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Sl. No: 0150 Date: 02/02/2022

Sold to: Vedula Gopinath & VK Chennu

For Whom: Self

B. Arun Kumar
BA 014375

B. ARUN KUMAR
LICENCED STAMP VENDOR

L.No.03-13-002/2000, R.L.No.03-013-008/2021
#27-249, Vepagunta, Visakhapatnam-47
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THE NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)
IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)

Dr. Vedula Gopinath, Sole Arbitrator

Arbitration Award No. INDRP/1527, dated April 13, 2022

In the matter of Arbitration Between :

Ubisoft Entertainment
2 rue du Chêne Heleuc,
56910 Carentoir, France

Complainant

AND

DING DING, DING CORP.
Registered owner of Domain Name
UBISOFT.CO.IN

Répondent



Vedula Gopinath
ARBITRAL TRIBUNAL
Dr. VEDULA GOPINATH
SOLE ARIBITRATOR

I. THE PARTIES :

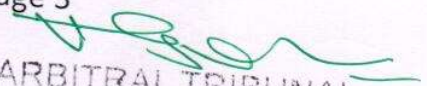
1. Complainant: The authorized representative of complainant is Mr. Marc Muraccini email trademarkdomainname@ubisoft.com.
2. The disputed name has been registered anonymously. Complainant conducted search on the registry in WHOIS database and no contact details are mentioned concerning Registrant (details given as per Annexure I of the complaint). The complainant entered into correspondent with the Respondent via emails as per details given as per annexures 2, 3 and 4 of the complaint.
3. Emails details
 - A. linadnscorp@gmail.com
 - B. intelseed@gmail.com
 - C. domainhk@hotmail.com
 - D. Nong Su <sunong@live.com> (Responded to Complainant Via this email.)

II. DISPUTED DOMAIN NAME & REGISTRY:

- a) The disputed domain name <ubisoft.co.in> was registered on March 11th 2011
- b) The Registry is the National Internet Exchange of India (henceforth referred to as NIXI).
- c) The Sponsoring Registrar of the Impugned Domain name is **DYNADOT LLC**



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III. PROCEDURAL HISTORY / BACK GROUND :

29-03-2022	The .1N REGISTRY appointed Dr. Vedula Gopinath as Sole Arbitrator from its panel as per paragraph 5 of INDRP Rules of Procedure.
29-03-2022	Consent of the Sole Arbitrator along with declaration was given to the .1N REGISTRY according to the INDRP Rules of Procedure.
29-03-2022	.1N REGISTRY sent an email to all the concerned intimating the appointment of arbitrator. On the same day, the complete set of the soft copy of the Complaint with Annexure was sent to Respondent.
30-03-2022	Notice of Arbitration was sent to all concern by the Sole .
30-03-2022	Notice was sent by Arbitrator to the Respondent by-mail directing him to file his response within 7 days, marking a copy of the same to the Complainant's representative and .1N Registry.

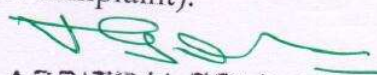
The pleadings are communicated through Electronic mail in English language.

IV. The Complainant's details

The Complainant UBISOFT ENTERTAINMENT (Ubisoft), a French company registered within the trade registry of Vannes under No. 335 186 094 and having its registered office located 2, Rue du Chêne Heleuc, 56910 Carentoir, France (details given as per Annex 11 of complaint.).

The Complainant is a leading creator, publisher and distributor of video games, composed of multiple subsidiaries worldwide, and holder or exclusive licensee of a large number of well-known trademarks and world-renowned brands, including *Assassin's Creed*, *Just Dance*, *Tom Clancy's* video game series, *Rayman*, *Far Cry* and *Watch Dogs*, among others. (Annex 8 of complaint).




