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G4S Limited, London vs Ravi Raj, Bhopal
INDRP Case no. 1877
Arbitrator: Mr. P.K.Agrawal

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1 | Page

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AWARD

1. The Parties

The Complainant is G4S Limited, 46 Gillingham Street, Pimlico, London, SW1V 1HU, United Kingdom.

The Respondent is Ravi Raj, Bhopal, Madhya Pradesh, 462016, India.

2. The Domain Name and Registrar

The disputed domain name is <g4s.org.in>. The said domain name is registered with the Registrar – GoDaddy.com, LLC (IANA ID: 146). The details of registration of the disputed domain name (as per WHOIS details relevant to the Complaint) are as follows:

- a. Domain ROID: D4A434F8DD341432FA1C7B0F5C9840535-IN
- b. Date of creation: Nov 19, 2023.
- c. Expiry date: Nov 19, 2024.

3. Procedural History

- (a) A Complaint dated 25.06.2024 by the Complainant has been filed with the National Internet Exchange of India (NIXI). The Complainant has made the registrar verification in connection with the domain name at issue. The print outs confirmed that the Respondent is listed as the registrant and provided the contact details for the administrative, billing, and technical contact. The Exchange verified that the Complaint satisfied the formal requirements of the Indian Domain Name Dispute Resolution Policy (INDRP) (the “Policy”) and the Rules framed thereunder.
- (b) The Exchange appointed the undersigned Mr. P.K. Agrawal, Former Addl. Director General in the Government of India, as the sole Arbitrator in this matter. The Arbitrator finds that he has been properly appointed. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Exchange.
- (c) In accordance with the Policy and the Rules, the copies of complaint with annexures were sent by the National Internet Exchange of India on 29.07.2024 by email. The Arbitrator served the Notice under Rule 5(C) of INDRP Rules of procedure along-with copies of complaint and annexures

to the parties through email on 29.07.2024. The Complainant was advised to serve copies of the domain complaint along with complete set of documents in soft copies as well as in physical via courier or post to the Respondent Registrant at the address provided in the WHOIS details of the domain. The Respondent was given 14 days' time by the Arbitrator through Notice dated 29.07.2024 for reply. The Notice email was served upon the Respondent email id given in WHOIS details, which was delivered. The Complainant informed through email dated 6.8.2024 that they had dispatched a copy of the Complaint along with the annexures via "Logistica" courier to the Respondent. On a query by the Arbitrator, the Complainant confirmed through email dated 7.8.2024 that the complaint with annexures was communicated to the Respondent through email dated 7.8.2024.

- (d) In view of the aforesaid, the Complaint and its annexures may be regarded to have been served to the Respondents as per Arbitration and Conciliation Act, 1996 and INDRP rules. Since the Respondent has not responded and presented any grounds in his defence, the present proceedings have to be conducted *ex parte* as per the Arbitration and Conciliation Act, 1996 and the .IN Domain Name Dispute Resolution Policy and the Rules of Procedures framed there under.

4. Factual Background

The Complainant, G4S Limited, 46 Gillingham Street, Pimlico, London, SW1V 1HU, United Kingdom, is a London-based global security company which provides security and facility services in around 90 countries across the world, including India. Initially founded in 1901, the Complainant has been operating under its current name, G4S (or Group 4 Securicor) since 2004, when Group 4 Falck and Securicor merged. In 2021 the Complainant was acquired by Allied Universal. The Complainant is no longer publicly traded and now operates under the name G4S Limited.

The Complainant further states that the Complainant offers a diverse range of services, broadly divided into the categories of 'Security Solutions', 'Cash Solutions', 'Consulting Services' and 'Care and Justice Services'. The Complainant also provides tailored country-specific services across different industry sectors. These include, for example, courier-related services, as well as offerings for the sectors of retail and financial institutions.

The Complainant has acquired widespread consumer goodwill, having operated for over a century and under the G4S brand for more than 15 years. As part of its efforts to protect its intellectual property, the Complainant has registered numerous trademarks for the G4S term, and these cover a wide range of territories. The Complainant submits that a

number of its trademarks were registered under the name and address of its previous corporate identity (i.e. G4S plc) before it was registered as G4S Limited.

