

# AWARD PASSED UNDER THE INDRP RULES OF PROCEDURE

# AND THE ARBITRATION AND CONCILIATION ACT, 1996.

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## I. PARTIES TO THE ARBITRATION

- 1. The Complainant is BlackRock, Inc., 50 Hudson Yards New York, NY 10001, USA Telephone: 0120 623 3100 E-Mail: trademarks@sc-ip.in. is a subsidiary of Robert Half Inc. ("RH") represented by their Power of Attorney Sujata Chaudhri, IP Attorneys, 2106 Express Trade Towers , 1st Floor, B-36, Sector 132, Expressway, NOIDA, Uttar Pradesh 201301 Telephone: 0120 623 3100 E-Mail: trademarks@sc-ip.in
- 2. The Respondent Syed Hussain and IBN7 Media Group, 15, 5 th Street Closter, NJ, US - 07624, Telephone: (+1).2016608589, E-Mail sjhsm@email. is the Registrant of the disputed domain name" < JIOBLACKROCK.IN >" .

## II. APPLICABLE LAW AND JURISDICTION

## The .IN Domain Name Dispute Resolution Policy

The present arbitration proceeding is under and in accordance with the .IN Domain

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Name Dispute Resolution Policy (the Policy) which was adopted by the National Internacional Internac Exchange of India (NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name By registering the domain name < JIOBLACKROCK.IN > with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the JN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure post 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

### III. Filing of the Complaint and Constitution of the Arbitral Tribunal

- 1. The Complainant filed the Complaint under the .IN Domain Name Dispute Resolution Policy against the Respondents, seeking transfer of the Domain Name 'JIOBLACKROCK.IN' to the Complainant, Following which, the .IN Registry sought the consent of Tmt.M.SHIRIJHA (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under 5 (a) of the Rules, to act as Arbitrator in the said matter.
- 2. On 21s January 2025 the Arbitral Tribunal consisting of the said Tmt.M.SHIRIJHA as Sole Arbitrator was constituted under 5(b) of the Rules in respect of the Complaint filed by BlackRock, Inc. against the Respondent Syed Hussain.
- 3. Immediately On the very same day, the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules. to the parties for commencement of Arbitral Proceedings.
- 4. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

### IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT

The particulars of the registration of the domain name <JIOBLACKROCK.IN> as found in the .IN Registry database are set out below:

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M.SHIRIJHA B.SC., M.L. STS Law Associates anna, River View Enclave, First Main Road angoaldism, Chennal - 600 125.

Name: Syed Hussain and IBN7 Media Group

Address: IBN7 Media Group, 15, 5th Street, Closter, NJ, US - 07624

Telephone: (+1).2016608589

E-Mail: sjhsm@email.com

The Registrar with whom the subject domain name is registered: Name.com, Inc. on July 27, 2023.

#### V. PROCEDURAL HISTORY

- The Sole Arbitrator, Tmt.M.Shirijha was appointed On 20<sup>th</sup> January 2025 for the INDRP case no. 1911 regarding the Complaint dated September 26<sup>th</sup>, 2024 filed under the INDRP.
- 2. On 21<sup>st</sup> January 2025, the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules , to the parties for commencement of Arbitral Proceedings Respondent by email with the Complaint and Annexures enclosed and directed the Complainant to serve the said Notice to the Respondent both Online and Offline to the address mentioned therein. The Respondent was given an opportunity to file a response in writing in opposition to the Complaint, if any along with evidence in support of its stand or contention on or before seven working days from the date of receipt of the said Notice.
- 3. On the same day The Power of Attorney of the Complainant replied via E Mail that they have served a copy of the complaint against the domain name <u>JIOBLACKROCK.IN</u> along with a complete set of documents on the Respondent, *i.e.*, Syed Hussain, on his email address along with Attachment for the proof of service. They further submitted that as the Respondent is a serial cybersquatter and several orders have been passed against him and since the address for service appears to be incorrect, the complainant has not served the Respondent physically and requested the Arbitrator to proceed further. However the Arbitral Tribunal insisted them to comply with the directions issued in the Notice therein.
- 4. On 24<sup>th</sup> January 2025, the Complainant's Power of Attorney informed the Tribunal that they have served a hard copy of the complaint on the Respondent's address and submitted the copy of the dispatch receipt. On 30<sup>th</sup> January 2025, They further informed the Tribunal that the hard copy of the complaint was delivered to the Respondent's address on January 29, 2025 and submitted a copy of the tracking receipt and This Tribunal advised them

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to wait for a week for the Respondent's Response.

