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Unique Doc. Reference : SUBIN-DLDSLHIMP1781980370470821V
Purchased by : VAKUL SHARMA
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
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First Party : VAKUL SHARMA
Second Party : Not Applicable
Stamp Duty Paid By : VAKUL SHARMA
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



ARBITRATION AWARD

INDRP CASE No. 1769

Brewing Gadgets General Trading LLC & Anr. [Complainant] v Suhas Dwarkanath
[Respondent]

Disputed Domain Name: BREWINGGADGETS.IN
BEFORE THE SOLE ARBITRATOR: VAKUL SHARMA

DATED: December 21, 2023



ARBITRATION AWARD

In the matter of:

**Brewing Gadgets General Trading
LLC,**

Through

**Mr. Franklin Carvalho - General
Manager and Authorised
Signatory, having its principal
office at Shop No.1 Building EMR
25, Emirati Cluster, International
City, Dubai, UAE, 125813
.....Complainant No. 1**

**Goutham Kumbarger Srinath
Resident of Flat No.201, Building
F6 China Cluster, International
City, Dubai, UAE**

.....Complainant No. 2

Disputed Domain Name:

<BREWINGGADGETS.IN>

-v-

**Suhas Dwarkanath
Jayanagar, Bangalore,
Karnataka,
India
[Respondent]**

INDRP CASE No. 1769



1. The Complainants

Brewing Gadgets General Trading LLC, is a registered company having its principal office in Dubai, UAE, 125813. Complainant No. 1 is an established and well-known entity selling coffee machines, coffee equipment and other coffee related products and services for more than 10 years. As per the Complaint, Complainant No. 1 is the exclusive licensee of the trademarks "BREWINGGADGETS" - which are owned by Complainant No. 2.

2. The Respondent

The Respondent is identified as Suhas Dwarkanath, Jayanagar, Bangalore, Karnataka, India by the Complainant having email ID: suhas.dwarkanath@gmail.com

3. The Registrar

The Registrar with which the domain name is registered is: GoDaddy.com LLC

4. Disputed Domain Name

<BREWINGGADGETS.IN>

5. Jurisdiction

Complainants by filing the Complaint under the aforesaid INDRP Rules of Procedure [Rules] has accepted the subject matter jurisdiction of the .IN Domain Dispute Resolution Policy -.INDRP [Policy].

In view of the above, this domain name dispute is properly within the scope of the Policy. The registration agreement, pursuant to which the disputed domain name was



registered, incorporates the Policy. Disputes between Registrants, as they relate to domain name registrations, are governed by the Policy.

6. Procedural History

- (i) This Arbitration Proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy"), adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules"), which were approved on June 28, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By submitting to the Policy and the Rules, the Complainant agreed to the resolution of the disputes pursuant to the Policy and the Rules.
- (ii) Complaint was filed by the Complainants with NIXI against the Respondent. NIXI verified the Complaint and its annexures for conformity with the requirements of the Policy and the Rules.
- (iii) I submitted the statement of acceptance on October 4, 2023 and subsequently appointed by NIXI as an Arbitrator in the above matter.
- (iv) Complainants submitted a Copy of the Complaint and Annexures to me as well as to the Respondent's email ID: suhas.dwarkanath@gmail.com from its email ID in accordance with the Rules.
- (v) Complainants vide email dated October 6, 2023 informed me the details of the Respondent, including the identity, physical address details as well as the email ID.



