> (Switzerland)
- The Complainant should understand and accept that the vast majority of people speaking about, discussing and using the word Coach, whether in general or for business are not doing so for the goods and trade that the Complainant may be engaged in or have trade marks for, but are doing so for the general/generic/dictionary meaning of the word Coach.
- I summarize to say there cannot be any confusion or deception with the domain name Coach.in, as:
 - a. there are already hundreds or thousands of existing domain names with the word coach in them already, along with the TLD .com and many other TLD's that have been in use for several years.
 - b. One may be able to register any number of domain names (thousands, lakhs, millions) with ".coach" as the TLD
 - c. The vast majority of domain names already registered, having the word Coach in it are not directly relevant to the Complainant's brand and business but are relevant to the dictionary meaning of the word Coach.
 - d. The word/mark "Coach" is not highly distinctive at all.
 - e. I have high justification for using the domain name Coach. in.
 - f. Last but not least, I intend to use the domain name only for purposes of Coaching people on the topics I or others have ability to coach in, which are not related to the goods or services of the Complainant. Thus there cannot be confusion, deception nor dilution of any brand equity of the mark Coach of the complainant in specific goods.
- With respect to Complaint document Paragraph/Point no. 29: I have not received and read any of the mentioned letters in 2018. Since they were physical letters; the premises I was previously occupying, when I registered the domain name in 2005, I had to leave before 2018 temporarily. I did not get any notification of the mentioned letters, nor did I receive any of them from the premises occupants in 2018. Following the email notice regarding Coach.in domain name in Feb 2022 from NIXI, and the rest of the emails, in particular the PO from the Arbitrator, I have



been in communication with the existing occupant at the physical premises. As of today 27th February when I am typing this reply I have not collected the Complainant's couriered physical complaints/documents sent this month as yet, since I believe them to be copies of what is being sent by email. However, I will collect them soon. After I got the email from NIXI and the registrar SGS on Feb 10th 2022, I undertook to reply to the Counsel/Complainant, the Arbitrator and the others. To clarify, did the complainant send any emails in 2018?

- With respect to Complaint document Paragraph/Point no. 30: This point no. 30. is quite hilarious Sir. It certainly made me chuckle. I should ask the respected Complainant/Counsel, pray tell, in what way, may I know a communication is anonymous when the sender has a name and an email address to match? Also, it is only now that I have learnt of the deceitful and mala fide method/tactic of the Complainant and it would make anyone question the alleged goodwill the Counsel keeps associating with the Complainant. Nevertheless, it is completely lawful to reply to a person who approaches me and sends an email with a statement: "I want to buy this domain ASAP and am willing to close this deal ASAP." In my response, I started with a greeting and immediately replied: "Good to hear from you. This domain is kept for a project, that's been delayed for long now. Please share your best offer and if it makes sense to us, we may sell it to you..." Which I state is true and something I stand by. I try to run multiple small businesses, offer various services and will launch any further business or website when I am able to in this democratic country. To clarify or reiterate, my primary intention is not to sell this domain name that I have held for 17 years, but to develop a website and business with it.
- With respect to Complaint document Paragraph/Point no. 31: I was commonly referred to by the word in the domain name "Coach" and it's synonyms: Mentor, Teacher, Trainer, Tutor, Educator etc... (Synonyms source: <https://www.thesaurus.com/browse/coach>) I have been legitimately recognized as a Coach. If after perusing my reply to the complaint and the annexures I have submitted in totality, there still remains room for significant suspicion or doubt, then I am willing to take up the task of contacting a few of my previous coaching students from some years ago to up to 25 years ago, to get their signed letter of confirmation that I was their Coach for training on subjects. I seek guidance from the Arbitrator if this is necessary, while I hope and pray that it is not.
- With respect to Complaint document Paragraph/Point no. 32: I reject the mentioned intent of misleading or diverting consumers of the Complainant to my website. For 17 years since I registered the domain name, I have not done such a thing and I have no intention to do so in the future. I reject the accusation that my primary purpose was to sell or rent the domain name to the Complainant for valuable consideration. Does the learned Counsel really believe so when he makes such an accusation? To justify my point/question: getting the contact details of the Complainant or it's officers/employees/managers is very easy through public information. A lot of this information including phone numbers and email addresses maybe listed at publicly accessible places such the Complainant's website or those in the very annexures the Complainant has shared: Annexure K , Annexure H and Annexure G. For 17 years since the



domain has been registered, I could have emailed or called the Complainant if I had such an intention as I am being accused of. It was surely an easy exercise to conduct, all doable within 30 minutes or much lesser. But my only intention was to use the domain name and develop a website for my/other's services as a Coach (in the meaning of training), and thus it never crossed my mind to do such a thing as what has been wrongly stated by the Complainant/Counsel.

- With respect to Complaint document Paragraph/Point no. 33: Clearly there is no bad faith in my registration of a dictionary word 'coach' as a domain name, for the services of my own coaching. I have registered many domain names to create websites about my own service/business, or about topics that are of interest to me. Some of these I have developed in the past and others I have kept to develop in the future, as I get free from my existing projects. Let me share an example of another topic: "Discussions". One domain name I registered for use related to the topic of discussions was: ForumIndia.com. This domain was used for a discussion forum website developed since 2004, and a few years later I had to stop the website for operational reasons. Here is the history page via Archive.org: <https://web.archive.org/web/20040721042150/http://www.forumindia.com/phpBB/> Since I like the topic of public discussions, I registered several domains such as ForumIndia.com, Discuss.in, Say.in etc.... I developed the first, but kept the latter two domains for future development. Similarly for the topic of Coaching, I had 1-2 websites previously developed and commercially run using 1-2 different domain names, through which I would get my customers/students while this domain name Coach.in was kept for future development. It is completely lawful to register a domain name for future usage.
- With respect to Complaint document Paragraph/Point no. 34: Accordingly, this second condition (Clause 4 (b) of the Policy) has not been satisfied. It is clear that I have all rights and legitimate interest in respect of the domain name Coach.in. I request the Arbitrator to please take all my points into evidence for the same, as by myself not being a lawyer, I do not have the knowledge of framing a reply in the expected or proper format which legal professionals may use.
- With respect to Complaint document Paragraph/Point no. 35: I was not aware of the Complainant's business and propriety NOR was I aware of domain names under ownership of the Complainant. I had no bad faith with the intention of diverting traffic by attracting internet users for commercial gain to my website. I also have not developed a website till date. By developing one in the future that focuses on coaching and training in the sectors I am providing coaching services in, there will be no likelihood of confusion with the Complainant's mark. In any case, the brand COACH of the Complainant was so unknown that I did not see one single store either physical or virtual in India at the time of my registering the domain name in 2005. Also it is pertinent to note, that after receiving NIXI's email on the domain name Coach.in and while doing research to reply to this Complaint, only then have I learnt (in February 2022) that the Complainant had launched their first store in 2016 in India. To date I have not stepped into



any single store they have setup thereafter. The two cases referred to in the Complaint point 35, with the context given in brackets besides each case, have no relevance to the Complaint here. The Complainant says I have renewed my registration. The context and info given in brackets are not about renewal but only registration. To explain renewal in my case, most of my domains are in auto renewal mode with the Registrar, so I do not even remember which domain name has what renewal date as I possess over 100 hundred domain names that have different dates throughout the year. It's like setting up a subscription on a credit card, where remembering one subscription maybe easy, but once you do it for 100, the intent is not to be disturbed during renewal but keeping the process smooth, convenient and simple.