- 5. On 5<sup>th</sup> February 2025, the Tribunal recorded that "Respondent served both online and offline and Inspite of sufficient opportunity given, Respondent has neither submitted its reply nor has appeared before this tribunal. Hence, Respondent set exparte". Accordingly, the service on the Respondent was done in accordance with Rule 2(a) of the Rules.
- 6. The Hon'ble Apex Court of India has repeatedly held that even in an uncontested matter the Plaintiff's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Accordingly, though the respondent has been set exparte, A Complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements required by Paragraph 4 of the INDRP Policy namely:
- a) The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.
  - b) The Respondent has no rights or legitimate interests in respect of the domain name
  - c) The Respondent's domain name has been registered or is being used in bad faith.

#### VI. COMPLAINANT'S CONTENTIONS

1. The Complainant is BlackRock, Inc., one of the world's leading asset management firms and a premier provider of global investment management, risk management and advisory services to institutional, intermediary and individual investors around the world, Founded in 1988,today has a presence in 38 countries around the world, including India, with nearly 90 offices that employ more than 20,000 employees. The Complainant manages over \$10.5 trillion in assets. The name 'BLACKROCK' is synonymous with the highest quality of financial a nd investment services around the globe. Over the years, the Complainant has been the recipient of many coveted awards and recognitions and in 2024, BlackRock was named the world's most valuable asset management brand by Brand Finance. Since 1988, the Complainant has used, and continues to use, the BLACKROCK ® name and trademark, including in India. The corporate names that incorporate BLACKROCK ® , the trade mark BLACKROCK ® and all marks that incorporate the mark BLACKROCK ® are hereinafter collectively referred to as the "Complainant's BLACKROCK ® Name and Marks". BLACKROCK ® is a unique and arbitrary term that does not have any meaning, direct or indirect, in relation to the Complainant's services. and are, consequently, entitled to the highest degree of protection under the Trade Marks Act, 1999 and they have also achieved worldwide fame and repute, as a result of their extensive

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use as set forth at length below. The Complainant has an active website located at www.blackrock.com that is accessible to consumers around the world, including in India. As per WHOIS records, the domain name BLACKROCK.COM was registered on November 26, 1997. Consumers can access information about, and avail, the Complainant's services under the Complainant's BLACKROCK ® Name and Marks through this website and further the Complainant has expanded its online presence by launching official social media pages and accounts on Facebook, Instagram, X, LinkedIn to promote its services under the Complainant's BLACKROCK ® Name and Marks, which have been enormously popular with consumers worldwide, due to which they have come to associate these marks solely and exclusively with the Complainant and its services. The Complainant has had significant ties with India since the year 2004 through its subsidiary, BlackRock Services India Private Limited. By 2013, the Complainant had become one of the most active investors in the Indian market. The Complainant's BLACKROCK ® Name and Marks qualify as 'well- known trade marks', as envisaged by Section 2(I)(zg) and Section 11(6) of the said Act as well as Article 6bis of the Paris Convention.

2. The disputed domain name JIOBLACKROCK.IN was registered on July 27, 2023, the day after the Complainant's announcement of its partnership with Jio Financial Services. The disputed domain name does not resolve to an active website and has been parked for advertising. Notably, the website, www.jioblackrock.in, specifically and deliberately features advertisement for identical services as that provided by the Complainant, i.e., investment services. The Complaint notes that the Registrant, IBN7 Media Group, is engaged in serial cyber-squatting activities, for which complaints have been lodged.