- (vi) Complainants were directed vide Notice dated October 19, 2023 to amend the cause title of the complaint and to comply with the Rule 3(d) of the INDRP.
- (vii) Complainants vide email dated October 26, 2023 submitted a proof of service receipt. It further affirmed that the complaint and the annexures have been sent to the Respondent email ID: suhas.dwarkanath@gmail.com on October 23, 2023.
- (viii) In view of the completion of procedures related to Service of Complaint as mandated under the Rules, I issued a Notice dated October 28, 2023 to the Respondent to submit its reply to the above said complaint within 15 days from the date of the Notice failing which the Complaint shall be decided on merit.
- (ix) In the interest of justice, it was felt that the Respondent should be given another opportunity to file its Reply. I, therefore issued a Notice dated November 20, 2023 to the Respondent granting another five days' time to submit its Reply, if any, failing which the Respondent right to file Reply stands closed and the Complaint shall be decided *ex-parte* based on merits of the Complaint.
- (x) Despite giving a final opportunity, the Respondent has failed to submit any reply and hence vide notice dated December 2, 2023, I informed both the parties that *"the Respondent right to file Reply stands closed and the Complaint shall now be decided ex-parte on the basis of the merits of the Complaint."*
- (xi) The Arbitration Award is now pronounced on this day, i.e., December 12, 2023 after considering the contentions of the Complainants, evidence on record and the Policy framework under my signatures. This is an *ex-parte order* as the



Respondent has failed to file their Reply despite being given adequate opportunity.

7. Contentions of the Complainant

Complainants in its complaint has made assertions to establish presence of each of the three elements required by paragraph 4 of the Policy.

I. **Whether the domain name <BREWINGGADGETS.IN> is identical to the registered trademarks in which the Complainants have rights?**

Complainants submit that:

- (a) Complainant No. 1, Brewing Gadgets General Trading LLC, is a registered company having its principal office at Shop No.1, Building EMR 25, Emirati Cluster, International City, Dubai, UAE, 125813. Complainant No. 1 is an established and well-known entity selling coffee machines, coffee equipment and other coffee related products and services for more than 10 years. Complainant No. 1 has clients ranging from private households to hospitality establishments in different parts of the world. It is pertinent to note herein, the domain name owned and used by the Complainants wholly and solely contains the registered trade mark "BREWING GADGETS".
- (b) The Complainants used the web-site, located at www.brewinggadgets.com, which includes a comprehensive catalogue of the goods and services offered by the Complainants to their customers. The Complainants' domain name, www.brewinggadgets.com was registered on 01st August 2011 and the



Complainants have been continuously and uninterruptedly using the said domain since then. The WhoIs report of the domain name www.brewinggadgets.com. Reliance is placed on ANNEXURE-6. Further, reliance is placed on screenshots of the Complainants' website, and other online material annexed as ANNEXURE-7

(c) Due to the continued use of their domain name www.brewinggadgets.com and the mark "BREWING GADGETS" as the brand name, the Complainants have generated substantial goodwill and have, as a result of the same, captured a significant market share. The Complainants are a well-known, reliable and trusted name when it comes to goods and services related to coffee. This is evident from the sales figures and revenue of the Complainant. Over the last five years, the Complainants have generated sales revenue of over USD 45 million (AED 172 million). Reliance is placed on the copy of the Certificate issued by the Chartered Accountant providing the sales figures and revenue of the Complainant annexed as ANNEXURE-8.

(d) Complainant No. 2, Mr. Goutham Kumbargeri Srinath, is the registered proprietor / owner of the trade mark "BREWING GADGETS". The trade mark "BREWING GADGETS" has been in continuous and uninterrupted use since 01st August 2011, as is evident from the registration certificates and user affidavits relied upon as ANNEXURE-9 and ANNEXURE-10. The trade marks "BREWING GADGETS" have been exclusively licensed to Complainant No. 1 by Complainant No. 2.



- (e) Furthermore, Complainant No. 2 is the registered proprietor of several trade marks and logos, including but not limited to "BREWING GADGETS". The trade marks, details of which are provided below, are registered in India and in several other jurisdictions around the world including the Kingdom of Saudi Arabia (KSA) and the United Arab Emirates (UAE). The trade mark registrations recognise the Complainants' use of the mark since 2011 and protect the same.
- (f) The Complainants adopted the trademark "BREWING GADGETS" in the year 2011 and have been using the said mark continuously, extensively and uninterruptedly since 01st August, 2011. The said trade mark has now become well-recognized and widely associated with the Complainants. Trade mark registrations recognising and protecting the same since August 2011 have been annexed with this complaint.
- (g) BREWING GADGETS is an established and internationally renowned name in the business of selling coffee machines, coffee equipment and other coffee related products and services. Complainant No. 2 also owns several other domain names such as <brewinggadgets.com>, <brewinggadgets.net>, <brewinggadgets.asia>, etc.
- (h) The Complainants' website www.brewinggadgets.com has several products offered for sale and receives a considerable number of hits on a regular basis. The customer base of the Complainants has grown significantly over the years.