- With respect to Complaint document Paragraph/Point no. 36: Arbitrator Sir, this is a repetition of complaint and I reiterate I reject this charge/point completely and vehemently.
- With respect to Complaint document Paragraph/Point no. 37: I state there is no relevance to our case. What content is the Complainant talking about? Where has he shared any content? None has been developed by me till today. Which are the multiple attempts to sell the domain name? Respected Arbitrator Sir, I strongly urge you to not just dismiss this case outright but do more in your capacity by way of remarks or awards on the Complainant and Counsel so they do not harass common people like me, who have zero employees and need to sacrifice our time and energy to research and reply on a formal complaint such as this. As an entrepreneur I use my income and savings with a hope and dream to execute projects like Coach.in and need to maintain a renewal fee for 17 years and more to come. At such a juncture if I go to a lawyer I have to spend in the multiple thousands of Rupees for professionals in LP. (relatively a new sector of specialization within Law) One may assume, the complainant can have a genuine reason to file a case and try to show merit for itself. But with blatant lies and accusations ON AFFIDAVIT, like "...bad faith usegiven the content on the Respondent's website..." AND "...multiple attempts to sell the Disputed Domain Name" I urge you to dismiss this complaint completely. There has only been single person, (a malicious intent email from that person on behalf of the Complainant as per Complainant's own admission), that has emailed me for purchasing this domain name in 17 years, that I can remember. Any way I have 100% never initiated correspondence to anyone proposing to sell this domain name. There has been no website created for the domain name to date, though lots of research has been done. The Complainant has in Paragraph 25 admitted it: "Further, a perusal of the website under the Disputed Domain Name reveals that the Respondent is currently not using the said domain name." The Complainant's Annexure O will support this. This proves the Complainant's contradicting statements. Also in the referenced case: "Playboy Enterprises International, Inc. v. Hector Rodriguez, WIPO Case No. D2000-1016" the domain names in that case did point to websites with content, which was judged by the Panel to be used in bad faith. Excerpt: "...using the contested domain names to divert web visitors to a site held by the Respondent which lists domain names for sale -- including the contested domain names, merely compounds the harm..." Considering everything I stated above, in this case I feel it is important to show such a



Complainant and it's Counsel how very wrong their words and actions are and I humbly urge the Arbitrator to pass an order with that in mind.

- With respect to Complaint document Paragraph/Point no. 38: Case Entrepreneur Media, Inc. v. Smith, does not apply as I did not know the mark was similar to another. Case Twitter, Inc. v. Ozkan does not apply as there are a huge number of conceivable good faith uses for this domain name by others. Case Crocs, Inc. v. Chustz does not apply as I have not created any illusion of direct affiliation with the Complainant's business and goodwill. Case Microsoft Corp. v. ABK et al., does not apply as I have no association with malware warnings, potentially malicious download links, and survey/offer schemes. Sir, by this stage, I hope it is amply clear that none of these cases are relevant to our case in which there has been no website created yet for the domain name. Also, to reiterate, my domain name was registered for usage as it's generic dictionary meaning of teaching/education/training. The complainant's method/tactic of filing a complaint with The .IN Domain Name Registry and citing all these hardly relevant cases in a hope to win over a domain name I registered 17 years ago, is incredulous and wastes time and energy of everyone involved.
- With respect to Complaint document Paragraph/Point no. 39: Again, blatant wrong accusations. I could not prevent the Complainant from registering any domain name having their mark when it was available for mark holders such as the Complainant to register their domain names in India, at the time when it was not available to common public such as me to register any domain name. Please see: https://www.registry.in/system/files/IN_Sunrise_Rules-20_Dec_2004_0.pdf. There was ample time and window given to entities and companies that had trademarks to register their domain name. Once many companies used that time and safeguarded their marks by registering domain names, only then after sufficient period of time, was the registration system opened to the common public. It is important to note, that the Complainant has shared Annexures where it seems they are trying to protect their interest in some marks for some goods by applying in the 1990's for trade mark registrations in India. But in 2005 when it was well publicized that the Indian system for .IN domains is being created they did not care to protect their mark via a domain name? Companies with marks were given high priority. It is thus clear that such a Complainant has abused/misused systems in India via complaining, harassing and threatening. The Complainant only thought it was commercially prudent to launch in 2016 in India, thereafter thought it okay and inexpensive in 2018 to hire a law firm to send letters to intimidate me. In 2022 they officially complain and try to win over a domain that would suit them perfectly, in the process harassing me and misusing the system. Sad after thought from the Complainant, for which I have to suffer. From 2005 to 2020 they did not think it prudent to either contact me via email nor to complain to NIXI. One can see chronologically how much they care about their marks and also they know that the general public in India and I associate Coach with another meaning, completely far removed from the Complainants products, yet they will file a complaint and harass me with wrongful accusations unjustifiably.



- With respect to Complaint document Paragraph/Point no. 40: I reject points a. b. and c. have been proven and the reasons have been shared at various places in my overall response. For the sake of non-repetition and brevity, I request the Arbitrator to please consider my overall response or guide me if I am wrong in my understanding of framing/sharing my points/reply.
- With respect to Complaint document Paragraph/Point no. 41: The reverse is true. I adopted it in good faith. I cannot judge, but hope the Arbitrator sees that this has been proven beyond reasonable doubt. I also hope the Arbitrator can see the Complainant's and Counsel's bad faith and lies in this complaint. Thus I submit that the Complainant has failed to prove clause 4(c) of the INDRP policy, in this case.
- With respect to Complaint document Paragraph/Point no. 42: I request a decision that the Domain Name need not be transferred. I also request costs as may be deemed fit by the Arbitrator, to be awarded to me from the Complainant for covering the costs of printing, scanning, notarizing and travelling in respect to this complaint and my proceedings on it. This is only and only requested because of the frivolous nature of the complaint, the lack of a single email communication to me in 15 years to request the domain name and most importantly the mala fide methods, lies and accusations in the complaint. It is important to understand that a Respondent such as me needs to set aside a lot of time from work and anxiously prepare to respond to such a case. It is truly draining and has a high cost by way of practical loss in business as well as mental agony.

3. The complainant has filed its rejoinder to reply

a. The complainant has contended that, "

- *At the outset, it is submitted that the contents of the Respondent's Reply are false, misleading and denied, unless specifically admitted and/ or which are matter of record. Further, the Respondent has not been able to set up a valid defence in their reply and the favorable order is liable to be passed in favor of the Complainant and against the Respondent in terms of the reliefs/remedies sought in the Complaint.*
- *It is submitted that the recourse taken by the Respondent is to make unnecessary, untenable and exaggerated statements and allegations which should be disregarded. In its reply, the Respondent concentrated only on raising unfounded statements to justify its adoption of the disputed Domain Name, www.coach.in without any cogent evidence. The Respondent's reply contains nothing but mere denials of Complainant's rights, title and interest in its earlier, registered and well-known trademark COACH and formatives, which are in any case baseless. The Respondent's reply is filled with bald statements that carry no weight in the proceedings. It is reiterated that the Disputed Domain Name is identical to the Complainant's well-known, earlier and registered trade mark COACH, which also forms part of its domain name including www.coach.com as well as its corporate name/ trade name. It is submitted that earliest registration for the trade mark COACH was filed and dates back to 1960's in the United States of America. In India, the earliest registration for the trade mark COACH dates back to the year 1994 and further the registration of*



the Complainant's domain www.coach.com dates back to the year 1996. The Complainant has sufficiently and cogently established the fact that the trademark COACH and its formatives are well-recognized and associated by the relevant section of purchasers with the Complainant. Such adoption of the Disputed Domain Name creates a likelihood of confusion and deception amongst the members of trade and public that the goods or services from the website under the Disputed Domain Name originate from the Complainant, which is not the case. Also, we reiterate, repeat and reaffirm our averments and claims in the complaint and we adopt the same as a part and parcel of the present rejoinder including the annexures.

- In addition to the above, it is pertinent to mention herein that the Respondent is a habitual infringer and a known cyber squatter. As per the information and findings/orders available on the website of <https://www.registry.in/> as well as internet, various domain dispute cases have been initiated and order passed against the Respondent. Few of the cases are mentioned below: In the matter of Target Brands, Inc. v. domain.com, rodricks.net, and Rickson Rodricks (FA0509000560157), the National Arbitration Forum has decided the dispute against the Respondent on October 28, 2005. In this matter, the Forum observing case of typo-squatting by the Respondent of the domain name 'ttarget.com' and 'ttarget.info' had ordered transfer of the said domain names from Respondent to the Complainant. Copy of the said order is enclosed herewith as Annexure Q. In the matter of NBA Properties, Inc. vs Rickson Rodericks (INDRP/051), vide order dated November 5, 2007, the Ld. Arbitrator had ordered that the disputed domain name <nba.in> be transferred to the Complainant as the same is confusingly similar or identical to the Complainant's marks. In this matter, although the Respondent had been served and he sent confirmation of receipt of documents, however they did not file any response, as noted in the said order. Copy of the said order INDRP/OSI dated 5/11/2007 is enclosed herewith as Annexure R.
- In the matter of Alibaba Group Holding Limited. vs Rickson Rodricks (INDRP/ 123) vide order dated January 21, 2010, the Ld. Arbitrator had ordered that the disputed domain name <alibaba.in> be transferred to the Complainant. Since the Respondent did not file their response, the matter was decided ex-parte. Copy of the said order INDRP/123 dated 21/01/2010 is enclosed herewith as Annexure S.
- In the matter of ESPN Inc. vs Rickson Rodricks (INDRP/ 825) vide order dated January 21, 2015, the Ld. Arbitrator had ordered that the disputed domain name <espn.in> be transferred to the Complainant. Since the Respondent did not file their response, the matter was decided ex-parte. Copy of the said order INDRP/825 dated 21/01/2015 is enclosed herewith as Annexure T.
- In the matter of Disney Enterprises, Inc. v. Rickson Rodricks / Domain.Com (FA1710001756501), the Forum has decided the dispute against the Respondent on November 29, 2017. In this matter, the Forum directed that the disputed domain names <disenychannel.com>, <disneychnel.com>, and <disneycjannel.com> be transferred to the Complainant. Copy of the said order is enclosed herewith as Annexure U.
- In the matter of Interglobe Aviation Limited vs Rickson Rodrick (INDRP/1247) vide order dated September 16, 2020, the Ld. Arbitrator had ordered that on the basis of express consent from the



Respondent, the disputed domain name <gotindigo.net.in> be transferred to the Complainant. In this matter, the Respondent through email dated August 04, 2020 agreed to transfer the disputed domain name to Complainant, as recorded in the order. Copy of the said order INDRP/1247 dated 16/09/2020 is enclosed herewith as Annexure V.

