



தமிழ்நாடு TAMILNADU

2420  
30.11.2010

D. Saravanan

X 193191  
P. S. SHAMMUGA SUNDARAM,  
STAMP VENDOR,  
L. No. B4/109/89  
HIGH COURT CAMPUS,  
CHENNAI-600 104. (TAMIL NADU)

BEFORE THE SOLE ARBITRATOR MR.D.SARAVANAN  
.IN REGISTRY  
(C/o. NATIONAL INTERNET EXCHANGE OF INDIA)

Disputed Domain Name: [www.lazard.in](http://www.lazard.in)

Lazard Stretagic Coordination Company LLC  
30 Rockefeller Plaza  
New York, NY 10020,  
U.S.A. - No.1  
&  
Lazard India Private Limited  
Express Tower, 20<sup>th</sup> Floor  
Nariman Point  
Mumbai 400 021.  
[Raghav.Rao@lazard.com](mailto:Raghav.Rao@lazard.com)  
[litigation@lls.in](mailto:litigation@lls.in) - No.2

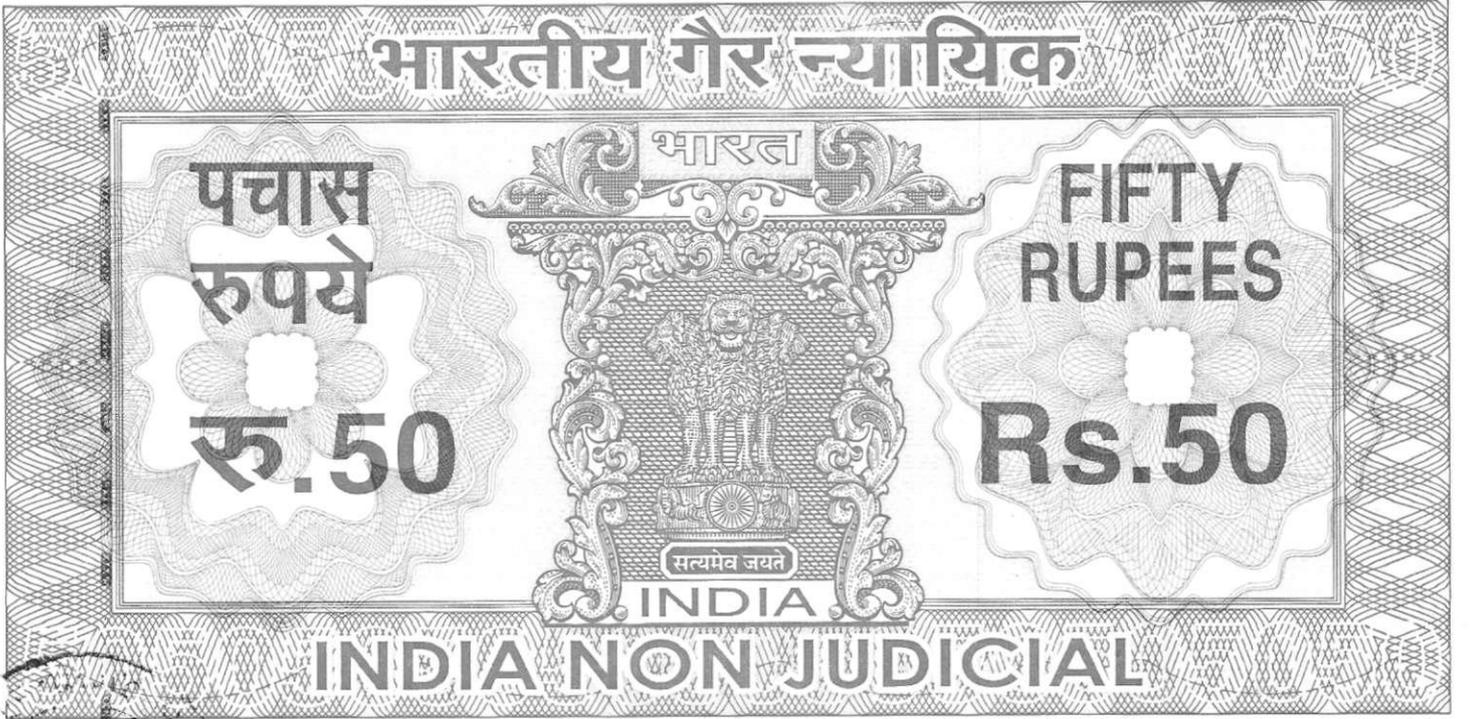
Vs.

