



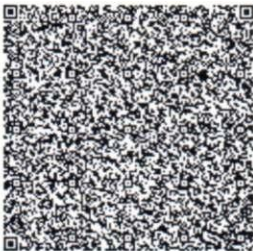
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL57388095065186P
Certificate Issued Date : 25-Nov-2017 04:12 PM
Account Reference : IMPACC (IV)/ dl921303/ DELHI/ DL-DLH
Unique Doc. Reference : SUBIN-DL92130317320634342409P
Purchased by : SANJAY KUMAR SINGH
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : SANJAY KUMAR SINGH
Second Party : Not Applicable
Stamp Duty Paid By : SANJAY KUMAR SINGH
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



Please write or type below this line.

BEFORE SHRI SANJAY KUMAR SINGH, SOLE ARBITRATOR.

NIXI

IN DOMAIN NAME DISPUTE RESOLUTION POLICY.

INDRP CASE NO - 924.

WORLDPAY LIMITED - --- COMPLAINANT

VS.

GAUTAM KUMAR SAHOO / INSOFT -- RESPONDENT

Sanjay Kumar Singh
14-12-2017

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.

BEFORE SHRI SANJAY KUMAR SINGH ARBITRATOR
DOMAIN NAME IN DISPUTE RESOLUTION POLICY
(INDRP)

INDRP CASE NO - 924

IN THE MATTER OF:

Worldpay Limited,

The Walbrook Building,

25 Walbrook, London,

EC4N 8AF, United Kingdom,

Email: guy.veysey@worldpay.com

Through its authorized representative,

DLA Piper LLP, 1 St Peter's Square,

Manchester, M2 3DE, United Kingdom,

Email: jim.mcdonnell@dlapiper.com

COMPLAINANT

VERSUS

Gautam Kumar Sahoo / INFOSOFT

6/1, TCP LANE Howrah

West Bengal, 711101

India

E-mail: infosoftsystemsols@gmail.com

RESPONDENT

I. THE PARTIES:

A. THE COMPLAINANT:

Worldpay Limited, The Walbrook Building, 25 Walbrook, London, EC4N 8AF, United Kingdom, E mail: guy.veysey@worldpay.com through its authorized representative, DLA Piper LLP, 1 St Peter's Square,

Sanjay Kumar Singh
14-12-17

Manchester, M2 3DE, United Kingdom, Email:
jim.mcdonnell@dlapiper.com

B. THE RESPONDENT:

Gautam Kumar Sahoo / INFOSOFT

6/1, TCP LANE Howrah, West Bengal, 711101E.

India.

E-mail: infosoftsystemsols@gmail.com

2. Disputed domain name: <**worldpayindia.co.in**>

3. FACTUAL AND LEGAL BACKGROUNDS:

I. TRADE MARK/SERVICE MARK INFORMATION :

The Complainant has submitted that complainant is the registered proprietor of various trademarks, and the complainant and its group companies are the registered proprietors of various domain names, relating to its “WORLDPAY” brand in various countries and has been using it in connection with its ongoing business.

A. TRADE MARK REGISTRATIONS IN INDIA

	Trade mark	Application /Registration No.	Date of Application / Registration	Country	Class	Goods and services
1	Worldpay	1345007/ 651156	16/03/2005/ 30.07.2007	India	09, 36	Various goods and services including

Sanyukta Singh
14-12-17

						"online" and "electronic funds transfer and payment service". Annex 3 is full details.
--	--	--	--	--	--	---

The complainant has annexed a copy of the trade mark registration certificate and a copy of the online status in respect of the trade mark to this Complaint and placed reliance on the same.

II. TRADE MARK REGISTRATIONS IN OTHER COUNTRIES:

The complainant has submitted that the complainant company is also the registered proprietor of the "WORLDPAY" trade mark in the following countries (amongst others).