- **PARA-WISE REPLY TO THE RESPONDENT'S AFFIDAVIT IN REPLY:**
- The contents of paragraph 1 of the Respondent's Affidavit in reply are false, wrong and denied. It is denied that the Complainant has filed any mischievous complaint or to harass the Respondent or gain transfer of the disputed domain using any bad faith methods as alleged. It is strongly denied that there is lack of substance in the complaint or that the complaint deserves to be rejected. It is submitted that the Complainant has initiated the present proceeding in order to protect their earlier, registered and well-known intellectual property rights and is well-within their rights to initiate the present proceeding.
- The contents of paragraph 2 of the Respondent's Affidavit in reply are false, wrong and denied. It is denied that the Respondent is a coach, let alone since 1996 for want of cogent documents. In any case, the Complainant is the proprietor of the earlier, registered and well-known trade mark COACH as well as the domain name- www.coach.com which is much prior to that of the Respondent. Since the disputed domain name incorporates the earlier registered trade mark COACH in its entirety, the likelihood of confusion as well as association with the Complainant and its domain name cannot be ruled out.
- The contents of paragraph 3 of the Respondent's Affidavit in reply are false, wrong and denied, save the contents that are matter of record. It is submitted that the registration of the disputed domain name cannot be called as lawful as it is the Complainant who hold prior rights in the registered trade mark COACH as well as its domain name- coach.com.
- The contents of paragraph 4 of the Respondent's Affidavit requires no response. The Complainant will deal with the contents of the reply of the Respondent in subsequent paragraphs.
- **PARA-WISE REPLY TO THE CONTENTS OF RESPONDENT'S REPLY TITLED COVER NOTE:**
- The contents of paragraph 1 of the Respondent's Cover Note are mere repetition of the baseless allegations by the Respondent and the same are denied. It is reiterated that Affidavit requires no response. It is denied that the complaint deserves to be rejected as alleged. It is reiterated that the Complainant has initiated the present proceeding in order to protect their earlier, registered and well-known intellectual property rights and is well-within their rights to initiate the present proceedings.
- The contents of paragraph 2 of the Respondent's Cover Note are denied for want of knowledge.
- In response to the contents of paragraph 3 of the Respondent's Cover Note, it is submitted that the contents of the Complainant's complaint which has not been expressly denied by them will be deemed to be admission on part of the Respondent.
- The contents of paragraphs 4 to 10 of the Respondent's Cover Note are denied for want of knowledge, save the contents that are specifically admitted or matter of record. It is denied that the Respondent was practicing as a coach at any institute, since any point of time. The contents of



the Annexure RA purporting to be emails screenshots, photo of student card, poster/board in no way support their claims and, in any case, irrelevant to the present proceedings and are liable to not taken on record. Similarly, the contents of Annexure RB, purporting to be photo of alleged Green Card by Govt of India and Letter of permission to its alleged sister concern does not support their case and is irrelevant. The same are liable to be dismissed and not taken on record. With respect to the contents of Annexure RC purporting to be screenshots of emails are mere enquiries/correspondences to the Respondent and in no way supports any of their claim. In any case, all these annexures being much subsequent to the earlier, registered and well-known trade mark COACH of the Complainant will accrue no benefit to the Respondent and is liable to be not taken on record. The remaining contents of the paragraphs under reply are merely anecdotal and denied.

- The contents of paragraph 11 of the Respondent's Cover Note are false, wrong and denied, save the contents that are matter of record. It is denied that the complaint is filed after very long delay. It is submitted that the Complainant had sent demand letter to the Respondent dated February 6, 2018 after getting to know of the disputed domain name. However, despite sending various follow-ups to the Respondent, no response for the same has been received till date. As the Respondent continue to violate the Intellectual Property rights of the Complainant, there is no delay on the part of the Complainant to initiate the present proceedings. The averments of the Respondent are liable to be dismissed and not taken on record.
- The contents of paragraph 12 of the Respondent's Cover Note are false, wrong and denied, save the contents that are matter of record. It is submitted that the Respondent is alleging baseless allegations without any merit on law or fact. It is submitted that appropriate Vakalatnama has been filed and the Respondent has also been served via email. In view of the same, the baseless allegation of the Respondent is liable to be dismissed and not taken on record.
- With respect to the Respondent's averments (un-numbered paragraph) made in response to the complaint paragraph no. 13, it is submitted that the said contents are false, wrong and denied, save the contents that are expressly admitted and/or are matter of record. Moreover, all the contents of the paragraph no. 13 of the complaint are reiterated and request that the same be considered as a part and parcel of the present rejoinder. It is submitted that the Respondent has conveniently ignored the list of registrations and copies of registration certificates for the earlier trade mark COACH which dates back to the year 1994. It is submitted that as per settled law, "use" of a trade mark as may not necessarily be use upon or in physical relation to goods or services. The court has held that to constitute use there is no requirement for the goods bearing the mark to be physically present and made available in India and presence of the mark in advertisements, internet/ website, promotional literature, advertisement, articles and in orders also constitutes use of the trade mark. In view thereof, the averments of the Respondent claiming otherwise is denied and liable to be not taken on record. The contents of Annexure-RD are not denied but has to be seen in light of the aforesaid submissions. It is submitted that in light of the facts and circumstances mentioned above and in the complaint, the earlier registered trade mark



COACH is famous and has attained the status of "well-known" within the provisions of Article 6bis of the Paris Convention which finds statutory mention under Section 2(1) (zg) of the Trade Marks Act, 1999. Under such circumstances, use of an identical or any other deceptively similar mark/domain name by any other third party in respect of any goods and/or services is bound to cause confusion and/or deception in the course of trade. Members of the trade would no doubt be under the mistaken belief that such third party is associated with the Complainant or have some trade connection/ affiliation with, or permission of the Complainant to use such mark on their goods/services thereby causing irreparable loss and damage not only to the Complainant's trade and business, but also resulting in tarnishment and erosion of distinctiveness hard earned by the Complainant in their world renowned trade mark COACH. It is further denied that the Complaint is lacking any information or is intended to show misleading usage or rights as alleged. It is strongly denied that the rights and use of COACH is limited as alleged. The Complainant has made detailed submissions in relation to its prior rights in and to the trade mark COACH and also the domain name www.coach.com and submitted cogent documents to substantiate the same, which has not been denied by the Respondent. The remaining contents of the paragraphs under reply are denied being irrelevant to the present proceedings and or which have been already dealt with in the preceding paragraphs.