# a) The Domain Name is Identical and/or Confusingly Similar to a Mark in Which the Complainant has Rights

A trademark and a domain name, although used in a different manner, can be identical or confusingly similar. The Complainant owns registrations for the BLACKROCK ® Name and Marks in various countries and jurisdictions around the world, including India. As early as in 2005. The Respondent on the other hand, has registered the disputed domain name on July27, 2023. Clearly, the Complainant's rights in the BLACKROCK ® Name and Marks predate registration of the disputed domain name and, therefore, the Complainant has prior rights in the BLACKROCK ® Name and Marks. Clearly, the disputed domain name, JIOBLACKROCK.IN,

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the beaching the first the series that the first the series the SLACKROCK ® Name and Marks in their entirety. Mere addition of the term JIO (registered trademark of Reliance Industries Limited) as a prefix and the country-code top level domain, .IN after the mark BLACKROCK ® does nothing to distinguish the domain name from the SLACKROCK ® Name and Marks. Accordingly, the disputed domain name, JIOBLACKROCK.IN, is closely identical and/or confusingly similar to the BLACKROCK ® Name and Marks under INDRP Policy Paragraph 4 (a) and Rules, Paragraph 4(b)(vi)(1).

Reliance is placed on the following decisions wherein it is held that It is well-settled that a chmain name has all the characteristics of a trademark. (M/S Satyam Infoway ltd. v. M/S Siffinet Solution (P) Ltd., JT 2004 (5) SC 541) ,if a complainant owns a trade mark registration, then it generally satisfies the threshold requirement of trade mark rights (ByteDance Ltd. Jing Ren, INDRP/1228 (July 07, 2020), a domain name which wholly incorporates a complainant's reprintered mark may be sufficient to establish confusing similarity (ONEY BANK, v. Xiao Long Lin, A La Si Jia, D2020-2968), as a common practice in appropriate circumstances the Top-Level Domain ("TLD") section of domain names is disregarded for the purposes of the comparison (Dareos Ltd., Dareos Inc. v. Evgeniy Khlintsev, D2020-1727 (WIPO Mediation and Arbitration Centre, September 28, 2020)

## b) The Registrant Has No Right or Legitimate Interest in the Domain Name

- 1. The disputed domain name incorporates the BLACKROCK ® Name and Marks in which the Complainant has sole and exclusive rights and that have become well-known owing to the Complainant's efforts.
- 2. The Registrant is not a licensee of the Complainant, nor has the Registrant ever been authorized by the Complainant to use the BLACKROCK ® Name and Marks or register the disputed domain name. Indeed, the Complainant has no relationship whatsoever with the Registrant. It was held in Charles Jourdan Holding AG v.AAIM, D2000-0403 (WIPO, June 27, 2000) that no rights or legitimate interests where respondent was not a licensee of the complainant.
- 3. The Registrant is not making any legitimate, non-commercial or fair use of the disputed domain name as the website associated with the disputed domain name resolves to a parking page for advertising pay-per-click investment services and every time a consumer clicks on these links, the Registrant is benefiting monetarily which is an attempt to earn easy money by riding piggyback on the Complainant's goodwill and reputation which evidences the

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Respondent's lack of rights or legitimate interest in the domain name. Reliance is placed on Kenneth Cole Productions Inc. v. Viswas Informedia, INDRP/93 (April 10, 2009) and Vestel Electronik Sanayrive Ticaret AS v. Mehmet Kahveci, WIPO-D2000-1244, Etechaces Marketing and Consulting Pvt. Ltd. v. Sudeshna Mukherjee, INDRP/1238 (July 13, 2020) Using a disputed domain name to resolve to parked page is not a bona fide offering of goods and services or a legitimate or fair use. Teleflex Incorporated v. Host Master/ 1337 Services LLC, [FA230500204 4006 June 19, 2023). The Registrant having registering the disputed domain shortly after the Complainant's announcement of its partnership with Jio Financial Services is a clear case of cyber- squatting, showing his intention to take advantage of the Complainant's substantial reputation and prominent presence on the Internet, divert business, tarnish the reputation and goodwill of the Complainant, and unduly gain in all aspects to the detriment of the Complainant. Thus, Registrant has no rights or legitimate interest in the disputed domain name under INDRP Policy Paragraph 4(b) read with Paragraph 6 and Rules, Paragraph 4(b)(vi)(2).

