





INDIA NON JUDICIAL

Government of Uttar Pradesh

e-Stamp

Certificate No.

Certificate Issued Date

Account Reference

Unique Doc. Reference

Purchased by

Description of Document

Property Description

Consideration Price (Rs.)

First Party

Second Party

Stamp Duty Paid By

Stamp Duty Amount(Rs.)

IN-UP57418649702607V

14-Mar-2023 03:24 PM

NEWIMPACC (SV)/ up14008104/ NOIDA/ UP-GBN

SUBIN-UPUP1400810408866521001506V

PUNITA BHARGAVA

Article 12 Award

Not Applicable

PUNITA BHARGAVA

Not Applicable

PUNITA BHARGAVA

(One Hundred only)



HSBAR

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BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA .IN REGISTRY

Arbitral Award in Case No. 1656 Ms. Punita Bhargava, Sole Arbitrator Disputed domain name: <jsplsteel.in>







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 2. The onus of checking the legitimacy is on the users of the certificate.

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In the matter of

Jindal Steel and Power Limited (JSPL) Jindal Centre, 12 Bhikaiji Cama Place New Delhi – 110066, India.

... Complainant

Vs.

Nspire Solutions Rajendra Nagar, Nagpur Maharashtra

...Respondent

1. The Parties

The Complainant in this proceeding is Jindal Steel and Power Limited, a company incorporated and existing under the Companies Act, 1956 with corporate office at Jindal Centre, 12 Bhikaiji Cama Place, New Delhi – 110066, India. Its representative in this proceeding is Advocate Sarad Kumar Sunny of address 266 (Ground Floor), S-Block, Greater Kailash 1, New Delhi – 110048 with mobile Number: +91-9958178853 and email saradksunny@gmail.com.

The Respondent in this proceeding is Nspire Solutions of Rajendra Nagar, Nagpur, Maharashtra with mobile number +91 9823190086 and email id admin@nspiresolutions.com. The disputed domain name leads to a website which mentions one Mukesh Udeshi of 247, Shree Vallabh Building, Dharaskar Road, Itwari, Nagpur, Maharashtra – 440002 with numbers +91 712 – 2761253/2763152, +91 9404101513 and email id info@jsplsteel.in.

2. Disputed Domain Name and Registrar

This dispute concerns the domain name <jsplsteel.in> (the 'disputed domain name') registered on September 4, 2021. The Registrar with which it is registered is Endurance Digital Domain Technology LLP with IANA ID: 801217 and which is duly accredited with .IN Registry.

3. Procedural History

This proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (Policy/INDRP), adopted by the National Internet Exchange of India (NIXI).

By its email of February 1, 2023 NIXI requested availability of Ms. Punita Bhargava to act as the Sole Arbitrator in the matter. The Arbitrator indicated her availability and submitted the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure (Rules). Thereafter, in accordance with the Rules, NIXI appointed the Arbitrator by email of February 1, 2023.

By email of February 3, 2023 the Arbitrator requested NIXI for the documents filed by the Complainant. In response to this, the Complainant sent an email sharing the



documents in support but these exceeded the prescribed limit under the Rules. The Arbitrator asked the Complainant to bring the documents (number of pages and size) in line with the Rules and submit again. By email of February 7, 2023, the Complainant complied with the request of the Arbitrator and also submitted the revised Complaint.

Accordingly, on February 8, 2023 the Arbitrator sent an email informing all concerned of the commencement of the proceeding, asking the Complainant to comply with the service formalities and asking the Respondent to file its Reply by February 24, 2023. On the same date, the Complainant served the Complaint and Annexures on the Respondent by email which also stated that hard copy of the documents has been sent on the address available.

On February 20, 2023 an email was received from the email id kratan@nspiretech.com that the domain in question was booked as a reseller for a customer. On March 7, 2023 the Arbitrator requested an update from the Complainant in view of this communication. The Complainant clarified that the person claiming to be the reseller is the registrant of the disputed domain name, i.e., the Whois details mention Nspire Solutions as the Registrant.

