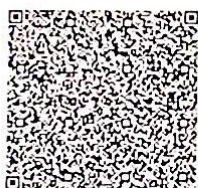


Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL35907747535177W
Certificate Issued Date	: 31-Jan-2024 12:08 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ HIGH COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP1733966487890779W
Purchased by	: DEEPALI GUPTA
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: DEEPALI GUPTA
Second Party	: Not Applicable
Stamp Duty Paid By	: DEEPALI GUPTA
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



Please write or type below this line

DEEPA GUPTA
SOLE ARBITRATOR

.IN Registry - National Internet Exchange of India
INDRP Case No: 1805

In the matter of Arbitration Between:

COSRX INC

.....Complainant

Versus

Tejas Taori

... ..Respondent

Disputed Domain Name : <COSRX.IN >

[Handwritten signature]

DEEPALI GUPTA
SOLE ARBITRATOR

Appointed by the .IN Registry - National Internet Exchange of India

INDRP Case No: 1805

In the matter of:

COSRX INC,
West 5-F Centerfield,
231, Tehran-ro,
Gangnam-gu, Seoul,
Republic of Korea.
Through its Authorised Representative
Arpit Kalra & Pranit Biswas,
S.S. Rana & Co., Advocates,
Registered Office Address:
317, Lawyers Chambers,
High Court of Delhi,
New Delhi-110003, INDIA.
Phone: +91 11-40123000, 8448584675, 9311953442
Fax: +91 11-40123010
E-mail: inf@ssrana.com

.....Complainant

Versus

Tejas Taori,
D-21, Century Staff Quarters,
P.B. Marg, Worli,
Mumbai,
Maharashtra-400030
Telephone:- 1234687433
e.mail: tejastaori@gmail.com
(Registrant)

.....Respondent

Disputed Domain Name : < cosrx.in >

ARBITRATION AWARD
DATED MARCH 11, 2024.



1) **The Parties:**

The Complainant in the present arbitration proceedings is COSRX INC, West 5-F Centerfield, 231, Tehran-ro, Gangnam-gu, Seoul, Republic of Korea. The Complainant is represented by its Authorized Representative Arpit Kalra & Pranit Biswas, S.S. Rana & Co., Advocates, Registered Office Address: 317, Lawyers Chambers, High Court of Delhi, New Delhi-110003, INDIA.

The Respondent in the present case is Tejas Taori, D-21, Century Staff Quarters, P.B. Marg, Worli, Mumbai, Maharastra-400030, Telephone:- 1234687433, e.mail: tejastaori@gmail.com as per the details available in the 'WHOIS' database by National Internet Exchange of India (NIXI).

2) **The Domain Name, Registrar and Registrant:**

The disputed domain name is <**COSRX.IN**>

The Registrar is **GoDaddy.com, LLC**

The Registrant is Name- Tejas Taori, D-21, Century Staff Quarters, P.B. Marg, Worli, Mumbai, Maharastra-400030, Telephone:- 1234687433, e.mail: tejastaori@gmail.com.

3) **Procedural History:**

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 pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Ms. Deepali Gupta as the Sole Arbitrator to arbitrate the dispute between parties in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Dispute Resolution Policy and the Rules



framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.

- The Complaint was produced before the Arbitrator on 11th January, 2024.
- Thereafter Notice was issued to the Respondent on 12th January 2024, at his e.mail address 'tejastaori@gmail.com', communicating the appointment of the Arbitrator in the case and outlining that the Complainant had prayed for transfer of the disputed Domain name <COSRX.IN> in its favour. The Respondent was called upon to submit their response within ten (10) days of the receipt of the Arbitrators email.
- The Arbitrator received no response from the respondent within the said timeline and even thereafter. Further the Arbitrator did not receive any delivery failure notification from the Respondents email id, therefore the respondent is deemed to be served with the complaint. In view of no response / acknowledgement / communication from the Respondent, the Complaint is being decided ex-parte and solely based on the materials and evidence submitted by the Complainant and contentions put forth by them.

