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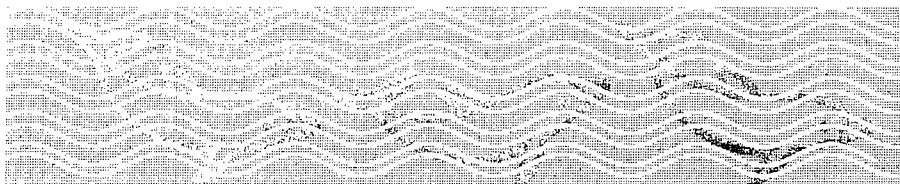
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Certificate No.	: IN-DL97449058704489V
Certificate Issued Date	: 17-Nov-2023 11:39 AM
Account Reference	: IMPACC (IV)/dl717303/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL71730359878598983803V
Purchased by	: AJAY GUPTA ARBITRATOR
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: AJAY GUPTA ARBITRATOR
Second Party	: OTHERS
Stamp Duty Paid By	: AJAY GUPTA ARBITRATOR
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)

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INDRP ARBITRATION CASE No.1775
THE NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)

ADMINISTRATIVE PANEL DECISION
SOLE ARBITRATOR: AJAY GUPTA

RELIANCE INDUSTRIES LIMITED

Vs.

JOHN DOE

DISPUTED DOMAIN NAME: "JIOADS.IN"

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RELIANCE INDUSTRIES LIMITED
Maker Chambers – IV, Nariman
Point, Mumbai-400021 [INDIA]

... Complainant

VERSUS

JOHN DOE

... Respondent

Disputed Domain Name: "JIOADS.IN"



1. THE PARTIES

- 1.1 The Complainant, in this arbitration proceeding, is Reliance Industries Limited and its contact address is Maker Chambers – IV, Nariman Point, Mumbai-400021 (INDIA).
- 1.2 The Complainant's Authorized Representative in this administrative proceeding is Ajay Sahni & Associates Advocates, 31/42 Punjabi Bagh, New Delhi 110026 Telephone : +91 11 41032782 Fax : +91 11 41022982, Email : postbox@asahni.co.
- 1.3 The Complainant regarding the Respondent submits that upon conducting who is query on the www.jioads.in domain, it was discovered that the name and other details of the registrant were redacted. The Complainant, thereafter, conducted a desktop commercial investigation through which the domain name www.jioads.in was found but it did not mention about the Respondent. The Complainant submits that the Respondent's identity is currently unknown to the Complainant and for that reason, the Respondent has been referred to as John Doe. The Complainant further submits that the WHO IS information shared by NIXI also contains only the following details against the Registrant's name /address : "Name : nnffffffffffffff cb", "Email : [fhfhfhfhfhfhfhfhfh454512121454545454545t@gmail.com](mailto:fhfjhfhfhfhfhfh45451212145454545454545t@gmail.com)", "Address : pkddjkdjd,khjhh, Manipur, 6554466; and Telephone: +91.123456788. The Complainant submits that it clearly shows that the Respondent has attempted to deliberately suppress its actual details and operate clandestinely in order to illegally benefit from the impugned domain.

2. THE DOMAIN NAME AND REGISTRAR

- 2.1 The disputed domain name is "JIOADS.IN" and the Registrar with which the disputed domain name is registered is GoDaddy.com LLC and its address is Go Daddy LLC, Legal Department, 14455 North Hayden Rd. Suite 219 Scottsdale, AZ 85260.



3. PROCEDURAL HISTORY [ARBITRATION PROCEEDINGS]

3.1 This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy [INDRP], adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure [the Rules] were approved by NIXI on 28th June 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes under the .IN Dispute Resolution Policy and Rules framed thereunder.

3.2 The history of this proceeding is as follows :

3.2.1 In accordance with Rules 2(a), NIXI on 06.11.2023 formally notified the Respondent of the complaint along with a copy of the complaint & annexures/documents, and appointed Ajay Gupta as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Resolution Policy and the Rules framed thereunder. That the Arbitrator submitted the Statement of Acceptance & Declaration of Impartiality and Independence dated 06.11.2023 to NIXI.