.. Complainants

Jack Sun  
Domain Jet, Inc.  
1600 Amphitheatre Parkway  
Mountain View  
California 94043,USA  
[domainjet@gmail.com](mailto:domainjet@gmail.com)

.. Respondent





தமிழ்நாடு TAMILNADU

2421

30.11.2010

D. Saravanan

U 124583

D. SARAVANAN SUNDARAM,  
STAMP VENDOR,  
L. No. 84/109/AD  
HIGH COURT CAMPUS,  
CHENNAI-600 106. (KODAKU MARKET)

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1. **The Parties:**

(i) **Complainants:**

- (a) The first complainant is Lazard Strategic Coordination Company LLC and is a subsidiary of Lazard Group LLC, having office at 30 Rockefeller Plaza, New York, NY 10020.
- (b) The Second Complainant is Lazard India Private Limited, a company incorporated under the Indian Companies Act, 1956 having office at Express Tower, 20<sup>th</sup> Floor, Nariman Point, Mumbai 400 021, and is an indirect subsidiary of Lazard Group LLC.

(ii) **Respondents:**

The respondent is Jack Sun, Domain Jet, Inc., 1600 Amphitheatre Parkway, Mountain View, California 94043, USA. Neither the Respondent represented himself nor represented by any one.



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

The disputed domain name:

<lazard.in>

The domain name registered with .IN REGISTRY

3. Procedural History:

- October 26,2010 : The .IN REGISTRY appointed D.SARAVANAN as Sole Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of Procedure.
- October 30,2010 : Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per Paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant, Complainant's authorised representative and .IN REGISTRY. The email sent to the respondent had been bounced as *"Delivery to the following recipient failed permanently: domainjet@gmail.com. Technical details of permanent failure: Account disabled."*
- October 30, 2010 : Email was sent to the .IN Registry marking a copy to the Complainant and their representatives to furnish an alternate email id of the Respondent. However, Mr.Tapan Choudhury of .IN Registry informed this Tribunal over phone that there is no alternate email id is available.
- November 09,2010 : Due date for filing Response by Respondent.
- November 18,2010 : Arbitrator sent an e-mail to Respondent notifying his default, a copy of which was marked to Complainant, Complainant's authorised representative and the .IN REGISTRY. The email sent to the respondent had been bounced as *"Delivery to the following recipient failed permanently: domainjet@gmail.com. Technical details of permanent failure: Account disabled."*

The language of the proceedings in English.



#### **4. Factual Background:**

##### **4.1 The Complainants:**

The first complainant is Lazard Stretagic Coordination Company LLC and is a subsidiary of Lazard Group LLC, having office at 30 Rockefeller Plaza, New York, NY 10020.

The Second Complainant is Lazard India Private Limited, a company incorporated under the Indian Companies Act, 1956 having office at Express Tower, 20<sup>th</sup> Floor, Nariman Point, Mumbai 400 021, and is an indirect subsidiary of Lazard Group LLC.

##### **4.2 Complainant's Activities:**

(i) The first Complainant is the registered proprietor of the trademark LAZARD and is a subsidiary of Lazard Group LLC which in turn is a subsidiary of Lazard Ltd., and its subsidiaries and associates are a worldwide prominent name in international financial advisory and asset management and have long specialized in crafting solutions to complex financial and strategic challenges. The first Complainant and subsidiaries provide advice on mergers and acquisitions, restructuring and capital raising, as well as asset management services, to corporations, partnerships, institutions, governments and individuals.

(ii) The second Complainant is a company incorporated in the year 1984 under the seal of the Registrar of Companies, Maharashtra and is an indirect subsidiary of Lazard Group LLC and is the permitted user of the trademark LAZARD and its many variations in India.