The details of a few such trademark registrations are listed below:

Trademark	Country	Registration Number	Date of Registration	Class
G4S	International	885912	11-10-2005	1, 5, 6, 9, 16, 35, 36, 37, 38, 39, 41, 42, 44, 45
G4S	United States	3378800	05-02-2008	9, 39, 45
G4S	European Union	015263064	20-09-2016	6, 36, 37
G4S	India	473840	1 09-11-2020	45

The Complainant uses its main website www.g4s.com (registered on 1st December 1999), to market its global offerings. This website is available in multiple languages and includes many country-specific pages. These enable the Complainant to provide its tailored services to users in different countries. For example, the Complainant uses <https://www.g4s.com/en-in> to present its offerings to India-based customers. The Complainant has also registered its G4S mark across a number of country-code top-level domains ('ccTLDs'). As with the sample of trademarks listed above, many of these domain names are still registered under the Complainant's previous 'G4S plc' name. Several of the Complainant's ccTLDs have been listed below):

Domain Name	Registration Date
<g4s.cz>	27/01/2003
<g4s.us>	17/11/2004
<g4s.cn>	01/03/2005
<g4s.in>	02/03/2005

Respondent's Identity and Activities

The identity and activities of the Respondent are not known. The Respondent has neither responded to the Notices served upon him nor submitted any reply to the complaint.

5. Parties Contentions

A. Complainant

The Complainant contends that each of the elements specified in the Policy (INDRP) are applicable to this dispute.

In relation to **element (i)**, the Complainant submits that the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant argues that:

- i. As established in the Factual Grounds supra, the Complainant owns registered trademarks for G4S in numerous jurisdictions, including India. The Complainant also highlights the goodwill and recognition that has been attained under the name G4S, as evidenced in the Factual Grounds, which is a distinctive identifier associated with the Complainant's services.
- ii. The Complainant submits that it satisfies the identity/confusing similarity requirement of the first INDRP element. The Disputed Domain Name incorporates the Complainant's G4S mark exactly, without alteration or addition. The Complainant notes that the DNS does not allow for the existence of spaces between terms in a domain name: the characters must form one continuous string.
- iii. As established in other '.in' arbitrator decisions, the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identity/confusing similarity. For example, in Zippo Manufacturing Company Inc. v. Zhaxia, Case No. INDRP/840, the arbitrator noted that: '... the Respondent has picked up the mark ... without changing even a single letter ... when a domain name wholly incorporates a complainant's registered mark, that is sufficient to establish identity or confusing similarity for purposes of the Policy'.
- iv. The Complainant further submits that the '.org.in' ccTLD extension should be disregarded under this first element test, as it is merely a technical requirement to identify domain names in India (see, for example, Equifax Inc. v. Nikhlesh Kunwar, Case No. INDRP/1038).

Accordingly, the Complainant contends that the first condition that Respondent's domain name is identical or confusingly similar to a name, trademark, or service mark in which the Complainant has rights, as per Paragraph 4 (a) of the Policy has been satisfied.

In relation to **element (ii)**, the Complainant contends that the Respondent does not have any right or legitimate interest in <g4s.org.in>.

The Complainant submits that:

- i. The Respondent lacks a right or legitimate interest in respect of the Disputed Domain Name. Following submissions made in this section of the Complaint, the burden will shift to the Respondent to put forward evidence to show that it has a right or legitimate interest in respect of the Disputed Domain Name.

- ii. Paragraph 6 of the INDRP Policy sets out a list of circumstances in which a respondent may demonstrate that it has a right or legitimate interest in a 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 Respondent's rights to or legitimate interests in the Disputed Domain Name:
- 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 organisation) 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 the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.
- iii. The Complainant firstly maintains its legal right to the Disputed Domain Name based on its statutory protection of the G4S mark by way of trademark registrations in multiple jurisdictions, including India. The Complainant also relies on the recognition it has acquired through its use of the G4S mark prior to the Disputed Domain Name's registration in November 2023. To the best of the Complainant's knowledge, the Respondent does not own any recognised rights in G4S, neither by way of trademark registration nor any other protected right.
- iv. To rebut any possible legitimate interest held by the Respondent in this matter, the Complainant outlines objections to each of the provisions laid out under Paragraph 6 of the INDRP:
- 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;*
- v. The Complainant submits that the Respondent has not used, nor prepared to use, the Disputed Domain Name in connection with a bona fide offering of goods or services. The Disputed Domain Name currently resolves to a webpage that displays Pay-Per-Click (PPC) advertisement links that redirect users to websites to third-party websites and websites that offer services competitive to the Complainant. For example, some of the PPC links direct Internet users to third-party sites which offer cybersecurity services. It is a well-established principle under the UDRP that a respondent's use of a

domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalise on the reputation and goodwill of the complainant's mark, or otherwise mislead Internet users. This principle has also been addressed numerous times in INDRP disputes (see, for example, Urban Outfitters, Inc. v. GaoGou / Yerect International Limited, Case No. INDRP/624: 'The fact that the Respondent's website carries nothing but sponsored links of other competitor websites and is merely a PPC parking page further proves that the Respondent is just a cyber squatter.').

b) the Registrant (as an individual, business, or other organisation) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights;

- vi. It is a commonly held principle in domain disputes that a respondent's mere registration of a domain name is insufficient to establish rights or legitimate interests (see, for example, Vestel Elektronik Sanayi ve Ticaret AS v. Mehmet Kahveci, WIPO Case No. D2000-1244). To the best of the Complainant's knowledge, the Respondent does not have any protected rights, registered or unregistered, in the G4S term. As such, the Respondent cannot claim to be commonly known by it. This principle has been affirmed in previous INDRP decisions (see, for example, Mozilla Foundation v. Lina/Doublefist Limited, Case No. INDRP/934: '... it is a settled position that if the Respondent does not have trade mark right in the word corresponding to the disputed domain name and in the absence of evidence that the respondent was commonly known by the disputed domain name, the Respondent can have no right or legitimate interest.').

c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.

