Non Judicial

Indian-Non Judicial Stamp
Haryana Government

Date : 04/10/2022

Certificate No. G0D2022J70

GRN No. 95057789

Stamp Duty Paid : ₹ 101
(Rs. Only)

Penalty : ₹ 0
(Rs. Zero Only)

Seller / First Party Detail

Name: Sridharan Rajan Ramkumar

H.No/Floor : L4073 Sector/Ward : 56 LandMark : Devinder vihar

City/Village : Gurgaon District : Gurgaon State : Haryana

Phone: 97******30

Buyer / Second Party Detail

Name : Sridharan Rajan Ramkumar

H.No/Floor : L4073 Sector/Ward : 56 LandMark : Devinder vihar

City/Village: Gurgaon District : Gurgaon State : Haryana

Phone : 98******20

Purpose : Award for INDRP Domain Dispute Complaint

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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY

INDRP ARBITRATION

THE NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]

INDRP CASE NO: 1590

ARBITRAL TRIBUNAL CONSISTING OF SOLE ARBITRATOR

SRIDHARAN RAJAN RAMKUMAR, ADVOCATE, DELHI HIGH COURT

COMPLAINT UNDER .IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)

IN THE MATTER OF:

Huawei Technologies Co., Ltd.,
Administration Building Huawei Technologies Co. Ltd.,
Bantian, Longgang District,
Shenzhen, P. R. China …Complainant

Versus

Sedo.com LLC,
222 Third Street, Suite 3120
Cambridge, MA 02142 US …Respondent No. 1

Dynadot LLC,
210 S Ellsworth Ave,
#345 San Mateo, CA 94401 US …Respondent No. 2

ARBITRATION AWARD

I. THE PARTIES:

1. COMPLAINANT

The Complainant in this administrative proceeding is Huawei Technologies Co., Ltd., a company incorporated and existing under the laws of China, which has filed the present complaint under rules framed under the INDRP.

The Complainant's authorized representative / counsel in this administrative proceeding is:

Mr. Amit Aswal, AnovIP
161-B/4, 6th Floor, Gulmohar House,
Yusuf Sarai Community Center, Gautam Nagar,
Green Park, New Delhi – 110049, India
P: +91-11- 41835550
Email: info@anovip.com; sofia@anovip.com;

The Power of Attorney was filed with the Complaint and marked as **Annexure-A.**

2. **RESPONDENTS**

The Respondent no.1 is Sedo.com, LLC having office at 222 Third Street, Suite 3120, Cambridge, MA 02142 US, is a domain name, website marketplace and domain parking provider which is a subsidiary of United Internet.

The Respondent No. 1's contact details are:

Sedo.com, LLC
Address: 222 Third Street, Suite 3120, Cambridge, MA 02142 US.

The Respondent No. 2 is one Dynadot LLC having office at 210 S Ellsworth Ave, #345 San Mateo, CA 94401 US, which is a domain name registrar and web host who is hosting the impugned domain name featuring the registered trademark of the Complainant "Huawei".

The Respondent No. 2's contact details are:

Dynadot LLC
210 S Ellsworth Ave,
#345 San Mateo, CA 94401 US
Phone: +1.866-262-3399 (toll free)
Email: abuse@dynadot.com

The Respondents did not engage any counsel / advocate in the present administrative proceeding and neither did the Respondents filed any reply to the instant domain complaint. Hence, this Complaint has been proceeded *ex-parte*.

II. THE DOMAIN NAME AND REGISTRAR:

The Disputed Domain Name is: http://huaweicloud.co.in

The Disputed Domain Name is registered with IN Registry.

The accredited Registrar of the Disputed Domain Name is Dynadot LLC.

The Registrar's contact information is as under:

Dynadot LLC

210 S Ellsworth Ave,

#345 San Mateo, CA 94401 US

Phone: +1.866-262-3399 (toll free)

Email: abuse@dynadot.com

III. PROCEDURAL HISTORY:

June 30, 2022	Date of Complaint
August 5, 2022	Sole Arbitrator appointed to adjudicate the dispute
August 5, 2022	Arbitral proceedings were commenced by sending notice to Respondents through email as per Paragraph 4(c) of INDRP Rules of Procedure, marking copy of the same to Complainant's authorized representative and to the .IN Registry to file response to the Complaint within 15 days of receipt of the same.
August 21, 2022	Pleadings completed as Respondents failed and neglected to file its response to the domain complaint within 15 days' time period which commenced on August 5, 2022.