(iii) The Complainant was founded in New Orleans, Louisiana in the year 1848. The founders, Lazard Brothers formed Lazard Freres & Co., as a dry goods business, which later became exclusively engaged in the business of financial services, first with its retails clients and then increasingly with commercial clients, and over the time, the business expanded into banking and foreign exchange business. In May,



2005, LAZARD ended 157 years of private ownership and began trading publicly on the New York Stock Exchange under the ticker symbol "LAZ". According to the complainant their history can be traced from their website which is marked as **Annex. I.**

#### 4.3 Complainant's Trading Name:

(i) The Complainants state that the 1<sup>st</sup> Complainant is the registered proprietor of the trademark LAZARD and its numerous variations in Class 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. According to the Complainant that some of the Registration Certificates is marked as **Annex. II** and that of the variations of their trademark is marked as **Annex. III.**

(ii) The Complainants state that they are the registered proprietor in India of the trade mark LAZARD and its variations in clauses 13 and 16 vide Regn. No.1039307 dated 24.08.2001 and Regn. No.1240315 dated 29.09.2003 respectively. So also, they are the registered proprietor in India of the trade mark LAZARD ASSET MANAGEMENT and its variations in clauses 13 and 16 vide Regn. No.1039310 dated 24.08.2001 and Regn. No.1240313 dated 29.09.2003 respectively. So also, they are the registered proprietor in India of the trade mark LAZARD BROTHERS and its variations in clauses 13 and 16 vide Regn. No.1039308 dated 24.08.2001 and Regn. No.1240316 dated 29.09.2003 respectively. So also, they are the registered proprietor in India of the trade mark LAZARD FRERES and its variations in clauses 13 and 16 vide Regn. No.1039309 dated 24.08.2001 and Regn. No.1240314 dated 29.09.2003 respectively. The registration certificates have been marked as **Annex. IV.**

(iii) The Complainants state that they themselves, their affiliates and holding and subsidiary companies are the prior adaptors and users of the trade mark LAZARD and their numerous variations since 1848 in United States, and as far as India is concerned the trade mark LAZARD was first used in the year 1993. According to the complainant, the second complainant was incorporated on 16<sup>th</sup> November 1984 as Creditcapital Finance Corporation Ltd., (CFC). The complainants further state that



the first complainant and its associates affiliated companies invested 25% of the Equity Capital of CFC on 19<sup>th</sup> January 1999 while the name was changed LAZARD Credit Capital Ltd., on 26<sup>th</sup> April 1995 and subsequently to LAZARD India Private Ltd., and the complainants state that since the first adoption of their trade mark, the same has been extensively and continuously used the World over and **has** come to be associated with the complainants and their services exclusively.

(iv) The Complainants further state that they are well known the World over by the name of LAZARD and substantial revenue has been generated by them under the said name and that the complainants have advised on nearly thousand completed mergers and acquisitions having a cumulative value in excess of One Trillion US \$ for the period between 2001 and 2010 as per their Annual Reports as filed with the US Securities and Exchange Commission based on their books and records maintained in their ordinary course of business. The Annual Reports of the complainants has been marked as **Annex. V**.

(v) The Complainants further state that as far as India is concerned, the mark LAZARD is very well known and has often referred to by in media reports and press release in relation to the complainants and their services in India. The article published in the Business Today magazine on 25<sup>th</sup> December 2008 and another press release in the year 2005 has been marked as **Annex. VI & VII** respectively. The complainants further state that the mark has also been extensively promoted by the complainants, internationally as well as in India leading to substantial recognition amongst **the** general public as to the mark and its association with the complainants. The promotional material of the complainants bearing their trade mark is marked as **Annex. VIII**.

(vi) The Complainants further state that the trade mark LAZARD has also been used extensively over the internet to identify complainants and to associate the said mark exclusively with the complainants which information is readily available on the website [www.lazard.com](http://www.lazard.com). According to the complainants, they have and its associate companies have also registered their domain names containing their trade mark in .au,.ir,.jp,.sg,.se,.net,.info,.org,.uk. The complainants had also filed the



print out from their website along with a schedule of associated domain names numbering 300 approximately and the same is marked as **Annex. IX**.