- With respect to the Respondent's averments (un-numbered paragraph) made in response to the complaint paragraph nos. 16 to 19 it is submitted that the said contents are false, wrong and denied, save the contents that are expressly admitted and/or are matter of record. Moreover, all the contents of the paragraph nos. 16-19 of the complaint are reiterated and request that the same be considered as a part and parcel of the present rejoinder. It is reiterated that apart from the registration of the trade mark COACH in India, the Complainant also uses the domain name — www.coach.com which was registered in the year 1996, which is much prior to that of the disputed domain name. It is submitted that as detailed in the preceding paragraphs, it is clear that they are habitual infringer and cyber squatter of different brands and have been part of various domain disputes initiated by third parties. It is clear from the submissions made hereinabove, that the Respondent was well aware of the goodwill and reputation of the Complainant's well-known and earlier trade mark COACH at the time of adoption of the Disputed Domain Name. It is further submitted that the Respondent has willfully ignored to see all the annexures and are only selectively mentioning only those convenient to them. It is submitted that the Complainant has filed various articles in support of their trade mark COACH and its worldwide goodwill and reputation, including in India. It is submitted that since the Respondent has no substantive arguments in support of their dishonest adoption of the disputed domain name, they have retorted to baseless averments and allegations and judgements which are not only baseless but also aimed to misguide the Ld. Arbitrator from the core-issue of the matter. It is reiterated that disputed domain name-www.coach.in wholly subsumes and is identical to the earlier, registered and well-known trade mark COACH of the Complainant. The mala fide intent of the Respondent is also clear from the fact that the Complainant uses the domain- www.coach.com



which was registered in the year 1996 and is much prior to that of the disputed domain name. It is clear that the Respondent had knowledge of the trade mark COACH and any averments contrary to the same is denied. The Respondent has also failed to substantiate any of their averments with cogent and irrefutable documents and therefore their averments are liable to be not taken on record and in consideration. The remaining contents of the paragraphs under reply are denied being irrelevant to the present proceedings and or which have been already dealt with in the preceding paragraphs.

- With respect to the Respondent's averments (un-numbered paragraph) made in response to the complaint paragraph nos. 21 to 23 it is submitted that the said contents are false, wrong and denied, save the contents that are expressly admitted and/or are matter of record. Moreover, all the contents of the paragraph nos. 21-23 of the complaint are reiterated and request that the same be considered as a part and parcel of the present rejoinder. It is submitted that the Complainant has already filed cogent and irrefutable documents in support of its goodwill, reputation in the trade mark COACH along with the complaint and the same are not repeated herein for the sake of brevity. The contents of Annexure RE purporting to be google screenshots and from the Merriam-Webster are irrelevant to the present proceedings. It is submitted that due to the inherent distinctive character, extensive use and acquired recognition, the well-known and earlier trade mark COACH has come to be exclusively associated and identified, in the minds of the public and others connected with the trade, with goods and services originating from the Complainant alone.
- With regard to the reliance on third party domain names using COACH, it is submitted that the presence of third-party domain name containing COACH is completely irrelevant to the present proceedings for two reasons. Firstly, the third party domain names is not a valid defense of the mala fide adoption of the disputed domain name which is the subject matter in the present opposition proceedings and second being that the prerogative of taking action against in protection of intellectual property rights vests with the right holder who can take action where they deem that the threat of infringement is valid and substantial as in the present matter. The said principle has been upheld by the Hon'ble High Court of Delhi. It is further submitted that disputed domain name is prima facie identical to the earlier, registered and well-known mark COACH of the Complainant as well as its domain www.coach.com. The likelihood of confusion cannot be ruled out and the impugned mark is liable to be refused on this ground alone. The contents of Annexure RF purporting to be google screenshot is denied being irrelevant to the present proceedings. The remaining contents of the paragraphs under reply are denied being irrelevant to the present proceedings and or which have been already dealt with in the preceding paragraphs.
- With respect to the Respondent's averments (un-numbered paragraph) made in response to the complaint paragraph nos. 25 to 28 it is submitted that the said contents are false, wrong and denied, save the contents that are expressly admitted and/or are matter of record. Moreover, all the contents of the paragraph nos. 25-28 of the complaint are reiterated and request that the same be considered as a part and parcel of the present rejoinder. It is strongly denied that the COACH is generic as alleged by the Respondent. As the Respondent has failed to substantiate the same with



cogent proof, the same are liable to be dismissed. It is submitted that COACH is a distinctive trade mark. It is strongly denied that the Respondent's right over the disputed domain name is superior to that of the Complainant as alleged. It is reiterated that the Complainant holds prior rights in and to the trade mark COACH as well as the domain www.coach.com. Any justification provided are mere afterthoughts and are liable to be rejected. It is strongly denied that the Complainant had no rights over COACH in 2005 as alleged. With respect to the averments that the Respondent want to use the disputed domain name for purpose of coaching people is denied being baseless and want of knowledge. The likelihood of confusion and deception which also includes association cannot be ruled out. It is further submitted that the Respondent has only made repetitive averments which has already been dealt with in the proceeding paragraphs of the present rejoinder and the complaint. The same are not repeated herein for the sake of brevity and be referred and considered as a part and parcel of the present paragraph.

- With respect to the Respondent's averments (un-numbered paragraph) made in response to the complaint paragraph nos. 29 to 36 it is submitted that the said contents are false, wrong and denied, save the contents that are expressly admitted and/or are matter of record. Moreover, all the contents of the paragraph nos. 29-36 of the complaint are reiterated and request that the same be considered as a part and parcel of the present rejoinder. It is denied that the Respondent did not receive the physical letters in 2018 as alleged. The alleged justification provided are denied for want of knowledge. In any case, the Respondent has not filed any evidence in support of their averments. It is further denied that the anonymous commination was deceitful or mala fide. It is denied for want of knowledge that the Respondent intention is not to sell. It is denied that there is no bad faith in adoption of the disputed domain name by the Respondent. It is denied that the same is for coaching as alleged. The Respondent cannot deny that they had no knowledge of the Complainant and its trade mark COACH as well its prior domain COACH.COM. As mentioned above, the Respondent has been a habitual infringer, accordingly the averments of the same are denied. Furthermore, the averments relating to use of other domain is denied being irrelevant to the present proceedings. It is further denied that the Respondent has any legitimate interest in the disputed domain name. Considering that the same is identical to the earlier, registered and well known trade mark COACH as well as the domain COACH.COM, the averments of the Respondent are liable to be dismissed. Due to the circumstances detailed above, it cannot be said that the Respondent was not aware of the Complainant or its trade mark COACH or its domain name COACH.COM. It is again denied for want of knowledge that the Respondent will develop the disputed domain website focusing on coaching and training as alleged. It is submitted that the same are mere after thoughts. It is submitted that the fact that they have over 100 domain names is a proof of bad faith. As discussed, the domains of the Respondent have been in various disputes by the third parties right holder, which clearly shows their ill-intent. The remaining contents of the paragraphs under reply are denied being irrelevant to the present proceedings and or which have been already dealt with in the preceding paragraphs.



- With respect to the Respondent's averments (un-numbered paragraph) made in response to the complaint paragraph no. 37 it is submitted that there has been a genuine typographical mistake in stating about content on the website and stating "multiple" attempts instead of attempt. The Complainant reiterates the content of paragraph 25 of the complaint stating that the disputed domain is not in use currently. It is submitted that the same being typographical errors are rectifiable and in no manner prejudices the matter. In any case, the core-issue of the matter is that the disputed domain name *www.coach.in* is identical to the earlier, registered and well known trade mark *COACH* of the Complainant as well as their prior domain name- *www.coach.com* . Furthermore, considering that they have previously filed for infringing domains which has been now transferred to the respect rights holder, their bad faith is apparent. Also it cannot be denied that the Respondent had no knowledge of the Complainant and its trade mark *COACH* as well as its registered domain name *www.coach.com* which dates back to 1996. It is strongly denied that there has been any harassment of the Respondent. The Respondent has only made baseless allegation toward the Complainant. It is submitted that the Complainant has initiated the present proceeding to protect its intellectual property rights which has been violated by the Respondent. It is strongly denied that the present complaint be dismissed or rejected.
- With respect to the Respondent's averments (un-numbered paragraph) made in response to 21. the complaint paragraph nos. 38 to 42 it is submitted that the said contents are false, wrong and denied, save the contents that are expressly admitted and/or are matter of record. Moreover, all the contents of the paragraph nos. 38-42 of the complaint are reiterated and request that the same be considered as a part and parcel of the present rejoinder. It is strongly denied that the disputed domain name was registered for usage for teaching/education/training as alleged. The Respondent has failed to substantiate any of the said claims with cogent or irrefutable documents and hence liable to be not taken on record. It is submitted that right of the Complainant to initiate actions against parties are not closed on the ground that they did not file appropriate domain name. It is submitted that the Complainant took necessary action on knowing about the disputed domain name and has now filed the present proceeding to protect its intellectual property rights. The baseless averments of harassments and accusations by Respondent is denied. It is also denied that there is any bad faith on behalf of the Complainant or its counsel as alleged. It is denied that the Complainant has failed to prove any of the points of the INDRP. The Complainant is well- within their rights to initiate the present proceedings. It is submitted that the Complainant has filed the present complainant to show just cause to the Learned Arbitrator and to transfer the disputed domain name. It is humbly requested that in view of the foregoing submissions, the learned Arbitrator exercise his discretion in favour of the Complainant and against the Respondent by allowing the complaint.