3.2.2 This panel while considering the submissions of the complainant about the Respondent's identity and address and also going through the WHOIS details as provided by the NIXI observed that all the details of the respondent i.e. name, postal address, email id and telephone number submitted by the Respondent at the time of registration are wrong and fake, it appears that the Respondent has deliberately attempted to hide/suppress its actual details.

3.2.3 That commencing the arbitration proceedings an Arbitration Notice Dated 06.11.2023 under Rule 5(c) of INDRP Rules of Procedure was emailed to the Respondent



(who is John Doe) by this panel on 06.11.2023. The said email was sent to the respondent on the Email: fhfjhfhfhfhfhfh454512121454545454545t@gmail.com as mentioned in the WHOIS details of the Respondent and also on Email : postmaster@jioads.in as provided by the NIXI , with the direction to file a reply of the complaint, if any, within 10 days.

3.2.4 The arbitration notice sent to the Respondent by this panel via mail dated 06.11.2023 on Email: fhfjhfhfhfhfhfh454512121454545454545t@gmail.com as mentioned in the WHOIS details of the Respondent returned undelivered with response **"The email account that you tried to reach does not exist"**. However, the arbitration notice mailed on email address "postmaster@jioads.in" was duly served. That in view of the aforesaid facts and circumstances this panel on 16.11.2023 reserved the matter for passing of the award and the panel's decision is based upon the Complainant's assertions, evidence, inferences, and merits only.

4. Background of the Complainant & its Submissions about the trademark "JIO".

The Complainant, in the present arbitration proceedings to support their case, has relied and placed on records documents as Annexures and made the following submissions :

4.1 The Complainant submits that the complainant is a Company having its registered office as mentioned in the case title hereto. The Complainant is the owner of the globally well-known and famous trademark 'JIO' along with other 'JIO' formatives that are registered across several classes and in many jurisdictions. The Complainant, through its licensee(s) and/or affiliate(s) operates India's leading telecom services business under the trademark 'JIO'. The Complainant has created a



massive digital ecosystem for one billion Indians with domain expertise across several business verticals. The Complainant not only provides world-class fixed-mobile converged connectivity, but also digital solutions across the entire customer life cycle. The JIO business of the Complainant is operated through Reliance Jio Infocomm Ltd. and Jio Platforms Ltd. which are subsidiaries of the Complainant, Reliance Industries Limited.

4.2 The Complainant further submits that it is an Indian multinational conglomerate, headquartered in Mumbai. Its businesses include energy, petrochemicals, natural gas, retail, telecommunications, mass media, and textiles. The Complainant is the largest public company in India by market capitalization and revenue, and the 100th largest company worldwide. It is India's largest private tax payer and largest exporter, accounting for 7% of India's total merchandise exports. The Complainant along with its subsidiaries and affiliate companies constitute the Reliance Industries Limited Group (hereinafter the 'RIL Group' or the 'Complainant Group'), India's largest private sector conglomerate. The Complainant is involved in wide range businesses ranging from petrochemicals, textiles, retail to telecommunications. The RIL Group's consolidated revenue for financial year 2022-23 is INR 9,74,864 crores.

4.3 The Complainant submits that it has been ranked Number 88 in the Fortune Global 500 ranking in 2023, ranked Number 45 in Forbes Global 2000 ranking in 2023 and named 'Most Respected Company' in India by BW Business world. The Complainant further submits that in the past five decades, the Complainant has expanded their business globally and has become one of the fastest growing companies in India. The Complainant commands tremendous goodwill and reputation in domestic as well as

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international markets and their products and services are known for their unparalleled quality and innovation.

- 4.4 The Complainant submits that the Complainant has evolved from being a textiles and polyester company to an integrated player across energy, materials, retail, telecommunication, entertainment and digital services.
- 4.5 The Complainant's products and services portfolio touches almost all Indians on a daily basis, across economic and social spectrums. The Complainant is now focused on building platforms that will herald the Fourth Industrial Revolution and will create opportunities and avenues for India and all its citizens.