(vii) The Complainants further state that the trade mark, corporate name and any domain name with the word LAZARD is associated exclusively with the complainants and their associated companies, for all of which, the mark forms the forepart and most distinguishing feature of the name, at the same time tying all the said entities in multiple countries to a common group.

(viii) The Complainants further state that in or about September 2010 while browsing the internet they came across the disputed website [www.lazard.in](http://www.lazard.in), a print out of WHOIS status of the said website is marked as **Annex. X**. The complainants further state that the said website appears to be a parking page following a "Pay-per-click" format and listing various website under title such as 'Investment Banking', 'Investment Bank', 'LAZARD Ltd.', 'Goldman Sachs', 'Goldsmith Agio Helms' and others, indicating goods are services related to financial matters, akin to that of the complainants, and that the website also goes further by providing links to website of its competitors upon clicking on any of the links. The print out of the disputed website is marked as **Annex. XI**. According to the complainants, it is clear that the website is attempting to create confusion in the minds of consumers by associating itself with the complainants and thereby generating revenue by directing the said users, to websites of the complainants' competitors and other businesses providing similar or allied services.

#### **44 Respondent's Identity and activities:**

The Respondent is the registrant of the Domain Name **<lazard.in>** which is registered with .IN REGISTRY, National Internet Exchange of India, New Delhi. The name of the registrant is referred to as Jack Sun, Domain Jet, Inc., 1600 Amphitheatre Parkway, Mountain View, California 94043, USA. Neither the Respondent represented himself nor represented by any one. According to the Complainants, the Respondent has obtained the disputed domain name through fraudulent means by providing incorrect mailing address, but the address refers to the corporate address of the Google Inc.



5. **Parties contentions:**

A. **Complainant:**

**(a) The Domain Name is identical or confusingly similar to a Trademark or service mark of the Complainant has rights:**

(i) The Complainants state that their domain name www.lazard.com registered on 17<sup>th</sup> February 1994 as acquired distinctiveness and is associated exclusively with the business of complainant and that the complainant and its related companies are the proprietors of various domain names such as www.lazard.am, www.lazard.at, www.lazard.com.au, www.lazardassetmanagement.am, www.lazard.ca, www.lazardassetmanagement.cn, www.lazardbrothers.cn among several others approximately 300 domain names as per the list marked as **Annex. X**.

(ii) The Complainants further state that the disputed domain name www.lazard.in is identical to the complainants' trade mark LAZARD as it incorporates complainants' well known mark in its entirety. In addition, the disputed domain name also contains various links which refer to finance and financial services identical with those of the complainants 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 links hosted by the respondent direct users to websites of competitors of the complainant are those providing services that are related are analogous to those provided by the complainant, such as www.indiainfoline.com, www.Sharekon-TradeTiger.com, Free Penny Stocks links Its AUBull.net. The said website has been specifically designed to redirect users from the website of the complainants to other service providers rendering the same or similar services by creating confusion as to the origin of the website and of the links being hosted therein.

(iii) The Complainants further state that the respondent has obtained registration of the said domain name through fraudulent means by providing incorrect address which does not refer to the respondent but in fact, the same is the corporate address of Google inc., which does not appear to have any connection with the respondent whatsoever.



(iv) According to the complainants, the respondent, having given the enormous global reputation and goodwill enjoyed by the complainant, has fraudulently acquired the disputed domain name which is identical to the complainants trade mark LAZARD and deceptively similar to the trading name/corporate name of the complainant and its subsidiary and associated entities, solely with an intention of diverting the consumers to their website and pass their goods and/or services as and for the goods of the complainants.

(v) The Complainants further state that the respondent has made use of the entire trade mark and trade name of the complainant as part of its domain name with no distinguishing feature therein giving the impression that the domain name is that of the complainants referring to the Indian affiliate or Indian business of the complainant.

(vi) In this respect, the complainants made a reference to the cases viz., Kingston Technology Co., -vs- Webmaster, Skype Network Ltd., Case No.INDRP/033; Rediff.com India Ltd., -vs- Mr.Abishek Verma & another, Case No.INDRP/1; Eurocopter, an EADS Company -vs- Brunno Kerrin, Case No.INDRP/116; Microsoft Corporation -vs- Chun Man Kam, Case No.INDRP/119; and Ingersol - Rand Co. -vs- Frankly Gully d/b/a dvcomren, WIPO Case No.D2000-0021; and Boehringer Ingelheim Pharma GmbH & Co. KG v. Philana Dhimkana, WIPO Case NO.D2006-1594.

