



दिल्ली DELHI

N 410326

**BEFORE SHRI SANJAY KUMAR SINGH ARBITRATOR**

**IN DOMAIN NAME DISPUTE RESOLUTION POLICY ( INDRP )**

**IN RE:**

Lazard Strategic Coordination Company LLC  
30 Rockefeller plaza,  
New York,  
NY 10020, USA  
E-mail: [Raghav.Rao@lazard.Com](mailto:Raghav.Rao@lazard.Com)

Complainant No.1

AND

Lazard India Private Limited  
Express Tower, 20<sup>th</sup> Floor,  
Nariman point,  
Mumbai- 400021  
E-mail: [Raghav.Rao@lazard.Com](mailto:Raghav.Rao@lazard.Com)

Complainant No.2

Through authorized representative  
Mr. Rahul Chaudhry  
LLS House, Plot no. B-28  
Sector 32 (Institutional Area)  
Gurgaon- 122 001, India  
E- mail: [litigation@lls.in](mailto:litigation@lls.in)

*Sanjay Kumar Singh*

VERSUS

Jack Sun  
Domain jet, Inc.  
Shuyangxian  
Suqian  
Jiangsu 223611  
China  
F-mail: [dnmainiet@annail.Com](mailto:dnmainiet@annail.Com)

Respondent

**THE PARTIES:**

The complainant is Lazard Strategic Coordination Company LLC  
30 Rockefeller plaza, New York, NY 10020, USA -Complainant No.1  
E-mail: [Raghav.Rao@lazard.Com](mailto:Raghav.Rao@lazard.Com)

AND

Lazard India Private Limited, Express Tower, 20<sup>th</sup> Floor, Nariman point,  
Mumbai- 400021 - Complainant No.2

E-mail: [Raghav.Rao@lazard.Com](mailto:Raghav.Rao@lazard.Com)

(Complaint has been filed by authorized representative Mr. Rahul  
Chaudhry, LLS House, Plot no. B-28, Sector 32 (Institutional Area)  
Gurgaon- 122 001, India, E- mail: [litigation@lls.in](mailto:litigation@lls.in))

The Respondent is Jack Sun, Domain jet, Inc. Shuyangxian, Suqian,  
Jiangsu 223611, China, E-mail: [domainjet@gmail.Com](mailto:domainjet@gmail.Com)

**DOMAIN NAME AND TRADEMARK IN DISPUTE:**

Domain name of the respondent is "[www.lazard.co.in](http://www.lazard.co.in)"

The trademark of the complainant is "**LAZARD**".

**AWARD**

1. This arbitral proceeding commenced in accordance with IN Dispute Resolution Policy (INDRP) and rules framed there under.
2. The complainant submitted his complaint in the registry of NIXI against the respondent in respect to the respondent's Domain name "[www.lazard.co.in](http://www.lazard.co.in)".
3. I was appointed as Sole Arbitrator in the matter by NIXI.
4. The complainant submitted the said complaint under In Domain Name Dispute Resolution Policy (INDRP).

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A copy of complaint was sent to me on by the NIXI for arbitration in accordance with Dispute Resolution Policy (INDRP). The copy of the complaint along with annexures/exhibits was forwarded to me and to the respondent by .In Registry of NIXI.

The complainant has submitted that it is the registered proprietor of the trademark LAZARD and is a subsidiary of Lazard group LLC which is turn is a subsidiary of Lazard Ltd. and its subsidiaries and associates worldwide are prominent name in international financial advisory and asset management have long specialized in crafting solutions to complex financial and strategic challenges. The first complainant and its affiliates And subsidiaries provide advice on merges and acquisitions, restructuring and capital raising as well as asset management services, to corporations, partnership, institution, government and individuals.

The second complainant has submitted that it is accompany incorporated in the year 1984 under of registrations of companies Maharastra and is a indirect subsidiary of lazard group LLC and is permitted user of the trademark LAZARD and its many variations in India.

It has been submitted by the complainants that the origin of the complainants can be traced back to the year 1848 when it was formed in New Orleans, Louisiana. Its founders, the Lazard brothers, formed of Lazard Freres & co. as a dry goods business, which later became exclusively enlarged in the business of financial services, first with its retail clients and then increasingly with commercial clients. Over time, the business expanded into banking and foreign exchange business. In may 2005, Lazard ended 157 years of private ownership began trading publically on the New York stock exchange under the ticker symbol 'LAZ'. A print out of complainant history from their websites has been annexed as Annex **1**.

*Sanjay K. S. S.*

9. The first complainant is the registered proprietor of the trademark LAZARD and its numerous variations in classes 16, 35 and/or 36 in 83 different jurisdictions of the world and its affiliates are owners and registered proprietors of the trademark LAZARD and its variations in four other jurisdictions, A schedule of worldwide registrations of the complainant and its affiliates for the trademark LAZARD along with copies of some Of the registrations certificates has been filed by the complainant as **Annex II** and that of the variation of the trademark LAZARD as **Annex III**.
10. The first complainant is the registered proprietor in India of the trademark LAZARD variation in classes 16, 35 and 36. Details of the trademark registrations in the name of the first complainant in India are given in para 5 of the complaint.