Complainant submissions about the various businesses operating under the JIO mark

- 4.6 The Complainant submits that its JIO brand, has made investments in excess of US\$50 billion since its inception to create the largest and most advanced digital and connectivity ecosystem in India, with a rich bouquet of successful apps and platforms. The Complainant's JIO services span across connectivity and cloud, media, digital commerce, financial services, gaming, education, healthcare, agriculture, Government to Citizen (G2C), smart cities and manufacturing.
- 4.7 The Complainant, under its JIO brand, has created strong internal capabilities across different key digital technologies such as Infrastructure as a Service (IaaS), Platform as a Service (PaaS), Big Data, Augmented Reality /Virtual Reality (AR/VR), Internet of Things (IoT), Blockchain, Artificial Intelligence (AI), Machine Learning (ML), edge computing, speech/natural language, supercomputing, computer vision, robotics and drones. These capabilities will power the creation of re-imagined solutions for various ecosystems across the world.



- 4.8 The Complainant submits that under its JIO brand, envisages a significant opportunity in building a digital society for the citizens of the country, which besides catalyzing productivity and overall economic growth would also generate shareholder returns over the next several decades.
- 4.9 The Complainant submits that, for the first time, it adopted the mark JIO for their telecom business in December 2011. The JIO brand was announced to the public in June 2013 when the name of the Complainant's group entity which is engaged in providing telecom services was changed to Reliance Jio Infocomm Limited (RJIL). On September 5, 2016, RJIL launched its flagship telecom services under the brand JIO across the country. Due to the high quality of services which were provided at competitive pricing, the mark JIO became well known within a short span of time from its launch. RJIL had over 100 million subscribers within 120 days of launch. As of March 2023, it has crossed the mark of 439 million customers. RJIL is the largest telecom company in India based on the number of customers.
- 4.10 The Complainant submits that recently, the Complainant under its JIO brand launched its True 5G services in India with coverage expanded to more than 2,300 cities and towns. The Complainant's telecom service under the brand JIO carries more than 55% data traffic in India. The strong growth in the digital services business is reflected in its financial performance. The Complainant's digital services EBITDA for FY 2022-23 (towards services rendered under the JIO brand) stood at INR 50,286 crores, marking an increase of 24.9% from the previous year.



- 4.11 The Complainant submits that it has built a mobility network with over 99% population coverage and reached 25 million homes with its JIO fiber offering. The Complainant's offerings under the JIO brand have the widest and deepest market presence through its 9,000 digital stores, more than 1 million merchant partners and 3 million 'Jio Associates' to enhance customer outreach. The Complainant's JIO connectivity platform enables digital platforms across ecosystems, including Media & Entertainment, Commerce, Financial Services, Education, Gaming, e-Governance, Healthcare and Agriculture.
- 4.12 The Complainant submits that its JIO brand, has established itself as a strong market leader in India's digital services ecosystem which includes its 'Jio Fiber' service, as mentioned above. The Complainant's JIO digital ecosystem carries more than 10 Exabytes of monthly data traffic. The Complainant has also expanded the use of its JIO brand to different market horizons such as 'Jio Studios' in the media and content industry and 'Jio Cinema'. 'Jio Cinema' recently became India's No.1 OTT platform and has emerged as a game changer in the media and entertainment sector by acquiring rights of marquee sports tournaments like FIFA World Cup, etc. in India and various other entertainment content across genres and languages. The Complainant's 'Jio Studios' has demonstrated scale, commercial success as well as garnered critical acclaim with 16 films and 8 web series sweeping over 100 awards in India and internationally. The Complainant's JioSaavn app is an Indian Music streaming service and a digital distributor of Hindi, Marathi, English, Malayalam, Bengali, Kannada, Tamil, Telugu, Bhojpuri and other regional Music of India around the world. It has acquired rights to over 80 million music tracks in 16 languages.