Hence this award is proceeded with on basis of the available pleadings and documents only.

CASE OF THE COMPLAINANT

The Complainant has provided a table of its trademark registrations for 'HUAWEI CLOUD' and 'HUAWEI CLOUD' formative marks in India as follows:

Trade Mark	Registration no.	Registration Date	Class	Status
HUAWEI CloudWAN	4428560	November 08, 2019	9, 42	Registered
HUAWEI CloudEngine	4781320	November 25, 2020	9, 42	Registered
HUAWEI FusionCloud [Word Mark]	3970487	October 11, 2018	9	Registered

Copies of the extract from the Indian Trademark Office were filed with the Complaint and marked as **Annexure-C.**

IV. FACTUAL AND LEGAL BACKGROUND:

About the Complainant:

1. It was submitted that the Complainant Huawei Technologies Co. Ltd. is having its headquarters at Administration Building Huawei Technologies Co. Ltd., Bantian, Longgang District, Shenzhen, P.R. China. It was submitted that the Complainant is a global giant and one of the major players in the field of information and telecommunication and smart devices having approximately 195,000 employees and operating in over 170 countries and regions, serving more than three billion people around the world. It was submitted that the Complainant has been using various domain names for providing services of online data storage to its customers like https://cloud.huawei.com/. It was submitted that the said domain name has been in

continuous and uninterrupted use since 2000 to help its customers in overcoming the issue of storage in their devices. It was submitted that initiated this compliant on behalf of Complainant being their authorized attorneys.

2. The Complainant submitted that the mark "Huawei" has been an integral part of the Complainant's trade name and as such has been in continuous use since the year 1987. It was submitted that owing to the Complainant's long and continuous use of the mark "Huawei" it has gained tremendous goodwill and reputation over the mark which the Respondents are trying to encash for themselves in an illegal way.

3. It was submitted that the Complainant is the lawful owner of the domain names https://cloud.huawei.com/ and has been using the same continuously and uninterruptedly since 2000 where the Complainant's registered trademark is also clearly visible. It was submitted that the Complainant has earned envious reputation and goodwill among its users. It was submitted that the Complainant has a global presence having its presence in over website is famous all over the world. It was submitted that the Complainant has registered its domain name in various countries. The list of such countries where various domain names of the Complainant are registered was attached with the Complaint and marked as **Annexure-B**.

4. It was submitted that to secure its rights the Complainant had registered the domain name https://cloud.huawei.com/. It was submitted that the Complainant has also registered the total of 177 of trademarks in India. The details of some of the 'HUAWEI CLOUD' trademark registrations of the Complainant in India were provided in the Complainant and have already been reproduced hereinabove in preceding paragraph.

5. It was submitted that the Complainant has maintained high set of standard and quality on its online data storage services and is very much concerned about its customers' satisfaction. It was submitted that owing to supreme standards, the complainant has achieved envious number of people from all around the globe who are using its services under the domain names https://cloud.huawei.com. That the domain name and the trademark HUAWEI CLOUD exclusively belong to the Complainant who is lawful, honest and *bonafide* proprietor of the domain names and trademarks.

6. It was submitted that the earlier this year the Complainant was surprised to know that the disputed domain name was already taken by someone. It was submitted that the Registrant has hidden its identity by using the feature of "Redacted for Privacy". It was submitted that the disputed domain name was created on 3rd October 2019. It was submitted that the disputed domain name was registered by Respondent No. 2. It was submitted that the disputed domain name is available for sale on the websites of Respondent no. 1 and 2 at a price of USD 8,800/-. It was submitted that earlier this year the Complainant while going through the Portal of National Internet Exchange of India (NIXI), the Complainant noticed the disputed domain name and that was when the Complainant came to know about the illicit activities of the Respondents for the first time. The extract from the NIXI showing the impugned website for sale was attached with the complaint and marked as **Annexure-D.**

7. It was submitted that the disputed domain name is identical to the Complainant's registered domain names and its duly registered trademark "HUAWEI CLOUD". It is submitted that the disputed domain name was registered in bad faith to prohibit the Complainant from registering the disputed domain name and to make profits by selling it at high rates. It was submitted that this is a case of cybersquatting where Respondent No. 1 and Respondent No. 2 have collaborated in the crime by illegally listing the disputed domain name on their respective websites for sale. It was submitted that Respondent No. 2 is also responsible for registration of the disputed domain name.