**(b) Respondent has no rights or legitimate interests in the domain name:**

(i) According to the complainants, the respondent neither has any legitimate interest in the mark LAZARD nor is the lawful owner of any right relating to the complainants' mark, and that the respondent bears no relationship to the business of the complainant in any country whatsoever and is neither a licensee nor obtained authorization of any kind whatsoever to use the complainants' mark.

(ii) According to the complainants, the respondent has neither been using the said domain name or any name corresponding to the same in relation to any goods or services, to the best of complainants' knowledge, nor has he being commonly



known by the domain name, which in fact, corresponds and is associated exclusively with the complainants.

(iii) According to the complainants, their website [www.lazard.com](http://www.lazard.com) was constructed on 17<sup>th</sup> February 1994 and the use of the mark LAZARD by the complainant or its related companies had commenced as early as 1848, however, the disputed domain name was constructed only on 14<sup>th</sup> May 2010 which is fairly recent and at a time when the trade mark LAZARD has become well known. The complainants further state that they being the prior users of the registered and well known trade mark LAZARD are the lawful owners of the trade mark/corporate name LAZARD and the respondent does not have legitimate interest in the domain name which copies in entirety the trade mark/domain name of the complainants.

(iv) According to the complainant, the domain name is comprised of the corporate name of complainant and the respondent's use of disputed domain name will attract and deceive complainants' customers by causing them mistakenly to believe that it is the complainant operating the said website and that the respondent is carrying on activities that they have been endorsed by the complainant.

(v) The Complainants further state that the respondent is not making any legitimate, fair use of the domain name and it is in fact, apparent that the use of a domain name identical with that of the complainants' domain names and trade marks along with the hosting of website and such options offering services similar/analogous to those of the complainant is clearly an attempt to create confusion and illegally profit from the resulting association between the complainants and the respondent. Further, the disputed domain name and the website appears to be following 'Pay-per-click' format and the said manner of use of the website is clearly commercial.

(vi) In this respect, the complainants place reliance on various decided cases such as Societe Des Prodi Its Nestle SA Switzerland v. Nescafe Ltd., Case No.INDRP/100; Croatia Airlines d.d. vs. d. Modern Empire Internet Ltd., WIPO Case No.D2003-0455; Adobe Systems Incorporated v. Domains OZ, WIPO Case No.D2000-0057; eBay Inc. v. Akram Mehmood, WIPO Case No.DAE2007-0001; Drexel University v. David



Brouda Case No.D2001-0067; [www.Kangarookids.in](http://www.Kangarookids.in); Owens Corning v. N A, WIPO Case No.D2007-1143; Oki data. Oki data Americans Inc. v.ASD Inc. WIPO Case No.D2001-0903; Luxottica Holdings Corp. v. Lokesh Morade, Case No.INDRP/139; Television Food Network, G.P. v. Arif Siddiqui, Case No.INDRP/138; Factory Mutual Insurance Co., v. Rihanna Leatherwood, WIPO Case No.D2009.

**(c) Respondent has registered and is using the domain name in bad faith:**

(i) According to the complainants, the circumstances indicate that the respondent has registered or acquired the domain name with dishonest intention to mislead and divert the consumers and to tarnish the well known trade mark/corporate name LAZARD of the complainants.

(ii) According to the complainants, the respondent has registered and is using the domain names in bad faith for commercial gain and to benefit from the goodwill and fame associated with complainants' LAZARD marks, and from the likelihood that internet users will mistakenly believe the domain name and its associated website are connected to the complainants and their services.

(iii) The Complainants further state that the respondent has registered and is using the domain name primarily for the purpose of disrupting the business of the complainants and has no prior right in and no authorization to use given by the complainants concerning the LAZARD trade marks.

