IN-UP93815477332503Y

INDIA NON JUDICIAL
Government of Uttar Pradesh

सत्यमेव जयते

e-Stamp

₹0000000100

Certificate No.	:	**IN-UP93815477332503Y**
Certificate Issued Date	:	16-Nov-2026 05:02 PM
Account Reference	:	NEWIMPACC (SV)/ up14005304/ NOIDA/ UP-GBN
Unique Doc. Reference	:	SUBIN-UPUP14005304760611333387298Y
Purchased by	:	ADVOCATE RODNEY D RYDER SON OF M RYDER
Description of Document	:	Article 19 Certificate or other Document - Registerable
Property Description	:	ARBITATION AWARD
Consideration Price (Rs.)	:	
First Party	:	ADVOCATE RODNEY D RYDER SON OF M RYDER
Second Party	:	COMPETENT AUTHORITY
Stamp Duty Paid By	:	ADVOCATE RODNEY D RYDER SON OF M RYDER
Stamp Duty Amount(Rs.)	:	100 (One Hundred only)

₹100₹100₹100₹100

सत्यमेव जयते

JITENDERA KUMAR 9818437916 UP14005304

₹100

IN-UP93815477332503Y

I, ADVOCATE RODNEY D RYDER SON OF M RYDER
DECLARE THAT THIS E-STAMP CERTIFICATE IS BEING USED IN ORIGINAL FORM AND IS NOT A PHOTOCOPY

Please write or type below this line

INDRP ARBITRATION
THE NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]
ADMINISTRATIVE PANEL DECISION
SOLE ARBITRATOR: RODNEY D. RYDER

MFTB Holdco, Inc.
v.
Hisham Singh
INDRP CASE NUMBER - 2172

Statutory Alert:
(1) No amount other than the value printed on the e-Stamp is payable in any form for the purchase of e-Stamp. (2) If the above information/declaration is found to be false or incorrect, I shall be personally responsible for the same. (3) The authority before whom the deed is presented shall ensure that the e-stamp is being used only for the purpose and in the name for which it was purchased. (4) The authenticity of this Stamp certificate should be verified at www.shcilestamp.com or using 'E-Stamping' Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website/Mobile App renders it invalid.

ARBITRATION AWARD
Disputed Domain Name: www.zillowhome.in

The Parties
The Complainant in this arbitration proceeding is MFTB Holdco, Inc., having its office at 1301 Second Avenue, Floor 36 Seattle, Washington 98101, United States of America; represented by Merchant and Gould.

The Respondent in this arbitration proceeding is Hisham Singh, as per the details given by the WhoIs database maintained by the National Internet Exchange of India [NIXI].

The Domain Name and Registrar
The disputed domain name is www.zillowhome.in. The said domain name is registered with GoDaddy.com, LLC.

Details of the disputed domain name
The dispute concerns the domain name www.zillowhome.in. The said domain name was registered on October 01, 2024. The particulars of the said domain name are as follows:
Registrant Organization: Hisham Singh
Registrant Address: Ashok Vihar Phase 3, H. No. 367 8E, Near SCR Model School Gurgaon Haryana 122001, India.
Registrant Email:hishamsingh@gmail.com

Procedural History [Arbitration Proceedings]
This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy [INDRP] and the INDRP Rules of Procedure [the Rules], adopted by the National Internet Exchange of India. The Rules are framed in accordance with the Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

According to the information provided by the National Internet Exchange of India ["NIXI"], the history of this proceeding is as follows:

In accordance with Rule 2(a), NIXI formally notified the Respondent of the Complaint and appointed Rodney D. Ryder as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI.

In this matter, the arbitration proceedings commenced on October 06, 2026. A copy of the complaint with the annexures was sent to the Respondent by NIXI through an e-mail dated

October 06, 2026. Thereafter, the Panel sent an e-mail dated October 06, 2026, to the Respondent requesting the submission of a response to the complaint by October 28, 2026.