8. It was submitted that the Registrant of the disputed domain name has no rights or legitimate interests in the disputed domain name and has got it registered in bad faith to sell it later at exorbitant prices. It was submitted by the Complainant that they had not consented for the registration of the disputed domain name at any point of time. It was submitted by the Complainant that since the Respondents have helped the Registrant of the disputed domain name in gaining unlawful profits by getting it registered and listed on their respective websites, both Respondents are equally liable to be punished. It was submitted by the Complainant that the Registrant and Respondents have no rights or any legitimate interest in respect of the disputed domain either in its registrations or its listing for sale in domain market.

9. It was submitted that there exists a probability that the customers would probably believe that the Respondents are an associated affiliate of the Complainant. It was

submitted that this could probably confuse and deceive the general public, ultimately steering business traffic to the Respondents and causing harm to the Complainants. It was submitted that the said harm will not only be in terms of money but also in the terms of reputation and goodwill.

10. It was submitted that the Complainant is proprietor of the trademark HUAWEI by virtue of priority in adoption, continuous and widespread use and advertising and also the name consequently accruing within the course of trade. It was submitted that the Respondents have solely used HUAWEI as a trademark because the mark HUAWEI has not only become a well-known trademark in India. It was submitted that the Respondents' use of the impugned trademark and disputed domain name is with an ill motive on abusing the business of the Complainant and to earn dishonest, illegal and underserved profits.

11. It was submitted that the disputed domain name has been registered in bad faith to extort huge amount of money from the Complainant. It was submitted that since the Registrant is hiding its identity, it clearly establishes the fact that it has adopted and registered the disputed domain name with dishonest and malafide intentions. It was submitted that the Respondents have no connection with the disputed domain name and the said domain name belongs only to the Complainant.

12. It was submitted that the Respondents are selling the disputed domain name bearing the registered trademarks of the Complainant HUAWEI and HUAWEI CLOUD on a hefty price of USD 8800/- which shows that the Respondents have an illegal intent of cashing upon the goodwill and reputation so earned by the Complainant.

13. It was submitted that the Respondents are trying to pass off its services as those similar to the Complainant by employing a deceiving similar word as part of its name. It was submitted that this word can cause confusion within the minds of the relevant customer base and would mistake the services if Respondents as similar to that of the Complainant.

14. It was submitted by the Complainant that if no action is taken against the registrant and the respondents then either the Complainant will have to pay huge amount of USD 8,800 in which the Complainant is already having its vested rights or someone else would buy

the same and use it later for distracting traffic from the domain names of the Complainant. It was submitted that if the disputed domain name is not registered in India, then the Complainant will be deprived of its right to register a domain name in India which will cause harm, loss and injury to the Complainant.

15. It was submitted that considering the massive import of internet and its users, many web users aren't refined enough to differentiate between the domain names of the parties. It was submitted that give this fact if the Respondents are not restrained on immediate basis the Complainant will have to suffer huge losses both in terms of money and in terms of reputation and thus it becomes imperative that the Respondents are retrained at once and the impugned domain name be removed from sale.

16. It was submitted that the cause of action first arose when the Complainant came to know about the disputed domain name in 2022 when it entered the disputed domain name on the portal of the National Internet Exchange of India (NIXI) to get it register in India.

The Complainant relied upon the following grounds in support of the Complaint and its claim that the disputed domain name has been adopted in *malafide* manner:

A. <u>The domain name is identical or confusingly similar to a trademark in which the Complainant has rights;</u>

a. It was submitted that the disputed domain name is identical to the Complainant's registered domain names and its duly registered HUAWEI and HUAWEI CLOUD trademarks. It is submitted that the disputed domain name was registered in bad faith to prohibit the complainant from registering the disputed domain name and to make profits by selling it at high rates. It was submitted that this is a case of Cybersquatting where Respondent No. 1 and Respondent No. 2 have collaborated in the crime by illegally listing the disputed domain name on their websites. It was submitted that Respondent No. 2 is also responsible for Registration of the disputed domain name.

B. <u>The Respondents have no rights or legitimate interests in the domain name;</u>

a. It was submitted that the Registrant of the disputed domain name has no rights or legitimate interests in the disputed domain name and has got it registered in bad faith to sell it later at exorbitant prices. It was submitted by the Complainant that they had not consented for the registration of the disputed domain name at any point of time. It was submitted by the Complainant that since the Respondents have helped the Registrant of the disputed domain name in gaining unlawful profits by getting it registered and listed on their respective websites, both Respondents are equally liable to be punished. It was submitted by the Complainant that the Registrant and Respondents have no rights or any legitimate interest in respect of the disputed domain either in its registrations or its listing for sale in domain market.