Based on the above clarification, the Arbitrator informed the Respondent that as the time stipulated for filing Reply was over, Award will be passed based on the material available. To this, email dated March 9, 2023 was received from the id kratan@nspiretech.com that owner of the domain has been informed and he will get in touch. It also provided details of Complainant's counsel as the person concerned.

On March 22, 2023, the Arbitrator sought documents from the Complainant pertaining to the rectification filed by it against the JSPL registration of Mukesh Udeshi. These documents were provided under cover of a detailed note on March 25, 2023.

Meanwhile, on March 22, 2023, the Respondent filed a Reply purportedly on behalf of the alleged domain owner Mukesh Udeshi. Since this Reply was well beyond the time granted and no request for enlargement of time was filed, the Arbitrator informed the Respondent that it will not be taken on record at this late stage in the proceeding. No further communication or request was received from the Respondent.

4. The Complainant and the case pleaded by it

The Complainant states that it was originally incorporated as Orbit Strips Private Limited (OSPL) in the year 1979 by Mr. O.P. Jindal. Prior to that, Mr. O.P. Jindal had established Jindal Strips Limited in year 1970. Jindal Strips limited was later demerged whereby its two plant units located at Raipur, Raigarh were hived off to OSPL. OSPL became a public limited company in 1998 and its name was changed to Jindal Steel and Power Limited (JSPL) in the year 1998. The Fresh Certificate of Incorporation consequent upon the change of name has been filed by the Complainant.

Ever since change of name in the year 1998, Complainant came to be referred amongst the general public and members of trade and media as "JSPL", an acronym of its trade



name/trading style. Such references were started to be made in annual reports of Complainant as also in various correspondences, unsolicited press coverages, pamphlets etc. Thus, JSPL, being the acronym of corporate name of Complainant came to be associated exclusively with the Complainant and such association has strengthened to a great extent over past two decades.

The Complainant states that it is a well-established and globally recognized company that has grown manifold and is an industrial powerhouse with dominant presence in steel, power, mining and infrastructure. In terms of tonnage, it is the third largest steel producer in India and is also engaged in manufacturing of sponge iron, ferro alloys and a wide range of hot-rolled and cold-rolled steel products ranging from HR coils/sheets/plates, hot-rolled structural sections, rails, CR coils/sheets, high-grade pipes, TMT Rebars. It has filed extracts/screenshots from its website in support of its said claims. The goods of the Complainant under JSPL are consumed by millions of people every year in India and abroad.

The Complainant states that it has a PAN India presence with multiple customer touch points making it one of the best organizations in the country. The sale and distribution network of the Complainant expands to 23 states, 450 out of 671 districts with 264 distributor ASOs, 50 distributors, 3793 dealers and 200 strong JSPL sales team. The Complainant has a steady customer base of more than 40 large public and private sector clients like Indian Oil Corporation, Larsen & Toubro, Aditya Birla, NTPC, Vedanta, Reliance, Delhi Metro Rail Corporation and others. The Complainant is recognized by the World Steel Association which has ranked it as one of the top 60 companies in the world to have produced more than 3 million tonnes of steel in the year 2019-2020.

As JSPL is the house mark/acronym of its corporate name, the Complainant registered the domain name <jspl.com> in November, 1999. The corresponding website redirects to the Complainant's website www.jindalsteelpower.com where JSPL and various JSPL formative marks of are openly used. It has filed WHOIS and other documents in support. JSPL, being the house mark of Complainant, is used on documents such as Annual Reports, Central Excise and Customs Documents, some of which are filed by it. JSPL is also used on various projects, buildings and the website www.jindalsteelpower.com. The Complainant states that since November 17, 1999, <jspl.com> is used by the Complainant as part of E-Mail IDs of its employees and is used for correspondence with clients, distributors, media etc. It has filed invoices and screenshots showing such use.

The Complainant states that it has huge sales and has incurred substantial expenses in promotion of JSPL. On account of such extensive and varied use, JSPL has acquired distinctiveness, distinguishing and signifying the origin and source of the businesses and goods all originating from the Complainant. It states that it has substantial presence on social media platforms like Twitter, LinkedIn, Instagram and Facebook where the house mark JSPL is prominently displayed and promoted. These handles have thousands of followers. It has filed extracts of Internet Archives and social media websites.

