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Description of Document	: Article 12 Award
Property Description	: Not Applicable
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**BEFORE BHARAT S KUMAR, SOLE ARBITRATOR**

**.IN REGISTRY**

**NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)**

**INDRP Case No. 1921**

**DISPUTED DOMAIN NAME: <PIGEONOFFERS.IN>**

**ARBITRATION AWARD DATED MARCH 21, 2025**



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**BEFORE BHARAT S KUMAR, SOLE ARBITRATOR**  
**.IN REGISTRY**  
**NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)**  
**INDRP ARBITRATION**  
**INDRP Case No. 1921**  
**DISPUTED DOMAIN NAME: <PIGEONOFFERS.IN>**  
**ARBITRATION AWARD DATED MARCH 21, 2025**

IN THE MATTER OF:

**Stove Kraft Limited**

Number 81/1, Medamaranhalli,  
Harohalli, Kanakapura Taluk,  
Ramnagara District - 562112

Complainant

VERSUS

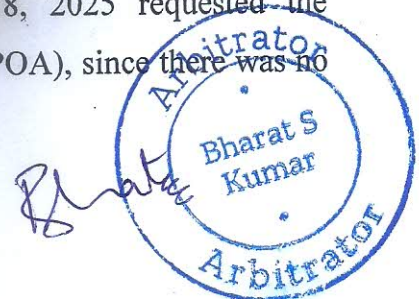
**Rijesh CD**

Thrissur district, Trichur,  
Kerala - 680623

Respondent

1. **The Parties in the proceeding:**

The complainant in this administrative proceeding is a Public Listed Company incorporated on 28.06.1999 under the Companies Act, 2013, having its **registered** office at Number 81/1, Medamaranhalli, Harohalli, Kanakapura Taluk, Ramnagara District – 562112. The complainant has authorized Mr. M.S Bharat from KRIA Law as its authorized representative in the present proceedings. I had through email dated March 18, 2025 requested the complainant's counsel to share a Power of Attorney (POA), since there was no





authorization filed with the complaint. That, the complainant's counsel had, vide email dated March 18, 2025 shared a POA dated November 12, 2024 granting authority to the authorized signatory, to initiate and contest for the complainant in trademark proceedings. That no notice was served by the complainant to the respondent before proceedings were filed before this tribunal.

The Respondent in the present proceedings is **Rijesh CD**, having his address at Thrissur district, Trichur, Kerala – 680623. The complainant has also filed the publicly-available WHOIS record, for the domain name < pigeonoffers.in >.

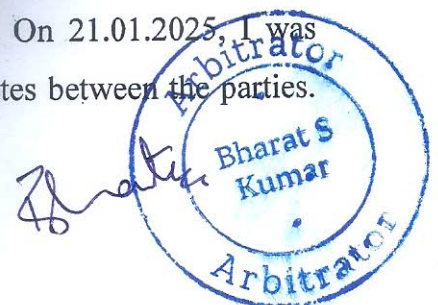
2. **Domain Name and Registrar:-**

The disputed domain name is <pigeonoffers.in>. The domain name was registered on September 18<sup>th</sup>, 2019. The registrar with which the domain name is registered is GoDaddy.com, LLC: 14455 North Hayden Road, Suite 219 Scottsdale, AZ 85260 United States of America. The email address of the registrar is not mentioned in the complaint.

3. **Procedural History:**

3.1 This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy") adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules"). The arbitration proceeding is approved in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the respondent has agreed to the resolution of disputes pursuant to the said Policy and the Rules.

3.2 The complaint was filed by the complainant with NIXI against the respondent. On 15.01.2025, to ensure compliance, I had submitted statement of acceptance and declaration of impartiality and independence as required by the Arbitrator's Empanelment Rules (Rule 5). On 21.01.2025, I was appointed as the sole arbitrator to decide the disputes between the parties.