C. <u>The domain name is registered and being used in bad faith.</u>

a. It was submitted that the bad faith is evident from the use of 'HUAWEI and HUAWEI CLOUD trademarks in the disputed domain name, which is the property of the Complainant and is associated with the Complainant only.

b. It was submitted by the Complainant that the disputed domain name has been registered in bad faith to extort huge amount of money from the Complainant. It weas submitted that since the Registrant is hiding its identity, it clearly establishes the fact that it has adopted and registered the disputed domain name with dishonest and *malafide* intentions. It was submitted by the Complainant that the Respondents have no connection with the disputed domain name and the said domain name belongs only to the Complainant.

c. It was submitted by the Complainant that the Respondents are selling the disputed domain name, which is bearing the registered trademarks of the Complainant HUAWEI and HUAWEI CLOUD at a hefty price of USD 8800/- which shows that they have an illegal intent of cashing upon the goodwill and reputation so earned by the Complainant.

The Complainant finally submitted that the Respondent is eroding the distinctive character of the Complainant's mark also and diluting the same. In view of the foregoing, the Complainant submitted that the balance of convenience rests entirely in its favor. The Complainant prayed that in the interest of justice and as measure of relief in equity, the present arbitral tribunal instruct the appropriate authorities to have the Disputed Domain Name transferred to the Complainant, who is the legitimate owner of HUAWEI and HUAWEI CLOUD trademarks, in accordance with Rule 3 of the INDRP on the above-mentioned grounds.

V. PARTIES CONTENTIONS:

A. COMPLAINANT

(a) The Disputed Domain Name http://huaweicloud.co.in is identical and/or confusingly similar to the HUAWEI and HUAWEI CLOUD trademarks of the Complainant as well as the Complainant's websites at its prior registered domain names viz. https://cloud.huawei.com/.

(b) Respondents have collaborated in the illegal activity of registering the disputed domain name and putting it up for sale at an amount of USD 8,800.

(c) The Complainant will either have to purchase the Disputed Domain Name HUAWEICLOUD.CO.IN at a very high rate or someone else will buy the said domain name which will give to the consumers an impression that subsequent purchaser/owner of the domain name is associated with the Complainant in some form or the other.

(d) Respondents have no legitimate interest in the Disputed Domain Name HUAWEICLOUD.CO.IN;

(e) The adoption / use of the Complainant's HUAWEI and HUAWEI CLOUD trademarks as part of the Disputed Domain Name or in any manner whatsoever results in the infringement and passing off of the rights of the Complainant in its HUAWEI and HUAWEI CLOUD trademarks.

(f) The Respondents are taking advantage of innocent customers by hosting the impugned website on the Disputed Domain Name http://huaweicloud.co.in who may be unwary about the authenticity of the Respondents.

(g) The Respondents have incorporated the HUAWEI and HUAWEI CLOUD trademarks of the Complainant in the Disputed Domain Name https://cloud.huawei.com/ only with the aim of making illegal gains from the goodwill and reputation of the Complainant.

(h) Respondents have registered the domain name with dishonest intention and in bad faith.

(i) The HUAWEI and HUAWEI CLOUD trademarks is associated with the Complainant alone and none else.

(j) The adoption of the Disputed Domain Name is not for non-commercial purposes and does not fall within the ambit of 'fair use'.

B. RESPONDENTS

The Respondents did not file its reply to contest the claims of the Complainant and thus this award is based on pleadings and documents filed by the Complainant only.

VI. DISCUSSION AND FINDINGS:

The INDRP (.IN Domain Name Dispute Resolution Policy), adopted by NIXI, provides that a domain name owner must transfer its domain name registration to a complainant/trademark owner if:

i. The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;
ii. The Registrant has no rights or legitimate interests in respect of the domain name; and
iii. The Registrant's domain name has been registered or is being used in bad faith.