The Complainant states that JSPL is identified with the goods, business and services originating or associated with it and no one else. This is also evident from a Google search of "JSPL" which throws up results for the Complainant and none else. One such Google results are filed by it.

The Complainant has applied for and obtained registrations of JSPL formative marks for various classes, the prominent, essential and distinguishing feature of which is JSPL. The marks are as under: -

Sl. No.	No.	Date	Trademark	Class
1.	2563581	12.07.2013	PANTHER	6 & 37
2.	2563583	12.07.2013	JSPL TMT	6 & 37
3.	2731001	05.05.2014	JSPL QUICKBUILD	6, 35 & 39
4.	2723765	23.04.2014	PANTHER	19
5.	2723770	23.04.2014	PANTHER	19
6.	3320811	27.07.2016	JSPL QUICKBUILD	37

The Complainant has also received numerous awards and recognitions and has won various Excellence/Par Excellence awards at International Convention on Quality Control Circles, 2021. A list of such award, rankings/recognitions has been filed. Media houses houses like The Tribune, First Post, Business Standard, Economic Times etc. refer to the Complainant as JSPL from as far back as 2001. In this behalf it has filed screenshots of press release available on the website www.jindalsteelpower.com. It has also filed approvals obtained by it from government organisations including Ministry of Environment and Forest, Central Public Works Department, Bhabha Atomic Research Centre, Border Road Organisation.

5. Legal Grounds pleaded by the Complainant

With regard to the three elements of the Policy, the Complainant submits as under and asserts that each of the three factors are established:

A. The disputed domain Name is confusingly similar to the Complainant's trademarks
The Complainant states that the disputed domain is deceptively and confusingly
similar to prior mark of Complainant – JSPL and prior acquired domain name
<jspl.com>. The Complainant has registered JSPL variants and these serve to
establish Complainant's rights in JSPL. At the time the disputed domain name was
registered, the Complainant had been using JSPL for nearly 23 years. The



Respondent cannot claim or show any rights in and to the disputed domain name that are superior to Complainant's rights.

The disputed domain name uses Complainant's name and mark JSPL in its entirety. Addition of the term "steel" in the disputed domain name makes no distinction, but to the contrary, leads to confusion in the market since Complainant is a major player in steel industry. The ccTLD <.in> does nothing to create a meaningful distinction from Complainant's prior mark JSPL. Overall, the disputed domain name is deceptively and confusingly similar to Complainant's domain name.

B. The Respondent has no rights or legitimate interests in the disputed domain name The Complainant states that when one visits the site being hosted at the disputed domain name, coordinates of one Mr. Mukesh Udeshi appear. Mr. Udeshi seems to be the person who claims to be the proprietor of trademark JSPL under no. 1914139 vide a Deed of Assignment executed by Jamnadas Steel Private Limited as assignor. The Complainant has filed rectification proceeding before the Trademark Registry qua this registration. In the note and documents subsequently filed at the request of the Arbitrator pertaining to this rectification proceeding, the Complainant states that it has filed rectification against trademark JSPL under registration no. 1914139 which is in the name of Mr. Mukesh Udeshi by virtue of assignment. The rectification proceeding has no bearing in the present matter as the disputed domain is not the subject matter thereof. Further, the Respondent, Nspire Solutions, which is the registrant of the disputed domain name is not a party to the said rectification proceedings. Thus, any decision in the rectification proceeding will not bind the Respondent and it will continue to own/use the disputed domain name. It further states that registration no. 1914139 is bereft of bonafides and the Respondent herein cannot seek to take any advantage of the same since it has no correlation with JSPL whatsoever. The present dispute ought to be adjudicated by considering the alleged independent rights of the Respondent with respect to disputed domain name, which is being deliberately held by it.