- (i) The trademark "BREWING GADGETS" has been used by the Complainants exclusively and extensively, thus making it synonymous with the Complainants and the products and services provided by them under the said name / mark. The trade mark "BREWING GADGETS" is the coveted property of Complainant No. 2 (licensed to Complainant No. 1).
- (j) No other party, unless duly authorised by Complainant No. 2, is entitled to use any identical or deceptively similar marks so as to ride upon the goodwill of the Complainants. Complainant No. 2 is the exclusive licensee for the trade marks "BREWING GADGETS" and is duly authorised by Complainant No. 1 to use the said trade marks in the course of its business. Any unauthorised use of the trade mark / name "BREWING GADGETS" by any third-party shall amount to a flagrant violation of the statutory and common law rights of the Complainants, while also being a violation of the INDRP Policy.
- (k) It is blatantly evident that the impugned domain name www.brewinggadgets.in, with "brewinggadgets" as the operative portion of the domain name, is IDENTICAL to the registered trademarks of the Complainants, which have been in use since 01st August 2011. It is submitted that the trade mark "BREWING GADGETS" has been in continuous and uninterrupted use by the Complainants since 01st August, 2011 and has acquired distinctiveness over time and is solely attributed to Complainants. There is a serious likelihood of confusion of innocent internet users, customers and potential customers.
- (l) Therefore, by registering the impugned domain name which is IDENTICAL to the Complainants' trademarks "BREWING GADGETS", the alleged



Respondent is in flagrant violation of the statutory and common law rights of the Complainants while also violating the Policy.

II. Whether The Respondent has no rights or legitimate interests in respect of the domain name <brewinggadgets.in>?

Complainants submit that:

- (a) Complainant No. 2, being the registered proprietor / owner of the trade mark "BREWING GADGETS" and its derivatives/ formatives, is the only legitimate claimant to the name and trade mark "BREWING GADGETS" and any domain name containing the same.
- (b) The impugned domain name www.brewinggadgets.in itself has NO content on it and is parked on GoDaddy.com. It is submitted that the Complainants apprehend that the Respondent herein is one Mr. Suhas Dwarkanath, a former employee of Complainants, who has registered the impugned domain name after his resignation solely to harass and cause wrongful loss to Complainants. It is further submitted that the said employee held a significant position in the corporate hierarchy of Moksha Trading FZE and had full knowledge about the business of Complainants. He was fully aware of the use of the brand "BREWING GADGETS" by the above-named entity and even handled and processed several customer orders on behalf of the Complainants under the said brand. Before being appointed as the Manager, the alleged Respondent, Mr. Suhas Dwarkanath, was actively working in the business. Reliance is placed on Annexure 1 & 2.



- (c) It is also pertinent to note that during his employment, the alleged Respondent used the email info@brewinggadgets.com for communicating with the customers, prospects and other stakeholders in the business. Therefore, the alleged Respondent had full knowledge of the brand "BREWING GADGETS". He resigned from his position as Manager on 27th July 2013. The Complainants apprehend that the alleged Respondent, based on an oral conversation between them, has registered the impugned domain names after his resignation to illegally prevent the Complainants from being able to register the impugned domain in for their own use in their own name.
- (d) The Respondent's primary purpose, irrespective of his identity, of registering the impugned domain name www.brewinggadgets.in is to prevent and block the Complainants from registering the said domain name and profit from reselling it to the Complainants.
- (e) Furthermore, having gained significant knowledge of the industry during his employment with Complainants and being well versed with the workings of the same, the alleged Respondent may also try to take the Complainants' business away from them by deliberately using a domain name that is identical to and infringes upon the Complainants' trade mark "BREWING GADGETS".
- (f) The ill-intention of the Respondent is blatantly clear as the impugned domain name was registered only in the year 2018, i.e. after much deliberation and plotting following the alleged Respondent's



resignation, with the motive to cause wrongful loss to the Complainants and wrongful gain to the Respondent. Hence, the Respondent's registration of the impugned domain name www.brewinggadgets.in is unauthorised, illegal and entirely malafide.