# c) The Registrant has Registered or Used the Domain Name in Bad Faith

It is well-settled that registration of a domain name that incorporates a wellknown mark by an entity that has no relationship to the mark is evidence of bad faith. The Ritz Cariton Hotel Company LLC v. Nelton! Brands Inc., INDRP/250(December 30, 2011) Ebay Inc. v. Wangming, WIPO Case No. D2006-1107 (December 28, 2006) and Kenneth Cole Productions Inc. v. Viswas Informedia, INDRP/93 (April 10, 2009). Thus, the Registrant, who has no relationship whatsoever to the Complainant or to the BLACKROCK ® Name and Marks, registered the disputed domain name in bad faith. It is clearly more than a coincidence that the Registrant chose and registered a domain name that is confusingly similar to the Complainant's BLACKROCK ®Name and Marks. Also it was registered immediately after the Complainant's announcement of its partnership with Jio Financial Services. Additionally, it has simply been parked for advertising pay-per-click investment services. In fact, every time a consumer clicks on these links, the Registrant is benefiting monetarily which clearly shows that the registration of the disputed domain name consisting of the Complainant's BLACKROCK ® Name and Marks in combination with the term JIO came as a deliberate and willful attempt to register a confusingly similar domain name to the BLACKROCK ® Name and Marks and intended to capitalize on the confusion. Nu Mark LLC v. Privacydotlink Customer 3030896/Garret Boyd, WIPO Case No. D/2017-2084(WIPO, January 10, 2018 ) On account of the high reputation attributable to the mark, the use of the disputed domain name would lead to confusion and

M.SHIRIJHA B.SC., M.L. STS Law Associates

deception in the trade. (OSRAM GmbH v. Privacydotlinkk Customer 3069957, 3069958 3069959, 3069960/ Paul David Song, WIPO Case No. D2017-2307 (February 15, 2018). Therefore, the Registrant's domain name has been registered, and is being used, in bad faith under INDRP Policy Paragraph 4(c) read with Paragraph 7 and Rules, Paragraph 4(b)(vi)(3).

an award that the disputed domain name. The Complainant prayed for JIOBLACKROCK.IN, and all rights thereto, be transferred to Complainant and heavy costs be imposed on the Registrant, as a deterrent to future bad faith registration by the Registrant.

#### VII. DISCUSSIONS AND FINDINGS:

Perused the records placed by the Complainant. Now This Tribunal shall deal whether the Complainant has established three elements required by the INDRP Policy and thereby entitled to the relief as sought for.

- a) Whether the Respondent's disputed domain <WWW name JIOBLACKROCK.IN > is identical and/or deceptively similar to domain name and trademarks of the Complainant?
- The Complainant provided evidence with the Annexures, to establish that the Disputed Domain name is identical or confusingly similar to the Complainant's registered and distinctive trademark . The copy of the trademark registration certificate of Domain Name 'BLACKROCK' and WHOIS records shows Complainant is the owner of the trademark registrations in India. it is further evident from the WHOIS records that The disputed domain name by Respondent, i.e. <JIOBLACKROCK.IN> was acquired long after the "BLACKROCK" trademark was recognised. The Extensive Annexures shows that The Complainant holds BLACKROCK' trademark registrations in India and because of the extensive use and promotion of the 'BLACKROCK' trademark, the brand has gained recognition.
- It is the contention of the Complainant that The subject domain name <JIOBLACKROCK.IN> is virtually identical to the trademark 'BLACKROCK' of the Complainant. If we examine both the Disputed Domain name and that of the Complainant's, The Complainant's domain name is 'www. BLACKROCK.com' but the Disputed Domain name is `<JIOBLACKROCK.IN>. it is true that the Doman name has the words 'BLACKROCK" is identical to that of the Complainant's Domain name. But it has an additional term "JIO " in it and the top-level domain extension ".in" instead of the Complainant's Domain name which has



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the domain extension ".com" Then the question arises whether The subject domain name is highly similar in appearance, sight, sound, and connotation to Complainant's BLACKROCK' Marks, as claimed by them.

