



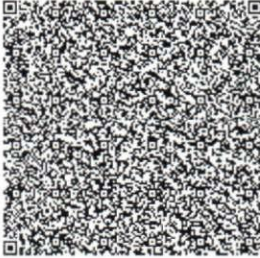
सत्यमेव जयते

# INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

## e-Stamp

Certificate No. : IN-DL17504812010064L  
 Certificate Issued Date : 23-May-2013 10:30 AM  
 Account Reference : SHCIL (FI)/ dl-shcil/ HIGH COURT/ DL-DLH  
 Unique Doc. Reference : SUBIN-DL DL-SHCIL34271000899836L  
 Purchased by : A K SINGH ADVOCATE  
 Description of Document : Article 12 Award  
 Property Description : NA  
 Consideration Price (Rs.) : 0  
 (Zero)  
 First Party : A K SINGH ADVOCATE  
 Second Party : NA  
 Stamp Duty Paid By : A K SINGH ADVOCATE  
 Stamp Duty Amount(Rs.) : 100  
 (One Hundred only)



Please write or type below this line

### BEFORE THE SOLE ARBITRATOR UNDER THE .IN DISPUTE RESOLUTION POLICY

#### IN THE MATTER OF:

Pebble Beach Company  
 2700, 17 Mile Drive  
 Pebble Beach,  
 California 93953, United States

(Complainant)

Versus

Artliving.in  
 Costeria.com  
 New Delhi-110055, India

(Respondent)

## THE PARTIES:

The Complainant in this proceeding is Pebble Beach Company, a California, USA Partnership, having its principal place of business at 2700, 17 Mile Drive Pebble Beach, California 93953, USA.

The Complainant is represented through their authorized representative:

Ms. Divya Vijan and Mr. Pravin Anand,

of Anand & Anand,

First Channel, Plot No.17A,

Sector 16A, Film City, Noida

(F): 91-120-4243056

(E): [pravin@anandandanand.com](mailto:pravin@anandandanand.com), [divya@anandandanand.com](mailto:divya@anandandanand.com)

The Respondent in this proceeding is Artliving.in, Costeria.com at New Delhi-110055, India.

(E): [info@artliving.in](mailto:info@artliving.in)

[info@costeria.com](mailto:info@costeria.com)

## THE DOMAIN NAME AND REGISTRAR:

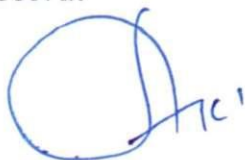
The domain name in dispute is [www.pebblebeach.net.in](http://www.pebblebeach.net.in). According to the WhoIs Search utility of .IN Registry, the Registrar of the disputed domain name [www.pebblebeach.net.in](http://www.pebblebeach.net.in), with whom the disputed domain name [www.pebblebeach.net.in](http://www.pebblebeach.net.in) is registered is Hosting Services Pvt. Ltd.

## PROCEDURAL HISTORY

I was appointed as the Arbitrator by .In Registry, to adjudicate upon the complaint of the Complainant, regarding the dispute over the domain name **<www.pebblebeach.net.in>**.

.In Registry has supplied the copy of the Complaint to me.

On 15.06.2013, I sent an email to the parties informing them about my appointment as the Arbitrator and directed the Complainant to supply the copy of the complaint with annexures to the Respondent through email and post and in case if they have already served it, then to provide me with the details of service record.





In accordance with INDRP Rules of Procedure, notice was also issued to the Respondent on 15.06.2012 with the instructions to file his say latest by 01.07.2013. On 18.06.2013, I received an email from NIXI informing about the details of the service of the copy of Complaint to the Respondent. According to this mail copy of the complaint was duly sent to the postal address of the Respondent. The Tribunal was further informed by NIXI that the copy of the Complaint could not be served upon the Respondent via post as the Respondent has shifted from the address provided. The Complainant also provided the courier receipt showing that the complaint could not be delivered to the Respondent through post.

As the Complainant did not furnish the proof of service of soft copy of the Complaint through email, the Tribunal vide its mail dated 06.07.2013 again directed the Complainant to serve a soft copy to the Respondent and gave further time of seven days to the Respondent to file its response. On 08.07.2013, the Tribunal also requested NIXI to forward the soft copy of the Complaint to the Respondent to expedite the proceedings. Accordingly, on the same day, the Respondent was served with a soft copy of the Complaint by NIXI at [info@artliving.in](mailto:info@artliving.in) and [info@costeria.com](mailto:info@costeria.com).