I have gone through the pleadings i.e., the Complaint filed by Complainant. I have also gone

through documents filed by the Complainant with the Complaint. After giving due consideration to pleadings, documents, facts and legally settled principles, I hold that in the present case all three requirements for transfer of the disputed domain name have been met. I further hold that the disputed domain name of the Respondent is visually, phonetically, structurally and conceptually deceptively similar to the trademark and domain name of the Complainant over which the Complainant, who is prior adopter, prior user and registered proprietor of the HUAWEI and HUAWEI CLOUD trademarks and formative trademarks and the domain names with the words HUAWEI and HUAWEI CLOUD, has absolute and sole rights. Consequently, I hold that the Respondents does not have any rights or legitimate interest over the Disputed Domain Name HUAWEICLOUD.CO.IN and hence the same needs to be transferred to the Complainant. I hold that the HUAWEI and HUAWEI CLOUD trademarks have exclusively and solely become associated and recognized with the Complainant. I hold that due to such exclusive association of the HUAWEI and HUAWEI CLOUD trademarks and formative marks, device marks and the variations thereof with the Complainant, and also considering the numerous prior registered domain names of the Complainant containing the HUAWEI and HUAWEI CLOUD trademarks, the Complainant alone has the right to utilize the HUAWEI and HUAWEI CLOUD trademarks as a domain name registered with the .IN Registry. I hold that the Respondent is not entitled to register the disputed domain name as the Respondent has failed to establish any right over the HUAWEI and HUAWEI CLOUD trademarks, formative marks and the device mark and its variations mark and the same is associated only with the Complainant.

A. <u>The domain name is identical or confusingly similar to a trademark in which the Complainant has rights:</u>

I hold that the Complainant has successfully demonstrated by way of its Complaint that the Disputed Domain Name HUAWEICLOUD.CO.IN is identical and / or confusingly similar to the HUAWEI and HUAWEI CLOUD trademarks and other formative marks in which the Complainant has unquestionable rights for the following reasons:

a. I find that the Complainant is a global giant and one of the major players in the field of information and telecommunication and smart devices. I find that the Complainant is also the registered proprietor of 'HUAWEI' and 'HUAWEI CLOUD' formative marks in classes 9 and 42. Copy of relevant document

evidencing registration of 'HUAWEI' and 'HUAWEI CLOUD' formative marks in classes 9 and 42 in favor of the Complainant were attached with the Complaint and marked as Annexure-C. I have perused the information and documents filed by the Complainant to denote its trademark rights and reputation attached to the HUAWEI and HUAWEI CLOUD trademarks in India. In view of the same, I find that the Complainant has unquestionable prior and superior rights over the HUAWEI and HUAWEI CLOUD word, formative marks as well as the device mark and the various iterations thereof. HUAWEI is also part of company name and domain name of the Complainant.

b. I find that the Respondents have deliberately adopted and registered disputed domain name in bad faith. I also find that the Respondents have registered the disputed domain name to squat over it and make illegal gains by selling it at a high price.

c. I find that the Respondents' adoption of the HUAWEI and HUAWEI CLOUD trademarks of the Complainant as part of the Offending Domain is a violation of the Complainant's rights in and to the marks HUAWEI and HUAWEI CLOUD.

d. Therefore, in view of the abovesaid findings, I hold that the conditions under Paragraph 4(a) of the INDRP stand suitably established.

B. <u>The Respondents have no rights or legitimate interests in the domain name;</u>

I hold that the Complainant has successfully demonstrated by way of its Complaint that the Respondents have no right or legitimate interest in the disputed domain name <HUAWEICLOUD.CO.IN> for the following reasons:

a. I find that the Respondents have no right to register the domain name with HUAWEI and HUAWEI CLOUD trademarks of the Complainant in any manner, as it is the sole property of the Complainant. I find that the Complainant has statutory and common law rights on the HUAWEI and HUAWEI CLOUD trademarks. I find that the adoption / use of the HUAWEI and HUAWEI CLOUD trademarks by the Respondents are not licensed or permitted, thus, the adoption

thereof of the HUAWEI and HUAWEI CLOUD trademarks as part of Disputed Domain Name or in any manner whatsoever, results in infringement and passing off the rights of the Complainant in and to the HUAWEI and HUAWEI CLOUD trademarks. In view of the same, I hold that the Respondents cannot claim to have any legitimate rights in the HUAWEI and HUAWEI CLOUD trademarks.

b. I find that the Respondent No. 2 has registered the domain name with the intention to squat over the disputed domain name so that either the Complainant will purchase it at a high price of USD 8,800 or a third-party from which the Complainant would have to secure the disputed domain name.

c. I find that the Respondents have registered the Disputed Domain Name comprising of the HUAWEI and HUAWEI CLOUD trademarks of the Complainant with the sole aim to make illegal benefits from the goodwill and reputation of the HUAWEI and HUAWEI CLOUD trademarks built by the Complainant.

d. Therefore, in view of the abovesaid findings, I hold that the Respondents have no rights or legitimate interests in respect of the disputed domain name under the provisions of Paragraph 4(b) and Paragraph 6 of .IN Policy.