4) FACTUAL BACKGROUND:

The Complainant herein is 'COSRX inc' a Corporation incorporated under the Laws of Republic of Korea and is a Korean beauty brand operating under the name 'COSRX' and variations thereof. That COSRX inc, was founded as a small skin care brand in the year 2002 and was later formally incorporated as a company on 16th December 2013. The Complainant Company provides premium quality skin care products with skin friendly ingredients. COSRX has developed and is selling more than 150 types of cosmetic products that are supplied to more than 146 countries around the Globe. The Complainants products have been awarded Global beauty awards more than 119 times. That the Complainant is a registered proprietor of the trade mark 'COSRX' in respect of cosmetic preparations and other goods in India and in various jurisdictions globally. That the Complainant is also the owner of numerous domain names including www.cosrx.co.kr registered in the year 2006 and of domain name www.cosrx.com registered on 4th December 2007 and the said active website is operating for years. That with the expansion of the Complainants international business additional 'COSRX' formative top level domain names have been registered worldwide. That the trade mark 'COSRX' is forming part of domain name in numerous countries in the world for



carrying on business activities of the Complainant. Considering the extensive use and registrations of the 'CORSEX' trade-marks and domain names throughout the world, including in India, the public at large associates the mark 'COSRX' with the Complainant alone.

5) Summary of Complainant's contentions:

The Complainant has contended that each of the element in the .IN Domain Name Dispute Resolution Policy are applicable to the present dispute. It has thus been contended that the Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; that the Registrant's has no rights or legitimate interests in respect of the domain name that is the subject of complaint; and the Registrant's domain name has been registered or is being used in bad faith. The Complainant has in support of its case has made the following submissions:

- (a) The Complainant "COSRX inc." is a Corporation incorporated under the laws of the Republic of Korea and is a Korean beauty brand operating under the name COSRX and variations thereof. "COSRX inc." was formally incorporated as a company on December 16, 2013 with customized solutions being their top priority for premium quality skin care needs of their customers.
- (b) COSRX has currently developed and selling more than 150 types of cosmetic products that are supplied to more than 146 countries globally. The Complainants products have been awarded the Global Beauty Awards more than 119 times
- (c) Complainant is a registered proprietor of the trade mark 'COSRX' in respect of cosmetic preparations and other goods covered in class 03 in India as follows:

Registration No.	Trade Mark	Class & Goods	Application Date	Publication Date
IRDI 3536132	COSRX / C O S R X	Class 03- Cosmetics; Shampoo; Lipstick; Sunscreen preparations;	January, 12 2017	Journal no.1803- 0 dated June 26, 2017

		Oils for cosmetic purposes; beauty masks; Lotions for cosmetic purposes; Makeup removing preparations.		
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- (d) Complainant states that the aforesaid registration is valid, renewed and subsisting and that by virtue of the said registrations the Complainant has the statutory right to use the said trademark in respect of the goods and services for which they have been registered. The Complainant has relied on **Annexure C-2**.
- (e) Complainant company has also registered the trade mark 'COSRX' in different classes in various countries. The Complainant relies on Annexure-C(Colly). The details of the said registrations are as mentioned below:

Serial no.	Country	Trademark	Registration Date	Class
1.	South Korea	COSRX	2015-01-05	03, 35,
2.	South Korea	COSRX	2020-06-08	03
3.	Australia France Germany Hungary India Japan Mexico Norway Philippines Poland Russian Federation Singapore Spain United Kingdom	COSRX	2017-01-12	03

	Viet Nam			
4.	Bahrain Botswana Egypt Indonesia Israel Italy Kenya Malaysia Philippines Singapore Sudan Tunisia Turkey Zambia	COSRX	2019-08-10	03
5.	Bhutan Brazil Cambodia European Union Kazakhstan Kyrgyzstan Mongolia New Zealand Norway Pakistan Serbia Switzerland Ukraine United Kingdom Uzbekistan Viet Nam	COSRX	2021-07-07	03
6.	United States of America	COSRX	2017-08-22	03
7.	China	COSRX	2015-09-14	03
8.	Thailand	COSRX	2017-08-25	03
9.	Malaysia	COSRX	2017-08-24	03
10.	Hongkong	COSRX	2017-08-02	03
11.	Indonesia	COSRX	2020-05-29	03
12.	Indonesia	COSRX	2023-05-16	03
13.	United States of America	COSRX	2021-09-14	05