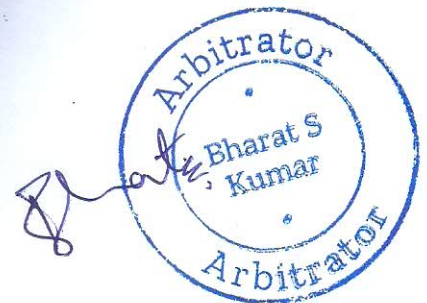
NIXI notified both the parties of my appointment as arbitrator *via* email dated 21.01.2025. NIXI had also served by email an electronic copy of the complainant with annexures, on the respondent at the email address of the respondent, ckhindustani@gmail.com, whilst appointing me as an arbitrator.

3.3 On 21.01.2025, I had issued notice to the respondent and directed the complainant to serve the complete paperbook on the respondent, i.e. the amended complaint which was filed by the complainant and the complete annexures (annexures A to H). The service was done by the complainant's counsel, Mr. Krishna VS, on 21.01.2025, on the email address present through a WHOIS lookup, i.e. ckhindustani@gmail.com. Ms. Krishna had also shared the email confirmation of the service on the respondent, with me on 21.01.2025. It may be noted that I had on 21.01.2025 also granted the respondent a time period of 15 days, to file a response to the complaint, from my email and the delivery of service of the complete paperbook.

3.4 That pursuant to no response from the respondent for 15 days after service of the complaint and the documents(annexures), I had on 07.02.2025 sent an email to the respondent apprising it of its rights to file a defence (response), being closed. That in the same email, I had also asked the complainant's counsel whether they wish to seek any personal hearing, to which they declined the same and requested that the complaint further proceed on merits.

3.5 That, all the communications to the complainant, respondent and NIXI by this tribunal have been through email. None of the emails sent on ckhindustani@gmail.com have bounced or returned. I therefore hold that the service is complete as per the INDRP rules as all correspondences effectively took place on ckhindustani@gmail.com.

**Respondent being proceeded *ex-parte*:**





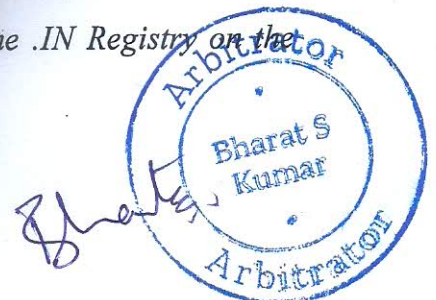
3.6 I wish to highlight Clause 13(b) of the INDRP Rules of procedure requires that the arbitrator shall at all times treat the parties with equality and provide each one of them with a fair opportunity to present their case. Clause 17 of the INDRP Rules of procedure grant the power to an arbitrator to proceed *ex-parte*, in the event any party breaches the provisions of INDRP rules and/or directions of the arbitrator.

3.7 The respondent has been given a fair opportunity to represent itself, respond to the complainant's assertions & contentions and counter the same, if it so wishes to. However, there has been no response by the respondent, despite effective service. It is noteworthy that Clause 18 of the INDRP Rules of procedure mandate that an arbitrator shall decide a complaint on the basis of the pleadings submitted and in accordance with the Arbitration & Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2015 read with the Arbitration & Conciliation Rules, Dispute Resolution Policy, the Rules of Procedure and any by-laws, and guidelines and any law that the arbitrator deems to be applicable, as amended from time to time. In these circumstances this tribunal proceeds to decide the complaint on merits, in accordance with said act, policy and rules on respondent's failure to submit a response, despite having been given sufficient opportunity and time to do so and represent itself. As a result of the aforementioned, the respondent is proceeded *ex-parte*.

4. **Legitimate rights under which a complainant can approach NIXI:**

4.1 The complainant has invoked Clause 4 of the INDRP policy to initiate the arbitration proceeding. Clause 4 reads as under:

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



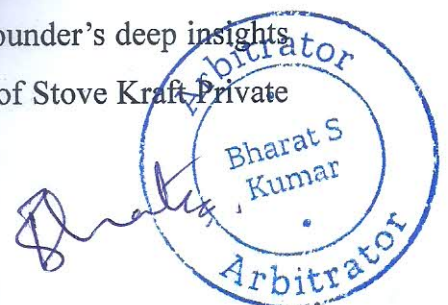
- (a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and*
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and*
- (c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.*

The complainant therefore has to satisfy this arbitral tribunal on all the three aforementioned clauses/conditions, i.e 4 (a), (b) and (c).