(iv) The Complainants further state that the respondent uses the disputed domain name to operate links farms that provide links to website promoting products, services and website of the complainant as well as the competitors to the complainant which itself amounts to evidence of bad faith. In this respect, the complainants have once again drawn the attention of the cases referred to in Case No.INDRP/138 and Case No.INDRP/119.

(v) The Complainants further state that the respondent is thus not using the domain name for legitimate personnel or business purposes, instead it is apparent that the intention of the respondent is to create initial-user confusion and divert users to its website and thereafter provide links to websites that provide link to website providing identical or associated services and thereby generating revenue for itself.



The Complainants further state that the respondent has intentionally registered the disputed domain name that is identical to the complainants' LAZARD trade mark in order to trade off the goodwill associated with the complainants' mark.

(vi) The Complainants further state that a consumers searching for information concerning complainant is likely to be confused as to whether the respondent is connected, affiliated or associated with or sponsored or endorsed by the complainant and also relied two cases decided in FA10519655 and FA1220454 to operate a link farm constituted evidence of bad faith.

(vii) The Complainants further state that the various website owners who are link to through the disputed domain name and website operated by the respondent presumably provide monetary compensation for the placement of their addresses and site links upon the website, and upon the information and belief, the compensation is based on the number of hits the website owners get from being listed on respondent's site. Accordingly, the respondent receives a direct financial benefit from its diversion of potential customers of the complainants to its site. By creating a likelihood of confusion with the complainants' LAZARD trade mark by unlawfully capitalizing on the name recognition and goodwill of the LAZARD trade mark to divert internet traffic to its site, respondent has undoubtedly registered and has been using the disputed domain name in bad faith. In this respect, the complainant placed reliance viz., the WIPO Case No.D2008-0627 wherein it has been held that the domain name for 'Pay-per-click' website deemed bad faith registration and use. Further, the complainants rely upon the case of National Arbitration Forum in FA 412705 and the WIPO Case No.D2000-0127 and Case No.FA 573872.

(viii) The Complainants further state that the respondent's bad faith use of the domain name is further evidenced by the fact that the respondent has sought to profit from the disputed domain name to create an affiliation with the complainant and the respondent's use of complainants' LAZARD mark bolsters the reputation of respondent by creating an affiliation with the complainants' famous LAZARD trade mark. In this respect, the complainants place reliance upon Case No.D2000-1100 and Case No.D2000-0977.



(ix) The Complainants further state that the respondent has obtained the domain name through fraudulent means by providing incorrect address which itself is an indicative of the malafide intention of the respondent in registering the domain name and the same is also contrary to the provisions of paragraph 3 (a) of INDRP.

(x) Finally, the complainants state that the respondent has also made fraudulent and incorrect claims while registering the disputed domain name since all registrants are required to warrant at the time registering the domain name to declare that to their knowledge the registration of the domain name will not infringe upon or otherwise violate the rights of any third party to the effect that the registrant will not knowingly use the domain name in violation of any applicable laws or regulations. By stating so, the complainants' pray the relief of transferring the disputed domain name to the complainant and order the cost of the arbitration proceedings.

**B. Respondent:**

The email communications sent to the Respondent were bounced as that account has been permanently failed. As per Section 3 (1) (b) of the Arbitration and Conciliation Act, 1996, a written communication is deemed to have been received if it is sent to the addressee's last known place of business by any means which provides a record of the attempt to deliver it. Hence, the service of notice deemed to have been completed on the Respondent. However, The Respondent did not submit any response. The fact, as averred by the Complainant is that the respondent has fraudulently obtained the disputed domain name by furnishing the wrong mailing address.

**6. Discussion and Findings:**

It has to be asserted as to Whether the Constitution of Arbitral Tribunal was proper? and Whether the Respondent has received the notice of this Arbitral Tribunal?

Having gone through the procedural history, this Tribunal comes to the irresistible conclusion that the Arbitral Tribunal was properly constituted and Respondent has been notified of the complaint of the Complainant. However, the Respondent did not choose to submit any response and that non-submission of the Response by the Respondent had also been notified to the Respondent on 18<sup>th</sup> November, 2010.