- vii. The Complainant reiterates that the Disputed Domain Name is being used to resolve PPC hyperlinks, which generate monetary revenue by misleadingly diverting online users from the Disputed Domain Name to third-party and competitor websites. Therefore, this does not amount to non-commercial or fair use of the Disputed Domain Name in respect of Paragraph 6(c) of the INDRP Policy.
- viii. Moreover, the Respondent has used the reputable G4S brand in order to confuse online users of the source, affiliation or sponsorship of the Disputed Domain Name to the Complainant, given its operations in India. The Disputed Domain Name would be perceived by online users as a website where they could find information about the

Complainant's services in India, and may cause frustration among users when they reach a blank webpage, damaging consumer trust.

Based on the above-mentioned arguments, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as per Paragraph 4 (b) of the Policy.

Regarding the **element (iii)**, the Complainant contends that the Domain Name has been registered and used in bad faith for the following reasons:

- (i) The Complainant submits that the INDRP Policy, under Paragraph 7, sets out a list of circumstances that can be used to demonstrate that a domain name was registered or used in bad faith. Those circumstances, in particular, but without limitation, if found by an INDRP arbitrator to be present, shall be evidence of the registration and use of a domain name in bad faith.
- (ii) The Complainant reiterates that it holds prior rights which protect the G4S trademark. The Complainant's earliest G4S trademarks, registered in India, precede the registration of the Disputed Domain Name by three years. The Complainant further submits that anyone who has access to the Internet can clearly find the Complainant's protected G4S trademark registrations on publicly accessible trademark databases, and would have been able to find the above-referenced IN registrations through a search conducted prior to 19th November 2023, when the Disputed Domain Name was registered. It is also clear that top Google search results for G4S, clearly pertain to the Complainant offerings. In view of the above, it is clear that the simplest degree of due diligence would have otherwise made the Respondent aware of the Complainant's established rights in the G4S term.
- (iii) The Complainant notes that a cease and desist letter and notices was sent to the Respondent on 8th December 2023. This letter was sent in order to put the Respondent on notice of the Complainant's trademarks and rights and with a view to resolving the matter amicably. The Complainant submits that the Respondent's disregard of the Complainant's trademark rights is further evidence of bad faith. Panellists and Arbitrators in various domain name disputes have stated that such behaviour infers bad faith intentions by the Respondent, such as under the UDRP in the case of Facebook, Inc. and Instagram, LLC v. C W/ c w, c w, WIPO Case No. D2018-1159. In addition, under the INDRP, not responding to a 'cease and desist' letter is a factor indicative of bad faith (see Novartis AG v. Aravind R, Case No. INDRP/941: "examples of what may be cumulative

circumstance found to be indicative of bad faith include [...] no response to the 'cease and desist' letter").

- (iv) In the proceeding sections, the Complainant explores how the itemised examples of bad faith listed under Paragraph 7 of the INDRP Policy specifically apply to the present matter. 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.
- (v) The Respondent's use of the Disputed Domain Name, to display links to third-party and competitor sites with the Complainant's G4S offerings, constitutes evidence of bad faith use within the meaning of Paragraph 7(c) of the INDRP Policy. This is because the Respondent is using the Disputed Domain Name to unfairly divert good faith Internet users, seeking the Complainant's G4S offerings, to sites and services which compete with such. The nature of PPC links enables the Respondent to commercially capitalise through such redirections, and thus through its unauthorised and unfair use of the G4S mark. Findings of bad faith use have been made in prior cases where the Respondent has, as in the present matter, deployed PPC advertisements under a mark deceptively similar to the complaining party's brand (see, for example, *Belmond Interfin Limited v. Chenggong Li*, INDRP/1169).
- (vi) Additionally, the Complainant notes the Respondent's activation of mail exchange (MX) records for the Disputed Domain Names. The Complainant emphasises the risk that could be caused to unsuspected customers of the Complainant on receipt of emails from the Disputed Domain Name. The Complainant submits that the presence of MX records suggests the Respondent could engage in phishing activity through email distribution, given the evidently implied affiliation with the Disputed Domain Name due to the Complainant's G4S trademark. The presence of MX records has been found by UDRP panellists in previous disputes to evidence bad faith (see *CKM Holdings Inc. v. Grant Chonko*, *Genesis Biosciences*, WIPO Case No. D2022-0479: "A MX record is a resource record in the domain name system specifying which email server is responsible for accepting email on behalf of a domain name. It is not necessary to assign MX records to a domain name if the registrant does not intend to use the domain name to send and receive email. Activating the MX records to designate an email

server and enable email is an action beyond mere registration of the Disputed Domain Name and may constitute bad faith use." In addition, under the INDRP, MX records is a factor indicative of bad faith (see, for example, Société des Produits Nestlé S.A v. Nestle India Lrd, Case No. INDRP/1573).

