



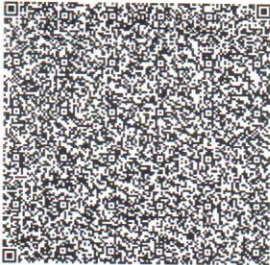
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL67115536488378N
Certificate Issued Date	: 11-Feb-2015 12:03 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP1731200635898900N
Purchased by	: NIKILESH RAMCHANDRAN
Description of Document	: Article 12 Award
Property Description	: 20 CENTRAL LINE (REAR ENTRANCE) BENGALI MARKET ND-011
Consideration Price (Rs.)	: 0 (Zero)
First Party	: NIKILESH RAMCHANDRAN
Second Party	: NA
Stamp Duty Paid By	: NIKILESH RAMCHANDRAN
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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ARBITRATION CASE NO. 5 OF 2014

IN THE ARBITRATION MATTER OF:-

OLX INC.

COMPLAINANT

VERSUS

KARMATECH MEDIAWORKS

RESPONDENT

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

Signature

The Complainant has filed the instant complaint challenging the registration of the domain name < OLX-sellphone.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 reprisal of its grievances.

In its complaint, the complainant has stated that it operates an online classifieds websites which buys and sells goods and services. The complainant states that it was founded 2006, which is operating one of the world's leading free online classifieds platforms and is operating in the United States and in over 107 countries available in over 42 languages. It states that its websites receive more than 100 million monthly unique users, generating over 1.8 billion monthly page views, or 60 million page views per day. The complainant in support of their contention, regarding the exclusive use and long standing goodwill enjoyed by it worldwide, has placed on record copies of ratings given to it by various agencies. The complainant further stated that it has registered mark **OLX** in India, which application has been accepted on 15.07.2014.

The complainant's grievance in the complaint has been stated to be that disputed domain < OLX-sellphone.in > has been registered by the respondent which has caused confusion and deception, and that the Respondent is not making legitimate or fair use of the said domain name. On learning about the registration of the disputed domain name by the Complainant, it sent a cease and desist letter dated 16.06.2014 through its attorney to the Respondent requesting it to refrain from using the domain name and to transfer the domain name to it. However, there was no response from the Respondent. Hence, the Complainant has filed the present complaint.

I entered upon reference regarding the instant dispute and notices were sent to the Respondent calling for its response. 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 < OLX-sellphone.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 < OLX-sellphone.in >. The domain has the mark **OLX**, which according to the complainant is the owner. "OLX" is a 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 registered domain names incorporating the **OLX** trademark in numerous countries across the world, including under the country code top level domain (cc TLD) ".in", namely the domain name **OLX.in**. The complainant has shown the various trade mark registration details. Although the Respondent has not appeared in these proceeding to present their case, but it is borne out from the records that Respondent has no bonafide or legitimate right over the mark "**OLX**". The addition of a hyphen followed by a suffix "sellphone" does not obviate the possible confusion in the mind users. 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 "OLX-sellphone.in."



Secondly as the Respondent's action to register the said domain name is not bonafide, therefore the said registration is done in bad faith. Neither the Respondent is associated as an individual, business or organization with the name "**OLX**" nor the complainant has authorized in any way the use of the trademark "**OLX**". Therefore 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 "**OLX**". 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. < OLX-sellphone.in > in favour of the complainant.

Parties to bear their costs.


(NIKILESH RAMACHANDRAN)
ARBITRATOR

Dated 11th February 2015.