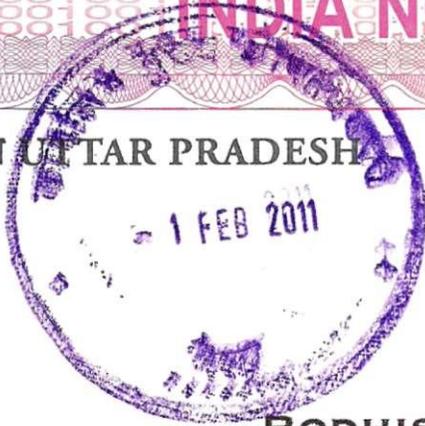


उत्तर प्रदेश UTTAR PRADESH

AL 970655



**BODHISATVA ACHARYA  
ARBITRATOR**

(Appointed by IN Registry-National Internet Exchange of India)

Case No. .... Of 2010.

ARBITRATION AWARD: DISPUTED DOMAIN NAME: [www.louisxiii.in](http://www.louisxiii.in)

In the matter of:

**E.REMY MARTIN**

(REMY COINTREAU)

20 rue de la societe vinicole,

16100 COGNAC (FR)

Filed by its authorized representative attorney -

**NAMESHIELD,**

27 rue des arenas,

49100 Angers, France

Email: [domain@nameshield.net](mailto:domain@nameshield.net)

...Complainant

***Vs.***

Domain Solutions,  
Jim Muller  
1658 Kanchipuram,  
Tamilnadu 603109  
Email: [iceloops@gmail.com](mailto:iceloops@gmail.com)

Respondent.

## **A W A R D**

### **1. The Parties:**

The complainant in this arbitration proceeding is **E.REMY MARTIN (REMY COINTREAU) 20 rue de la soeiete vinicole, 16100 COGHAC (FR) and** filed by its authorized representative attorney **NAMESHIELD.27 rue des arenas, 49100 Angers. France** with Email: [domain@nameshield.net](mailto:domain@nameshield.net)

Respondent in this arbitration proceeding is Domain Solutions, Jim Muller 1658 Kanchipuram, Tamilnadu 603109, with Email: [iceloops@gmail.com](mailto:iceloops@gmail.com)

### **2. The Domain Name, Registrar A Registrant-**

The disputed domain name is [www.Souisxiii.in](http://www.Souisxiii.in)

### **3. Procedural History:**

The complainant, through its authorized representative, filed this complainant to NIXI regarding the disputed domain name [www.louisxiii.in](http://www.louisxiii.in) following the clause 4 of the policy of .IN Registry and .IN Registry appointed Mr. Bodhisatva Acharya (The Arbitrator) as Sole Arbitrator under clause 5 of the policy. The Arbitrator submitted his statement of acceptance and declaration of Impartiality and the Independence and The complaint was produced before the Arbitrator and the Arbitrator sent a notice, to the Respondent through his email for the Arbitration Proceeding with a 10 days deadline to submit his reply but the Respondent didn't give any response after this second notice was sent but result was same. Hence on the 18<sup>th</sup> day of February 2011 the Award is being declared as Ex-parte.



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

The complainant LOUIS XIII is a cognac produced by E. REMY MARTIN which is a branch of the company C/S REMY COINTREAU, which is officially registered in France since 1874.

E.REMY MARTIN owns numerous trade-mark registrations with the name LOUIS XIII worldwide and in India it was registered on September 28<sup>th</sup>, 1994.

E.REMY MARTIN has owns and communicates on the internet through various websites worldwide by its brand name LOUIS XIII.

But when the disputed domain [www.louisxiii.in](http://www.louisxiii.in) was registered and came to know to the Complainant then Complainant contacted to respondent and respondent offered this domain name for \$800 USD but the Complainant refused this request and filed this complaint for Arbitration Proceeding.

#### **5. Parties Contentions:**

(a) Complainant contends that

- (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, and the domain name be transferred to the Complainant.

(b) Respondent contends that

The respondent gave no response and produced no reply.



## **6. Discussion & Findings:**

Under the Paragraph 4 of the Policy (INDRP) Any Person who considers that a registered domain name conflicts with his legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- (i) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has right.
- (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 with bad faith

After having gone through the records, documents, produced by the Complainant, Arbitrator's findings are:

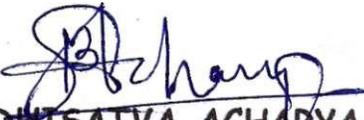
- (i) That the Respondent's performance was clearly ***ab initio*** in bad faith because the main motive of respondent only to make money from Complainant while complainant proves by all documental proof produced along with this complaint that the name, trademark or mark in which the Complainant has right, the Registrant's domain name is identical or confusingly similar to the Complainant's Mark and has been registered or being used in bad faith,
- (ii) That the Name/Mark LOUIS XIII is distinctive unique and has reputation worldwide and the mere mention of the said Mark establishes an identity and connection with Complainant and none else.
- (iii) The complainant has proved all the aforesaid premises as mentioned in paragraph 4 of Policy in his favor and he is has produced all the documentary proof in his favor.



## 7. Decision:

Hence the Arbitrator decides, 'the Disputed Domain Name www.louisxlii.in is identical or confusingly similar to registered trademark of the Complainant and Respondent has no right to use the disputed domain name and the Respondent domain name has been registered in bad faith.

The Arbitrator further decides and orders that the domain name www.louisxiii.in shall be transferred to the Complainant with immediate effect.

  
BODHISATVA ACHARYA  
SOLE ARBITRATOR  
NIXI

DATED: February 18<sup>th</sup>, 201,  
PLACE: NEW DELHI,  
INDIA.