In accordance with applicable procedural requirements, the Panel sent an e-mail dated October 06, 2026, requesting the Complainant to share a valid proof of dispatch of the physical copy of the Complaint and annexures to the Respondent's postal address. The Complainant thereafter sent the Panel an e-mail dated October 07, 2026 with a valid proof of dispatch of the physical copy of the Complaint and annexures to the Respondent's postal address.

When no further communication was received from any of the Parties [i.e., specifically, the Respondent failed to submit a response or any written communication within the stipulated deadline of October 28, 2026], the Panel issued an email to the Parties on October 30, 2026, confirming that both Parties had been afforded a fair opportunity to address the record and noting that, given the summary nature of proceedings under the INDRP, the pleadings stood completed and the matter was reserved for the rendering of the Award.

Subsequently, on November 01, 2026, the Respondent sent a written communication for the first time, stating merely: "*We are not working this website*". Thereafter, on November 03, 2026, the Panel sent an e-mail to the Parties acknowledging the Respondent's message, offering the Respondent an opportunity to clarify their position and requesting their express written consent to the transfer of the disputed domain name by November 06, 2026.

However, no further communication was received from either Party. Specifically, the Respondent failed to reply within the stipulated period. Having reviewed the record of service of documents, the Panel confirms that all due procedural requirements under the Policy and Rules have been satisfied. The Panel, thus, shall proceed to decide the dispute on the basis of the available record.

Grounds for the administrative proceedings

1. The disputed domain name is identical or confusingly similar to a trademark in which the Complainanthas statutory/common law rights.
2. The Respondent has no rights or legitimate interests in respect of the disputed domain name.
3. The disputed domain name has been registered or is being used in bad faith.

Parties Contentions

Complainant

The Complainant, MFTB Holdco, Inc. [hereinafter referred to as 'Complainant'] in their complaint, inter alia, contended as follows:

The Respondent's domain name is identical or confusingly similar to a name, trademark or service in which the Complainant has rights.

The Complainant, based on the business, common law rights and trademark registrations for the trademarks 'ZILLOW' and its related variations, including: 'ZILLOW ASSISTANT', 'ZILLOW HOME LOANS', 'ZILLOW IMMERSE', etc. [hereinafter collectively referred to as: ''ZILLOW' marks'] and associated logos, and based on the use of the said trademark and brand in India and other countries, submitted that they are the lawful owner of the trademark 'ZILLOW'and its formative marks.

The Complainant submits that as the disputed domain name is 'www.zillowhome.in', the disputed domain name is clearly identical/confusingly similar to the Complainant's'ZILLOW'and other associated marks in which the Complainant has exclusive rights and legitimate interest.

Background of the Complainant and its statutory and common law rights Adoption:
The Complainant, MFTB Holdco, Inc. [doing business as "Zillow"] is the owner of the 'ZILLOW' family of trademarks used in connection with a variety of real estate and home-related products and services. Founded in 2006, the Complainant operates as a leading provider of real estate and home-related information, products, and services in the United States of America under its 'ZILLOW' marks.

The Complainant claims that the 'ZILLOW' mark is a coined term and has no meaning other than to designate the Complainant's own products and services. They claim that the 'ZILLOW' marks and brand were first adopted in 2006 by the Complainant and their predecessors, with the first 'ZILLOW'trademark having been registered in 2006. Consequently, the Complainant contends that it has held statutory rights in the 'ZILLOW' mark since as early as 2006.

The Complainant's official website <www.zillow.com> offers users access to real estate listings, home value estimates, rental information, mortgage tools, and a variety of other resources. The Complainant contends that its platform is among the most visited real estate websites in the United States, receiving millions of unique visitors each month. In addition to this, the Complainant also offers various mobile applications, which they claim to be widely downloaded and used.