## **5. Case of the complainant**

5.1 The complainant avers that it is a public listed company incorporated on June 28, 1999, under the Companies Act, 1956. The complainant avers that it is widely acclaimed as India's largest kitchen appliances brand, serving the needs of every homemaker in the country. That, the complainant's design philosophy is founded on a pioneering spirit and a culture of innovation, and its heritage is built with a futuristic vision that stays true to the element of sustainable design. The complainant further states that it sells its products through its exclusive store in Frazer Town, Bengaluru. Copy of the complainant's company details from the online records of the Ministry of Corporate Affairs and the GST portal have been attached with the complaint as **Annexure A**.

5.2 The complainant further avers that the complainant company was founded in 1994 by Sri Rajendra J Gandhi, a first-generation entrepreneur and a visionary leader. Further, it is pleaded that the founder's passion for making high quality kitchen appliances/utensils has its origins in the backroom of the kitchen utensils store owned by the family. The founder's deep insights on the cooking needs of every home, led to the birth of Stove Kraft Private






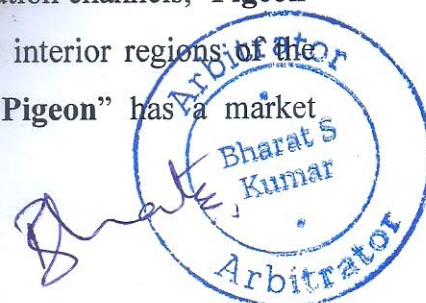


Limited in 1999. Mr. Gandhi commenced manufacturing kerosene wick stoves and LPG Gas Stove and eventually became the largest LPG Stove manufacturer in the country.

5.3 The complainant also avers that owing to its exponential growth in the kitchen appliances sector, the complainant went public in the year 2021 with an IP Listing on the National Stock Exchange (NSE) and Bombay Stock Exchange. The complainant states that it has over 2500 products in its portfolio, which include pressure cookers, non-stick cookware, cooktops, induction cooktops, chimneys, hobs, cooking appliances, mixer grinders, kitchen and home utilities, etc. The complainant also states that its manufacturing units are well connected with nine strategically located Cost & Freight (C&F) Agents. Additionally, the complainant has around 646 distributors spread across India in over 28 states. Stating its mass presence, the complainant avers that its C&F Agents and distributors are, in turn connected with a dealer network comprising of over 61,400 retail outlets. The complainant also states that apart from its phenomenal presence in the Indian market, its products are also in significant demand in the global market in countries like the USA, Mexico, Kenya, Qatar, Sri Lanka, Fiji, Bahrain, Kuwait.

5.4 The complainant states that its company is valued at more than Rs. 1500

Crores with its two-flagship brands i.e., “Pigeon”   and “Gilma” . It further avers that in addition to its flagship brands, it also has tied ups with international brands like “Black + Decker”. The Complainant’s co-branding initiatives of over eight years with LPG companies such as Indian Oil Corporation Limited and Hindustan Petroleum Corporation Limited, utilizing their sale and distribution channels, ‘Pigeon’ enjoy a wide consumer outreach, including in the interior regions of the country. The complainant avers that its brand “Pigeon” has a market

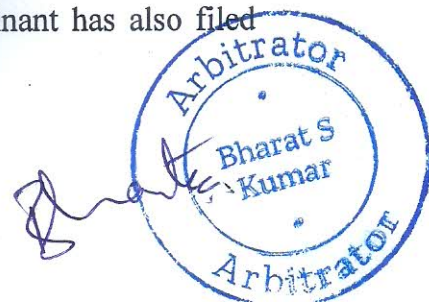


presence of over 23 years and enjoys a high brand recall amongst consumers for high quality and value for money. That, it states that it has been offering a premium range of products under the trademark '**Pigeon**' and these products of the complainant are known for their high quality and novelty in design. The complainant claims to have invested significant capital, labour, skill and judgement in painstakingly innovating products under its brand name '**Pigeon**'. The complainant avers that it extensively manufactures and sells its cooking appliances, mixer grinders kitchen and home utilities under its popular brand and trademark '**Pigeon**' in both word and label from 1999 and since the very inception, consumers associate the trademark '**Pigeon**' with the Complainant alone. The complainant has filed copies of invoices raised by it and other related documents to prove the extensive, continuous use of the mark '**PIGEON**' as **Annexure B**.