C. <u>The domain name is registered and being used in bad faith.</u>

I hold that the Respondents have registered the impugned domain name in bad faith as per Paragraph 7(c) of the INDRP for the following reasons:

a. I find that the bad faith of the Respondents evident from the use of HUAWEI and HUAWEI CLOUD trademarks in the Disputed Domain Name, which is the property of the Complainant and is associated with the Complainant only. I find that the Disputed Domain Name is worded in such a manner that it appears that it is a legitimate domain name/website of the Complainant in India.

b. I find that the HUAWEI and HUAWEI CLOUD trademarks are only associated with the Complainant and none else. I hold that the adoption of the disputed domain name by the Respondents is dishonest and in bad faith.

c. I find that the use of the HUAWEI and HUAWEI CLOUD trademarks in the Disputed Domain Name is without due cause and has been done solely to gain illegal benefit from the goodwill of the same, which has been created by the Complainant. I hold that the registration of the Offending Domain has been done in bad faith and with dishonest intention to make illegal gains by selling at a high price. I find that the adoption of the Disputed Domain Name is contrary to the honest commercial practices of trade.

d. I also find that the adoption of the trademark of the Complainant is without a license or other authority, is evidence of bad faith in itself. I do not find any reason for the Respondents to incorporate the trademark of the Complainant in the Disputed Domain Name. I find that the adoption of the Disputed Domain Name by the Respondents is not for non-commercial purposes and would not fall under the ambit of 'fair use'. I find that the only reason for adoption of the HUAWEI and HUAWEI CLOUD trademarks is to make illegal profit.

e. Finally, in light of the above submissions, I hold that it is overwhelmingly clear that the Respondents' registration of the disputed domain name **<HUAWEICLOUD.CO.IN>** is in bad faith, without sufficient cause and is intended to take advantage of the Complainant's immense reputation and prominent presence on the internet in order to confuse the public to the detriment of the Complainant. The said domain name is deceptively similar to Complainant's domain name https://cloud.huawei.com/.

In view of all the above facts and well-known legal precedents, I find and hold as under:

- That the disputed domain name of the Respondents is deceptively and confusingly similar to the Complainant's HUAWEI and HUAWEI CLOUD trademarks, company name HUAWEI TECHNOLOGIES CO., LTD and domain name

https://cloud.huawei.com/.

- That the registration of the disputed domain name < HUAWEICLOUD.CO.IN> is only for illegal gains from the reputation and goodwill of the Complainant's HUAWEI and HUAWEI CLOUD trademarks.
- That the disputed domain name was registered in bad faith by the Respondents.
- That the disputed domain name is strictly identical to the Complainant's distinctive mark, consumers would certainly mistakenly assume that a website / disputed domain name HUAWEICLOUD.CO.IN is operated or endorsed by the Complainant, when such would not be the case.
- That the Respondents have no rights or legitimate interests in respect of the disputed domain name.
- That there is also an imminent likelihood of damage which may be caused to the public at large and also cause irreparable damage to the Complainant's reputation and goodwill through the disputed domain name.
- That the Respondents does not have any affiliation or connection with the Complainant and/or its goods / services under the HUAWEI and HUAWEI CLOUD trademarks and consequently it is inconceivable that the Respondents' adoption of the name <http://huaweicloud.co.in> which is deceptively similar to the Complainant's HUAWEI and HUAWEI CLOUD trademarks amongst other trademarks and domain names with HUAWEI and HUAWEI CLOUD trademarks can be seen as merely coincidental.

VII. DECISION

a) In view of the above facts and circumstances, it is clear that the Complainant has succeeded in its complaint.

b) That the .IN Registry of NIXI is hereby directed to transfer the domain name/URL of the Respondents **<http://huaweicloud.co.in>** to the Complainant;

c) In the facts and circumstances of the case no cost or penalty is imposed upon the Respondents. The Award is accordingly passed on this 01st h day of October, 2022.

Mr. Sridharan Rajan Ramkumar

Sole Arbitrator

Date: 01st October 2022