The Complainant also claims to have invested significant resources in advertising, marketing, and promoting the 'ZILLOW' brand globally through various channels, including online, television, print, and social media. The brand is claimed to have substantial social media presence, with over 4,67,000 followers on Instagram and similar following on other social media platforms. The Complainant organisation has also won various industry accolades such as the Webby Awards for their 'ZILLOW' marks and brand, which reflect significant goodwill and strong statutory and common law rights in the 'ZILLOW' marks.

The Complainant holds numerous global and Indian trademark registrations for 'ZILLOW', with the earliest dating back to 2006. Through extensive use, their 'ZILLOW' and associated

trademarks have acquired immense global goodwill and are exclusively associated with the Complainant.

Statutory rights:
The Complainant claims to have registrations for the different variations of the 'ZILLOW' marks and the logos associated with them in India and other countries around the world across various classes. The mark is registered under classes 9, 35, 39 and 42 in India, and across various other classes in the United States.

Respondent
The Respondent failed to file any formal or substantive response to the complaint.Aside from a brief email dated November 01, 2026, stating "*We are not working this website*," the Respondent made no submissions on the merits of the dispute and failed to respond to the Panel's subsequent procedural directions.

Discussion and Findings
The Respondent does not have any relationship with the business of the Complainant or any legitimate interest in the 'ZILLOW' or associated marks. Moreover, the Complainant has neither given any license nor authorised the Respondent to use the Complainant's marks. The Respondent has never been commonly known by the domain name in question and registered the disputed domain name on October 01, 2024, which is subsequent to Complainant's usage of the 'ZILLOW' and associated trademarks.

The Complainant's brand 'ZILLOW' was founded and first adopted in 2006 by the Complainant and their predecessors and has been in use since then. The domain name <www.zillow.com> has been registered by the Complainant in title. The Complainant also claims to have valid and subsisting trademark registrations for the mark 'ZILLOW' in various countries, including India.

The disputed domain name contains the entirety of the Complainant's brand 'ZILLOW', combined merely with the descriptive term "home". Furthermore, the addition of the top-level domain ".in" is irrelevant in determining whether the disputed domain name is confusingly similar to the Complainant's mark.It is well established that the specific top-level domain, such as ".com", ".net", ".in", ".co.in", ".org.in", etc. does not affect the domain name for the purpose of determining whether it is identical or confusingly similar [Relevant Decisions: *Magnum Piering, Inc. v. TheMudjackers and Garwood S. Wilson, Sr.,* WIPO Case No. D2000-1525; *Rollerblade, Inc. v. Chris McCrady,* WIPO Case No. D2000-0429; *Aon PLC and Ors. v. Guanrui, INDRP/633; Nike Inc. v. Nike Innovative CV Zhaxia, INDRP/804*].

It is a well-established principle that once the Complainant makes a *prima facie* case showing that a Respondent lacks the rights to the domain name at issue, the Respondent must come forward with the proof that it has some legitimate interest in the domain name to rebut this presumption.

The Respondent's Default

The INDRP Rules of Procedure require under Rule 13(b) that the arbitrator must ensure that each party is given a fair opportunity to present its case. Rule 13(b) reads as follows:

"The Arbitrator shall at all times treat the Parties with equality and provide each one of them with a fair opportunity to present their case."

Rule 17 empowers the Arbitrator to proceed with an ex parte decision in case any party does not comply with the time limits or fails to reply against the complaint. Rule 17 reads as follows:

"In event any party breaches the provisions of INDRP rules and/or directions of the Arbitrator, the matter can be decided ex-parte by the Arbitrator and such arbitral award shall be binding in accordance to law."

The Respondent was given notice of this administrative proceeding in accordance with the Rules. The .IN Registry discharged its responsibility under Rule 2(a) by serving notice of the Complaint on the Respondent by electronic means; in addition, the Complainant furnished proof of dispatch of a physical copy of the Complaint and annexures to the Respondent's postal address.