- 5.5 The complainant avers that owing to the phenomenal success of its brand '**Pigeon**' in the kitchen appliances sector, it has also diversified and capitalized on its brand '**Pigeon**' by manufacturing selling LED Bulbs under its brand name '**Pigeon LED**'.

**The complainant's statutory claims pertaining to trademark "**Pigeon**":**

- 5.6 The complainant states that is the prior user and registered proprietor of the well-known trademark '**Pigeon**' and all varieties thereof (hereinafter collectively referred to as 'Trademarks') which are well recognizable all over India. It further avers that the mark '**Pigeon**' is highly distinctive and unique, and being an arbitrary trademark, enjoys the highest level of protection as a brand under applicable trademark law. In addition to the vast common law rights that accrue to the complainant company in these trademarks, it also holds numerous registrations for the same in India. In support of the aforementioned averments, the complainant has also filed trademark registrations at **Annexure C**.



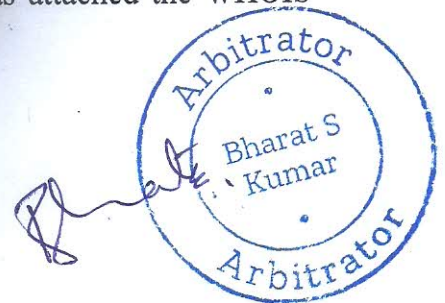


5.7 The complainant further states that owing to the long, continuous, widespread and uninterrupted use of these trademarks and the superior quality of products offered thereunder, the complainant's brand "**Pigeon**" has established an impeccable reputation and goodwill among the consumers and the members of the trade. It also avers that the details of its operations under its trademarks, the brand vision and information about its products and services are provided on its official website <https://stovekraft.com/pigeon/>. The complainant emphasizes on the fact that its website can be accessed across the globe. In support of the same, the complainant has attached screenshots of its the website along with the extract of the WhoIs registration as **Annexure D**.

**6. The dispute raised before this tribunal – case of the complainant:**

**The Domain Name and associated website**

**6.1** The complainant states that it recently came across the respondent's domain name <pigeonoffers.in> (*'disputed domain name'*) which was registered on 18.09.2019. The complainant avers that the respondent uses the complainant's registered trademark **PIGEON** as the dominant part of the impugned domain name. The complainant emphasizes that this is a calculated and deliberate use of the complainant's registered trademark by the respondent. The complainant states that this amounts to infringement of the complainant's rights in its trademark **PIGEON** and its variants as mentioned in the complaint. The complainant avers that at the time of filing the instant complaint, the disputed domain name was valid till 18.09.2025. Further, it states that the disputed domain would be renewed, and the respondent would continue to operate the domain name in violation of the complainant's statutory rights. The complainant has attached the WHOIS extract of the disputed domain as **Annexure E**.



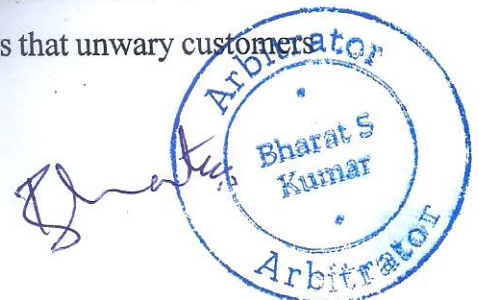
6.2 The complainant states that the disputed domain name leads to a website ("*Respondent's website*") wherein goods, identical to the goods sold by the complainant, bearing marks identical to those of the complainant are being sold. It avers that the respondent not only uses an identical domain name but also sells the complainant's products at a much lesser price with each product and online listing bearing the identical trademark of the complainant. The complainant has filed extracts of the respondent's website showing the concerned weblinks. The same are annexed as **Annexure F** with the complaint.