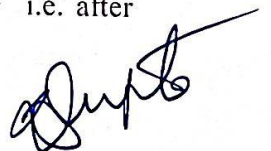
14.	Bhutan Brazil Cambodia European Union Kazakhstan Mongolia New Zealand Norway Pakistan Serbia Switzerland Ukraine United Kingdom Uzbekistan Viet Nam	COSRX	2021-07-09	05
15.	China Indonesia Malaysia Philippines Singapore Thailand	COSRX	2020-07-22	05
16.	Argentina	COSRX	2023-02-08	05

- (f) The Complainant has further submitted that Complainant had first registered the COSRX-formative cc-TLD www.cosrx.co.kr in the year 2006 and thereafter the top level domain name www.cosrx.com on December 04, 2007 wherein an active website has been operating for years. Complainant further submits that with the expansion of Complainants international business, additional COSRX formative top-level domain names have been registered by them in numerous countries like South Korea, Germany, Japan, Indonesia, Philippines and Taiwan etc. around the Globe. Complainant relies on **Annexure C-4(Colly)** being the copies of some website pages and their corresponding WHOIS details.
- (g) It is submitted that with the advancement in technology and the advent of satellite television, the internet etc. the world has become a global village. That the Complainant company is accessible by people globally. That a simple online search for the word COSRX reveals details of Complainant Company's various products under the said mark. Additionally, the Complainant has a substantial presence on social networking sites like Facebook, Instagram, youtube and X. That Complainant



further submits that the reputation of a trade mark in today's world is not limited either by geographical or political boundaries as with the case of communications, people and reputations travel around the world crossing such boundaries. Further Complainant's COSRX branded products are available for sale on various well known and popular e-commerce websites in India. That the Indian Consumers awareness of Complainant's products and the marks associated with them has been heightened considerably. That the Complainant's achievements over the years have attracted tremendous positive attention in the news media around the world. That the Complainant has been featured in leading blogs and e-tabloids that are accessible in India. The Complainant relies on Excerpts of few articles and press release that have been annexed as **Annexure C-5**.

- (h) The Complainant further submits that by virtue of continuous and extensive use worldwide including in India and the quality of Complainant's products, the business of Complainant has acquired substantial reputation in the industry and its trademark 'COSRX' and variations thereof are always associated with its business and products alone. That the Complainant's trade mark is distinctive and is well known and famous in India. The Complainant makes every effort to protect its trade mark. The Complainant has also taken successful domain recovery action against the domain "COSRX.COM" under the UDRP.
- (i) Complainant submits that it recently came to the knowledge of the Complainant that the disputed domain name <COSRX.IN> was registered on 25 March 2020 by the respondent. That on internet search it was revealed that a parked page hosting several pay per clicks advertisement is being hosted at the said webpage. The Complainant has relied on **Annexure C-7**. It is submitted that the disputed domain name <COSRX.IN> incorporates the Complainant's registered trademark in its entirety. Further it is identical to Complainant's domain name <COSRX.COM> and incorporates the Complainant's company name 'COSRX inc'.
- (j) The Complainant submits that the disputed domain name <COSRX.IN> is identical to the trade mark in which the Complainant has rights. That the Complainant is the registered proprietor of the trademark 'COSRX' in many countries including India and has been continuously and exclusively using the same in relation to its business for many years since its initial launch in the year 2013 which is much prior to the date on which Respondent registered the domain name <COSRX.IN> i.e. after more than seven years.