- 4.13 The Complainant further submits , that through its other ventures like Jio-bp, the Complainant has partnered with several players from the automobile sector, real estate and mall developers, e-commerce players, fleet operators, corporates and other large establishments to create a robust public EV charging infrastructure and battery swapping network. Jio-bp has registered a growth of 35% in direct sales volume, staying ahead of the competition and reinforcing customer trust. Further, JioGenNext's Market Access Programme (MAP) engages startups to explore opportunities within the Reliance ecosystem and receive hands-on guidance for scaling up. JioGenNext aims to enhance its support to startups and foster mutually beneficial partnerships within the startup ecosystem.
- 4.14 The Complainant submits that it also operates various flagship businesses in the retail sector under the mark JIO with ventures like AJIO, JioMart, Reliance Trends, Reliance Digital, My Jio and digital stores, etc. JioMart is a cross-category digital commerce platform for Grocery, Electronics, Fashion, Home & Kitchen, Jewellery, Beauty and more. JioMart offers for sale products under the JIO brand, as well as many key national and international brands through exclusive license arrangements.
- 4.15 The Complainant submits that AJIO is the leading digital commerce fashion destination in the country that offers curate collections across thousands of national and international brands as well as a wide collection of own brands across product categories. AJIO Business has partnered with merchants across the country and provides them with access to wide bouquet of high quality fashion merchandise. The Complainant also regularly organizes many large-scale events that have seen the presence of prominent celebrities, business leaders, statesmen and



others, under the JIO brand such as the 'Jio World Drive' launch event held at Mumbai, JioMart's Crafts Mela, etc.

- 4.16 The Complainant further submits that it has also recently launched and/or is about to launch several other products and services under the JIO brand, such as the JioBharat mobile device, JioDive VR headset, JioBook Laptop, and Jio AirFiber.

Complainant's submissions about the JioAds

- 4.17 The complainant submits that the trademark JioAds is used by Jio Platforms Limited (JPL), which is a licensee of the Complainant. The Complainant further submits that the JioAds services have been designed to help connect marketers and businesses to hundreds of millions of Indian consumers, who spend on an average more than seven hours a day with Jio products, including connecting to the internet via Jio mobile network and Jio Fiber solutions, engaging across Jio media and connectivity solutions like JioTV, JioGames, JioChat and JioCinema, and transacting both online (with JioMart and AJIO) and offline (such as JioFresh, Reliance Digital and the JioPoint Retail Store Network) within the Jio ecosystem.
- 4.18 The complainant submits that JioAds service, with its unique first-party consumer insights, helps advertisers grow their business across their offline-online consumer purchase cycle. The Complainant delivers an optimized brand experience for both the advertiser and consumer across video, display, custom experiences, in-store experiences, digital OOH, audio, connected devices and coupons, all in a "brand-safe" omnichannel network.
- 4.19 The Complainant submits that JioAds also works with premium publishers, helping monetize their ad inventory. JioAds through its high performing, customized ad formats



including native, interstitial, pre-roll and mid-roll, helps drive revenue across all publisher platforms.

4.20 The Complainant submits that, it through JioAds, reaches out to businesses across the spectrum of industries and geographies, and with its powerful technology and insights is able to meet specific business and growth needs of advertisers and publishers effectively. The Complainant's JioAds services is accessible to the world at large through its website www.jioads.jio.com.

5. THE ISSUES INVOLVED IN THE DISPUTE

5.1 The Complainant in its complaint has invoked paragraph 4 of the INDRP, which reads :

"Class of Disputes "

Any person who considers that a registered domain name conflicts with his legitimate rights or interests may file a Complaint to the.IN Registry on the following premises:-

The disputed domain name is identical or confusing similar to a trademark in which the Complainant has statutory/common law rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The disputed domain name has been registered or is/are being used in bad faith."

5.2 The above-mentioned 3 essential elements of a domain name dispute are being discussed hereunder in light of the facts and circumstances of this complaint.

6. PARTIES CONTENTIONS

The domain name is identical to a trade mark in which Complainant has rights.