In view of the aforesaid, the Complainant submits that the disputed domain name has been registered and is being used in bad faith, and that paragraph 4(c) of the INDRP is satisfied.

B. Respondent

The Respondent has neither responded to the Notice nor submitted his reply.

6. Discussion and Findings

The Rules instruct this arbitrator as to the principles to be used in rendering its decision. It says that, "a panel shall decide a complaint on the basis of the statements and documents submitted by the parties in accordance with the Policy, the Arbitration and Conciliation Act, 1996, the Rules and any rules and principles of law that it deems applicable".

According to the Policy, the Complainant must prove that:

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

A. Identical or Confusingly Similar

The disputed domain name <g4s.org.in> was registered by the Respondent on Nov 19, 2023.

The Complainant is an owner of the registered trademark G4S for the last many years. The Complainant is also the owner of the similar domains as referred to in the Complaint. These domain names and the trademarks have been created by the Complainant much before the date of creation of the disputed domain name by the Respondent. In the present case the disputed domain name is <g4s.org.in>. Thus, the disputed domain name is very much similar to the name, activities and the trademark of the Complainant.

The Hon'ble Supreme Court of India has held that the domain name has become a business identifier. A domain name helps identify the subject of trade or service that an entity seeks to provide to its potential customers. Further that, there is a strong likelihood that a web browser looking for G4S products would mistake the disputed domain name as of the Complainant.

In the case of *Wal Mart Stores, Inc. v. Richard MacLeod*, (WIPO Case No. D2000-0662) it has been held that "When the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name" it is identical or confusingly similar for purposes of the Policy.

Therefore, I hold that the domain name <g4s.org.in> is phonetically, visually and conceptually identical or confusingly similar to the trademark of the Complainant.

B. Rights or Legitimate Interests

The Respondent may demonstrate its rights to or legitimate interest in the domain name by proving any of the following circumstances:

- (i) 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; or
- (ii) 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
- (iii) 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.

In Case No. INDRP/776, *Amundi v. GaoGou*, the arbitration panel found that the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4 (II) of the INDRP Policy.

There is no evidence to suggest that the Respondent has been known by the disputed domain name anywhere in the world. The name of the Registrant / Respondent is not G4S as per WHOIS details. Based on the

evidence adduced by the Complainant, it is concluded that the above circumstances do not exist in this case and that the Respondent has no rights or legitimate interests in the disputed domain name.

Further, the Complainant has not consented, licensed, or otherwise permitted the Respondent to use its name or trademark G4S or to apply for or use the domain name incorporating said trademark. The domain name bears no relationship with the Registrant. Further that, the Registrant has nothing to do remotely with the business of the Complainant.

As has been contended by the Complainant, the Respondent is not making a legitimate, fair or bona fide use of the said domain name for offering goods and services. The Respondent registered the domain name for the sole purpose of creating confusion and misleading the general public.

I, therefore, find that the Respondent has no rights or legitimate interests in the domain name <g4s.org.in> under INDRP Policy, Para- 4(ii).

C. Registered and Used in Bad Faith

Any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration or use of the domain name in bad faith:

- (i) 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
- (ii) 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
- (iv) by using the domain name, the Registrant has intentionally attempted to attract the 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 contention of the Complainant is that the present case is covered by the circumstances mentioned herein above. There are circumstances indicating that the Respondent has intentionally attempted to attract, for commercial gain, internet users to its web site, by creating a likelihood of confusion with the Complainant's mark. It may also lead to deceiving and confusing the trade and the public.

In WIPO Case No. D2007-1695, Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe - "Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not of itself qualify as a bona fide use."

The circumstances as evident from the foregoing paragraphs lead to the conclusion that the domain name in dispute was registered and used by the Respondent in bad faith.

7. Decision

In light of the foregoing findings, namely, that the domain name is confusingly similar to the trademark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the domain name was registered in bad faith and is being used in bad faith, it is clear beyond doubt that the Respondent has violated the provisions of Rule-3 of the Policy. Therefore, in accordance with the Policy and the Rules, the Arbitrator orders that the domain name <g4s.org.in> be transferred to the Complainant.

No order to the costs.



Prabodha K. Agrawal
Sole Arbitrator
Dated: 13th August, 2024