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V. COMPLAINANT TRADE MARKS/DOMAIN NAMES (IPRs)

A. TRADE MARKS

An Illustrative list of trade marks are given hereunder:

Trademark Territory Holder Status Application number Registration Date

UBISOFT France UBISOFT ENTERTAINMENT Registered 033251241 10/10/2003

UBISOFT International UBISOFT ENTERTAINMENT Registered 836751
09/04/2004

UBISOFT China UBISOFT ENTERTAINMENT Registered 836751 09/04/2004

UBISOFT France UBISOFT ENTERTAINMENT Registered 174408933 30/11/2017

UBISOFT International UBISOFT ENTERTAINMENT Registered 1443119
30/03/2018

UBISOFT China UBISOFT ENTERTAINMENT Registered 1443119 30/03/2018

UBISOFT India UBISOFT ENTERTAINMENT Registered 1443119

UBISOFT European Union UBISOFT ENTERTAINMENT Registered 015255491
11/08/2016 UBISOFT International UBISOFT ENTERTAINMENT Registered

1338126 01/04/2016 UBISOFT France UBISOFT ENTERTAINMENT Registered
134025663 07/08/2013

Details of Trade Mark registration have been given as per annexure 5 of
Complaint.

B. Domain Names

Illustrative list of domain name of Complainant are mentioned below details of
which have been given as per annexure 6 of Complaint


Ubisoft.com

Ubisoft.fr

Ubisfot.net

Ubisoft.org




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VI. COMPLAINANT'S CONTENTIONS.

1. There is no commercial relationship between complainant and Respondent.
2. The Complainant fully owns a wide list of trademarks and domain names which have been registered far before the creation and registration of the litigious domain name <ubisoft.co.in> on March 11th, 2011
3. The disputed domain name <ubisoft.co.in> is not even confusingly similar but strictly identical to the Complainant's prior trademarks "UBISOFT", as well as all the domain names.
4. The disputed domain name has never been used in connection with a *bona fide* offering of goods or services:
5. The disputed domain name <Ubisoft.co.in> leads to a parking page under the URL "ubisoft.co.in" containing commercial links.
7. Respondent registered the domain name with the object of selling the same. In response to a cease desist notice served on the Respondent the claimant received a demand offer of high price of Euros 1890


VII RESPONDENTS' CONTENTIONS

The respondent in spite of few notices did not submit any response or reply. As it appears the Respondent did not opt to reply at all

VIII DISCUSSION AND FINDINGS / REASONING:

- (I) .IN Domain Name Dispute Resolution Policy (INDRP).
The Arbitral Tribunal after examination of the matter in details arrived the following conclusion of Complainant's Compliance of INDRP Policy. In order to obtain the transfer of the Disputed Domain Name, Complainant should, accordingly, prove all the following three elements to paragraph 4 of the Policy.




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(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;

(ii) Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) The Disputed Domain Name has been registered and is being used in bad faith.

II Further pursuant to paragraph 6 & 7 of INDRP Policy, the Respondent have no legitimate interest and the same have been used in bad faith.

The Complainant has proved the aforesaid aspects to the satisfaction of the Arbitral Tribunal.

(III) The Arbitral Tribunal believes that the Respondent registered the disputed domain name with a view to sell the same and make profits by demanding unreasonable price which is proved by the email correspondence between the parties.

IV) In case of failure of default of Respondent in sending response or reply to the complaint, the Arbitrator is empowered to announce the judgment as he thinks proper and appropriate as per applicable laws.

(V) The allegations levelled by Complainant against Respondent appears to have been proved basing on the evidential value of the documents submitted by complainant.




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IX. In view of the foregoing discussion, the Arbitral Tribunal arrives at a Logical conclusion of accepting the prayer of the Complainant.


X. DECISION: For all the foregoing reasons, in accordance with paragraph 10 of the .INDRP, the Arbitral Tribunal orders that the Respondent shall cease to use the mark UBISOFT and also the disputed Domain Name <UBISOFT.CO.IN> be transferred to the Complainant. There is no order as to costs.

National Internet Exchange of India (NIXI) are advised to take ancillary and incidental action required for transfer of the disputed domain name in favour of the Complainant.

Visakhapatnam

13th April 2022




Dr. Vedula Gopinath
Sole Arbitrator

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