## 7. Analysis

7.1 It is pertinent to note that Paragraph 4 of the INDRP Domain Name Dispute Resolution Policy, mentions about class of disputes, which grants any person who considers that a registered domain name conflicts with his/her legitimate rights or interests, the right to file a complaint with the .IN Registry. There are 3 conditions which an aggrieved right holder may file the complaint under. The complainant has in the present complaint mentioned that its rights under all the three conditions have been violated:

- i. Condition 4(a) - The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the complainant has rights;

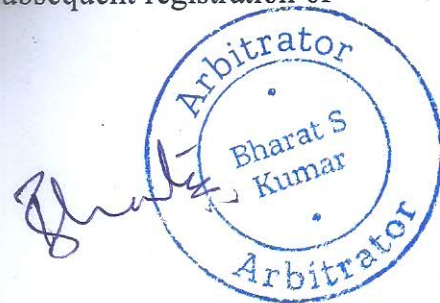
The complainant states in the complaint that it has statutory and common law rights in the trademarks **PIGEON** and its variants as mentioned above and such rights predate the registration of the disputed domain name by many years. The complainant further states that it is also the holder of a domain name registration for <<https://stovekraft.com>> which it asserts is much prior to the disputed domain name. It further states that the complainant's goods bearing its said trademark **PIGEON** and its variants are being sold for many years. The complainant states that unwary customers





would purchase the respondent's goods bearing the complainant's trademark, which it believes would be of inferior quality. Further, it states that the *mala fide* of the respondent is evident as they seek to ride on the goodwill and reputation accrued by the complainant for its goods bearing its **PIGEON** trademark. The complainant relies on past INDRP decisions stating that if a domain name wholly incorporates a complainant's registered trademark, it is sufficient to establish identity or confusing similarity for the purpose of INDRP. In averring the same, it throws light and relies on ITC Limited v. Travel India (*INDRP Case No. 065*), and Jaguar Land Rover v. Yitao (*INDRP Case No. 641*). The complainant further states that INDRP decisions in Nike Inc. v. Nike Innovative CV Zhaxia (*Case No. INDRP/804*); Lego Juris A/s v. Robert Martin (*Case No. INDRP/125*), had held that if a disputed domain name completely incorporates the trademark / service mark of the complainant, then the mere addition of domain codes such as ".in" and/or ".co.in" will not distinguish the respondent's disputed domain name. The complainant thus states that in the present case, the disputed domain name is confusingly similar to the complainant's trademark **PIGEON** and its variants and the complaint has successfully satisfied the first requirement set out in clause 4(a) of the INDRP.

I have gone through the pleadings and documents filed by the complainant. With regard to the fulfilment of paragraph 4(a) of the INDRP policy, it is evident that the complainant has been continuously and extensively using the registered trademark **PIGEON** in the course of trade and commerce since the year 1999. The complainant has also registered its trademark **PIGEON** across myriad classes (trademark registrations). Its statutory rights thus, in the trademark **PIGEON** is well established. It is pertinent to note that the disputed domain name pigeonoffers.in was registered on September 18, 2019, almost two decades after the adoption and subsequent registration of the complainant's registered trademark, **PIGEON**.