11. The complainant has stated in his complaint that the disputed domain name "[www.lazard.co.in](http://www.lazard.co.in)" is identical with complainant's trademark LAZARD. The complainant has submitted that complainant is the proprietor of the trademark LAZARD worldwide which has been in continuous and uninterrupted use for over 162 years. The complainant has further submitted that the complainant and its related companies are the proprietors of the Domain Names [www.lazard.com](http://www.lazard.com), [www.lazard.am](http://www.lazard.am), [www.lazard.at](http://www.lazard.at), [www.lazard.com.au](http://www.lazard.com.au), [www.lazard.com](http://www.lazard.com), [www.lazard.assetmanagement.am](http://www.lazard.assetmanagement.am), [www.lazard.ca](http://www.lazard.ca), [www.lazard.assetmanagement.cn](http://www.lazard.assetmanagement.cn), [www.lazard.brothers.cn](http://www.lazard.brothers.cn), among several others. The complainant has submitted giving details of approximately 300 domain names as annexure IX.

The complainant has further submitted that in addition to the identical nature of the marks, the impugned website of respondent also contains links under headings such as "UBS Investment Bank", "Strategic Energy Advisors", "India Private Equity" "M&A" "Equity

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Real Estate Funds", "Investing above 5 Lakhs" etc. The said links all refer to finance and financial services identical with those of complainant and is bound to cause confusion amongst users wrongfully directed to the website into believing that the same are either endorsed or in any manner affiliated with the complainant. The complainant has filed the print outs of respondent's website as annexure XI.

12. The complainant has also submitted that given the enormous global reputation and goodwill enjoyed by the complainant, the respondent has fraudulently acquired the Domain Name [www.lazard.co.in](http://www.lazard.co.in) which is identical and is deceptively similar to the trading name / corporate name of the complainant and its subsidiary and associated entities, solely with a intention of diverting the consumers to the website and pass their goods and/or services as and for the goods of the complainant.
13. The complainant has also submitted that the respondent neither has any legitimate interest in the mark LAZARD nor is the lawful owner of any right relating to the complainant's mark. The complainant has also relied on several decisions
14. The complainant has prayed that the domain name [www.lazard.co.in](http://www.lazard.co.in) be transferred to the complainant and cost be also awarded to him.
15. On 11-11-2010, I informed the respective parties to the complaint, about my appointment as an arbitrator. Accordingly, I called up on the parties to file their counter/ reply and rejoinder with the supportive document/evidence.
16. A copy of complaint has already been sent to the respondent by the .In Registry through e-mail. Upon receipt of the complaint, the Arbitrator sent a notice dated 11-11-2010 to the respondent to send his defence / counter to the complaint alongwith supportive documents / evidence at his e-mail address within 10(Ten) days

*Sanjay K Singh*

from receipt. But the respondent did not come forward and did not send his defence / counter to the complaint.

Failing to send the defence / counter by the respondent, the Arbitrator again sent a notice dated 14-02-2011 by giving another opportunity to the respondent to send his defence / counter to the complaint within further two days with further notice that in default of non-filing or sending of the defence / counter to the complaint, award would be passed ex-parte on merits of the complaint.

In spite of repeated notices, the respondent has again not come forward and has not sent any reply / defence / counter to the either notice or complaint to the Arbitrator though the notices were issued and deemed to be served as per provisions section 3 b of Arbitration and Conciliation Act, 1996 since notices were issued on last known Email ID of the respondent.

Therefore, this matter is being decided on the merits of the complaint and as per law of the land.

#### **OPINION AND FINDINGS ON MERITS**

##### **A) Whether the domain name is identical or confusingly similar to a trademark in which complainant has right.**

It has been held in Indian decision **M/s Satyam Infoway Ltd. Vs. M/s Sifynet Solution (P) Ltd. JT. 2004 (5) SC 541**, that Domain name has all characteristics of trademark. As such principles applicable to trademark are applicable to domain names also. In the said case the words, "Sify" & "Siffy" were held to be phonetically similar and addition of work 'net' in one of them would not make them dissimilar.

Thus taking into consideration the decisions relied by complainant and the decision passed by the Apex court in M/s Satyam Infoway Ltd. Vs. M/s Sifynet Solution (P) Ltd. JT. 2004 (5) SC 541, the conclusion is that domain name and trademark, which may be used

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in different manner and different business or field, or sphere, can still be confusingly similar or identical.

Hence the conclusion is that the domain name of respondent is identical and confusingly similar to the trademark of complainant.

Now the other important aspect that needs consideration is, as to whether the complainant has right in the trademark. It is important to mention here that as per the claim of the complainant the respondent has no trademark right on the said domain name. The respondent has not submitted any reply / defence / document/evidence to the complaint of the complainant in spite of repeated notices from the arbitrator.

Thus the conclusion is that the domain name 'www.lazard.co.in' is identical and confusingly similar to the trademark of complainant "LAZARD" and the complainant has established that he has right in the trademark.

**Whether the respondent's domain name has been registered or is being used in bad faith**

Keeping in view aforesaid facts and circumstances it is clear that the respondent has registered the disputed domain name and in spite of repeated notices, he has not come forward and has neither provided any substantial evidence in its support. The complainant has submitted sufficient evidence in support of the complaint.

Thus the conclusion is that the respondent has got registered his domain name 'www.lazard.co.in' in bad faith.

**RELIEF**

The domain name of the respondent is identical and confusingly similar to trademark of complainant. The respondent also does not have right or legitimate interest in the domain name. He has got it registered in bad faith; as such he is not entitled to retain the domain name. The complainant is entitled to transfer of domain name 'www.lazard.co.in' to complainant, as complainant has established his bonafide rights in trademark as per law discussed above. Hence I direct that the Domain name 'www.lazard.co.in' be

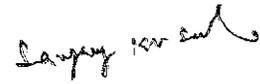
*Sanjay K. Gul*

transferred to the complainant by registry on payment of requisite fee to the registry.

No order as to costs.

**Delhi**

**Date: 09-03-2011.**

  
**(Sanjay Kumar Singh)**  
**Arbitrator**