The Tribunal received an email dated 08.07.2013 from the Respondent expressing its intention to settle the matter and stating that it has proactively deactivated its website [www.pebblebeach.net.in](http://www.pebblebeach.net.in) and also has initiated the process to transfer other sites currently hosted on the pebblebeach hosting package to another hosting package which would take approximately two weeks. The Tribunal apprised the Complainant about the email dated 08.07.2013 of the Respondent and called for its views. As the Respondent did not mark the copy of email dated 08.07.2013 to the Complainant, the same was forwarded by the Tribunal to the Complainant vide email dated 11.07.2013.

The Complainant vide its mail dated 11.07.2013 agreed to settle the matter provided the domain name [www.pebblebeach.net.in](http://www.pebblebeach.net.in) is transferred

in favour of the Complainant. On 25.07.2013 the Tribunal directed both the parties to settle the matter on mutually agreeable terms amongst themselves, for which time period of 3 days from the date of receipt of the email was granted. It was further stated that if the parties fail to arrive at a settlement within the time prescribed, the Respondent shall file its reply within 5 days of the expiry of above three day period, after which the Tribunal would proceed with the matter on the basis of documents on record.

The Complainant in its mail dated 01.08.2013 reiterated that it would settle the matter provided the Respondent transfers the domain name [www.pebblebeach.net.in](http://www.pebblebeach.net.in) to the Complainant within a reasonable time period. The Complainant has also asked the Tribunal to issue directions to the Respondent to specify a time period within which it would transfer the domain name. Vide mail dated 02.08.2013, the Respondent informed that though they are willing to settle the matter, it would not be able to commit a prescribed/ set timeline as the transfer is dependent on various technical issues.

The Tribunal vide its email dated 13.08.2013 informed the parties that as they have not been able to agree on the terms of settlement and Respondent had not filed its reply, it will proceed to pass an award in accordance with INDRP and INDRP Rules.

However, vide mail dated 17.08.2013 the Respondent informed the Tribunal that the data hosting transfer had been completed and the Respondent was now ready to transfer the domain name [www.pebblebeach.net.in](http://www.pebblebeach.net.in) in favour of the Complainant. The Complainant vide its mail dated 22.08.2013 apprised the Tribunal of its willingness to settle the matter provided the Respondent transfers the domain name [www.pebblebeach.net.in](http://www.pebblebeach.net.in) and also provide the authorization code for the transfer of the same to the Complainant.

#### **SETTLEMENT AND AWARD:**

The Complainant had filed the present Complaint praying to this Tribunal that the domain name [www.pebblebeach.net.in](http://www.pebblebeach.net.in) be transferred to the





Complainant under Rule 3(b)(vii). As the parties have agreed to settle the dispute amongst themselves, I am refraining myself from going into the merits of the Complaint.

Respondent, on the other hand, has not filed its reply in the present matter. The Respondent has informed the Tribunal that it has no intention to use the domain name in issue and has already initiated the process of transfer of domain name to the Claimant. The Respondent has also informed that it has deactivated its website [www.pebblebeach.net.in](http://www.pebblebeach.net.in) and also has initiated the process to transfer other sites currently hosted on the pebblebeach hosting package to another hosting package. The Respondent vide its email dated 17.08.2013 has stated that data/ hosting transfer in respect of the domain name is complete and it is ready to transfer the domain name to the Complainant and take other necessary steps.

The Complainant vide its email dated 22.08.2013 has conveyed to the Tribunal that it is willing to settle the matter based on the understanding that the Respondent will transfer the domain name in favour of the Claimant and provide it the authorization code for transfer of disputed domain name.

In light of the facts mentioned above and the settlement reached between the parties, I dispose of this complaint with directions to the Respondent to transfer the disputed domain name ([www.pebblebeach.net.in](http://www.pebblebeach.net.in)) and authorization code for transfer of domain name to the Claimant immediately, in any case, not later than 30 days from the date of communication of this award to the Respondent.

No cost or penalty is imposed upon the parties. The Award is accordingly passed on this 11<sup>th</sup> day of September, 2013.

  
**A.K. Singh**  
**Sole Arbitrator**  
**Date: 11.09.2013**