The Complainant states that the Respondent does not have any legitimate right, title or interest in the trademark JSPL. The Complainant obtained registration of domain name <jspl.com> in November 1999, however the Respondent, after lapse of about twenty-three (23) years, has dishonestly procured registration of the disputed domain name to mislead consumers and make unjust gains on account of Complainant's popularity. Further, nowhere on the website corresponding to the disputed domain name has the Respondent disclosed source of its emanation or as to what JSPL stands for. It does not say that JSPL stands for Jamnadas Steel Private Limited and not Jindal Steel and Power Limited. The entire effort of the Respondent on the disputed site is to pass off his products as that of Complainant. The Complainant states that there exists no relationship between Complainant and the Respondent that would give rise to any license, permission or authorization by which Respondent could own or use the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Respondent is clearly trying to associate itself with the Complainant with *malafide* intention to ride upon



immense goodwill and reputation of the Complainant in its JSPL name and mark to gain undue benefits and mislead general public in believing that Respondent is an affiliate of the Complainant. Such adoption is against the INDRP. Therefore, the Respondent does not have and cannot be permitted to own or considered to have any legitimate right or interest in the disputed domain name.

The Complainant states that it registered the domain <jsplstructurals.com> and through the corresponding site, sells structural steel to customers based all over India and abroad. The Respondent registered the disputed domain name shortly thereafter and the corresponding site also contains structural steel products similar to that of the Complainant. This also demonstrates the Respondent's malafide intention in registering the disputed domain name – that it was registered in bad faith solely to mislead and attract customers for wrongful gains.

The Complainant states that the Respondent has not made any legitimate or fair use of disputed domain name. The only interest of the Respondent is to earn undue monetary gains by such illegal adoption. It is trying to create an impression to customers of the Complainant that the services/products offered from the website corresponding to the disputed domain name originate from Complainant. Therefore, the Respondent has no rights or legitimate interest in the disputed domain name. There is no evidence that Respondent is using the disputed domain name for a *bona fide* offering of goods or services, or is known by JSPL amongst the public or is making any legitimate non-commercial or fair use. Accordingly, Respondents cannot establish any rights or legitimate interests in disputed domain name.

C. The disputed domain name has been registered or is being used in bad faith. With regard to the third element, the Complainant states that the bad faith of Respondent in registering the disputed domain name can be established simply from fact that it has registered a domain name incorporating JSPL.

The Complainant states that the Respondent has created the website with intention of misleading members of trade and public. It apprehends that the disputed domain name will divert Internet traffic and states that the Respondent has registered it for commercial gain by creating a likelihood of confusion with Complainant's prior mark JSPL as to the source, sponsorship or affiliation.

The Complainant relies on Bennett Coleman & Co Ltd v. Steven Lalwani (Case No. D 2000-0014) and Bennett Coleman & Co Ltd v. Long Distance Telephone Company (Case No. D 2000-0015 where it was held that the domains <thetimesofindia.com> and <theeconomic times.com> redirected traffic other sites and the necessary implication of this is that domains were specifically selected in order to take advantage of Complainant's very considerable reputation in two titles of its publications by misleading internet users into believing that Respondent's sites were associated with Complainant.



The Complainant submits that the Respondent registered disputed domain name in order to prevent the Complainant, who is the owner of JSPL, from registering the same. It relies on Thoughtworks Inc Vs. Super Software Pvt. Ltd. and Ors., 2017(69)PTC303(Del), where it was observed by the Hon'ble Delhi High Court, that "With the domain name taking up entire name of the Petitioner, there could be no doubt that the use of such domain name by Respondent would be deceptively confusing and erroneously indicate a connection of Respondent No. 1 with Petitioner when there is none." It also relies on Satyam Infoway Ltd. vs. Sifynet Solutions Pvt. Ltd. [2004 Supp (2) SCR 465] on the issue of diversion of users.

In view of the above submissions, the Complainant requests for transfer or cancellation of the disputed domain name.

6. Respondent's Conduct and Reply

The Respondent received notice of commencement of the present proceeding on February 8, 2023 and was granted time till February 24, 2023 to file its Reply. It sent a couple of non-substantive replies and then filed a Reply on March 22, 2023, well beyond the time granted to it for the said purpose. This Reply mentions it is submitted through Adv. Jaishree Nagalwade but is not signed by her. No POA is also submitted.

Though the Arbitrator communicated that she will not take the Reply on record in terms of the discretion available to her, bearing in mind the obligation to treat both parties with equality and to ensure they get a fair opportunity to present their case, in the interest of natural justice, fair play and equity, the Reply was taken into consideration in the proceeding.