	Trade mark	Application /Registration No.	Date of Application / Registration	Country	Class	Goods and services
1	Worldpay	000617175/ 000617175	25/08/1997/ 20/08/2001	European Union	36	Various goods and services including "online" and

Sanjay K. Singh
14-12-17

						"electronic funds transfer and payment service". Annex 4 is full details.
2	WORLDPAY	2230627/ 2230627	27/4/2000/ 17/11/2000	United Kingdom	09	Computer programs
3	WORLDPAY	001945310/ 001945310	3/11/2000/ 3/04/2002	European Union	09,36	Various goods and services including "online" and "electronic funds transfer and payment service". Please see Annex 4 is full details.
4	WORLDPAY	009638149/ 009638149	4/01/2011/ 8/09/2011	European Union	09, 16, 35,	Various goods and services

Language for Li'ogh
14-12-17

					36, 37, 38, 42, 45	including "computer programs" "online banking service" and "electronic funds transfer and payment service". Annex 4 is full details.
5	WORLDPAY	010315646/ 010315646	5/10/2011/ 9/03/2012	European Union	09, 16, 35, 36, 37, 42, 45	Various goods and services including "computer programs" "online banking service" and "electronic funds transfer and

Langley Ken Ligh
14-12-17

						payment service". Annex 4 is full details.
6	WORLDPAY	1139206/ 1139206	5/04/2012/ Various	WIPO, designating Australia, China, Israel, Japan, Norway, Singapore, South Korea, Switzerland, USA	09, 36, 37, 42, 45	Various goods and services including "computer programs" "online banking service" and "electronic funds transfer and payment service". Annex 4 is full details.
7	WORLDPAY	3025082/ 3025082	7/10/2013/ 24/01/2014	United Kingdom	09, 16, 35, 36, 38,	Various goods and services including "computer

Sangeeta Kaur Singh
14-12-17

					42, 45	programs" "online banking service" and "electronic funds transfer and payment service". Annex 4 is full details.
8	WORLDPAY	3045695/ 3045695	7/03/2014/ 4/07/2014	United Kingdom	09, 16, 35, 36, 37, 38, 42, 45	Various goods and services including "computer programs" "online banking service" and "electronic funds transfer and payment service".

Sanjay Kumar Singh
14-12-17

						Annex 4 is full details.
9	WORLDPAY	12297706/ 1229706	26/03/2014/ Various	WIPO, Designating Australia, China, Colombia, European, Union, Israel, Japan, Mexico, New Zealand, Russia, Singapore, South Korea, Switzerland, USA	09, 16, 35, 36, 37, 38, 42, 45	Various goods and services including "computer programs" "online banking service" and "electronic funds transfer and payment service". Annex 4 is full details.
10	WORLDPAY	1227669/ 1227669	27/03/2014/ Various	WIPO, Designating Australia, China, Colombia, European, Union, Israel,	09, 16, 35, 36, 37, 38, 42,	Various goods and services including "computer programs" "online

Jangar Ku Singh
14-12-17

				Japan, Mexico, New Zealand, Russia, Singapore, South Korea, Switzerland, USA	45	banking service" and "electronic funds transfer and payment service". Annex 4 is full details.
--	--	--	--	--	----	--

The complainant has annexed copies of the online status in respect of the aforesaid mentioned jurisdictions, together with a list of the complainant's other registrations for the "WORLDPAY" trade mark in other countries as Annex 4 to this complaint and placed reliance on the same.

III. DOMAIN NAME REGISTRATIONS:

Domain Name	Registration Date
Worldpay.com	20 June 1997

The complainant has annexed print outs of a selection of pages from the Complainant's principal website at www.worldpay.com and WHOIS Record as annexure 5 to this Complaint and placed reliance on the same.

Langley Kim Ligh
14-12-17

IV. BACKGROUND:

- A. The complainant has submitted that on perusal of the disputed domain, the Complainant noticed that the Respondent had copied the Complainant's "WORLDPAY" brand.
- B. The complainant has submitted that as of date the Respondent continues to use the disputed domain name containing the complainant's registered trademarks. The complainant submitted this complaint falls within the scope of the policy.

V. LEGAL GROUNDS :

- A. The complainant has submitted that the Domain Name <worldpayindia.co.in> is identical and/or confusingly similar to the trade mark "WORLDPAY" in which the complainant has rights for the following reasons:**

- a. The complainant has submitted that the disputed domain name contains the Complainant's complete trade mark registered in India and other countries. The disputed domain name is visually and phonetically identical and/or confusingly similar to the trade mark and trade name of the complainant. The complainant has further

Sanjay K. Singh
14-12-17

submitted that such registration by the Respondent amounts to violation of policy para 3 which states that a Registrant is solely responsible to ensure before the registration of the disputed domain name that such domain name registration does not violate the rights of any proprietor/ brand owner.

b. The complainant has submitted that the complainant is a leading payments technology company providing payment processing services and facilitating face to face mail order and online payments, as well as a developer of anti-fraud systems. It also provides a gateway service allowing merchants to access payment online, security products and reporting services. The complainant has submitted that its e-commerce business operates in 146 countries in 116 currencies and offers 300 payment types across Europe, US, Asia-Pacific and emerging markets.