7. COMPLAINANT

- 7.1 The Complainant submits that through its various businesses under the mark JIO has established itself as a company of tremendous reput e and value across the world, including in India. The Complainant further submits that it owns over 1200 JIO / JIO-formative trademarks, which are registered or in the process of being registered. The earliest registration of the Complainant's JIO mark date back to December 2011, in classes 9 and 38 under numbers 2247460 and 2247360 respectively. Registration of these marks is valid and subsisting. The Complainant has been using the 'JIO' trademark continuously, consistently and extensively in respect of the products and services that they provide to their customers globally, as a consequence of which the Complainant's 'JIO' trademark enjoys statutory protection and recognition across various jurisdictions.
- 7.2 The Complainant submits that it enjoys vast goodwill and reputation under the 'JioAds'/'JioAds'-formative marks which have been registered under various classes. The Complainant has been extensively promoting its services under its said reputed and renowned trademark 'JIO' by way of advertisements /promotions, events, partnerships and CSR activities across various media, as a consequence of which the stellar goodwill and reputation of the Complainant's trademark 'JIO' is widely recognized throughout the world. Apart from the aforementioned, the Complainant's website www.ril.com and www.jio.com lists the Complainant's profile and the full range of brands and services offered by the Complainant.
- 7.3 The Complainant submits that due to extensive and consistent international use, the trademark 'JIO' of the Complainant has acquired a unique reputation and goodwill in the eyes of the general public and trade, and services/products bearing the trademark 'JIO' are exclusively associated with the Complainant



alone. The 'JIO' trademark of the Complainant has assumed the distinction of being a well-known and famous trademark and is considered synonymous with the highest quality of services that are offered by the Complainant. The presence of any other entity/individual that uses or incorporates 'JIO' as part of its trademark, trade name and/or domain name would inevitably result in the public and trade getting deceived and misled into assuming that all such services/products are emanating from the Complainant itself. The Complainant submits that the Hon'ble Bombay High Court has judicially recognized the Complainant's trademark JIO as a well-known mark (Order dated August 23, 2021 in Reliance Industries Limited & Anr. vs Ashok Kumar, Commercial IP Suit (L) NO. 14473 of 2021).

- 7.4 The Complainant submits that the present complaint is being filed against the registration and usage of the impugned domain name 'jioads.in' by the Respondent. The Respondent has illegally, dishonestly and with mala fide motives procured the registration of the impugned domain name without the leave, license or consent of the Complainant, which is a direct infringement of the Complainant's intellectual property and common law rights.
- 7.5 The Complainant submits that it became aware of the Respondent and his registration of the impugned domain 'jioads.in' recently, in the last week of August, 2023. The Respondent, being completely aware of the Complainant's famous and well-known brand 'JIO' procured the impugned domain name 'jioads.in' in bad faith with the sole objective of squatting and preventing the Complainant from obtaining and/or using the said domain name for its services.
- 7.6 The Complainant submits that the word 'JIO' is an arbitrary word that was first adopted by the Complainant in 2011 for its products and services. The mark 'JIO' is inherently distinctive and exclusively associated with the Complainant. The



Respondent can, by no stretch of imagination, bona-fidely explain the purchase and/or use of the 'jioads.in' domain. Ergo, it is clear that the Respondent illegally and maliciously exploited the circumstances at the time when the impugned domain 'jioads.in' was available for purchase, and purchased it for the sole purpose of squatting/preventing the Complainant from legitimately obtaining and using the said domain for its 'JioAds' business.

7.7 The Complainant submits that the Respondent has wrongfully obtained the impugned domain name 'jioads.in', which entirely incorporates the Complainant's registered trademark 'JIOADS'/'JIO', thereby infringing statutory trademark and common law rights of the Complainant. It is also trite law that the mere addition of the ".in" domain name is insufficient to render the domain name dissimilar to the Complainant's well known and famous 'JIO'/'JIOADS' trademarks, as well as the Complainant's 'jio.com' and other 'JIO' related domain names.

7.8 The Complainant submits that it is widely known that internet users are familiar with the practice of companies using domain names that incorporate their company name, trademark, and/or product or service name. In case of uncertainty, the general public attempts to use such identifying features followed by ".com", ".in" or other generic TLDs. In this context, clients and consumers who intend to reach the Complainant's website may end up getting confused and/or deceived and get redirected to the impugned domain 'jioads.in'. Such confusion and/or deception on the part of the public will amount to irreparable loss and damage to the Complainant's stellar reputation and goodwill. While drawing traffic meant for the Complainant's website to the Respondent's impugned domain name, the Respondent will also stand to gain illegal and unlawful revenue by way of the advertisements displayed on its website.



8. RESPONDENT

- 8.1 There is no reply of the Respondent on record to the Complainant's contentions.