In the said Reply, the Respondent states that it received a contract for registration of the domain by Mukesh Udeshi who is an entrepreneur and has business of 'common metal and their allows, angles, channel, beam, round square bar' under the name and style Jamnadas Steel Private Limited -JSPL for short. He has been in the said business since 2010. He has registration for JSPL under no. 1914139 in class 6 with user from January 5, 2010 for the said goods which he has been using continuously. The registration certificate of this mark is filed by the Respondent.

The Respondent states that in the course of his business, Mr. Udeshi conceives, invents and coins new trademarks. He is an honest adopter and proprietor of the trademark which is unique and distinctive. To obtain statutory protection of the same, Mr. Udeshi contacted the Respondent for registration of the disputed domain name, which is registered in his name. All documents were supplied at time of filing of registration before Registrar of Domain Names and there is no fault of the Respondent in registering the same as various options were available from which the disputed domain name was selected. An extract from WHOIS showing available domains with JSPL is filed. It is stated that Mr. Udeshi has a trademark JSPL and deals in metal alloys, the disputed domain name was available and thus was chosen. This was registered on April 9, 2021 and the present proceeding is filed after 2 years of such registration – it has deliberately been done to the harass the Respondent. The disputed domain name is different from



the Complainant's domain names and nobody can claim monopoly rights over common ñames. It is coincidence that both parties have JSPL has their name, customers of both are educated and there is no chance of confusion at all.

Further the Respondent states that it is in the business of filing domain applications for its clients and if a domain name is available that suits the business of Respondent's client, then Respondent is free to register it. There is no bad faith or malafide intention.

Apart from the above, the Respondent denies all claims of the Complainant as false, frivolous and baseless.

7. Discussion and Findings

The Arbitrator has reviewed the pleadings and annexures filed by Parties and has confined herself to issues directly relevant to the claims under the Policy.

The Policy requires that the Complainant must establish three elements *viz.* (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 has no rights or legitimate interests in respect of the domain name; and (iii) the Registrant's domain name has been registered or is being used in bad faith. These are discussed hereunder:

(i) <u>Identical or Confusingly Similar</u>

In order for the Complainant to make out a case under this element of the Policy, it must show that (i) it has rights in a trademark at the time of the Complaint; and (ii) that the disputed domain name is identical or confusingly similar to that trademark.

The Complainant has been using the name Jindal Steel and Power Limited since the year 1998. Even since, it has been called JSPL and this reference is evident from the documents filed by it. The Complainant has considerable reputation and goodwill in JSPL The domain name <jspl.com> was registered by the Complainant in November 1999. It also owns other domain names consisting of the JSPL designation. Most importantly, the Complainant owns trademark registrations for JSPL variants in India under nos. 2563581, 2563583, 2731001, 2723765, 2723770, 3320811, all of which predate the present Complaint.

The Arbitrator notes that the dominant part of the disputed domain name is JSPL i.e., the disputed domain name wholly incorporates the Complainant's JSPL name and mark and this is also the distinctive part of the same. The Respondent has simply taken the Complainant's JSPL mark and has combined it with steel, a term that indicates the business of the Complainant and this is not sufficient to escape a finding of confusing similarity under the first element. Steel does not serve to distinguish the disputed domain name from the Complainant's JSPL mark in any way. Rather, it is indicative of the Complainant's business or services and increases the element of confusion. It has been routinely held that the mere addition of a descriptive term or a non-

significant element does not prevent a finding of confusing similarity. See <u>Starbucks Corporation v. Registration Private, Domains by Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico, WIPO Case No. D2019-1991.</u>

Accordingly, the Respondent's assertion that the disputed domain name is different from the Complainant's domain names and there can be no confusion cannot be upheld.

It is a well settled legal position that for the purpose of comparing a trademark with a disputed domain name, the country code top-level domain (ccTLD) can be excluded.

The Arbitrator thus finds that the first element is satisfied and that the disputed domain name is confusingly similar to the Complainant's registered trademark.