c. The complainant has submitted that it has been in the payments industry for 30 years. It processed 13.1 billion transactions in 2015 with a value of approximately £402 billion supporting around 400,000 merchants globally. In the first half of 2016, the complainant processed a further 7.2 billion transactions (an increase of around 15% from

Sanjay K. Singh
14-12-17

the same period in 2015). The complainant has further submitted that it is part of the Worldpay Group, whose net revenue over 12 months in 2015 was £981.7 million (and for the first half of 2016, £539.7 million, an increase of around 16% from the same period in 2015). Using its network and technology, the complainant is able to process payments from geographies covering 99% of global GDP, across 146 countries and 126 currencies, with its customers able to accept more than 300 different payment types, and with solutions delivered by 5,000 colleagues across 25 offices in 13 countries (including, for example, more than 250 dedicated professionals in its offices in Indore, Madhya Pradesh, India). In 2015, the complainant listed its shares for trading on the main London Stock Exchange and in December 2015 became a member of the FTSE100.

- d. The complainant has further submitted that around 50% of the complainant's gross profit is from online transactions. The complainant's ecommerce division which is focused on the online market has reported revenue and EBITDA CAGR (compound annual growth rate) of 15% and 17% respectively between the years of 2012-2014, and a further 15% in 2015 (with an

Sanyam Singh
14-12-17

underlying EBITDA increase for the group of 8% in 2015); underlying EBITDA of £217.9 million was posted in the first half of 2016, an increase of 19% on the same period for 2015. During the course of 2014, the complainant successfully completed an acquisition giving it presence in Latin America, bedded down its operations in Japan and incorporated a wholly foreign owned entity in Shanghai in order to support its global ambitions. The complainant has further submitted that in August 2016, the complainant expanded its operations to Australia after winning its regulatory license to process payments in what is one of Asia Pacific's largest eCommerce markets.

- e. The complainant has submitted that it first used the mark "WORLDPAY" in 1993, when it launched an electronic cash purse system in the EU. The complainant first provided Internet payment under the mark "WORLDPAY" in 1994.
- f. The complainant has further submitted that it has included in Annex 5, the statistic obtained from Google Analytics relating to the Complainant's website at www.worldpay.com, which show that, for the period of 12

Sanyam K. Singh
14-12-17

months up to the date of registration of the dispute domain name, India was the third highest source of traffic to the Complainant's website. The complainant has annexed to this Complaint press releases and media articles from around the world relating to news of the Complainant's services, collaborations and industry awards up to January 2017 as annexure 6 and relied on the same. The complainant has submitted that these press releases demonstrate the worldwide reputation of the "WORLDPAY" brand prior to the registration of the disputed domain name.

- g. The complainant has submitted that it was named as "Best Merchant Acquiring Initiative" winner and "Best Initiative in Mobile Payments" winner at the Card & Payments Awards in 2014 and shortlisted in three categories for the 2015 awards. The Complainant has submitted that its "Worldpay eCommerce" division was shortlisted for "Payment Company of the Year" and its Risk Guardian product was nominated for "Innovation in Payments" and "Fraud and Compliance solution" following its re launch in 2014 at the eGaming Review B2B Awards, eGaming Review is the best read publication

Sanyal Kar Singh
14-12-17

in the gambling industry and these awards recognize the achievements of leading industry suppliers.

- h. The complainant has submitted that the disputed domain name comprises the Complainant's trade mark "WORLDPAY" in its entirety in conjunction with the term "INDIA" along with the top level domain "co.in". The term "INDIA" denotes a geographical territory, which is a territory where the Complainant has substantial business and rights in the distinctive "WORLDPAY" brand. The term "INDIA" does not distinguish the disputed domain name from the Complainant's trade mark. There are various INDRP and WIPO/UDRP cases which have decided that the addition of a geographical indicator (such as "INDIA") does not make the dominant element (such as "WORLDPAY") any less distinctive, but instead would lead internet users to regard the domain name as connected to or endorsed by a local subdivision of the brand owner. The complainant has relied on INDRP cases Hewlett Packard Development company LP v Mr Raj Kumar (INDRP/836, 27 January), BBY Solutions Inc v Ravi Batta (INDRP/654, 13 March 2015) and Disney Enterprises Inc v Registrant ID: 7305075 (INDRP/596, 17 June 2014), and WIPO Cases Wal-Mart Stores Inc V Amar

Sanghyun Kim Singh
14-12-17

Botle (D2008-0419), Microsoft Corporation V N.R. Vinod Vinsoft (D2004-0310) and Honda Motor Company Ltd. V. Lokita Enterprises (D2003-0507). The complainant has submitted the copies of these decisions as Annexure-7 to this Complaint.