3. The Arbitral Tribunal took notice of the decision in Fendi Sr.I. v. Ndiaye Therese, WIPO Case No. D2018-0179; Birdies, Inc. v. Registration Private, Domains By Proxy, LLC/Fu Li, WIPO Case No. D2019- 2134, which through a catena of Orders passed by this Panel and WIPO (under the UDRP), states that domain extensions such as ".com" and ".in" are to be ignored while assessing whether a domain name is identical or confusing similar to a trade mark, the disputed domain name is regarded confusingly similar to that mark for the purposes of UDRP standing. The Arbitral Tribunal also took note of the decisions of WIPO Panel's in WhatsallJ2 Inc. v. Warrick Mulder, JNDRP Case No. 1233, dated July 22, 2020; Havells India Limited vs. Joio Alappat, INDRP Case No. 1025, dated October 4, 2018; Voltas Limited v. Sergi Avaliani, INDRP Case No. 1257, dated September 22, 2020; and be/N Media Group L.L.C v. Rima Muliawati WIPO Case No. D2021-1076.

Following the said dicta referred above, and upon the facts and circumstances of the present case and the evidence placed before it, The Tribunal founds that The subject domain name <JIOBLACKROCK'> is virtually identical to the trademark BLACKROCK' of the Complainant. It is also evident from the evidence placed that the Respondent is not commonly known by <JIOBLACKROCK'>nor does it conduct any legitimate business under such a name, as claimed by the Complainant.

Taking into consideration the facts of the present case and the settled law on the issue, it is evident that the disputed domain name registered by the Respondent establishes a likelihood of confusion with the Complaint's trademark and this would mislead the internet users as it is confusingly identical. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in the INDRP Policy Paragraph 4(a) is satisfied as the Respondent's domain name is confusingly similar to Complainant's registered and distinctive <BLACKROCK> trademark.

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

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- 1.To pass muster under Paragraph 4(b) of the INDRP Policy, the Complainant has to show that the Respondent has no rights and legitimate interests I n the disputed domain name under Paragraph 6 of the Policy. Evidence was provided by the Complainant to show that The Respondent is not affiliated with Complainant in any way and has never been authorised or licensed by Complainant to use or register its trademarks, or to seek registration of any domain name incorporating the trademark in question.
- 2. To prove that the Respondent actions are most certainly not a bona fide offering of goods and services under Policy Paragraph 6 (a), and therefore domain name impersonates the Complainant's trademark, Reference has been made to the Annexures regarding the Complainant's trade mark' <BLACKROCK>' and Respondent disputed domain name <WWW, JIOBLACKROCK.IN>. A careful perusal of the above shows that the Respondent is not commonly known by the Disputed Domain Name or the name <JIOBLACKROCK> and nor does the Respondent operate a legitimate business or other organisation under the <JIOBLACKROCK> trademark. Additionally, the '<JIOBLACKROCK>' trademark was registered years before the disputed domain name was registered and hence the Respondent domain name impersonates the Complainant's and the same is not bonafide.

Accordingly, the Arbitral Tribunal finds that the Complainant has made out a prima facie case that the Respondent has no rights and legitimate interests in respect of the disputed domain name <a href="https://www.JIOBLACKROCK.IN"> <a href="https://www.JIOBLACKROCK.IN"> complainant has never assigned, granted,</a> licensed, sold, transferred, or otherwise authorised Respondent to register or use the Disputed Domain Name or the <JIOBLACKROCK> Trademark and the same is also not used for making legitimate non-commercial use. Thus, it satisfies the second element under Paragraph 4 (b) of the Policy.