(g) The Complainants have been using the mark "BREWING GADGETS" continuously and uninterruptedly since August 2011, evidenced by the trade mark registrations and affidavits enclosed with this complaint - while the impugned domain name was registered in November 2018. Therefore, it is clear that the Respondent, irrespective of his identity, has no legitimate interest in the impugned domain name and has registered it in violation of the .IN Domain Name Dispute Resolution Policy, merely for the purpose of preventing the Complainants from registering the impugned domain name.

(h) The Respondent, irrespective of his identity, does not have any legitimate interest in the impugned domain name and have been registered for the primary purpose of illegally preventing the Complainants from being able to register it in their own name for their own use.

III. Whether the domain name <brewinggadgets.in> was registered or is being used in bad faith?

Complainants submit that:

(a) The impugned domain name www.brewinggadgets.in was registered by the Respondent on 17th November 2018. Whereas, Complainant No. 2 had already



registered his domain name www.brewinggadgets.com on 01st August 2011. It is further submitted that the Complainants, in their Trademark Applications, have claimed and proved the prior, continuous and uninterrupted use of the trade mark "BREWING GADGETS" since 01st August 2011. Reliance is placed on ANNEXURE-10 (Colly).

- (b) The Respondent has been impleaded in the present Complaint as the impugned domain name www.brewinggadgets.in has been registered in its name by the Registrar GoDaddy.com, LLC. The Registrant of the impugned domain name www.brewinggadgets.in has no official website and is not operative.
- (c) That the Complainant apprehends that one Mr. Suhas Dwarkanath, a former employee of Complainants, has registered the impugned domain name, in order to illegally prevent the Complainants from registering the same and for extracting a premium from the Complainants for the purchase of the same from the Respondent.
- (d) The mala-fide intention of the alleged Respondent is blatantly clear as the impugned domain name has been registered only on 17th November 2018, i.e. after much deliberation following the alleged Respondent's resignation. The alleged Respondent has been aware of the use of the mark "BREWING GADGETS" by the Complaints, as he is a former employee of the Complainants.
- (e) The Complainants submit that the Respondent, irrespective of his identity, registered the impugned domain name in bad faith and is misusing the impugned domain name www.brewinggadgets.in has been registered with the primary



intention of illegally preventing the Complainants from exercising their rights to register and own the impugned domain name as per the INDRPPolicy and applicable laws and further with the sole intention of causing wrongful gains to the Respondent and wrongful loss to the Complainants by squatting on the impugned domain name.

- (f) As submitted hereinabove, the website operated by the Respondent herein under the impugned domain name www.brewinggadgets.in has no content whatsoever. It has been parked on GoDaddy.com. The impugned domain name is identical to the name and the trade mark of the Complainants. The Complainants have been using the mark "BREWING GADGETS" continuously and uninterruptedly since August 2011, evidenced by the trade mark registrations enclosed with this complaint, while the impugned domain name was registered in November 2018.

8. Respondent's Contentions

Despite given adequate opportunities, Respondent has failed to submit any Reply.

9. Discussion and Findings

The Respondent has not filed any Reply to the Complaint. However, the Respondent's default does not automatically result in a decision in favour of the Complainants. The Complainant has to still establish each of the three elements required by Paragraph 4 of the Policy:

Under the Paragraph 4 clauses (a) – (c) of the Policy, the Complainant must prove that:

- (a) the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights;



- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) the Registrant's domain name has been registered or is being used in bad faith.