As previously indicated, apart from a single email on November 01, 2026, merely stating "*We are not working this website*", the Respondent failed to file any formal reply to the Complaint, failed to respond to the Panel's subsequent procedural direction of November 03, 2026, and has not sought to answer the Complainant's assertions, evidence or contentions in any substantive manner. The Panel confirms that all due procedural requirements under the Policy and Rules have been satisfied and finds that the Respondent has been given a fair opportunity to present his case.

Under Rule 13(a) of the Rules, the Arbitrator may conduct the proceeding in such manner as it considers appropriate, in accordance with the Arbitration and Conciliation Act, 1996, the INDRP and the Rules; under Rule 13(d), the Arbitrator determines the admissibility, relevance, materiality and weight of the evidence. Read with Rule 17, which permits the matter to be decided *ex parte*, the Arbitrator may draw such inferences as are appropriate from the Respondent's failure to reply to the Complainant's assertions and evidence or to otherwise contest the Complaint. In the circumstances, the Arbitrator's / Panel's decision is based upon the Complainant's assertions and evidence and inferences drawn from the Respondent's failure to submit a substantive reply. The Respondent's default does not, however, relieve the Complainant of its burden of establishing each of the three elements under paragraph 4 of the INDRP, and the Panel has examined the Complaint and its annexures on that basis [WIPO Overview of WIPO Panel Views on Select UDRP Questions, version 3.1 ("WIPO Overview 3.1"), section 4.3].

The issues involved in the dispute

The Complainant in its complaint has invoked paragraph 4 of the INDRP which reads:

" Class of Disputes –
Any Person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:
(a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights; and
(b) the Registrant has no rights or legitimate interests in respect of the domain name; and
(c) the Registrant's domain name has been registered or is being used in bad faith or for illegal/unlawful purpose."

According to paragraph 4 of the INDRP, there are 3 essential elements of a domain name dispute, which are being discussed hereunder in light of the facts and circumstances of this case.

The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights.
It has been proved by the Complainant that they have intellectual property, particularly trademark rights, and other rights in 'ZILLOW' and associated marks by submitting substantial documents. The disputed domain name contains the Complainant's registered trademark 'ZILLOW' in its entirety, combined merely with the descriptive term "home".

It is also pertinent to note that the INDRP [and UDRP] are special fora designed for cases of "*cybersquatting*", and that questions of trademark infringement or unfair competition fall outside the scope of INDRP [and UDRP] Policies, and should instead be addressed by a court of competent jurisdiction.[Relevant Decisions: *"UDRP proceedings are for clear cases of cybersquatting, not for resolving trademark infringement and/or trademark dilution disputes or other matters more appropriately dealt with through the courts", Clockwork IP, LLC, One Hour Air Conditioning Franchising, LLC v. Elena Wallace, WIPO Case No. D2009-0485 and Audi AG v. Stratofex, WIPO Case No. D2012-1894; "[UDRP] Policy is of narrow compass and is intended to deal with cases of abusive cybersquatting. The present case strikes the Panel as a trademark infringement or unfair competition dispute rather than a complaint of abusive cybersquatting.", Intel Corporation v. Intelsitio Mexico, Jesús Guerrero Jiménez, WIPO Case No. D2012-0718; "The Panel also notes that past panels have denied cases not on the UDRP merits but on the narrow grounds that the dispute between the parties exceeds the relatively limited "cybersquatting" scope of the UDRP, and would be more appropriately addressed by a court of competent jurisdiction", Serious Trade Solutions S.R.L. v. Cristian Baceanu, ONLY CBG S.R.L, WIPO Case No. D2023-3595;Elliott Investment Management L.P. v. Brandon Won, WIPO Case No. D2024-1445; Mastercard International Incorporated v. Nirmal Patel, Champion Software Technologies Ltd., WIPO Case No. D2018-0857; MasterCard International Inc. v. Champion Software Technologies Ltd., INDRP/978; Bennett, Coleman & Company Limited v. Sarv Webs Private Limited, INDRP/1195*].