- (k) It has been submitted that the disputed domain name comprises of complainants registered trademark and is visually, phonetically, deceptively and confusingly identical to the Complainants prior registered trademark 'COSRX' as well as its existing domain containing the name COSRX. It has been further submitted that the disputed domain name, due to the similarity with the complainants' trademark is highly likely to mislead, confuse and deceive the Complainant's customers as well as the general public as to the source, sponsorship, affiliation or endorsement of the respondents domain name. The Complainant has relied on Kenneth Cole Productions v. Viswas Infomedia INDRP/093, Inter-Continental Hotels Corporation v. Jaswinder Singh (INDRP/278) and Starbucks Corporation v Mohanraj (INDRP/118) wherein it has been held that where the disputed domain name wholly incorporates the Complainants trade mark, the same shall be sufficient to establish deceptive similarity.
- (l) It has further been submitted by the Complainant that Country code top level domains(ccTLD) as well as general top level domains (gTLD) such as ".in", ".co.in" or ".com" are an essential part of a domain name. Hence the mere technical requirement of the addition of ccTLD does not grant any distinction to the respondents domain name. A generic TLD/ ccTLD such as ".co.in" is a standard registration requirement and therefore cannot be said to distinguish the Respondents domain name <COSRX.IN> from the Complainants registered trade mark 'COSRX'.
- (m) It is further submitted by the Complainant that the disputed domain name is likely to mislead, confuse and deceive Complainants customers as well as general public as to the source, sponsorship, affiliations or endorsement of respondent's domain name.
- (n) It has been submitted by the Complainant that the respondent has no rights or legitimate interests in respect of the disputed domain name <COSRX.IN>. That the Complainant has not authorized, licensed or otherwise allowed the respondent to make any use of its registered trade name/ mark and brand name 'COSRX' and /or its phonetic equivalents / variations and that the respondent does not have any affiliation or connection with Complainant or Complainant's services. It is further submitted that that the Complainant's trade mark "COSRX" is a unique combination of terms coined by the complainant by merging the terms "cosmetics" and "Rx" (symbol of prescription) to form the name 'COSRX' that has no dictionary

meaning. Hence the respondent does not have any rights or legitimate interests in the disputed domain name.

- (o) That the respondent is not making any legitimate use of the disputed domain name in as much as that no website is currently operational from the said domain. Instead a parked page featuring several pay per clicks(PPC) links advertising various services is currently featuring on the disputed domain. That the respondent is not commonly known by the impugned domain name. That the respondent is not making any legitimate or fair use of the impugned domain name. Thus it has been submitted that respondent has no rights or legitimate interests in respect of the impugned domain name and is incapable of making a legitimate non commercial or fair use of the domain name.
- (p) That the respondent has registered the disputed domain name <COSRX.IN> after several years of the trademark registration by the Complainant of the mark 'COSRX'. Hence the respondents use of the disputed domain name is not bona fide and there is no legitimate justification for respondents' registration of the <COSRX.IN> domain name that is visually, phonetically, deceptively and confusingly similar to complainant's trademark. Hence it has been submitted that it is not possible to conceive of any plausible use of the disputed domain name by the respondent that would not be illegitimate hence respondent has no rights or legitimate interests in respect of the disputed domain name.
- (q) It has further been submitted by the Complainant that the disputed domain name has been registered or is being used in bad faith. It has been submitted that the Complainant has extensive business operations in India and has a high reputation not only in India but worldwide as also the ubiquitous presence of Complainants mark "COSRX on the internet, respondent must have been aware of the Complainants trademark long prior to registering the disputed domain name. The disputed domain name <COSRX.IN> as registered by the respondent incorporates Complainants trade mark 'COSRX' in toto hence reliance is placed by the Complainant on a prior decision in 'M/s Merck KGaA v Zeng Wei' INDRP/323, wherein it has been stated that : "The choice of the domain name does not appear to be a mere coincidence, but a deliberate use of a well recognized mark... such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration."

- (r) Thus, it has been submitted that the respondent had no reason to adopt an identical name with respect to the disputed domain name except to create a deliberate and false impression in the minds of consumers and internet users that respondent is somehow associated with or endorsed by Complainant with the sole intention to ride on the massive good will and reputation associated with the Complainant and to unjustly enrich from the same.
- (s) That further the facts clearly depict that the respondent does not hold any legitimate interest in the domain name and the parked page displaying advertisements/ links gives the unwavering impression that it is a case of passive holding and constitutes bad faith. That in view of the Complainants worldwide reputation in the mark 'COSRX' and its presence on the internet, the respondent was or should have been aware of Complainants trademarks much prior to the registering of the disputed domain name. Hence it may be presumed that the respondent had constructive notice of Complainants trademark 'COSRX'. Hence the Complainant submits that in view of the facts, it is implausible for respondent to have registered the domain name for any reason other than to trade off the reputation and goodwill of Complainants mark COSRX.
- (t) Hence in view of the above submissions the Complainant prays that the disputed domain name <COSRX.IN> as registered by the respondent be cancelled and / or transferred to the Complainant.

6) RESPONDENT:

The Respondent did not respond in these proceedings although notice was sent to the Respondent under the INDRP Rules.