9. PANEL OBSERVATIONS

- 9.1 This Panel on pursuing the documents, records and submissions made by the Complainant observes that the Complainant's JIO services span across connectivity and cloud, media, digital commerce, financial services, gaming, education, healthcare, agriculture, Government to Citizen (G2C), smart cities and manufacturing.
- 9.2 This panel observes that the complainant has common law as well as statutory rights in its trade mark "JIO". It is also observed by this panel that the Complainant has successfully secured registrations of JIO in many countries including India. The Complainant has proved that it has trademark rights and other rights in the mark "JIO" by submitting substantial details and documents in support of it.
- 9.3 This panel observes that the disputed domain name incorporates the Complainant's trademark "JIO" in toto has the potential to cause consumer confusion and will cause the user to mistakenly believe that it originates from, is associated with or is sponsored by the Complainant. It is further observed by this panel that suffix ".in" is not sufficient to escape the finding that the domain is confusingly similar to Complainant's trademark.
- 9.4 This panel, therefore, is of opinion that the disputed domain name "jioads.in" being identical/confusingly similar to the trademark of Complainant will mislead the public and will cause an unfair advantage to Respondent. The Panel is of the view that there is a likelihood of confusion between the disputed domain name and the Complainant, its trademark, and the domain names associated. The disputed domain name registered



by the Respondent is confusingly similar to the trademark "JIO" of the Complainant.

9.5 It is the responsibility of the Respondent to find out before registration that the domain name he is going to register does not violate the rights of any proprietor/ brand owner and the Respondent has miserably failed in following this condition.

9.6 This Panel, therefore, in light of the submission made by the Complainant concludes that the disputed domain name is confusingly similar to the Complainant marks. Accordingly, the Panel concludes that the Complainant has satisfied the first element required by Paragraph 4(a) of the INDR Policy.

The Respondent has no rights or legitimate interests in respect of the domain name

10. COMPLAINANT

10.1 The Complainant submits that the Respondent clearly has no legitimate interest in the impugned domain name 'jioads.in' which is evident upon a mere cursory review of the Respondent's website. In fact, the Respondent has also illegally reproduced the Complainant's registered trademark 'JIO' / 'JIOADS' on the main page of the impugned domain. The website is styled as a classified ads aggregator with hyperlink-based advertisements present at various places on the page. The complainant further submits that unlawful acquisition of the impugned domain name 'jioads.in' without due reason and with the sole objective of obtaining illegal revenue on account of misdirected traffic intending to reach the Complainant's website, establishes that the Respondent has registered the same in bad faith.

10.2 The Complainant submits that the registration and usage of the impugned domain 'jioads.in' by the Respondent is an attempt to ride on the back of the massive reputation and goodwill that is enjoyed the Complainant and to pass off the impugned domain



name as that belonging to the Complainant. The Complainant submits that in fact, it is an established principle that a domain name adopted by the Complainant is entitled to equal protection against passing off as in the case of a trademark. In support of this submission the complainant has placed reliance upon the judgments in Yahoo! Inc. Vs Akash Arora & Anr. (78 (1999) DLT 285); Annexure K, and Rediff Communication Ltd Vs. Cyberbooth and Anr AIR 2000 AIR Bom. 27.

10.3 The Complainant submits that on the basis of the Whois report, the Respondent appears to be an individual/entity located in Manipur. The Respondent is not affiliated and/or connected in any manner whatsoever with the Complainant or its group entities. The Complainant submits that it is also pertinent to note that the Respondent has never had any prior dealings with the Complainant or its affiliates and/or subsidiaries in connection with the JIO business of the Complainant. The Complainant submits that on the basis of these facts, there cannot be any legitimate interest or justification made out by the Respondent in respect of claiming any right in the impugned domain name or otherwise. The Respondent has no authorization leave, license and/or consent from the Complainant to use the impugned domain name in any manner.

10.4 The Complainant submits that the Respondent has absolutely no rights whatsoever in the impugned domain name 'jioads.in'. The Complainant submits the fact that the website accessible through the said impugned domain name is not being used for any bona fide purpose whatsoever, indicates that the Respondent is not making any fair or legitimate use of the impugned domain name and has no intention to do so. The Complainant further submits that the prime motive of the Respondent appears to be to coerce and intimidate the Complainant into buying the impugned domain name and make ill-gains out of the same.