In the present dispute, the Panel acknowledges that the Complainant has successfully proved their statutory rights in the 'ZILLOW' marks, based on various trademark registrations and usage in India and other countries worldwide. This determination has been confined strictly to the specific issues raised in relation to the disputed domain name under the limited scope of the Policy.

It has been previously decided under the INDRP that incorporating a trademark in its entirety is sufficient to establish the identical or confusingly similar nature of the disputed domain name. [Relevant Decisions: *ITC Limited v. Travel India, INDRP/065; Allied DOMECQ Spirits and Wine Limited v. Roberto Ferrari, INDRP/071; International Business Machines Corporation v. Zhu Xumei, INDRP/646; Jaguar Land Rover v. Yitao, INDRP/641; Inter IKEA Systems B.V. v. Roman Zubrickiy, WIPO Case No. D2015-0046*].

The addition of the descriptive term "home" does not prevent a finding of confusing similarity. Where the relevant trademark is recognisable within the disputed domain name, the addition of other terms, whether descriptive, geographical or otherwise, does not prevent such a finding; here, as the Complainant's business concerns real estate and homes, the term "home" reinforces the association with the Complainant. Panels have reached the same conclusion in respect of domain names combining the 'ZILLOW' mark with descriptive terms. [Relevant Decisions: *MFTB Holdco, Inc. dba Zillow v. Quantum Ledger / quantum / Zillow / king Alex*, Forum Claim No. FA2402002084150 [<zillowassets.com> and <zillowassets.net>]; *Zillow, Inc. v. YUE LI*, Forum Claim No. FA1410001585065 [<zillow.co>]].

Indian courts have likewise recognised that a domain name functions as a business identifier and is entitled to protection equivalent to that of a trademark. [Relevant Decisions: *Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.*, [2004] 6 SCC 145; *Yahoo! Inc. v. Akash Arora*, 1999 [19] PTC 201 [Del]].

According to paragraph 3 of the INDRP, it is the responsibility of the Respondent to find out before registration that the domain name he is going to register does not violate the rights of any proprietor/brand owner.

Paragraph 3 of the INDRP is reproduced below:
"The Registrant's Representations -
By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

(a) the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;
(b) to the knowledge of registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;
(c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and

(d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility of the Registrant to determine whether their domain name registration infringes or violates someone else's rights."

The Respondent has failed in its responsibility discussed above, and in the light of the pleadings and documents filed by the Complainant, the Panel has come to the conclusion that the disputed domain name is identical with or confusingly similar to the Complainant's trademark 'ZILLOW' and associated marks. Accordingly, the Panel concludes that the Complainant has satisfied the first element required by Paragraph 4 of the INDRP. [Relevant Decisions: *Magnum Piering, Inc. v. TheMudjackers and Garwood S. Wilson, Sr.,* WIPO Case No. D2000-1525; *Aon PLC and Ors. v. Gangadhar Mahesh, INDRP/632; Wells Fargo & Co. and Anr. v. DeepDas Kumar, INDRP/628; Natures Basket Limited & Ors. v. Dipti Singla, INDRP/683; General Motors India Pvt. Ltd. & Anr. v. Anish Sharma, INDRP/799; Havells India Limited and Anr. v. Whois Foundation, WIPO Case No. D2016-1775; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers WIPO Case No. D2017-0754; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare, INDRP/886; TransferWise Ltd. vs. Normand Clavet, INDRP/1150]*

The Registrant has no rights or legitimate interests in respect of the domain name.

The second element that the Complainant needs to prove and as is required by paragraph 4(b) of the INDRP is that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has never assigned, granted or in any way authorised the Respondent to register or use the 'ZILLOW' marks or any other related mark. The Complainant has been using the 'ZILLOW' and associated marks for a *bona fide* purpose in relation to their business for several years.