Under paragraph 4 of the IN Domain Name Dispute Resolution Policy (INDRP), the Complainant must prove each of the following three elements of its case:

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

**(a) Identical or confusing similarity:**

i) The Arbitral Tribunal finds that the Complainant has provided evidences that it possesses registered trademark being LAZARD. The Respondent's domain name, <lazard.in> consists of entirely Complainant's trademark, except ccTLD. Thus, this Arbitral Tribunal comes to the irresistible conclusion that the disputed domain name <lazard.in>is confusingly similar or identical to the Complainant's marks.

ii) The Arbitral Tribunal concludes that the Complainant has established paragraph 4(i) of the IN Domain Name Dispute Resolution Policy.

**(b) Respondent's Rights or Legitimate Interests:**

i) The Complainant contends that the Respondent has no legitimate interest in the disputed domain name. Paragraph 7 of the IN Dispute Resolution Policy sets out three elements, any of which shall demonstrate the Respondent's rights or legitimate interests in the disputed domain name for the purposes of paragraph 4(ii) of the Policy. The Respondent had been given the opportunity to respond and to present evidence in support of the elements in paragraph 7 of the INDRP. The Respondent has not chosen to do so and has not filed any response in this proceedings to establish any circumstances that could assist it in



demonstrating, any rights or legitimate interests in the disputed domain name. Although, the Complainant is not entitled to relief simply by default of the Respondent to submit a Response, the Arbitral Tribunal can however and does draw evidentiary inferences from the failure of the Respondent to respond. The Complainant has established a prima facie case of lack of rights and legitimate interest and the Respondent has failed to rebut the presumption of absence of rights or legitimate interests.

ii) Based on the record, the Respondent does not have rights or legitimate interests in the disputed domain name as the Respondent's current use is neither an example of a bona fide offering of goods or services as required under paragraph 7(i) of the Policy nor is there any legitimate non-commercial or fair use of the disputed domain name and as such there is no evidence that paragraphs 7(ii) or 7(iii) of the Policy apply. The Complainant asserts that they have not licensed or otherwise authorized the Respondent to use their trademark.

iii) The Arbitral Tribunal is satisfied that the Respondent has no rights or legitimate interests in respect of the disputed domain name and, accordingly paragraph 4(ii) of the Policy is satisfied.

**(c) Registration and Use in Bad faith:**

i) Paragraph 6 of the Policy provides the circumstances evidencing registration and use of a domain name in bad faith are that, by using the same, the Respondent has engaged in a pattern of such conduct and the Respondent has intentionally attempted to attract, for commercial gain, internet users to the Respondent's web site or other online locations, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's web site or location.

ii) The Respondent has registered the domain name which appears to have been selected precisely for the reason that it is identical or confusingly similar to registered trademarks and trade names of the Complainant. The Respondent has no affiliation with the Complainant. Registration of a domain name



that is confusingly similar or identical to a famous trademark by any entity, which has no relationship to that mark, is itself sufficient evidence of bad faith registration and use.

iii) In view of the submitted evidence and in the specific circumstances of this case, this Arbitral Tribunal draws the inference that Respondent's purpose of registering the domain name was in bad faith within the meaning of the Policy. The Respondent has no legitimate rights or interests in the disputed domain name and there was no real purpose for registering the disputed domain name other than for commercial gains, and that the intention of the Respondent was simply to generate revenue, either by using the domain name for its own commercial purpose or through the sale of the disputed domain name to a competitor or any other person that has the potential to cause damage to the ability of the Complainant to have peaceful usage of the Complainant's legitimate interest in using their own trade names. Apparently, in this case, the disputed domain name appears to be a parking page following a 'Pay-per-click' format, listing various websites; obtaining domain name in reference fraudulently by furnishing wrong mailing address and consequent disabled e-mail account itself constitute bad faith registration and use.

In the light of the above, this Arbitral Tribunal finds that the Complainant has established that the disputed domain name was registered and is being used in bad faith.

**7. Decision:**

For all the foregoing reasons, in accordance with paragraph 10 of the Policy, the Arbitral Tribunal orders that the disputed domain name <lazard.in> be transferred to the Complainant.

**Dated at Chennai (India) on this 30<sup>th</sup> day of November, 2010.**

  
(D.SARAVANAN)  
Sole Arbitrator