It is noteworthy that a perusal of the disputed domain name 'pigeonoffers.in' of the registrant/respondent shows that the respondent has used the complainant's trademark PIGEON in its entirety and merely added a word "offers", further to it. The disputed domain name 'pigeonoffers.in' is deceptively similar, or some may say near identical to the 'PIGEON' trademark of the complainant, with merely 'offers' added to it. It is well established that the mere addition of a TLD such as ".in" and even a suffix, such as 'offers' to a registered trademark(s), are not significant in distinguishing a domain name. It has been held by prior panels deciding under the INDRP, such as in *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, that there is confusing/deceptive similarity where the disputed domain name wholly incorporates a complainant's trade mark. It is further noteworthy that, a TLD/ccTLD such as ".in" is an essential part of domain name. Therefore, it cannot be said to distinguish the respondent's domain name 'pigeonoffers.in' from the complainant's trademark PIGEON. In **Satyam Infoway Ltd vs Siffynet Solutions Pvt. Ltd AIR 2004 SC 3540**, the Hon'ble Supreme Court of India stated that the law pertaining to the Trademark Act, 1999 shall be applicable to domain names in India. The Hon'ble Supreme Court of India also observed that domain names have the same characteristics of a trademark and thus act as a source and business identifier. In *M/s Retail Royalty Company v. Mr. Folk Brook INDRP/705*, wherein on the basis of the complainant's registered trademark and domain names for "AMERICAN EAGLE", having been created by the complainant much before the date of creation of the disputed domain name <americaneagle.co.in> by the respondent, it was held that:

*"The disputed domain name is very much similar to the name - and trademark of the complainant. The Hon'ble Supreme Court of India has recently 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*

*Arbitrator*  
Bharat S  
Kumar  
Arbitrator



likelihood that a web browser looking for AMERICAN EAGLE products in India or elsewhere would mistake the disputed domain name as of the complainant. "

A precedent, pertinent to the present case at hand, it being *WhatsApp, Inc. v. Nasser Bahaj*, WIPO Case No. D2016-058. The relevant excerpts are highlighted as hereinunder:

*"The disputed domain name <ogwhatsapp.org> comprises the Complainant's trademark WHATSAPP combined with the letters "og" which are the initials of the developer Osama Ghoraib as indicated on the website of the Respondent. Adding these two letters does not in any way eliminate the confusing similarity with the Complainant's trademark. As for the gTLD ".org", it is established that a gTLD does not typically eliminate confusion.*

*The disputed domain name <whatsapp-plus.org> comprises the Complainant's trademark WHATSAPP in its entirety. Adding the term "plus" not only does not eliminate confusion but on the contrary gives the impression that new and enhanced versions of the Complainant's application are available through the website the disputed domain name resolves to.*"

The complainant has rights in the trademark PIGEON by way of trademark registrations across myriad classes, and by virtue of use in the course of trade, as part of their company. Pertinently, the use is much prior to the date on which the respondent created the impugned domain <pigeonoffers.in> incorporating the complainant's trademark and trade name PIGEON in totality and as a whole. I agree that merely adding the word "offers" not only creates confusion, but may even make a potential web user believe that this may well be associated with the complainant.

The respondent has not filed any response to the assertions put forth by the complainant. The averments of the complainant thus remain unrebutted.

*[Signature]*

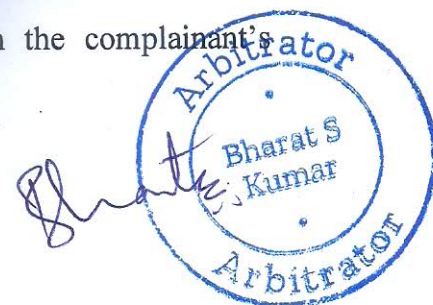
Bharat S  
Kumar  
Arbitrator

In view of the above facts and submissions of the complainant, on perusal of the documents filed and annexed with the complaint, I therefore hold that the disputed domain name < pigeonoffers.in> of the registrant (respondent) is identical and/or confusingly/deceptively similar to the trademark PIGEON of the complainant.

- ii. Condition no.4 (b) the Respondent (Registrant) has no rights or legitimate interest in respect of the domain name:

The complainant asserts that the respondent is unable to invoke any of the circumstances set out in Paragraph 6 of the .IN Policy to demonstrate rights or legitimate interests in the domain name. To further its claims, the complainant states that the disputed domain name has not been used in connection with *bona fide* offering of goods or services by the respondent. It avers that the disputed domain name is being used by the respondent to attract consumers by portraying itself as an affiliate of the complainant and making commercial gains by selling goods bearing the complainant's trademark(s) PIGEON and its variants.