- i. The complainant has further submitted that upon perusal of the Respondent's website www.worldpayindia.co.in, it seems that the Respondent is engaged in the Business of online payments, which directly conflicts with the Complainant's business activities in India.

B. The complainant has submitted that the Respondent has no rights or legitimate interest in respect of the disputed domain name for the following reasons:

- a. The complainant has submitted that it has legitimate interest in the "WORLDPAY" trade mark in India as it had registered the said mark on 30 July 2007 and has been openly, continuously and extensively using it for more than 10 years. By virtue of long and extensive use and advertising, the "WORLDPAY" trade mark has become a well-known mark.

Sanjay Kumar Singh
14-12-17

- b. The complainant has submitted that it has registered the domain name <worldpay.com> on 20 June 1997, whereas the disputed domain name was registered by the Respondent on 18 April 2017. Hence, such subsequent adoption and registration of the disputed domain name shows that the Respondent has no right or legitimate interest in the disputed domain name.
- c. The complainant has submitted that there is no relation between the Complainant and the Respondent. The Complainant has not authorized the Respondent to use its trade mark or register the disputed domain name and, to the best of the complainant's knowledge, the Respondent has not made any attempt to seek any such authorization from the Complainant.
- d. The complainant has submitted that the Respondent is neither commonly/ popularly known in the public nor has applied for any registration of the mark "WORLDPAY" or any similar mark or has registered his business under the said name with the Ministry of Corporate Affairs, India.
- e. The complainant has also submitted that the disputed domain name was intentionally created by the respondent for commercial gain to misleadingly divert the consumers or

Sanjay K. Singh
14-12-17

traders of the complainant to the disputed domain name thereby causing irreparable loss, harm and damage to the goodwill and business of the complainant.

- f. The complainant has submitted that from the above circumstances, it is clear that the Respondent has failed to comply with Policy Para 7 wherein the onus is on the Registrant to prove that he has a right and legitimate interest in the domain name.
- g. The complainant has referred to the Amazon Technologies Inc V Mr Harikishore (INDRP/349, 23 July 2012). The complainant has annexed a copy of the decision as Annex 7, wherein it was observed that the use of domain name consisting of a trade mark to divert the users to another commercial websites is not a bona fide offering of goods or services and cannot confer any rights or legitimate interest upon the respondent.

C. The Respondent has registered the disputed domain name in bad faith for the following reasons:

- a. The complainant has submitted that Asia is a key territory in which the complainant focuses its business; India was the 3rd highest global source of traffic to the complainant's

Sanyog Kumar Singh
14-12-17

website at www.worldpay.com for the period of 12 months before the registration date of the disputed domain name which is shown at Annex 6. Having regard to the significant investment which the complainant has put into advertising, promoting and protecting its "WORLDPAY" brand and its status as a leading and recognized safe payments provider, and the wealth of media coverage of the Complainant's brand demonstrated at Annexes 3-6 relied upon by the complainant, and having regard to the line of business which is apparently promoted through the website at the dispute domain name, the operator of the disputed domain name must have been aware of the complainant at the time of registering the domain name on in April 2017. The complainant has referred to recent decisions in WIPO/UDRP cases which have concluded the same point, including for example WIPO Cases Worldpay Ltd. V Domainmonster.com Privacy Service, Identity Protect Limited /Abdul Hadi, <worldpay.asia> (D2016-2615) and Worldpay Ltd v Surojit Manna, <worldpayindia.com> (D2017-0160). The complainant has annexed the copies of these decisions as Annex-7.

- b. The complainant has submitted that by using the disputed domain name the Respondent has intentionally attempted to

Sanjay K. Singh
14-12-17

attract Internet users to its website by creating a likelihood of confusion with the complainant's name or mark as to the source or sponsorship or affiliation or endorsement of the Respondent's website or the products or services offered/available on the Respondent's website, thereby violating Policy Para 6.

- c. The complainant has further submitted that the Respondent has deliberately registered the disputed domain name with the intention of preventing the Complainant, who is the owner of the "WORLDPAY" trade mark, from reflecting the said trade mark in its domain name in India.

The Complainant has prayed that the disputed domain name '**worldpayindia.co.in**' be rightfully transferred to the Complainant herein.