11. RESPONDENT

- 11.1 There is no reply of the Respondent on record to the Complainant's contentions.

12. Panel Observations

- 12.1 It is observed by this panel that the Respondent has failed to rebut the allegations of the complainant that the Respondent has no rights or legitimate interest in the domain name <JIOADS.IN>, and the Complainant has not authorized, licensed or otherwise allowed the Respondent at any point of time to make any use of its registered trademark JIO or register the impugned domain name <JIOADS.IN>.
- 12.2 It is observed by this panel that the Complainant by making submissions and placing documents/records and evidence in support of these submissions has been able to prove that the Complainant is doing its business under the mark 'JIO' worldwide including India. The Complainant by virtue of its priority in adoption, goodwill, and long, continuous and extensive use of the mark, has acquired the exclusive right to use the 'JIO' mark in respect of its products.
- 12.3 Once the Complainant makes a prima facie case showing that the Respondent does not have any rights or legitimate interest in the domain name, the burden to give evidence shifts to the Respondent to rebut the contention by providing evidence of its rights or interests in the domain name. The Respondent has failed to place any evidence to rebut the allegations of the Complainant.
- 12.4 It is further observed by this panel that para 6 of the .IN Domain Name Dispute Resolution Policy (INDRP) states :
- 12.4.1 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 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."

12.4.2 This panel observe that the Respondent has failed to full fill any of the requirements as mentioned in Para 6 of INDRP Policy which demonstrates the Registrant's rights to or legitimate interests in the domain name.

12.4.3 This Panel therefore holds that the Complainant has proved that the Respondent does not have any rights or legitimate interests in the disputed domain name "jioads.in".

The domain name was registered or is being used in bad faith

13. COMPLAINANT

13.1 Based on the Whois report and commercial investigation conducted by the Complainant as well as the aforementioned facts and circumstances, it is submitted that the Respondent has acquired and registered the impugned domain name 'jioads.in' primarily for the unlawful purpose of diluting the reputation and goodwill of the Complainant mark 'JIO'. The Respondent might try to sell, rent, or otherwise transfer the impugned domain name registration to the Complainant which is the owner of the trademark 'JIO' along with several 'JIO' based domain names, or to a competitor of the Complainant, for valuable consideration in

excess of the documented out of-pocket costs incurred by the Respondent in relation to the domain name. In support of the said contentions, the Complainant places reliance upon the submissions made in the preceding paragraphs which are not being reproduced for the sake of brevity.

13.2 Further, from the aforementioned facts and averments it is clear beyond doubt that the impugned domain name 'jioads.in' has been acquired by the Respondent with the sole objective of misappropriating and encashing the vast goodwill and reputation subsisting in favour of the Complainant, and to prevent the Complainant as the owner of the 'JIO'/'JIOADS' trademarks to exercise its legal rights and conduct business using a corresponding domain name that reflects the trademark owned by it.

13.3 The mischievous and mala fide conduct of the Respondent is evident from the fact that the Respondent deliberately chose to acquire the impugned domain name 'jioads.in' whilst having no association with either the Complainant or any of its group companies, or with the word 'JIO'/'JIOADS'. The Respondent, by intentionally creating a likelihood of confusion and deception as to the source, affiliation, patronage and/or endorsement of its website, has attempted to attract unsuspecting visitors to its website accessible through the impugned domain 'jioads.in', resulting in unjust enrichment of the Respondent on the back of the Complainant's hard-earned goodwill and reputation.

RESPONDENT

13.4 There is no reply of the Respondent on record to the Complainant's contentions.

14. PANEL OBSERVATION

14.1 Paragraph 7 of the INDRP provides that the following circumstances are deemed to be evidence that Respondent has registered and used a domain name in bad faith :



"(a) Circumstances indicating that the Respondent has registered or has acquired the domain name primarily for 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 over the Registrar's documented out of pocket costs directly related to the domain name; or

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

(c) by using the domain name, the Respondent has intentionally attempted to attract internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its Website or location or a product or services on its website or location."