The complainant also avers that the respondent's use of the disputed domain name is for commercial gain as the respondent's website offers for sale goods bearing the complainant's PIGEON trademarks and its variants. It states that the respondent's use of the complainant's PIGEON trademarks is unauthorised. The complainant states that the respondent's acts are probative of its intention to make profit from unauthorised use of complainant's PIGEON. Therefore, it states that the respondent has no legitimate interest in the disputed domain name, rather the sole purpose of its registration is to misappropriate the reputation associated with the complainant's known trademark, PIGEON.


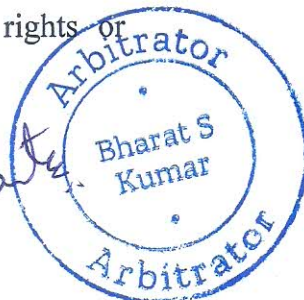




The complainant claims that it has therefore established a *prima facie* case that the respondent has no rights and legitimate interests in the disputed domain name. It states that thereby the burden of proof shifts to the respondent to produce evidence demonstrating rights or legitimate interests in respect of the domain name. The complainant relies on the decisions in Eurocopter, an EADS Company v. Bruno Kerrien (*Case No. INDRP Case No. 116*), Voltas Ltd. v. Sergi Avaliani (*INDRP Case No. 1257*); and Do The Hustle, LLC v. Tropic Web, (*WIPO Case No. D2000-0624*).

I agree with the assertions put forth by the complainant. I believe that the complainant has established its rights in the trade mark PIGEON. It is significant to note that the use of PIGEON in the respondent's domain name is definitely likely to give a false impression to internet users that the disputed website is either owned by the complainant to is affiliated to the complainant in some manner. The respondent cannot conceivably claim that its use of the complainant trademark is *bona fide* as per paragraph 6(a) of the .IN Policy or is commonly known by the domain name in accordance with paragraph 6(b) of the .IN Policy.

The mere fact that the disputed domain name is registered does not imply that the respondent has any rights or legitimate interests in them. In *Deutsche Telekom AG v. Phonotic Ltd.* (WIPO Case No. D2005-1 000), it has been held that "*Registration of a domain name in itself does not establish rights or legitimate interests for purposes of paragraph 4(a)(ii) of the Policy*". Therefore, any use of the disputed domain name by the respondent is not a legitimate, non-commercial or fair use. The respondent thus has no rights or legitimate interests in, the disputed domain name.

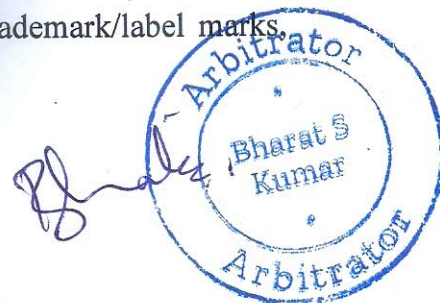
  


The adoption of word/mark "PIGEON", therefore in the disputed domain name affirms the malafide intention of the respondent to make use of and ride on the coat tails of the complainant for earning commercial benefits. Such a conduct demonstrates anything, but a legitimate interest in the domain name. In the *Sports Authority Michigan, Inc. v. Internet Hosting*, NAF Case No. 124516, it was held *'It is neither a bona fide offerings of goods or services, nor an example of a legitimate non-commercial or fair use under Policy 4(c)(i) and (iii), when the holder of a domain name that is confusingly similar to an established mark uses the domain name to earn a profit without approval of the holder of the mark'*.

It is pertinent to note that the complainant has also not licensed the use of the mark, PIGEON, to the respondent. In such as situation, there is no reason for the respondent to use the same as its domain name. The use is therefore unauthorized. A decision of a previous panel, *Wacom Co. Ltd. v. Liheng*, INDRP/634, is relevant in this case. It was stated that:

*"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"*

It is reiterated that the respondent (registrant) has not filed any response to counter the complainant's assertions, despite service. The respondent has thus failed to satisfy the conditions contained in clauses 6(a),(b) and (c) of INDRP Policy. Significantly, the respondent has never been identified with the disputed domain name or any variation thereof. The respondent's (Registrant) use of the disputed domain name will inevitably create a false association and/or affiliation with complainant and its trademark/label marks. PIGEON.





