



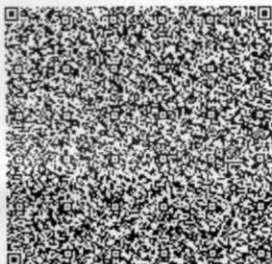
सत्यमेव जयते

# INDIA NON JUDICIAL

## Government of National Capital Territory of Delhi

### e-Stamp

Certificate No.	: IN-DL19746021579341L
Certificate Issued Date	: 30-May-2013 11:57 AM
Account Reference	: SHCIL (FI)/ dl-shcil/ HIGH COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DL DL-SHCIL38701210703415L
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.11 OF 2012

### IN THE ARBITRATION MATTER OF:-

LLOYD SHOES GMBH & CO. KG

....COMPLAINANT

VERSUS

WEBZCLUB

...RESPONDENT

*Signature*

**AWARD:**

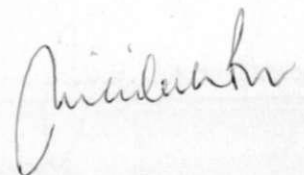
The present dispute relates to the registration of the domain name www.lloyd.co.in in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name <www.lloyd.co.in> in favour of the Respondent. Pursuant to the In Domain Name Dispute Resolution Policy (INDRP) and the rules framed there-under, the Complainant has preferred this arbitration for raising this dispute for redressal of its grievances.

In its complaint the complainant has stated that it is a renowned manufacturer of men's and women's shoes, briefcases, purses, shirts, leather clothing, socks and bags. The complainant further states that its origins can be traced back to the year 1888 when it was founded by H.F. Meyer Schuhfabrik in Bresmen and later became a well known trademark under the trademark name LLOYD. The complainant thereafter has enunciated in its complaint, the complete history and background of itself and its logo and trademark LLOYD. The complainant has also filed documents in support of its aforesaid submissions.

The complainant has further stated that it is the registered proprietor of the trademark LLOYD and its numerous variations in classes. The complainant has filed a schedule of the registration of its trademark LLOYD along with the copies of the registration certificates in support of the aforesaid submissions. The complainant has also stated that it is the registered proprietor in India of the trademark LLOYD and its variations in classes 14, 18 and 25.

The complainant has averred that in India the mark LLOYD is a well known one and often has been referred to in media reports and



press releases in relation to the complainant in India. It has been further averred that shoes under the mark LLOYD were introduced for the first time in India in August 2005. The complainant is also registered with Registrar of Companies since May 2009.

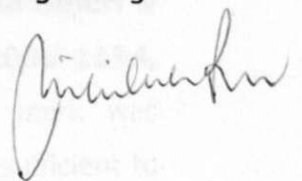
The complainant has stated that the trademark LLOYD has also been used over the internet to identify the complainant and to associate the said mark exclusively with the complainant. The complainant has also submitted the list of various domain names in its name and has also filed documents in relations to some of the domain names provided by it.

In its complaint, the Complainant has stated that in or around March 2012 while browsing the internet it came across the website [www.lloyd.co.in](http://www.lloyd.co.in). On 29.03.2012 the complainant sent a cease and desist letter on behalf of the complainant. The complainant has further stated that the respondent however refused to comply with the requisitions contained in the said cease and desist letter constraining it to file the instant complaint.

The complainant has stated that it was only recently that it became aware of the use of the disputed domain name by the respondent.

The complainant has filed the present complaint on the basis following grounds; a) the disputed domain name is identical and confusingly similar to the complainant's trademark LLOYD. b) The respondent has no rights or legitimate interest in respect of the disputed domain name c) the domain name was registered and was being used in bad faith.

The complainant has contended that the respondent has made use of the entire trademark and trade name of the complainant as part of its domain name with no distinguishing

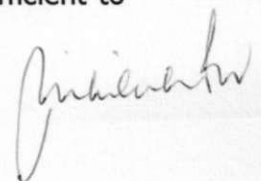
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feature therein giving the impression that the domain name is that of the complainant and /or refers to the Indian affiliate of the complainant.

Therefore, I entered upon reference regarding the instant dispute and sent a notice dated 17.12.2012 to the Respondent calling upon for response to the said complaint. However, even after granting considerable time to the Respondent, there has been no response. 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. Several grounds have been raised by the Complainant regarding the transfer of the domain name <www.lloyd.co.in> in its favour.

Firstly I shall deal with the ground regarding the rights of the Complainant vis-à-vis that of Respondent's over the domain name <www.lloyd.co.in>. The mark <LLOYD> is a well known mark, unique and distinct word and has acquired distinctiveness and is known to be a trademark owned by the complainant. It has been shown by the complainant that the use of the said mark has been for quite some time and that too for world over. The complainant has shown its various trademark registration details world over. Although the respondent has not appeared in these proceedings to present their case, but it is borne out from the records that Respondent has no bonafide or legitimate right over the mark "LLOYD". It was held in **Boehringer Ingelheim pharma GmbH & Co. KGGG v. Philana Dhimkana WIPO case No. D-2006-1594**, where it was held that , if a well- known trade mark was incorporated in its entirety into a domain name, that is sufficient to

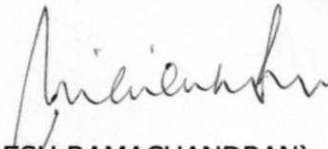


establish that a domain name is identical or confusingly similar to the Complainant's registered trade mark. After perusing the records, I am further convinced that the disputed domain name is identical and confusingly similar to that of the complainant. This itself reflects the fact that the respondent wanted to create confusion the minds of the public. Hence the Respondent's action to register the said domain name is not bonafide as he has no right over the mark "<www.lloyd.co.in>."

Secondly as the Respondent's action to register the said domain name is not bonafide as cease and desist letter was sent to the respondent by the complainant and there was no reply to the cease and desist letter. The Respondent has registered the trademark in bad faith for commercial gains and to benefit from the goodwill and fame associated with the LLOYD trademark. Therefore the said registration is done in bad faith and the Respondent has no legitimate right over the said domain name.

Considering the facts and circumstances of the present matter and taking view of the precedents in this context, I am of the view that the complainant has proprietary right over the mark "www.lloyd.co.in". Under the facts and circumstances and on perusal of the records, I deem it 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. <<www.lloyd.co.in>> in favour of the complainant.

Parties to bear their costs.

  
(NIKILESH RAMACHANDRAN)  
ARBITRATOR

Date - 30.05.2013.