4. The respondent has filed its response to the rejoinder.

a. The respondent has contended that, "...



- With respect to Complainant's rejoinder Paragraph/Point no. 1: At the outset, it is submitted that the majority of the contents of the Complainant's complaint as well as the rejoinder are false, misleading and denied, unless specifically admitted and/ or which are matter of record. Further, I have been able to establish a significant, credible and valid defense in my reply to the complaint and thus I request a favorable order from the Ld. Arbitrator to be passed in favor of myself against the Complainant in terms of the reliefs/remedies sought. I also request you to take the points in my Cover Note as part of my reply on Affidavit, as I am not knowledgeable in the proper format, alignment and submissions. I also request you to note, record and consider that for my reply to this rejoinder to be submitted by the 10th of March 2022, I had only around 24 hours and practically from my seeing the email only around 12 hours.
- With respect to Complainant's rejoinder Paragraph/Point no. 2: I deny that as Respondent I have made any unnecessary, untenable, exaggerated statements and allegations. I request the Ld. Arbitrator to disregard the Complainant's holistic and frivolous allegation. I have submitted cogent and circumstantial evidence. I humbly believe and submit that as a Respondent I deny the Complainant's rights and title in the domain name COACH.in which is the core topic of this case. Adoption of the Disputed Domain Name cannot create any likelihood of confusion and deception amongst the members of trade and public that the goods or services from the website under the Disputed Domain Name originate from the Complainant, since the conceived idea for and the planned adoption is for the purposes stated, which to reiterate is based on the generic meaning of the word Coach and for services of Coaching as in teaching/training. I reiterate, repeat and reaffirm my averments and statements made previously in my reply to the complaint and I adopt the same as a part and parcel of the present reply to the rejoinder including all annexures.
- With respect to Complainant's rejoinder Paragraph/Point no. 3: I deny being a habitual infringer or cyber squatter. There is a clear case of misunderstanding possible due to the nature of my business. I submit that I provided Internet services such as domain registrations (from my website Domaen.com), website hosting (through Rodricks.Net) and website development. Being a provider of domain registrations I was registered as a reseller with Enom a world leading registrar. I had over 10,000 domains registered and renewed by my clients. The default system/process meant that my name and address was used for domain registrations. Thereafter clients were given login access to update their details. Most of them did not change the details. Thus a few domain dispute cases were initiated against me the reseller/provider who as per the Whois was also the Registrant.
- In the matter of Target Brands, Inc. v. domaen.com, rodricks.net, and Rickson Rodricks (FA0509000560157), please note, my client may have had two different domains, one definitely registered through me at Enom ('ttarget.com') and the other ('ttarget.info') registered through some other provider at some other registrar, which I was not and am not aware of. Upon receiving the complaint, the client did not want to pursue the matter further at arbitration and I followed his request as well as the Arbitrator's.
- In the matter of NBA Properties, Inc. vs Rickson Rodericks (INDRP/051), I was the registrant of the domain name nba.in which was for use for a social organization in India. After receiving the complaint,



I did not contest the case due to various reasons, primarily lack of personal time available and lack of interest of the social organization to further it's social activities on the internet.

- *In the matter of Alibaba Group Holding Limited, vs Rickson Rodricks (INDRP/ 123) I was the registrant of the domain name alibaba.in. This was registered for personal use as a generic domain. Based on the centuries old story of Alibaba (see: https://en.wikipedia.org/wiki/Ali_Baba_and_the_Forty_Thieves), in our family we use internet usernames containing 'alibaba' and email addresses starting with 'ali' much before we heard of any company called Alibaba. Loads of proof available. Again I did not file any response to the complaint, due to various reasons, primarily lack of personal time available.*
- *In the matter of ESPN Inc. vs Rickson Rodricks (INDRP/ 825) upon receiving the complaint, I informed the client for whom the domain name was registered, who did not want to pursue the matter further at arbitration and I followed his request as well as the Arbitrator's.*
- *In the matter of Disney Enterprises, Inc. v. Rickson Rodricks / Domaen.Com (FA1710001756501), upon receiving the complaint, I informed the client for whom the domain name was registered, who did not want to pursue the matter further at arbitration and I followed his request as well as the Arbitrator's.*
- *In the matter of Interglobe Aviation Limited vs Rickson Rodrick (INDRP/1247), upon receiving the complaint, I informed the client for whom the domain name was registered, who informed me to immediately let go/have transferred the domain name at arbitration and I followed his request via an email to the Arbitrator.*
- *Dealing with over 10,000 domain names, having 5-6 cases is part of the business as a reseller just as it is to a Registrar or Registry.*
- *With respect to Complainant's rejoinder Paragraph/Point _no.4: I reiterate the Complainant has filed a mischievous complaint, with the intent to harass me the Respondent, and try to win over the most suitable domain name that would appeal to their business, without having the rights and justification to do so. There is lack of substance in the complaint and in the rejoinder as well as inaccurate information too, therefore the complaint deserves to be rejected out rightly. The Complainant has multiple times referenced their "earlier" intellectual property rights or trade mark. It is beyond my scope of knowledge and understanding but I wish to bring again this point to the notice of the Ld. Arbitrator.*
- *With respect to Complainant's rejoinder Paragraph/Point no. 10: I do not admit or accept the contents of the Complainant's complaint which has not been expressly denied by me. It cannot be deemed so. I reiterate, the majority of the contents of the complaint are denied by me.*
- *With respect to Complainant's rejoinder Paragraph/Point no. 11: The Complainant may deny the contents of paragraphs 4 to 10 of the my Cover Note in my reply on Affidavit, as well as various other points such as Point 2, for want of knowledge. However, denials should not super cede facts stated on a notarized Affidavit, especially if backed by evidence. The contents are very relevant to the present proceedings and are requested to be taken on record. They strongly support my claim. The most important matter is not just whether all those annexures are subsequent to mark COACH of the Complainant and whether it will accrue no benefit to me as the Complainant says. The most important*



matter is overall on what grounds such a complaint has been made (as per the INDRP), and for the Ld. Arbitrator to decide basis the pleadings, laws and merit.

- With respect to Complainant's rejoinder Paragraph/Point no. 12: I reiterate that I did not receive the Complainant's demand letter dated February 6, 2018, nor follow ups. The complainant implies that they got to know of the disputed domain name in 2018. I strongly deny this and state that is not likely the case due to the zealous trademarks they maintain in India (obviously to conduct business at some time) and the related press articles, such as: <https://www.forbesindia.com/article/boardroom/coach-is-also-about-the-experience-at-our-stores/46957/1> sharing how they have researched the right time to start their first store in India. Excerpt from the article: Jan Bickley, president, international group at luxury leather brand Coach, first visited India about five years ago. "I remember I had come in a few years after the boom, when a lot of foreign brands had entered the country. We studied the market, but we decided to wait for the right opportunity," he tells Forbes India. I deny violating any Intellectual Property rights of the Complainant and reiterate there is huge delay on the part of the Complainant to initiate the present proceedings.
- With respect to Complainant's rejoinder Paragraph/Point no. 14: I reiterate that all my submissions in my reply on Affidavit are not false or wrong and they should be taken as a matter of record, and be considered as a part and parcel of my reply to this rejoinder. I have not conveniently ignored the list of registrations and copies of registration certificates annexed by the Complainant. It is only basis that on which I could reply with point (c.) which I researched before. I reiterate the point c. below:
- "The complainant cannot have the exclusive right to use the aforementioned trade mark/s in all categories of goods and services, but only specifically for the goods and services they have received the certification of registration for." The Trade Marks Act 1999 has following limitations in the legislative procedure for infringement proceedings: "...goods of the same description as that of goods (registered goods) in respect of which the trademark is registered; or services that are closely related to registered goods; or services' of the same description as that of services (registered services) in respect of which the trademark is registered; or goods that are closely related to registered services.." Even the INDRP Rules of procedure (<https://www.registry.in/indrp-rules-of-procedure>
- point 4.b.(v.) states: The Complaint shall incorporate the following: "specify the trademark(s) or service mark(s) on which the Complaint is based and, for each mark, describe the goods or services, if any, with which the mark is used or intended to be used."
- I submit that as per Complainants own statement on record, that "...presence of the mark in advertisements, internet/ website, promotional literature, advertisement, articles and in orders also constitutes use of the trade mark....", there has been no advertisement/website/promo etc.. by the Complainant in or for India before 2016 and definitely not before 2005 when I lawfully registered the domain name. The Complainant keeps denying most of what I have stated, which seems okay but to say that my averments are "...liable to be not taken on record" is really far-fetched and unfair. I request you to please take all my statements, annexures, proofs on record, humbly including it if it has fallen outside that proper Arbitration proceedings way of filing/formatting due to my lack of legal knowledge.



