



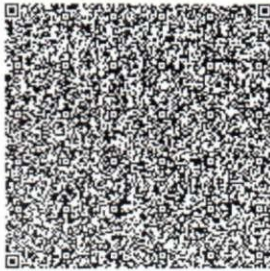
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL19746886085430L
Certificate Issued Date : 30-May-2013 11:58 AM
Account Reference : SHCIL (FI)/ dl-shcil/ HIGH COURT/ DL-DLH
Unique Doc. Reference : SUBIN-DL DL-SHCIL38702123023868L
Purchased by : NIKILESH RAMA CHANDARAN SO SH U K RAMA CHANDARAN
Description of Document : Article 12 Award
Property Description : NA
Consideration Price (Rs.) : 0
(Zero)
First Party : NIKILESH RAMA CHANDARAN SO SH U K RAMA CHANDARAN
Second Party : NA
Stamp Duty Paid By : NIKILESH RAMA CHANDARAN SO SH U K RAMA CHANDARAN
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



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ARBITRATION CASE NO. 3 OF 2013

IN THE ARBITRATION MATTER OF:-

LinkedIn Corporation

COMPLAINANT

VERSUS

Anand Vaddiraju

RESPONDENT

AWARD:

The present dispute relates to the registration of the dispute domain name <linkedin.in> in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the disputed domain name <linkedin.in> in favour of the Respondent. In pursuance to the In Domain Name Dispute Resolution Policy (INDRP) and the rules framed thereunder, the Complainant had preferred this arbitration for raising this dispute for redressal of its grievances.

In its complaint, the Complainant has stated that the trademark/service mark "LinkedIn" which is a very popular and well known mark worldwide and rules the market as one of the world's largest professional networking website through www.linkedin.com. The complainant further states that its website has more than 200 million members in over 200 countries and territories with over 17 million users in India alone. The complainant states that it had registered the said trademark bearing registration no. 1607728 in India in Class 35. The complainant states that it provides a platform for professionals to connect whilst seeking career opportunities, expertise requests, consulting offers, business deals, new ventures, job inquiries etc.

That the complainant has further stated that the disputed domain name is identical or confusingly similar to name, trademark or service mark in which the complainant have exclusive rights and it also stated that the Respondent has registered



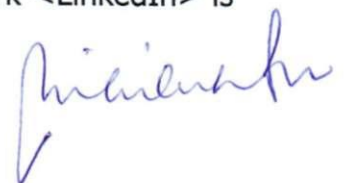
the domain <linkedin.in> thereby illegally misappropriating and without any authority used the trademark which is the exclusive property of the Complainant.

The complainant has contended that the respondent has registered the disputed domain name and the said domain name is being used by him in bad faith. The complainant has further stated that it has its presence on a worldwide basis and its trade mark "LinkedIn" is well-known throughout the world. The complainant has on the basis of the aforesaid averments contended that it is reasonable to infer that respondent had registered disputed domain name with full knowledge of trademark of the Complainant.

I entered upon reference regarding the instant dispute 22nd March, 2013 and a notice dated 23rd March, 2013 was sent to the respondent calling upon for his response to the said complaint. After receiving the notice dated 23rd March 2013, the respondent sought two-three weeks to file his reply vide an email dated 13.04.2013. The respondent even after being granted considerable time to file his reply, failed to do so and there has been no response from his side. Accordingly, the respondent is proceeded ex-parte.

I have perused the records and have gone through the contents of the complaint. Although there has been no reply on behalf of the respondent to the complaint, I shall deal with the complaint on the basis of its merits.

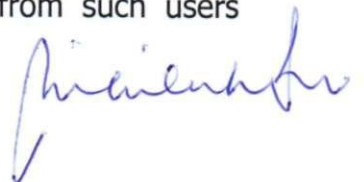
Firstly I shall deal with the ground regarding the rights of the complainant vis-à-vis that of respondent's over the domain name <linkedin.in>. The mark <LinkedIn> is



a unique and distinct word and has acquired distinctiveness and is known to be a trademark owned by the complainant. The complainant has shown its various trademark registration details world over. Although the respondent has not appeared in these proceedings to present his case, but it is borne out from the records that respondent has no legitimate right over the mark "LinkedIn". Merely by the adding of the name '.in' in the word cannot make the disputed domain name to be a mark different from the registered mark. Hence the respondent's action to register the said domain name is not bonafide as he has no right over the mark "<LinkedIn>."

Secondly, the respondent have acted in bad faith in respect of domain name as the complainant is very well known and has been using his trademark worldwide for a long time in his commercial business activities. In "**Adidas-Saloman AG V. Domain locations**" bearing Case No. D. 2003 0489, it was held that the registration of a well known trademark of which the respondent must reasonably have been aware is in itself sufficient to amount to bad faith. I am of the view that respondent's action suggests that the registration of the domain name has been done by him in bad faith as the use of domain name by the respondent will cause substantial harm to complainant.

Thirdly, the respondent has stated that the disputed domain name is identical or confusingly similar to name, trademark or service mark in which the complainant have exclusive rights and the addition of the word '.in' as suffix to the mark by the respondent is an attempt to deceive the public. It was held in **Satyam Infoway Ltd. V. Sifynet Solutions Pvt. Ltd. [AIR 2004 SC 3540]** that "the use of same or similar domain name may lead to diversion of users which would result from such users



mistakenly accessing one domain name instead of another. Therefore I am of the view that the respondent is using the trademark of Complainant, in order to achieve commercial gain by misleading and diverting the consumers and thus such use cannot be considered as a legitimate, non-commercial or a fair use and the disputed domain name is identical or confusingly similar to name, trademark or service mark.

Considering the facts and circumstances of the present case and in view of the precedents in this context, I am of the view that the complainant has proprietary right over the trademark "LinkedIn". Under the facts and circumstances of the present case and on perusal of the records filed by the complainant, I deem fit and proper to allow the prayer of the Complainant in its favour and direct the Registry to transfer the said domain name i.e. <linkedin.in> in favour of the complainant.

Parties to bear their own costs.



(NIKILESH RAMACHANDRAN)

DATED:- 01.06.2013

ARBITRATOR