Moreover, the information relevant to this element of the domain name dispute lies most directly within the Respondent's knowledge. Once the Complainant has made a *prima facie* case showing that the Respondent does not have any rights or legitimate interest in the domain name, the evidentiary burden shifts to the Respondent to rebut the contention by providing evidence of its rights or interests in the domain name. [Relevant Decisions: *Eurocopter, an EADS Company v. Bruno Kerrien, INDRP/116; Voltas Ltd. v. Sergi Avaliani, INDRP/1257; Hitachi Ltd v. Kuldeep Kumar, INDRP/1092; Do The Hustle, LLC v. Tropic Web, WIPO Case No. D2000-0624; Payoneer, Inc. / Payoneer Europe Limited v. Korchia Thibault, Quinv S.A., WIPO Case No. DEU2019-0013*].

The Respondent has not rebutted the contentions of the Complainant and has not produced any documents or submissions to show their interest in protecting their own right and interest in the disputed domain name.

The Complainant contends that the Respondent is using the disputed domain name to host a commercial website offering competing services. Specifically, they claim that this commercial website offers competing real estate agency services, including home sales, property purchases and rental services, while prominently featuring the Complainant's 'ZILLOW' trademark, a logo incorporating a stylised home roof with the letters "ZH" that is conceptually similar to the Complainant's house-shaped logo, and descriptive references such as "Zillow Home" and "Zillow Homes". This conduct creates the false impression that the Respondent's website is affiliated with, endorsed by, or authorised by the Complainant, while directly competing with the Complainant and their platforms for customer traffic. This exhibits that the Respondent is not using the disputed domain name for a legitimate non-commercial or fair use, but is instead using it to trade upon the Complainant's goodwill.

Such use does not fall within any of the circumstances set out in paragraph 6 of the INDRP. Use of a domain name that reproduces a complainant's mark to offer services that compete with the complainant, while creating a false impression of affiliation, cannot constitute a bona fide offering of goods or services under paragraph 6(a), nor a legitimate non-commercial or fair use under paragraph 6(c). Nor is there any evidence that the Respondent has been commonly known by the disputed domain name under paragraph 6(b). [Relevant Decisions: *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. D2000-0847; *Zillow, Inc. v. YUE LI*, Forum Claim No. FA1410001585065 [redirection to competing real estate services]; *MFTB Holdco, Inc. dba Zillow v. Quantum Ledger / quantum / Zillow / king Alex*, Forum Claim No. FA2402002084150].

Upon discovering this infringement, the Complainant attempted to contact the Respondent via the Registrar's Domain Holder Contact Request Form regarding the unauthorised use of the 'ZILLOW' mark. However, the Respondent failed to respond or take any action to remedy their misuse of the 'ZILLOW' mark prior to the filing of the Complaint. Furthermore, even during these proceedings, the Respondent's sole communication, merely stating "*We are not working this website*" without offering any substantive defence or even responding to the Panel's offer to consent to the transfer of the disputed domain name, demonstrates a complete absence of any legitimate right or interest in the disputed domain name.

This persistent unresponsiveness, coupled with the use of the disputed domain to host a commercial website offering competing services, clearly indicates, under the present circumstances, the lack of rights and legitimate interests of the Respondent in the disputed domain name.

For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. [Relevant Decisions: *Aon PLC and Ors. v. Guanrui, INDRP/633; Wells Fargo & Co. and Anr. v. SreeDas Kumar, INDRP/666; QRG Enterprises Limited & Anr. v. Zhang Mi, INDRP/852; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers WIPO Case No. D2017-0754;*

Havells India Limited and Anr. v. Whois Foundation, WIPO Case No. D2016-1775; Mahendra Singh Dhoni and Anr. v. David Hanley, WIPO Case No. D2016-1692]

The Registrant's domain name has been registered or is being used in bad faith.

It has been contended by the Complainant that the Respondent has registered and has used the disputed domain name in bad faith. The language of the INDRP paragraph 4(c) is clear enough, and requires that either bad faith registration or bad faith use be proved.

