



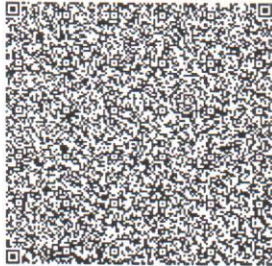
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL78638805944692N
Certificate Issued Date : 12-Mar-2015 05:10 PM
Account Reference : IMPACC (IV)/ dl921303/ DELHI/ DL-DLH
Unique Doc. Reference : SUBIN-DL92130354142087023757N
Purchased by : RAJEEV SINGH CHAUHAN
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : RAJEEV SINGH CHAUHAN
Second Party : Not Applicable
Stamp Duty Paid By : RAJEEV SINGH CHAUHAN
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



ORIGINAL ORIGINAL ORIGINAL ORIGINAL
ORIGINAL ORIGINAL ORIGINAL ORIGINAL
ORIGINAL ORIGINAL ORIGINAL ORIGINAL

.....Please write or type below this line.....

BEFORE THE SOLE ARBITRATOR UNDER THE .IN DISPUTE RESOLUTION POLICY

IN THE MATTER OF:

Lucasfilm Entertainment Company Ltd. LLC
One Letterman Drive
San Francisco
California 94129

(Complainant)

Versus

Alpana Gupta
40/4911, Karol Bagh
New Delhi-110005
Email:alpanaguptamail@yahoo.com

(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.

THE PARTIES:

The Complainant in this proceeding is Lucas Film Entertainment Company Ltd. LLC, Contact Details- One Letterman Drive San Francisco California 94129 Phone number- +91-120-4633900, +91-120-4633999 Email address- sahil@saikrishnaassociates.com. The Complainant has authorized two representatives for the administrative proceedings.

The Respondent in this proceeding is Ms. Alpana Gupta, of 40/4911, Karol Bagh, Delhi-110005, email: alpanaguptamail@yahoo.com.

THE DOMAIN NAME AND REGISTRAR:

The domain name in dispute is www.starwars.in. The Registrar of this domain name is Crazy Domains FZ-LLC as per the whois data base.

PROCEDURAL HISTORY:

The Arbitrator was appointed by the .IN Registry, to adjudicate upon the Complaint of the Complainant, regarding the dispute over the domain name www.starwars.in.

.In Registry had supplied the copy of the Complaint and the Annexures to the Arbitrator.

The Complainant has filed various documents as Annexures in support of their contentions.

The Respondent has not filed any reply to the complaint.

The Arbitrator has perused the record and annexures / documents.

FACTUAL BACKGROUND:

The following information is derived from the Complaint, and the supporting evidence as submitted by the Complainant.

The Complainant has submitted the following in its Complaint:

- The Respondent's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has the rights.
- The Respondent has no rights and legitimate interest in respect of the domain name www.starwars.in.
- The Respondent has registered and is using the domain name www.starwars.in in bad faith.

The Complainant in this proceeding is Lucasfilm Entertainment Company Ltd, LLC from California, whose domain name www.starwars.com was registered on 4th September 1996. "Star Wars" is an American epic space opera franchise centred on a film series created by Mr. George Lucas. The first film of the service was released on May 25, 1977. The Trademark 'Star Wars' has been exclusively identified and associated with the Complainant

and its group Companies. The said website contains extensive information about the franchise 'Star Wars' and gets hundreds of visits from fans of the 'Star Wars' franchise.

The Complainant submits that the unlawful registration of the domain name by the Respondent is resulting in dilution of the Complainant's well known trademark 'Star Wars'. The illegal registration of the above-mentioned domain name and diversion of Internet traffic to www.starwars.in is causing irreparable damage and injury to the Complainant's reputation and business interests. The impugned domain name registration, namely <starwars.in> in the name of the Respondent, is precluding the Complainant from obtaining a domain name registration which is Indian-Specific, and is invaluable in the marketing and sales of its services in India.

The complainant is also the registered proprietor of the Trade Mark 'Star Wars' in various classes throughout the world including India.

The complainant has submitted the list of registered Trade Mark as Annexure-F to the complaint.

PARTIES CONTENTIONS

(a) Complainant

The Complainant contends as follows:

1. The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
2. The Respondents has no rights, claims or legitimate interest in respect of the Disputed Domain Name; and
3. The Disputed Domain Name was registered and is being used in bad faith.

(b) Respondent

The Respondent has not filed any response/submissions to the Complaint despite being given an adequate notification and several opportunities by the Arbitrator.