The Complaint has to be decided on the basis of the provisions of INDRP, pleadings, including documentary evidence presented before me. The Complainants in order to succeed must satisfy the conditions laid down in Paragraph 4, clauses (a) – (c) of the Policy.

I have considered the Complainants pleadings, documentary evidence, conditions as laid down in the aforesaid Policy alongwith the relevant case law. My opinion is as follows:

- (a) Whether the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights?**

Complainants have placed details of its trademark 'BREWING GADGETS' across multiple jurisdictions in its complaint alongwith documentary evidence as Annexure 10 (Colly.) to highlight that BREWING GADGETS is undisputedly a well-known trademark world-wide. From the documentary evidence as placed before me, it is quite evident that BREWING GADGETS a well-known trademark is incorporated in its entirety by the Respondent in the disputed domain name <brewinggadgets.in>, which in my view is sufficient to establish that the Respondent's disputed domain name is identical or confusingly similar to Complainants registered trademark. It is evident that the Complainants interest in the disputed domain name is legitimate and is necessary to maintain and protect its exclusive and proprietary hold over its trademark.



I consider that there is a force in the arguments of the Complainant that the disputed domain name <brewinggadgets.in> is confusingly similar or identical to the Complainants registered trademark. I am of the opinion that even a reasonable man would be confused between the disputed domain name and the Complainants trademark BREWING GADGETS as these are confusingly similar or identical. The disputed domain name <brewinggadgets.in> is presently parked on the GoDaddy's website, however carrying clickable-links as 'advertisement material' leading to different websites. This in my view dilutes the brand value and image of the Complainants presence on the Internet and may confuse a reasonable person, including a potential customer about BREWING GADGETS as a brand name.

Furthermore, the Respondent has failed to observe the legal obligations as laid down in Paragraph 3 [Registrant's Representations] of the INDRP, which provides:

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

- (a) the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;*
- (b) to the knowledge of registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;*
- (c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and*
- (d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations.*

In my opinion, the Respondent has knowingly registered the Complainant's trademark in the form of virtual confusingly similar name < BREWING GADGETS >, which is followed by a *suffix*, .IN [ccTLD] to complete the domain name string < BREWING



GADGETS.IN>. I am of the opinion that the Respondent's registration of domain name < BREWING GADGETS.IN > confusingly similar or to the Complainant's trademark may hurt the Complainants commercially. The documentary evidence as placed on record by the Respondent suggests that the Respondent was aware of the Complainants trademark nevertheless registered the same as domain name <BREWINGGADGETS.IN> in anticipation of monetary gains. It is to be noted that the Respondent has failed to deny the documentary evidence relied upon by the Complainants despite being given ample opportunities. I am of the opinion that the benefit under the circumstances lies with the Complainant. It is thus very clear that the Respondent violated the conditions as laid down in the Paragraph 3(a) – (d) of the policy as mentioned above. In view of the above, the requirement of the Policy as stated in Paragraph 4(a) is satisfied.

(b) Whether the Registrant has no rights or legitimate interests in respect of the domain name?

There is nothing on record to suggest that the Respondent is either licensee or authorised agent of the Complainant. In other words, the Respondent has no legal right or legitimate interests in the disputed domain name. I am of the view that the Complainant has been able to demonstrate clearly that the composition of the disputed domain name constitutes clear evidence that the Respondent has been successful in diverting users looking for Complainants online to the website at the disputed domain name, consisting of a pay-per-click page featuring several sponsored links, leading to third parties' commercial websites. This by no stretch of imagination can constitute legitimate non-commercial or fair use, further demonstrating a lack of legitimate interests regarding said domain name.