7) DISCUSSION AND FINDINGS

Under the INDRP Policy the following three elements are required to be established by the Complainant in order to obtain the relief of transfer of the disputed domain name:

- (i) The disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights and
- (ii) The Respondent lacks rights or legitimate interests in respect of the disputed domain name; and



- (iii) The disputed domain name has been registered or is being used in bad faith.

Identical or confusingly Similar:

The Disputed Domain Name incorporates the Complainant's 'COSRX' mark without addition or alteration. The Complainant has submitted that respondent's domain name incorporates the Complainant's 'COSRX' mark exactly, in its entirety, without addition or alteration.

It is well established that the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identical or confusing similarity. Addition of generic terms to a well known trademark does not prevent a finding of confusing similarity between the disputed domain name and mark. It is a well established principal that when a domain name wholly incorporates a complainant's registered mark, the same is sufficient to establish identity or confusing similarity for purposes of the Policy. Further it is evident that the disputed domain name "COSRX.IN" is identical to the Complainant trademark except for the generic term ".in" appended to it. However, such differences can be ignored for the purpose of determining similarity between the disputed domain name and the Complainant's trademark as it is a generic and technical requirement and is non-distinctive and does not prevent a finding of confusing similarity between the disputed domain name and mark.

Further a TLD / ccTLD such as '.in' '.co.in' is an essential part of domain name. Therefore it cannot be said to distinguish the Respondents Domain Name <COSRX.IN> from the Complainants trademark 'COSRX'.

The Complainant has submitted evidence of its trademark registrations for the "COSRX" mark in India as also in other Jurisdictions and has accordingly established its rights in the mark. The Complainant has also provided evidence of the reputation, goodwill and fame associated with its mark due to its extensive use. Further in addition to the above, the Complainant is also the owner of numerous domain names incorporating its trademark 'COSRX' that have been duly registered in various jurisdictions globally.

In *Motorola, Inc. vs NewGate Internet, Inc.* (WIPO Case D2000-0079), it was held that use of the trademarks can not only create a likelihood of confusion with the Complainants' marks as to the source, sponsorship, affiliation or endorsement of its web site, but also creates dilution of the marks.



It is well established that in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark.

The disputed domain name is accordingly found to be identical or confusingly similar to the Complainant's mark. The Complainant has successfully fulfilled the first element under paragraph 4 of the Policy, that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights.

Rights and Legitimate Interests:

The second element requires the Complainant to put forward a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Although the onus of proving that the Respondent lacks rights or legitimate interests in the disputed domain name lies on the Complainant, the same may amount to 'proving in negative' hence may not be possible. Hence the Complainant has to make out a prima facie case that the respondent lacks rights or legitimate interests, whereafter, the burden of proof on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Complainant has argued that the Respondent lacks rights or legitimate interests in the disputed domain name and has submitted that the Registrant does not own any registered rights in any trademarks that comprise part or all of the disputed domain name. It is further observed that the trademark 'COSRX' was already registered in India for several years prior to when the Respondent registered the Disputed Domain Name in the year 2020.

The Complainant states that prima facie, the Registrant has no rights or legitimate interests in respect of the disputed Domain Name. The Complainant has argued that due to extensive use of the 'COSRX' mark globally and in India, the mark is distinctive and enjoys substantial goodwill, reputation and fame. It is found that the Complainant has acquired rights in the mark 'COSRX' through use and registration and the Complainant has provided evidence of the mark being distinctive and having a substantial recognition. In the light of these facts and circumstances, it is found that the respondent's use of the 'COSRX' mark which is distinctive



of the Complainant and its products & services, does not constitute legitimate use or fair use of the mark by the Respondent.

It is found that the Complainant has provided evidence of its prior adoption of the 'COSRX' mark. The Complainant has submitted that the use of the mark by the respondent is likely to mislead people and the respondent lacks rights to use the said trademark in the disputed domain name. The Complainant's submissions that the Respondent's use of mark in the disputed domain name is likely to mislead Internet users is plausible.