DISCUSSION AND FINDINGS

As previously indicated, the Respondent has failed to file any reply to the Complaint and has not rebutted the submissions put forth by the Complainant, and the evidence filed by it.

Rule 8 (b) of the INDRP Rules of Procedure provides that *"In all cases, the Arbitrator shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case"*.

As mentioned above enough opportunities have been provided to the Respondent to file a reply but no response was received. Therefore, the Respondent has been precluded against *ex-parte* and the arbitration proceedings have been conducted in his absence.



Rule 12 (a) of the INDRP Rules of Procedure provided that *"An Arbitrator shall decide a Complaint on the basis of the statements and documents submitted to it and in accordance with the Arbitration and Conciliation Act, 1996, Dispute Resolution Policy, the Rules of Procedure and any bye-laws, rules and guidelines framed there under, and any law that the Arbitrator deems to be applicable"*

In these circumstances, the decision of the Arbitrator is based upon the Complainant's assertions and evidence, and inference drawn from the Respondent's failure to reply.

A perusal of the submissions and evidence placed on record by the Complainant, it is proved that the Complainant has statutory and common law rights in the mark "Star Wars".

Further, the Arbitrator is of the view that the Complainant has satisfied all the three conditions outlined in the paragraph 4 of .IN Domain Name Dispute Resolution Policy, viz.:

- 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.

BASIS OF FINDINGS

1. **The Domain Name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights** - (Policy, para. 4 (i); Rules, paras. 3 (b) (vi) (1))

The complainant submit that owing to the identity of the complainant's domain name and the impugned domain name an internet user who is not familiar with the complete web address of the complainant, is highly likely to be misled into visiting the respondent's web address.

The complainant further submit that impugned domain name www.starwars.in is presently parked and does not run a website and the domain name www.starwars.in, not only incorporates the trademark of the complainant, but is also virtually identical to the web address www.starwars.com of the complainant, which makes confusion and deception inevitable.

The respondent has not filed any reply to the above mentioned contentions and therefore, the same are deemed to be admitted by her.

The Arbitrator, therefore, comes to the conclusion that the disputed domain name is confusingly similar and identical to the mark of the Complainant.

2. **The Registrant has no rights or legitimate interests in the respect of the domain name-** (Policy, para. 4 (ii); Rules, paras. 3 (b) (vi) (2))

The complainant states that the respondent could have no justification for registering a domain name incorporating the well-known trademark 'Star Wars' of the complainant in its entirety since the respondent has never been known by the name 'Star Wars' or conducted any bonafide business under the impugned name.

The complainant further states that the registration of the impugned domain name www.starwars.in i.e. on 25th February, 2014, is way subsequent to the adoption of the trademark 'Star Wars' by the complainant in the year 1977 and submit that the respondent not being expressly or impliedly authorized by the complainant has no legitimate interest or reasonable justification to register /use the domain name www.starwars.in.

The Respondent has neither responded nor has put forth or provided any evidence to show that the Respondent is engaged in or demonstrably prepared to engage in offering any *bonafide* goods or services in the name of the disputed domain name.

The Arbitrator, therefore comes to the conclusion that the Respondent has no right or legitimate interest in respect of the domain name.

3. **The Registrant domain name has been registered or is being used in bad faith -** (Policy, para. 4 (iii), 6; Rules, paras. 3 (b) (vi) (3))

The complainant states that the impugned domain name www.starwars.in was registered primarily to usurp illegitimate consideration from the complainant. The complainant further states that the fact that the respondent has been merely parked the impugned domain name www.satrvars.in, further indicates that the domain name has been registered and is being used in bad faith.

The complainant submits that illegal registration of the above mentioned domain name and diversion of internet traffic to www.starwars.in and is causing irreparable damage and injury to the complainant's reputation and business interests. Moreover, impugned domain name registration, namely www.starwars.in in the name of respondent, is precluding the complainant from obtaining a domain name registration which is India-specific, and is invaluable in marketing and sale of its services in India. By the above mentioned contentions the complainant has submitted that the impugned domain name www.starwars.in has been registered in bad faith.

In the light of the above submissions and evidence on record and failure of the Respondent to file any reply, the Arbitrator has come to the conclusion that the disputed domain name was registered in bad faith.



DECISION

In view of the above facts and circumstances, it is clear that the Complainant has succeeded in its complaint.

The Respondent has registered and used the disputed domain name in bad faith .IN Registry of the NIXI is hereby directed to transfer the domain name of the Respondent i.e. <www.starwars.in> to the Complainant. The Award is accordingly passed on this 13th day of March, 2015.



Rajeev Singh Chauhan

Sole Arbitrator

Date: 13th March, 2015