Also, Paragraph 6 of the INDRP provides:

6. Registrant's Rights and Legitimate Interests in the Domain Name

Any of the following circumstances, in particular but without limitation, if found by the Arbitrator to be proved based on its evaluation of all evidence presented, shall



demonstrate the Registrant's rights to or legitimate interests in the domain name for the purposes of Clause 4 (b) :

(a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;

(b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights; or

(c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

I have evaluated the evidence on record and came to a conclusion that none of the aforesaid limbs as highlighted in the Paragraph 6 of the Policy above have been present to give the Respondent/Registrant any rights and legitimate interests in the disputed domain name. The Complainant has never authorized or licensed the Respondent to use BREWING GADGETS trademark in any way or for any purpose. There is nothing on record to suggest that the Complainant had at any time granted any licensing rights or formed contractual association or affiliation with the Respondent. The Complainant has been able to establish a *prime facie* case of Respondent's lack of legitimate rights and interests in the domain name thus shifting the burden on the Respondent to show rights or legitimate interests [Bulgari S.p.A. v DomainBook [INDRP/1002], Croatia Airlines d.d. v. Modern Empire Internet Ltd. WIPO Case No. D2003-0455, Belupo d.d. v. WACHEM d.o.o. WIPO Case No. D2004-0110, Sampo plc v. Tom Staver WIPO Case No. D2006-1135, Audi AG v. Dr. Alireza Fahimipour WIPO Case No. DIR2006-0003.]. It is quite evident that the registration of the disputed domain name on the part of the Respondent falls in the category of domain squatting. It is to be noted that the Respondent has failed to counter or deny



assertion made by the Complainants. I am of the opinion that the *malafide* intent of the Respondent is quite evident from webpage/website hosted by GoDaddy resolving into third party commercial links thereby clearly establishing the fact that the Respondent actions are neither *bonafide* nor fall in the category of legitimate non-commercial or fair use of domain name. This existence of a rogue webpage/website "pay-per-click" bearing Complainants trademark may never be called a legitimate activity on the part of the Respondent. In view of the above, the requirement of the Policy as stated in Paragraph 4 (b) is satisfied.

(c) Whether the Registrant's domain name has been registered or is being used in bad faith?

In the absence of any documentary evidence showing any legal arrangement with the Complainants, any use of the disputed domain name by the Respondent, when it has no legal rights to register the disputed domain name proves *malafide* intent on the part of the Respondent.

Further, Paragraph 7 of the policy provides:

7. Evidence of Registration and use of Domain Name in Bad Faith

For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the registration and use of a domain name in bad faith:

(a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the trademark or service mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or



(b) the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or

(c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

The documentary evidence placed on record by the Complainants clearly shows that the Respondent has indeed taken advantage of the Complainants reputation, brand value and goodwill by registering the disputed domain name. The *malafide* intent is clear from the webpage/website exhibiting <BREWINGGADGETS.IN> resolving into third party sponsored links. I am of the view that the webpage/website resolving into clickable links leading to third party websites underline the Respondent's intention to abusively benefit from Complainants reputation and trademark to obtain commercial gains, however, I would like to mention that there is nothing on record to suggest that the Respondent approached the Complainants for payments to transfer the disputed domain name.

Nevertheless, as highlighted above, I am of the opinion, the Respondent is taking unfair advantage of the Complainants legal rights. The Complainants have been able to demonstrate that BREWING GADGETS trademark is only associated with them. The Respondent/Registrant in this case has been misappropriating the valuable intellectual property of the Complainants.

In view of the above factual legal matrix, I am of the view that the adoption of the said mark by the Respondent as registrant of the disputed domain name is dishonest and in bad faith.

Accordingly, having regard to the circumstances of this particular case, I hold that the Complainants have been able to prove that the Registrant's registered the disputed domain



name in bad faith. In view of the above, the requirement of the Policy as stated in Paragraph 4 (c) is satisfied.

10. Decision

For the foregoing reasons, in accordance with the Policy and Rules, I direct NIXI to transfer the disputed domain name < BREWINGGADGETS.IN> to the Complainants.

There is no order as to costs.

The original copy of the Award is being sent along with the records of the proceedings to the National Internet Exchange of India (NIXI) for its record and a soft copy of the Award is being sent to both the parties thru email for their information and record.


Vakul Sharma

(Sole Arbitrator)

Dated: December 21, 2023