AWARD

1. This arbitral proceeding commenced in accordance with IN Dispute Resolution Policy (INDRP) and rules framed there under.
2. The complainant submitted his complaint in the registry of NIXI against the respondent in respect to the respondent's Domain name '**worldpayindia.co.in**'.
3. I was appointed as Sole Arbitrator in the matter by NIXI on 17-10-2017.
4. The complainant submitted the said complaint under In Domain Name Dispute Resolution Policy (INDRP).

Sanjay Kumar Singh
14-12-17

5. A copy of complaint was sent to me by the NIXI for arbitration in accordance with Dispute Resolution Policy (INDRP). The copy of the complaint along with annexures/exhibits was forwarded to me and to the respondent by .In Registry of NIXI.
6. On 20-10-2017, I informed the respective parties to the complaint, about my appointment as an arbitrator. Accordingly, I called up on the parties to file their counter/ reply and rejoinder with the supportive document/evidence within Ten days of the receipt of the notice. However the respondent did not file any reply to the complaint nor did he file any supportive document /evidence despite the notice duly served on the respondent at his e-mail address.
7. On 31-10-2017, I again called up on the parties to file their counter/ reply and rejoinder with the supportive document/evidence within Seven days from receipt of the notice failing which the award would be passed ex-parte on the merits of the complaint and as per law of the land. However the respondent did not file any reply to the complaint of the complainant nor did he file any supportive document /evidence despite the notices duly served on the respondent at his e-mail address. However the respondent sent an email to complainant wherein he stated that he got the copy of complaint

Sanjay Kumar Singh
14-12-17

regarding the domain name dispute. The domain does not belong to him directly; it belongs to his client who started a new venture around one year ago for providing various kinds of small services. He found the name Worldpayindia appropriate for the company and the domain worldpayindia.co.in was registered accordingly. The company provides small legitimate services, there is nothing harmful or illegal in the website too, also the trademark on 'Worldpayindia' is in processing.

The respondent further stated that the domain was publicly available in Godaddy, so they registered. He further stated that the complainant should have registered this domain earlier if it was so important to him. It was not possible or feasible for respondent to check the domain name from all aspects to find whether it is conflicting with any copyright issue or not.

The respondent further stated that he has no intention to be the part of this conflict or to be the reason of any kind of problem for Complainant Company. The respondent further stated that as mentioned before there is nothing in the website which may be harmful for Complainant Company. Beside that they are ready to

Sanjay K. Singh
14-12-17

cooperate with complainant in every possible way. The respondent further stated that they expect the same thing from complainant also. Worldpayindia.co.in is running for a quite long time and all concerned people are already familiar to the domain name. The domain is related to someone's bread and butter. The owner will face considerable loss for domain change. The domain can be transferred to complainant but considering all these facts respondent expect complainant to come to a settlement.

The respondent further wrote to complainant stating that they can play the role of middleman if there is any chance of settlement, if not they will transfer the domain to the actual owner Surojit Manna who belongs to a rural area of West Bengal. The respondent further stated that they provided the service of registering the domain for him free of cost as he belongs our friend circle. The respondent further stated that if they transfer the domain they will not have any further business regarding this domain dispute. The respondent further stated that Surojit Manna does not understand all these technical propaganda, so the respondent doubt if

Sanjay Kumar Singh
14-12-17

he will be able to comply. There is another domain which is Worldpayindia.in under Surojit Manna's ownership, to resolve this conflict the respondent can arrange to transfer Worldpayindia.in to complainant also, but again there should be a settlement. Surojit Manna is also registering trademark against Worldpayindia as respondent mentioned in last mail. The respondent further stated that all these will make the situation more complicated; they want smooth and problem free solution for everybody.

8. On 24-11-2017, I again called up on the parties to file their counter/ reply and rejoinder with the supportive document/evidence within Seven days from receipt of the notice failing which the award would be passed ex-parte on the merits of the complaint and as per law of the land. However, the respondent again failed to submit any reply/counter affidavit to the complaint of the complainant nor did he file any supportive document /evidence despite the notices duly served on the respondent at his e-mail address. However the respondent sent an email dated 27-11-2017 and 04-12-2017 stating that they were waiting for further

Sangam Singh
14-12-17

discussion regarding settlement from complainant side. But as they did not get any reply they have transferred the domain to the original owner. Kindly communicate with the following person for further proceedings. As the company Worldpayindia for which worldpayindia.co.in was registered belongs to Mr. Surojit Manna they don't have any document regarding the same, for anything you have to contact with Mr. Manna.