14.2 This panel while going through the complaint and documents which are placed in the form of annexures has observed that the Respondent registered the disputed domain name in September 2016, by which time the Complainant has been using the mark "JIOADS" for many years. It is observed by this panel that the Complainant has statutory and common law rights in the mark JIO in many countries including in India. The Complainant is also using the JIO mark on the internet, in other domain name, and as a trading name prior to registration of disputed domain name. It is observed by this panel that in view of the above-mentioned facts and circumstances, it is impossible to conceive that the Respondent could have registered the disputed domain name in good faith or without knowledge of the Complainant's rights in the mark JIO.

14.3 It is further observed by this panel that considering the longstanding reputation, and the ubiquitous presence of the Complainant's mark JIO on the Internet, Respondent was



very well aware of the Complainant's trademarks long prior to registering the domain name. Therefore, there can be no justification for the adoption of the name JIO by the Respondent as a part of the disputed domain <JIOADS.IN> and the same is a blatant and malafide attempt to unjustly benefit from the goodwill and reputation associated with the Complainant's JIO marks.

- 14.4 The Complainant has thus rightly established that the Respondent has registered the disputed domain name in bad faith, and there is evidence that points to the existence of circumstances as mentioned in clause 7 of the INDRP Policy. The Respondent's domain name registration meets the bad faith elements outlined in para 4 (c) of the INDRP Policy. Therefore the Panel concludes that the registration by Respondent is in bad faith. Consequently, it is therefore established that Respondent has wrongfully acquired/registered the domain name in its favor in bad faith.

15. REMEDIES REQUESTED

- 15.1 The Complainant has prayed to this Administrative Panel that the disputed domain <JIOADS.IN> be transferred to the Complainant.

16. DECISION

- 16.1 The following circumstances are material to the issue in the present case :

- 16.1.1 Through its contentions based on documents/records and evidence, the Complainant has been able to establish that the mark "JIO" has consumers base in India and many other countries. The Complainant has also established that the JIO is popularly known exclusively concerning the Complainant. The Complainant has also established that the trademark JIO is inherently distinctive of the products and business of the Complainant and has



secured trademark protection for JIO by registering trademarks in India and other countries.

16.1.2 The Respondent (John Doe) as mentioned above has intentionally and deliberately attempted to hide/conceal his real identity by submitting the wrong and fake name, address, email id and telephone number. There is no evidence on record to show that the respondent has any rights or legitimate interests in respect of the domain name, and the Respondent is related in any way to the Complainant. There is also no evidence whatsoever of any actual or contemplated good faith use of the Disputed Domain Name by the Respondent.

16.1.3 The Complainant has rather been able to establish that the Respondent has held the impugned domain since September 2016 despite having no legitimate interest in the name/mark JIO and that the Respondent does not hold interest in the domain name. It is therefore established that respondent in order to get monetary gain by selling, renting or transferring has registered the disputed domain name, rather than for any bona fide offering for goods thereunder, which is evidence of bad faith. This panel while considering the complaint and records in the form of annexures submitted by the Complainant, has concluded that there exist circumstances as stated in para 7(a) of INDRP Policy.

16.1.4 This panel taking into account the nature of the disputed domain name and in particular, incorporating the Complainant's registered trade mark JIO in toto by the respondent, observe that it would also inevitably associate the disputed domain name closely with the Complainant's group of domains in the minds of consumers/internet users, and all plausible actual or contemplated active use of disputed Domain Name by the Respondent is and would be illegitimate.



16.1.5 The Respondent also failed to comply with Para 3 of the INDRP, which requires that it is the responsibility of the Respondent to ensure before the registration of the impugned domain name by him that the domain name registration does not infringe or violate someone else rights. The Respondent should have exercised reasonable care and efforts to ensure there was no encroachment on any third-party rights.

16.1.6 This panel is of the view that it is for the Complainant to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name but the Respondent has failed to do that. The Respondent's registration and use of the domain name [JIOADS.IN] are in bad faith. The Respondent has no rights or legitimate interests in respect of the domain name and also the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

RELIEF

Following INDRP Policy and Rules, this Panel directs that the disputed domain name [JIOADS.IN] be transferred from the Respondent to the Complainant; with a request to NIXI to monitor the transfer.

New Delhi, India
Dated : 20th November, 2023


[AJAY GUPTA]
Sole Arbitrator