Use of the said trademark 'COSRX' by the Respondent with the intention of attracting customers is likely to cause confusion and deception to those who encounter the disputed domain name. Internet users are likely to believe that the disputed domain name is in some way connected to the Complainant or is endorsed or authorized by the Complainant. Use of a trademark with the intention to derive benefit from the mark and to make improper commercial gains by such use is recognized as infringing use under INDRP Policy. Refer to, *Google LLC V Gurdeep Singh*, INDRP Case No.1184 (<googlepays.in>) where use of GOOGLE mark in the domain name <googlepays.in> by the respondent in that case was found to lack rights or legitimate interests because the mark was used to attract customers by a respondent who was found to have no connection with the well known mark. The use of the Complainant's 'COSRX' mark by the Respondent, is found to be misleading use of the mark, and is accordingly found not qualifying as legitimate use by the Respondent.

The Respondent has not participated in these proceedings. The Complainant has categorically submitted that it has not consented, authorized or permitted the Respondent for use of the disputed domain name.

In the light of the facts and circumstances discussed, it is accordingly found that the Complainant has made out a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name. The second element under paragraph 4 of the Policy has been met by the Complainant.

Bad faith

The evidence on record clearly demonstrates the Complainant's prior adoption and extensive use of the 'COSRX' mark. The trade mark 'COSRX' was initially conceived and adopted by the Complainant and is a unique combination of terms coined by the complainant by merging



the terms “cosmetics” and “Rx” (symbol of prescription) to form the name ‘COSRX’ that has no dictionary meaning.

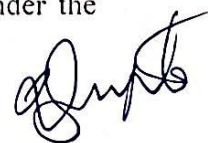
The disputed domain name has been registered on 25th March 2020 whereas the trademark registration of ‘COSRX’ mark was obtained by the Complainant several years prior thereto in various jurisdictions world wide including India. That Complainant is the registered owner of the said trade mark ‘COSRX’ in India since 12th January, 2013 under Class 3. These facts establish the Complainants prior adoption of the ‘COSRX’ mark and the evidence filed by the Complainant also establish that it has extensively used the said trademark in commerce for a number of years continuously and the mark is recognized internationally and is well known, which has substantial value. The evidence filed by the Complainant clearly establishes the international recognition and reputation associated with the ‘COSRX’ mark.

Further the evidence placed on record depicts that the Respondent is not making any legitimate or fair use of the impugned domain at all, in as much as that no website is currently operational from the said domain. Instead a parked page featuring several pay per clicks(PPC) links advertising various services is currently featuring on the disputed domain. This only shows the *mala fide* intention of the Respondent to wrongfully gain benefits at the cost of the goodwill and reputation of the Complainant’s trademark ‘COSRX’.

It is observed that such acts constitute misrepresentation. Such acts are not only prejudicial to the rights of the Complainant but also to the members of trade and public. The activities of the Respondent rise to the level of a bad faith usurpation of the recognition and fame of Complainant’s well-known and earlier trademark ‘COSRX’ to improperly benefit the Respondent financially and are in violation of applicable laws. These activities demonstrate bad faith registration.

The Respondent has been found to have no rights or legitimate interests in the disputed domain name. It is furthermore observed that the facts circumstances and the evidence indicate that the Respondent has used the ‘COSRX’ Mark in the disputed domain name to intentionally mislead internet users to its website by creating a likelihood of confusion with the mark of Complainant and based on the reputation associated with the mark.

There are numerous precedents under the Policy, where it has been held that the registration of a domain name with a well known mark which is likely to create confusion in the minds of Internet users and attempting to use such a domain name to attract Internet traffic based on the reputation associated with the mark is considered bad faith registration and use under the



Policy. Similarly in the present case it is found that the use of the 'COSRX' mark by the Respondent is likely to attract customers based on the Complainant's mark and Internet users are likely to be misled by the use of the trademark in the disputed domain name.

For the reasons discussed, the registration of the disputed domain name by the Respondent leads to the conclusion that the domain name in dispute was registered and used by the Respondent in bad faith.

Thus, in view of all that has been discussed, it is found that the Respondent has registered the disputed domain name in bad faith. Accordingly, it is found that the Complainant has established the third element under paragraph 4 of the Policy.

DECISION

In view of the above finding's it is ordered that the disputed domain name <COSRX.IN> be transferred to the Complainant.



Deepali Gupta
Sole Arbitrator

Date: 11th MARCH, 2024.