Paragraph 7 of the INDRP provides that the following circumstances are deemed to be evidence that a Respondent has registered and used a domain name in bad faith:

"For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the Registration and use of a domain name in bad faith:

(a) *Circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the trademark or service mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or*

(b) *the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or*

(c) *by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location; or*

(d) *The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor."*

From the circumstances of the case and from the evidences put before the Panel by the Complainant, the Panel is of the opinion that the Respondent had no previous connection with the disputed domain name or 'ZILLOW' and associated marks and any use of the disputed domain name by the Respondent, would result in confusion and deception of the trade, consumers and public, who would assume a connection or association between the Complainant and the Respondent's website or services, due to the Respondent's use of the Complainant's 'ZILLOW' and associated marks and brands in the disputed domain name, and the website on it, which mark and brand has been widely used by the Complainant and which mark and brand is associated exclusively with the Complainant.

Furthermore, the Respondent's failure to respond to the Complainant's attempt at contacting them via the Registrar's Domain Holder Contact Request Form, combined with

the configuration of active mail servers that pose a continuing risk of phishing or deceptive communications, and their deliberate unauthorised use of the Complainant's marks to offer competing real estate services, together establish the Respondent's bad faith and illegitimate, *mala fide* intentions of deliberately misleading the public by projecting an association with the Complainant and their marks, ultimately intended to unfairly capitalise upon their established goodwill and reputation.

The Panel is prepared to accept the Complainant's contention that its 'ZILLOW' mark, logos and corresponding businesses are famous. With regard to famous names, successive UDRP panels have found bad faith registration because the Complainant's name was famous at the time of registration: *WIPO/D2000-0310 [choyongpil.net]*.

Based on the submissions and evidences put forth before the Panel, the Panel is of the belief that the Respondent would definitely have known about the Complainant's 'ZILLOW' and associated marks, and their reputation at the time of registering the disputed domain name.

The disputed domain name is deceptively similar to the mark and brand of the Complainant and will lead to confusion with the Complainant's 'ZILLOW' and associated marks as to the source, sponsorship, affiliation or endorsement of the Respondent's business by the Complainant. Moreover, the portrayal of an association with the Complainant's brand is, in view of the Panel, a constituent of bad faith on the part of the Respondent. It has been held by INDRP panels that intentionally attempting to attract or gain Internet users to the Respondent's website or other online location by creating a likelihood of confusion with Complainant's trademark constitutes bad faith: [Relevant Decisions: *Bharti Airtel Limited vs. Rajeev Garg, INDRP/285; Merck KGaA v. Zeng Wei, INDRP/323; General Motors India Pvt. Ltd. & Anr. v. Anish Sharma, INDRP/799; Sensient Technologies Corporation v. Katrina Kaif, Corporate Domain, INDRP/207*]

In addition to this, the fact that the disputed domain name was registered by the Respondent in October 2024, nearly two decades after the Complainant's adoption of the 'ZILLOW' marks, read with the content of the Respondent's website, supports the inference that the Respondent registered the domain name to cash in on the popularity of the Complainant's 'ZILLOW' and associated marks, brands and websites, and their goodwill and reputation. Additionally, the fact that the Respondent has not submitted any substantive response in their defence indicates, under the present circumstances, bad faith.

The Respondent's statement that it is "*not working this website*" does not assist it. The Respondent's conduct is assessed in light of its use of the disputed domain name before notice of the dispute; the cessation of use after a complaint has been filed does not cure earlier bad faith use, and the continued passive holding of a domain name reproducing a distinctive and widely known mark, by a respondent who offers no explanation of any good

faith use, may itself support a finding of bad faith. [Relevant Decisions: *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003].