### Whether the Respondent domain name was registered or is being used in absolute bad faith?

1. The Complainant states that it is a highly respected global consulting firm assisting companies with corporate governance initiatives, as well as solutions for business problems in technology, business processes, analytics, risk, compliance and internal audits, and was founded in 2002 and its services are marketed and offered throughout the world under the

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<BLACKROCK> Marks and Since 2006, the mark <BLACKROCK>has been in use in India and has successfully obtained numerous trademark registrations for its BLACKROCK marks in jurisdictions around the globe. The Complainant claiming that it holds all the rights, benefits and interests in connection with and arising out of the mark 'BLACKROCK', and all other intellectual property rights associated with the BLACKROCK products/ services has submitted voluminous evidence in support of its claim before this Tribunal...

2. The Complainant provided the following reasons supported by evidence to show that the Respondent acquired the disputed domain name in bad faith-

 $\textit{Firstly,} \ \text{the Respondent used the} \ \underline{<} \ \text{WWW. JIOBLACKROCK.IN} \underline{>} \ \text{trademark without consent from}$ the Complainant. Secondly, Respondent was aware of Complainant's rights in its well-known trademark as a consequence of Complainant's substantial use of the trademark which predates before the Respondent acquired the domain name.

Thirdly, the disputed domain name has simply been parked for advertising pay-per-click investment services. In fact, every time a consumer clicks on these links, the Registrant is benefiting monetarily which shows that it is only registered with no apparent legitimate purpose and holding on to the same with absolute no justification except to make wrongful profit therefrom. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith registration. In fact, the registrant does configured the domain < WWW\_JIO BLACKROCK .IN>

Fourthly, The Respondent registered the Disputed Domain name immediately after the Complainant's announcement of its partnership with Jio Financial Services thereby impersonated the Complainant's domain name < WWW. BLACKROCK.COM>, \_

which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business by redirecting people to the infringing domain name and also making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

In HSBC Holdings [!\_lc v. Hooman Esmail Zadeh, INDRP Case no 032, dated March 20, 2007; Visteon Corporation v. Prahlad S., INDRP Case No. 1535, dated May 6, 2022; Solidium Oy v. Privacy Service Provided by Withheld for Privacy ehfl EstormH Etormhosting. Estorm Programming, WIPO Case No. D2022-3139; LPL Financial LLC v. Privacy Service Provided by

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Withheld for Privacy ehf I Steffen Hain, WIPO Case No. D2022-0542 it was held that the mere registration of an identical domain name by an unaffiliated entity can by itself create a presumption of bad faith.

The evidence produced on the side of the Complainant clearly shows that the registration of the disputed domain name consisting of the Complainant's BLACKROCK ® Name and Marks in combination with the term 'JIO' came as a deliberate and willful attempt to register a confusingly similar domain name to the BLACKROCK ® Name and Marks and intended to capitalize on the confusion. On careful consideration of the above findings, the Arbitral Tribunal accepts the contentions of the Complainant and holds that the Respondent domain name  $\leq$ WWW. JIO BLACKROCK.IN $\geq$ has been registered with an opportunistic intention and is being used in bad faith. Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

#### VIII. DISPOSITIONS

The Arbitral Tribunal holds that The three elements set out in paragraph 4 of the INDRP Policy that

- i) The Respondent domain name <<u><WWW. JIO BLACKROCK.IN></u>is identical and confusingly similar to the name, trademark and brand name  $\leq$  BLACKROCK > by the
- ii) The Respondent has no rights or legitimate interests in the domain name < WWW. JIO BLACKROCK.IN> and
- iii) the same has been registered in bad faith. have been established by the Complainant and hence It is entitled for the relief sought for.

For the foregoing reasons stated above, The Arbitral Tribunal directs that: The Disputed Domain name < WWW. JIO BLACKROCK. IN> be transferred to the Complainant, BlackRock, Inc.,50 Hudson Yards, New York, NY - 10001, United States of America.

Place: Chennai

Dated: 21st Febraury 2025

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(M.SHIRIJHA)

Sole Arbitrator,

The Arbitral Tribunal.

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