- With respect to the Complainant's mentioning the trade mark COACH is "famous and has attained the status of "well-known" within the provisions of Article 6bis of the Paris Convention which finds statutory mention under Section 2(1) (zg) of the Trade Marks Act, 1999.", I deny its fame and status as even a little well known in India. Also please see my following submission:
- In M/s Nandhini Deluxe v M/s Karnataka Co-operative Milk Producers Federation Ltd Civil Appeal Nos. 2937-2942 of 2018 with Civil Appeal No. 2943-2944 of 2018), the Supreme Court of India in a landmark judgement had:
 - re-affirmed that a proprietor of a trademark cannot enjoy monopoly over an entire class heading.
 - noted that the word 'Nandini'/'Nandhini' which represented a Goddess and a cow in Hindu mythology was of a generic nature and it was not invented/coined of KMPFL.
 - noted that there was no material to show that KMPFL's trademark had acquired distinctiveness within four years of its adoption and thus the use of the mark 'NANDHINI' by Nandhini Deluxe appeared to be a case of concurrent user.
 - observed that "considering how they are traded by the appellant and respondent respectively, it is difficult to envision that an average man of ordinary prudence would associate the goods of the appellant as that of the respondent"
- In Vishnudas Kushandas v the Vazir Sultan Tobacco Ltd. and Anr. (366 1996 SCALE (5)267), the Supreme Court of India laid down the principle that a proprietor of a trademark cannot be permitted to enjoy monopoly over the entire class of goods, particularly when he is not using the said trademark in respect of certain other goods falling under the same class.
- Taking an excerpt from an article on a well known knowledge and law related website, Mondagg.com: "The issue of well-known marks has come up time and again in Indian trademark jurisprudence" and "...establishing a mark as a well-known mark is clearly a difficult task, and requires a complex test to be satisfied.",
 - Even <https://www.registry.in/indrp-rules-of-procedure> point 4.b.(v). states: The Complaint shall incorporate the following: "specify the trademark(s) or service mark(s) on which the Complaint is based and, for each mark, describe the goods or services, if any,
-
- with which the mark is used or intended to be used." The remaining contents of the Complainants paragraph/s: "Members of the trade would no doubt be already dealt with in the preceding paragraphs." are completely denied by me. I reiterate that there is no distinctiveness in the word "Coach". My previous annexures of Google search results show it to be non distinctive and the Dictionary meaning show it to be non distinctive. Also any sensible person will agree that with no more than approximately 5 physical stores in India and no specific Indian website it simply cannot gain any level of distinctiveness.
- With respect to Complainant's rejoinder Paragraph/Point no. 15: I completely deny the Complainant's points.
- With respect to Complainant's rejoinder Paragraph/Point no. 16: There is no proof of the mentioned inherent distinctive character, extensive use and acquired recognition, of the mark COACH in the minds



of the public with goods and services originating from the Complainant alone. If I were given sufficient time, I would personally do a physical survey of multiple people on the streets and submit the findings of the survey which I have full belief and conviction to 100%, that it would show the word/mark Coach is completely not distinctive.

- With regard to the reliance on third party domain names using COACH, I state the relevance as: firstly the third party domain names shows the mala fide method of the Complainant to file a complaint against the registrant of the best suited domain name (the disputed domain name) for their business in India. Second I submit that sensibly, the threat of infringement would be valid and substantial on domain names and websites that are already operational in India that have the word "Coach" fully used in the domain name or have a business related to the goods that the Complainant advertises and promotes rather than my domain name which has not been used yet and is not related to the goods of the Complainant. I am willing to submit any documentation or sworn Affidavit stating that the domain name will not be used for or in relation to the class of goods of the Complainant, but far apart will be used only for coaching/training/teaching services I will promote. The likelihood of confusion can thus be ruled out, not just because of said Affidavit but because I have no business in that line of goods and have submitted a notarized Affidavit in reply stating to the similar effect.
- Also, in general to the overall case, I would like to state here that, the company has failed at 1 or more objections in the past. As referred to in my reply on Affidavit, one can register a coach domain name in the public. Without any fear of infringement. Please see: <https://www.wipo.int/export/sites/www/amc/en/domains/Iro/docs/lro2013-0002.pdf>
- In this matter, the Panel found that the Objector (Coach, Inc. of New York, New York, United States of America) failed to satisfy 3 different reasons/circumstances that would require a denial of the Respondent's application.
- Also, I quote: "The Panel does not need survey evidence to know that "coach" is a common dictionary word, and is used frequently in reference to the various definitions listed above"
- With respect to Complainant's rejoinder Paragraph/Point no. 17: My statement that the word COACH is generic or many other statements need not always be substantiated with cogent proof as per the expectation of the Complainant. The Ld. Arbitrator may see that the Complainant may feel my statements, averments, pleadings and submissions have enough weight, seeing the sense in it themselves, and hence in desperateness rely on complaining about lack of cogent proofs. I request the Ld. Arbitrator, very humbly so, to use all knowledge of law, domain disputes, common sense understanding and all else that he has ability to use and take it in totality for deciding on this case. I believe I have submitted cogent proof, but even if it is lacking in some place, then average intelligence or above par intelligence as that from an Arbitrator can surely see merit and clarity in the overall reply specially in case of what is generic and what is distinctive in India. Example being: Asking a person walking down the street: "Can you pay for | Bisleri?" vs. "Can you pay for 1 Coach" or asking another "Do you have Dalda/Coke at home?" vs. "Do you have Coach at home?"



- I repeat that COACH is NOT a distinctive trade mark. It is strongly reiterated that my right over the disputed domain name is superior to that of the Complainant. None of my justifications are mere afterthoughts.
- With respect to Complainant's rejoinder Paragraph/Point no. 18: To help with the justification for my not occupying the premises and receiving any letters in 2018, I could only research a bit more and share with you this public website: <http://dir.techyscience.com/mumbai/idea-gallery/type=local-business-1259226>. One can find it by searching for the address I occupied and is listed for the domain name, "...4, Prakash Building, Vazira Naka..." "Idea Gallery" run by the Telecom Operator Idea was the tenant occupying the premises at that time to the best of my knowledge. As for my intention not to sell the domain name, there is ample scope of knowledge and sense that can be used. Anyone with an intention to sell would put up an offer to sell it on a page/website themselves (takes less than 1 hour). Or list it at a Domain selling website (there are dozens of them online) and I have not done so for 17 years. Or respond to an inquiring email with excitement to sell it and follow-up 10 or many times thereafter. In our case, I did not follow-up from my side even once, clearly shown by the Complainant not filing the discreet email as evidence, nor stating I did so, as no follow-up to sell the domain name from me exists.
- Further, there are too many denials by the Complainant and most of the Complainant's points are repetitive, so for the sake of brevity I urge you to consider all my points, averments and replies in totality, not just for this paragraph.
- Sir, with due respect the fact that I have over 100 domain names is a sign of good faith, just as a lawyer having over 100 clients/associates/interns/cases is or just like Ford Motors having over 100 dealers is. As I have shared, the domains referred to in cases by the Complainant in an above paragraph, were either client domains or those which were mine were generic/historical word domains which I did not attempt to file a response on due to various reasons primarily time priorities.
- With respect to Complainant's rejoinder Paragraph/Point no. 19: There can be a genuine typographical mistake in stating "multiple" attempts instead of attempt, even though the meaning and connotations of the plural 'attempts' are far more serious. However, I humbly submit there cannot be any genuine typographical mistake in "the content on the Respondent's website" for, the entire paragraph no. 37 of the Complainant's complaint is based on it, referring a case which is based on a website's content. The Complainant has subsequently back-tracked and therefore admitted this blunder only using shallow words as "typographical mistake" which it clearly is not. A typing error can be rectified Ld. Arbitrator, but how can this blatant mala fide accusation by the Complainant be rectified? I reiterate and plead before you, this Complainant has mala fide intentions to prey on an individual like me with their might and money power, throwing accusations in every direction through the lawyers and counsels they engage. In reference to this para and also to the para 15 of the Complaint, see the real money they make here:

<https://www.cnbc.com/2021/05/06/coach-owner-tapestry-tpr-q3-2021-earnings.html>

<https://www.nytimes.com/2017/10/11/fashion/coach-inc-rebrands-tapestry-american-fashion-group.html>



https://en.wikipedia.org/wiki/Coach_New_York

It seems the Complainant is just a sister concern company for handling IP called "Coach IP Holdings LLC". The main company name Coach Inc. was rebranded to Tapestry, again for the reasons I have stated before, which is their need to evolve to showcase other brands, products and goods they have to sell:

<https://www.cbsnews.com/news/coach-rebrands-as-tapestry-to-reflect-more-than-bags/>

- I reiterate the complaint should be dismissed or rejected based on multiple reasons, one of which is mala fide intention of the Complainant in making such a complaint.
- With respect to Complainant's rejoinder Paragraph/Point no. 20: The averments made in my reply on Affidavit in totality and those made in relation to paragraphs 38-42 of the complaint, are reiterated and reaffirmed as true by me. Please consider them as a part and parcel of this reply to the Complainant's rejoinder. It is strongly reaffirmed that the disputed domain name was registered for usage for teaching/education/training. It is reiterated that the Complainant has failed to prove any or the majority of the points of the INDRP.
- Ld. Arbitrator Sir, you may have a huge amount of experience in Arbitration specially in Domain disputes. I have researched for the first time regarding such a domain dispute and very humbly Sir, the Complainant has done me wrong and acted in bad faith, most sadly thereafter accusing me of acting in bad faith. I would like to remind you of:
 - a. the mala fide email they sent me to purchase the domain name through another person's name (though yet I was not inclined to sell)
 - b. the mala fide accusations of bad faith content on my website using the domain, thereafter backtracking/withdrawing the accusation
 - c. the intentional/typographical (you can decide best) accusation of stating I made multiple attempts to sell the domain name
 - d. the convenient chronology of events and their choice of domain name to go after etc....etc....
- I humbly request that after reading in totality the bad faith complaint of the Complainant and my reply on Affidavit to it, as well as this reply to the rejoinder, the learned Arbitrator please exercise his discretion in favour of me the Respondent by deciding favorably that the domain name need not be transferred.
- I pray you give me a few additional days, in the spirit of justice to help improve my reply to the rejoinder by adding annexures (of the websites quoted above) for your convenience and a few more points which due to the time limit of today 10th March I have not been able to include.
- With respect to Complainant's rejoinder Paragraph/Point no. 21: In view of the both parties submissions and supporting documents, I humbly reiterate the Complainant has not made out a fit case for transfer of the disputed domain name in favour of the Complainant. I pray that the domain name should not be transferred.

5. From the pleadings following issues have been framed :



F. The Issues :

1. (i) Whether the domain name [www.coach.in] is identical or confusingly similar to a trademark or service mark in which the Complainant has rights? [Rule – Clause 4(b)(vi)(1)]
2. (ii) Whether the Respondent has no rights or legitimate interests in respect of the domain name [www.coach.in] as claimed? [Rule – Clause 4(b)(vi)(2)]
3. (iii) Whether the Respondent has registered the disputed domain name in bad faith? [Rule – Clause 4(b)(vi)(3)]
4. (iv) Whether complainant entitled to Relief – In accordance with Paragraph 11 of the Policy, for the reasons described in Section V above, the Complainant requests that the Panel appointed in this proceeding issues a decision that the Disputed Domain Name [www.coach.in] be immediately transferred to Complainant. Costs as may be deemed fit, may also be awarded.

G. Analysis of the issues on Merit : Before I begin my analysis, I must clarify that as an arbitrator, my powers are restricted to the boundaries of the jurisdiction in the instant matter. As an arbitrator, I have to consider the relevant judgments passed by Hon'ble Supreme court of India, Hon'ble High courts of India and international & domestic awards passed by Id. Arbitrators in previous matters which have been referred to by the parties and then in the light of the judgments/ awards decide the instant matter on its own merits. And thus I do not concede to the arguments/ submissions on behalf of the respondent that I can rectify the errors in the awards passed by my fellow arbitrators. All the tribunals have distinct jurisdiction and power and thus no power is vested in myself to rectify them.



1. Analysis of Issue I - Whether the domain name [www.coach.in] is identical or confusingly similar to a trademark or service mark in which the Complainant has rights? [Rule – Clause 4(b)(vi)(1)]
 - a. I have perused the complaint, affidavit & documents and am satisfied that respondent has contravened the INDRP rules [Rule – Clause 4(b)(vi)(1)] as prescribed by registering domain [www.coach.in] that is identical and/or confusingly similar to trademark "coach" owned by the Complainant since 1941 in US and since 1994 in India.
 - b. After having concluded that the complainant company is carrying out its legitimate business activities since 1941, whereas the respondent has admitted in his reply on oath/ affidavit that presently he is not carrying put any business activities.
 - c. And further that as per averment of complainant on oath, the complainant had registered domain [www.coach.com] on 30th April 1996, whereas the respondent got registered domain www.coach.in on 12th July 2014.
 - d. The complainant has stated on oath that the disputed domain name is "coach", which consists of the Complainant's COACH trademark in its entirety. The complainant has registered his trademark COACH, firstly in the year 1994 thereafter in 1997 and also in subsequent years in India & is being renewed as per law and the trademark COACH is being used by the Complainant, for carrying out its business activities and in order to reach out to customers in India including through Internet complainant has registered his domain name www.coach.com. The complainant has been using the domain name www.coach.com for carrying out his business activities. Reproduction of the Complainant's COACH trademark in entirety in the domain



name in itself establishes that the domain name is confusingly similar to the Complainant's trademark which are duly registered in many countries including India. Although the word "coach" is a generic word having various/ plural/ multiple meanings but also the fact is that the complainant not only registered & owned a trademark in the name of "COACH" in India besides several other countries; And also that the complainant had registered domain name www.coach.com in the year 1994 which was much prior to registration of domain www.coach.in which was registered in 2005.

- e. And I find it inconceivable that the respondent did not have any knowledge about the already existing domain name www.coach.com before registering the disputed domain name; It is expected from a prudent reasonable person to inquire proposed domain name to search about the existence of similar domain name and more-so it is expected from a computer literate person like the respondent; Also that the the snapshot report of the registrar of domain notifies the user that whether the desired/ proposed domain name is available for registration; Thus it is highly inconceivable that any prudent person would register domain name that is similar to already existing domain name after becoming aware that the variant of the proposed domain is already being used by another individual/ company and thus it is beyond comprehension that respondent did not knew the existence of already registered domain name www.coach.com and also the COACH trademark at the time of registration.
- f. And further the complainant has referred following case in favour of their arguments viz. EPSON Europe BV v. M31 Internet Palma, S.L. Case No. D2005-0604 (*If the disputed domain name did not*



include the trade mark EPSON, its significance and importance would have been completely different in the sense that it would not specifically relate to Complainant or its Services).

- g. I am satisfied with the submission made on oath by the complainant. And that complainant is a bonafide registrant of the domain [www.coach.com] and is carrying out business activities since 1941 and in India since 1994 which is much prior to respondent who registered domain [www.coach.in] i.e. in 2005.
 - h. I am satisfied with the submission of the complainant that the respondent/ registrant had registered domain name [www.coach.in] conflicts with his/her legitimate rights and interests of the complainant who owns domain [www.coach.com] sine 1994 and registered owner of the trademark COACH having global presence.
 - i. I conclude as per paragraph 4(a) of INDRP Policy, that the respondent has contravened the INDRP rules as prescribed by registering domain [www.coach.in] that is identical and/or confusingly similar to trademark "coach" owned by the Complainant since 1941.
2. Analysis of Issue II – Whether the Respondent has no rights or legitimate interests in respect of the domain name [www.coach.in] as claimed? [Rule – Clause 4(b)(vi)(2)]
- a. The complainant has stated on oath that, "*...The Complainant's well-known and earlier trade mark COACH, being highly distinctive, there can be no plausible justification for the adoption of the Disputed Domain Name. Such adoption and use of the Disputed Domain Name create a likelihood of confusion and deception amongst the members of trade and public that the goods or services from the website under the Disputed Domain Name originate from the Complainant, which is not the case. Also, such adoption and use of*



the Disputed Domain Name is likely to dilute the brand equity of the well-known and earlier trademark COACH of the Complainant..."