On bad faith registration and use [generally], panels have noted: *"Registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization and no legitimate purpose to utilize the mark reveals bad faith": NAF/FA95314 [thecaravanclub.com], WIPO/D2000-0808* [very use of domain name by Respondent who had no connection whatsoever with Complainant's mark and product suggests opportunistic bad faith - *4icq.com*]; *"Registration of a domain name that is confusingly similar or identical to a famous trademark....is itself sufficient evidence of bad faith registration and use"* [*Wells Fargo & Co. and Anr. v. Krishna Reddy, INDRP/581; QRG Enterprises Limited & Anr. v. Zhang Mi, INDRP/852].*

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith, within the meaning of paragraphs 4(c) and 7(c) of the INDRP. All three elements of paragraph 4 of the INDRP are thus established.

Decision

The Respondent has failed to comply with Para 3 of the INDRP, which requires that it is the responsibility of the Respondent to ensure, before the registration of the impugned domain name by him, that the domain name registration does not infringe or violate someone else's rights.

The Complainant has given sufficient evidence to prove extensive trademark rights in the 'ZILLOW' marks. Further, the Respondent's adoption and registration of the disputed domain name is dishonest and *mala fide*.

While the overall burden of proof rests with the Complainant, panels have recognised that this could result in the often-impossible task of proving a negative, requiring information that is often primarily within the knowledge of the Respondent. Therefore, the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such a *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. In this case, the Respondent did not file any substantive response in its defence. Based on the facts of the case, it is apparent that the Respondent is using the disputed domain name in bad faith and has registered the domain name to cash in on the reputation of the Complainant's mark and to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark, within the meaning of paragraph 7(c) of the INDRP.

[Relevant Decisions: *Lego Juris AS v. Robert Martin* INDRP/125; *Societe Air France v. DNS Admin* INDRP/075; *Kelemata SPA v. Mr Bassarab Dungaciu WIPO D2003-0849; Croatia Airlines d.d. v. Modern Empire Internet Ltd.* WIPO D2003-0455; *Uniroyal Engineered Products, Inc. v. Nauga Network Services WIPO D2000-0503; Microsoft Corporation v. Chun*

Man Kam INDRP/119; AB Electrolux v. Liheng, INDRP/700; Equitas Holding Limited v. Sivadas K P, INDRP/724; BearingPoint IP Holdings B.V. v. Deborah R. Heacock, INDRP/822; Dell Inc. v. Jack Sun, INDRP/312; HID Global Corporation v. Zhaxia, INDRP/652; McDonald's Corporation v. Ravinder, INDRP/746; MontBlanc-Simplo G.M.B.H. v. M S Mohamed Salihu, INDRP/678; Orica Australia Proprietary Limited v. Bev Gran, D N Solutions, INDRP/237; Sopra Steria Group v. Xu Xiantao, INDRP/796; Panasonic Corporation v. Sun Wei, INDRP/527; Wal-Mart Stores, Inc. v. Machang, INDRP/539; PJS International S.A. v. Xiangwang, INDRP/616; Aon PLC and Ors. v. Gangadhar Mahesh, INDRP/632 ; Aon PLC and Ors. v. Guanrui, INDRP/633; Wells Fargo & Co. and Anr. v. Krishna Reddy, INDRP/581; Wells Fargo & Co. and Anr. v. SreeDas Kumar, INDRP/666; Wells Fargo & Co. and Anr. v. DeepDas Kumar, INDRP/628; Natures Basket Limited & Ors. v. Dipti Singla, INDRP/683; General Motors India Pvt. Ltd. & Anr. v. Anish Sharma, INDRP/799; QRG Enterprises Limited & Anr. v. Zhang Mi, INDRP/852; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Santa fe Packers, Packers Movers WIPO Case No. D2017-0754; Santa Fe Transport International Limited and Santa Fe Moving Services Private Limited v. Achyut Khare, INDRP/886]

The Respondent's registration and use of the domain name [www.zillowhome.in] is abusive and in bad faith. The Respondent has no rights or legitimate interests in respect of the domain name. In accordance with Policy and Rules, the Panel directs that the disputed domain name [www.zillowhome.in] be transferred from the Respondent to the Complainant; with a request to NIXI to monitor the transfer.



Rodney D. Ryder
Sole Arbitrator

Date: November 20, 2026