Therefore, in view of the submissions made in the complaint and on perusal of the accompanying documents, I am of the opinion that the respondent has no rights or legitimate interests in respect of the disputed domain name. Accordingly, condition 4(b) of the INDRP policy is decided in the favour of the complainant.

- iii. Condition 4(c): The Registrant's domain name has been registered or is being used in bad faith:

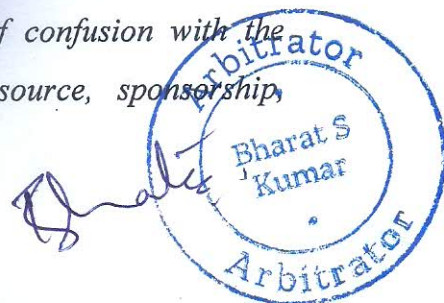
To look into condition 4 (c) of the INDRP policy, clause 7 is to be looked into. Clause 7 of the INDRP policy states as under:

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

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

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


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



*affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location; or*  
*(d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor.*

The complainant states that the issue at hand falls 7 (c) of the INDRP policy as the Registrant(respondent) has intentionally attempted to attract users to the Registrant's website. The complainant states that the respondent has registered the disputed domain name subsuming the complainant's trademark PIGEON, with the sole reason of attracting prospective customers to its website and gain commercially. The complainant states that by using the disputed domain name, the respondent is attracting users to its website to view product listings under the complainant's trademark PIGEON and its variants in order to make commercial gains. The complainant states that the product listings on the respondent's website are unauthorised. Therefore, it states that the respondent's use of its trademark 'PIGEON' in the disputed domain name is solely to ride on the complainant's reputation.

It is pertinent to reiterate that the complainant is vested with statutory rights across myriad classes in its PIGEON trademark in India. The use of the trademark PIGEON has been from the year 1999. The respondent's registration of a disputed domain name wholly incorporating the complainant's trademark is most certainly to ride on the coat tails of the complainant's commercial success which its PIGEON trademark has attained over the past 25 years. It is also noteworthy that the actions of the respondent seem to fall squarely within subclause (c) hereinabove.




Given the enormous success of the complainant's business, its known trademark PIGEON, there seems to be no reason for the respondent to adopt an identical name/ mark with respect to the impugned domain name. This adoption by the respondent, of course seems to create a deliberate and false impression in the minds of users that the respondent is somehow associated with or endorsed by the complainant. A case by a previous panel, *M/s Merck KGaA v Zeng Wei JNDRP/323*, can be referred wherein it was stated that:


*"The choice of the domain name does not appear to be a mere coincidence, hut 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. "*

It is noteworthy that Rule 3 of .IN Domain Name Dispute Resolution Policy (INDRP), casts obligations on a registrant, such as the respondent here. The same provides as under:

### 3. Registrant's Representations

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

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

*Bharat S Kumar*  
  
 Arbitrator  
 Bharat S Kumar  
 Arbitrator

*domain name registration infringes or violates someone else's rights.*

It is evident from above rule that rule 3(b) and (d) puts an obligation on the Registrant, the respondent herein, before registering a domain name. The registrant is to verify that the registration of the domain name will not infringe upon or otherwise violate the rights of any third party.

From a perusal of the averments and documents filed herewith, there is therefore no doubt that the respondent has got the disputed domain name registered in bad faith and to ride on the complainant's PIGEON trademark's goodwill and reputation. The actions of the respondent are thus in contravention with paragraph 4(c) of the INDRP policy. I therefore hold that the respondent's domain name has been registered in bad faith.

### Decision

In view of the foregoing, I hold that the disputed domain name, <Pigeonoffers.in> is identical and/or confusingly similar to the complainant's 'PIGEON' trademark(s). I further hold that the respondent has no rights or legitimate interests in respect of the disputed domain name and that the same was registered in bad faith by the respondent.

In accordance with the INDRP Policy and Rules, I direct that the disputed domain name registration be transferred to the complainant. No order as to costs.

Date: 21.03.2025

Place: New Delhi