- b. The complainant also contended that, "...The Respondent is not affiliated with Complainant in any way, nor is the Respondent licensed to use the well-known and earlier trade mark COACH of the Complainant. The Respondent has never been legitimately recognized as COACH, which forms an imperative part of the Disputed Domain Name...."
- c. The respondent has admitted in his reply that, "...I was practicing as a Coach at a Computer Coaching institute in 1996. Thereafter I started my own Coaching institute in 1997 called "Sharp Computer Education" abbreviated as SCE..."
- d. The respondent has admitted in his reply that, "...I deny being a habitual infringer or cyber squatter. There is a clear case of misunderstanding possible due to the nature of my business. I submit that I provided Internet services such as domain registrations (from my website Domaen.com), website hosting (through Rodricks.Net) and website development. Being a provider of domain registrations I was registered as a reseller with Enom a world leading registrar. I had over 10,000 domains registered and renewed by my clients. The default system/process meant that my name and address was used for domain registrations. Thereafter clients were given login access to update their details. Most of them did not change the details. Thus a few domain dispute cases were initiated against me the reseller/provider who as per the Whois was also the Registrant..."
- e. Thus it is amply clear that the complainant has been carrying out its business activities since 1941 in US & other countries and since 1994 in India; and as per the averments of the respondent as contended by him he is carrying out business activities since 1997.
- f. It is also established that the respondent is carrying out business as reseller of domains and contended that, "...Being a provider of domain



registrations I was registered as a reseller with Enom a world leading registrar. I had over 10,000 domains registered and renewed by my clients...". And the respondent also contended that, "...The context and info given in brackets are not about renewal but only registration. To explain renewal in my case, most of my domains are in auto renewal mode with the Registrar, so I do not even remember which domain name has what renewal date as I possess over 100 hundred domain names that have different dates throughout the year. It's like setting up a subscription on a credit card, where remembering one subscription maybe easy, but once you do it for 100, the intent is not to be disturbed during renewal but keeping the process smooth, convenient and simple...". Thus it is established that the respondent is currently not carrying out any business activities through the disputed domain [www.coach.in]. And the disputed domain [www.coach.in] is in the state of parked domain. Thus it is also established that currently the respondent has no legitimate interests in respect of the domain name [www.coach.in] and the disputed domain is one amongst many other domains which he currently owns. It is also established that respondent did not contest several arbitration matters due to paucity of time or due to non-instructions by his clients.

- g. In accordance with INDRP Policy, Paragraph 4(b), I conclude that the respondent is not using the disputed domain [www.coach.in] for carrying out business through the disputed domain [www.coach.in]. Thus I conclude that the respondent/ the Registrant has no rights or legitimate interests in respect of the domain name as the respondent is not carrying out any business activity through the name of domain [www.coach.in] but has merely registered the domain and retained it in a parked state.



3. Analysis of the issue (iii) Whether the Respondent has registered the disputed domain name in bad faith? [Rule – Clause 4(b)(vi)(3)]

- a. The complainant has stated on oath that, "...The bad faith of the Respondent in registering the Disputed Domain Name can be simply established from the fact that the Respondent has registered the Disputed Domain Name by adopting the well-known and earlier trademark COACH of the Complainant in its entirety. In view of the foregoing submissions, it is clear that the Respondent was fully aware of the Complainant's business and propriety as well as the details of domain names under ownership of the Complainant. This clearly evidences the fact that the Respondent is using the Disputed Domain Name in "bad faith" with the intention of diverting traffic by attracting internet users for commercial gain to its website by creating a likelihood of confusion with the Complainant's well-known mark as to the source, sponsorship, affiliation or endorsement of its website and the services on them. In any case, the trademark COACH of the Complainant is so well-known that it cannot be considered that the Respondent was not aware of the same at the time of its adoption. Moreover, despite being on notice, the Respondent has renewed their registration of the disputed domain name. The contents of 'Clause B' are reiterated and the same are not being repeated herein for the sake of brevity. See Victoria's Secret Stores Brand Mgmt., Inc. v. Michael Bach, FA 1426668 (Although Complainant has not submitted evidence indicating actual knowledge by Respondent of its rights in the trade mark, the Panel finds that, due to the fame of Complainant's [VICTORIA'S SECRET] mark, Respondent had actual notice at the time of the domain name registration and therefore registered the domain name in bad faith under Policy 4(a)(iii).) and Amazon.com, Inc. v. Korotkov, Case No. D2002-0516 (Respondent evidently is familiar with the sphere of Internet-based commerce. In that sphere the Complainant's trade mark AMAZON.COM® is so well known, being practically a euphemism for an Internet bookstore (among other things), that it is inconceivable



Respondent was unaware of the trade mark, its connotations and its commercial attractiveness)... “.

- b. The complainant has further contended on oath that, “...Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith, see Caravan Club v Mrgsale NAF Decision FA 95314. In Playboy Enterprises International, Inc. v. Hector Rodriguez, WIPO Case No. D2000-1016 (playboychannel.com and playboynetwork.com), it was said that “People, who manifest an intent to traffic in domain names that incorporate well-known or famous trade marks, as the Respondent does here, simply do not expend their efforts with the sole intention of relinquishing those domain names for just their out-of-pocket registration costs. The goal of their efforts, simply put, is an expectation of receiving an adequate reward, i.e. sufficient profit, from this trafficking.” transfer awarded. Consequently, the Complainant submits that bad faith use of the Disputed Domain Name is quite clear in this case, given the content on the Respondent’s website and multiple attempts to sell the Disputed Domain Name. ...”; And the complainant has further contended on oath that, “...In Entrepreneur Media, Inc. v. Smith, 279 F.3d 1135, 1148 (Where an alleged infringer chooses a mark he knows to be similar to another, one can infer an intent to confuse) and Twitter, Inc. v. Ozkan, WIPO D2014-0469 (Under the circumstances, the Panel does not hesitate in ruling that Respondent registered the disputed domain name in bad faith. Complainant’s trade mark is famous, and there are few conceivable good faith uses for the disputed domain name by others. The Panel infers that Respondent knew of Complainant’s trademarks and Respondent registered its confusingly similar domain name in an attempt to draw Internet users to its own website). ...”; And also contended that, “...Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith, see Caravan Club v Mrgsale NAF Decision FA 95314.



In Playboy Enterprises International, Inc. v. Hector Rodriguez, WIPO Case No. D2000-1016 (playboychannel.com and playboynetwork.com), it was said that "People, who manifest an intent to traffic in domain names that incorporate well-known or famous trade marks, as the Respondent does here, simply do not expend their efforts with the sole intention of relinquishing those domain names for just their out-of-pocket registration costs. The goal of their efforts, simply put, is an expectation of receiving an adequate reward, i.e. sufficient profit, from this trafficking." transfer awarded. Consequently, the Complainant submits that bad faith use of the Disputed Domain Name is quite clear in this case, given the content on the Respondent's website and multiple attempts to sell the Disputed Domain Name. ..."

- c. The respondent has stated on oath that, *"...The Complainant says I have renewed my registration. The context and info given in brackets are not about renewal but only registration. To explain renewal in my case, most of my domains are in auto renewal mode with the Registrar, so I do not even remember which domain name has what renewal date as I possess over 100 hundred domain names that have different dates throughout the year. It's like setting up a subscription on a credit card, where remembering one subscription maybe easy, but once you do it for 100, the intent is not to be disturbed during renewal but keeping the process smooth, convenient and simple....."*
- d. The complainant has not stated any reasonable ground for not registering the disputed domain [www.coach.in] earlier that the respondent.
- e. I am satisfied with the submission that the respondent is not carrying out any business activities or non-commercial activities through the domain [www.coach.in] .



- f. I conclude that Respondent has registered the disputed domain name primarily for the purpose of parking the domain name [www.coach.in] I also conclude that Respondent registered the domain name [www.coach.in] and thus prevented the complainant (i.e. owner of the trademark or service mark) to register the domain name in India.
4. Analysis of the issue (v) Whether complainant entitled to Relief – In accordance with Paragraph 11 of the Policy, for the reasons described in Section V above, the Complainant requests that the Panel appointed in this proceeding issues a decision that the Disputed Domain Name [www.coach.in] be immediately transferred to Complainant. Costs as may be deemed fit, may also be awarded.
- a. I have perused the complaint, affidavit & documents/ Annexures placed on record and after analyzing & discussing them in details herein-before concluded that the respondent has no claims, rights or legitimate interests in respect of disputed domain name. I am satisfied and concluded that the respondent has acted in contravention of paragraph 4 of INDRP Policy in entirety.
- b. I thus conclude the final issue i.e. Relief to be settled in favour of the complainant and accordingly I allow the prayer of the complainant to rightfully transfer the ownership of domain name [www.coach.in] in favour of the complainant.

H. AWARD

1. I AWARD AND DIRECT, that the ownership of domain name [www.coach.in] be transferred in the name of the complainant.



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This is my final award made and published by me on this 01st May 2022,
at New Delhi, the seat of arbitration.



Kamal Dave
Sole Arbitrator

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