(ii) Rights or Legitimate Interests

As regards the second element, the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name. With respect to this requirement, a complainant is generally required to make a prima facie case that a respondent lacks rights or legitimate interests and once such prima facie case is made, the burden of proof shifts to the respondent to come forward with evidence demonstrating rights or legitimate interests in the disputed domain name. Clause 6 of the Policy contains a non-exhaustive list of the circumstances which, if found by the Panel to be proved, shall demonstrate the respondent's rights or legitimate interests to the disputed domain name.

With regard to this element, there are several contentions made by Complainant that the Respondent does not have rights or legitimate interests in the disputed domain name. The sum of these contentions is that there exists no relationship between Complainant and the Respondent that would give rise to any license, permission or authorization by which the Respondent could own or use the disputed domain; the Respondent is not commonly known by the disputed domain name and is trying to associate itself with the Complainant to gain undue benefits; the Respondent has not been granted any license or authorization by the Complainant to apply for registration of the disputed domain name; the Respondent has no due cause or realistic reason to register or use the disputed domain name and has only done so to create an impression of association/connection with the Complainant and to take advantage of its rights.

In the Reply filed, the Respondent states that it received a contract to register the disputed domain name from its client Mukesh Udeshi. However, no document is filed to show that the Respondent offers domain registration services and that Mr. Udeshi is in fact its client. There is no connection otherwise between the two from which it can be perceived that the Respondent is authorized to register the disputed domain name. The only document filed by the Respondent is the

registration certificate for trademark no. 1914139 in the name of Jamnadas Steel Private Limited. Even if this document and all contentions of the Respondent are taken at face value, no right gets vested in the Respondent in JSPL or JSPL STEEL to warrant registration of the disputed domain name in its own name. The individual on whose behalf the disputed domain name is purportedly registered, Mukesh Udeshi, has been served by email (info@jsplsteel.in) but he has not come forward with any information that supports the averments of the Respondent or refutes the contentions of the Complainant.

The Respondent asserts that nobody can claim monopoly rights over common names but has not filed any document or extract to show that JSPL is a common name. In the view of the Arbitrator, it is not.

Accordingly, the Arbitrator finds that the Respondent has no rights or legitimate interests in the disputed domain name.

, ;

(iii) Registered or Used in Bad Faith

The final criterion of the Policy requires the Complainant to show that the domain name was registered or used in bad faith. Clause 7 sets out the circumstances without limitation which, if present, constitute evidence of registration or 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.

Based on the contentions of the Complainant describing its use of JSPL and registrations and associated business, the Arbitrator accepts that JSPL is associated with the Complainant. Its rights predate the registration of the disputed domain name by the Respondent, which cannot seek to justify the registration thereof basis the alleged rights of a third party i.e., Mukesh Udeshi or Jamnadas Steel Private Limited claiming that the said third party is a client. Rather, based on the contentions of the Respondent regarding Mukesh Udeshi



or Jamnadas Steel Private Limited, the inference is that the disputed domain name was registered by it for the for the purpose of sale or transfer to a competitor of the Complainant. Thus, the Respondent's assertion that it is free to register any domain if it is available and there is no bad faith or mala fide in such registration cannot be upheld. It is the view of the Arbitrator that the Respondent was clearly aware of the Complainant's JSPL name and mark at the time of registration of the disputed domain name and registered the same to sell to a third party. This supports a finding of bad faith. The Arbitrator also find no merit in the Respondent's allegation regarding the timing of the present Complaint. The Respondent does not shed any light on why the disputed domain name was registered in 2021, if the alleged business of its client dates to 2010.

The Arbitrator also accepts that any website corresponding to the disputed domain name will mislead members of trade and public and divert Internet traffic from the Complainant. Thus, there is no way in which the Respondent can use the disputed domain name without violating the Policy.

Thus, the Arbitrator concludes that the disputed domain name was registered in bad faith within the meaning of the Policy.

Accordingly, the Arbitrator finds that the Complainant has established all three elements as required by the Policy.

8. Decision

For all the foregoing reasons, the Complaint is allowed and it is hereby ordered in accordance with paragraph 10 of the Policy that the disputed domain name be transferred to the Complainant. There is no order as to costs.

This award has been passed within the statutory deadline of 60 days from the date of commencement of arbitration proceeding.

Punita Bhargava (Ms.)

Sole Arbitrator Date: April 4, 2023