The respondent further stated that they have already provided the contact details to complainant. The respondent further stated that they don't want to be the part of this harassment in future. The company Worldpayindia is registered under the name of Mr. Surajit Manna, so deal with him for anything. He used our contact details for registering this domain, he has the control and the respondent doesn't have any responsibility here. The respondent further stated that they have told him to change the contact details but as the domain is locked he is not being able to change the details. The respondent further stated that as they know him they can arrange a settlement if complainant want.

Sanyam Kumar Singh
14-12-17

The respondent has given the owner details given below once again.

Name: Surojit Manna, Email: surajitmanna2007@gmail.com, Alternative Email: surajitmanna2012@gmail.com, Address: Panskura, Dist: Midnapur, West Bengal Mobile: 8158904075/8972007070.

The respondent further stated that they are submitting the counter affidavit/reply within 7 days stating they are not having any responsibility for this domain and their contact details are being used illegally there, they have already asked Bigrock to change the contact details, they are not doing it and Mr. Surajit Manna is not being able to do it as the domain is locked.

The respondent further sent an email on 04-12-2017 stated that they have prepared the draft copy of the affidavit stating they are not responsible for the domain worldpayindia.co.in and right now their contact details are being used against that domain illegally.

9. I have perused the records and have gone through the contents of the complaint and emails sent by the respondent. Since respondent has not filed any reply to the complaint hence the complaint is being decided on the merits of the complaint and as per law of the land.

Sanjay Kumar Singh
14-12-17

10. The complainant has forcefully contended that the domain name '**worldpayindia.co.in**' is identical and confusingly similar to the trademark of complainant "**worldpay**". Moreover the respondent have stated in the email mentioned above that they are not responsible for the domain worldpayindia.co.in and right now their contact details are being used against that domain illegally
11. The complainant has forcefully contended that there is prima facie evidence of respondent's involvement in bad faith and cyber squatting as the respondent has registered an unrelated domain name similar to the complainant's trade mark "WORLDPAY".
12. The complainant has made positive assertions that respondent has no legitimate right in domain name and the respondent has no trademark on the domain name. The complainant has made positive assertions regarding the fact that respondent has got registered the disputed domain name in the .IN Registry for which the respondent has no right or trademark. As such in above circumstance it is clear that the complainant has prima facie discharged the initial onus cast upon him. The respondent has not come forward in spite of repeated notices to file any reply / counter or to provide any positive, cogent and specific evidence that it is known or recognized by domain name. The respondent has neither put forth and has not provided such evidence. Thus the conclusion is that respondent has no right or legitimate interest in the domain name.

Sanjay Kumar Singh
14-12-17

13. It has been held in Indian decision M/s Satyam Infoway Ltd. vs. M/s Sifynet Solution (P) Ltd. JT. 2004 (5) SC 541, that Domain name has all characteristics of trademark. As such principles applicable to trademark are applicable to domain names also. In the said case the words, "Sify" & "Sify" were held to be phonetically similar and addition of word 'net' in one of them would not make them dissimilar. It is held in above case that in modern time's domain name is accessible by all internet users and thus there is need to maintain it as an exclusive symbol. It is also held that it can lead to confusion of source or it may lead a user to a service, which he is not searching. Thus conclusion is that domain name and trademark, which may be used in different manner and different business or field, or sphere, can still be confusingly similar or identical.
14. Thus in view of the facts of the complaint and the law cited by the complainant in the complaint and the law settled by the Hon'ble Apex court, the conclusion is that the domain name '**worldpayindia.co.in**' is identical and confusingly similar to the trademark of complainant "**worldpay**" and the complainant has established that he has right in the trademark and further the respondent has got registered his domain name '**worldpayindia.co.in**' in bad faith.

RELIEF

The domain name '**worldpayindia.co.in**' of respondent is identical and confusingly similar to trademark of complainant. The respondent also does not have right or

Sangam Singh
14-12-17

legitimate interest in the domain name. He has got it registered in bad faith; as such he is not entitled to retain the domain name. The complainant is entitled for transfer of domain name '**worldpayindia.co.in**' to him, as complainant has established its bonafide rights in trademark. In facts and circumstances of the complaint and in view of law discussed herein above I direct that the Domain name be transferred to the complainant by the registry.

No order as to costs.

Delhi

Date: 14/12/2017



(Sanjay Kumar Singh)

Arbitrator