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BEFORE SHRI SANJAY KUMAR SINGH, ARBITRATOR,
IN DOMAIN NAME DISPUTE RESOLUTION POLICY.
IN RE:

TRENT LIMITED - - - - COMPLAINTANT

VERSUS

PRAJAKTA SANGODKAR - - - - RESPONDENT

Sanjay Kumar Singh
30-10-2019

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BEFORE SHRI SANJAY KUMAR SINGH ARBITRATOR

IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)

IN RE:

TRENT LIMITED,
Trent Limited Legal Department,
Trent House 10th Floor, Plot No. C-60,
G-Block, Bandra Kurla Complex,
Bandra East, Mumbai-400051

Through

Authorised Representative
M/s Khaitan & Co,
Advocates, Solicitors, Notaries,
Patents and Trade Mark Attorneys,
One India bulls Centre,
13th Floor, 841 Senapati Bapat Marg,
Elphinstone Road, Mumbai 400013

Versus

PRAJAKTA SANGODKAR, MUMBAI
194-8, DinDaisy Building
Girgaum Gaiwadi
Mumbai-400004

.....**Complainant**

.....**Respondent**

1. THE PARTIES:

(I) COMPLAINANT:

TRENT LIMITED, Trent Limited Legal Department, Trent House 10th Floor, Plot No. C-60, G-Block, Bandra Kurla Complex, Bandra East, Mumbai-400051 through Authorised Representative M/s Khaitan & Co, Advocates, Solicitors, Notaries, Patents and Trade Mark Attorneys, One Indiabulls Centre, 13th Floor, 841 Senapati Bapat Marg, Elphinstone Road, Mumbai 400013, India.

(II) RESPONDENT:

PRAJAKTA SANGODKAR, MUMBAI, 194-8, Din Daisy Building
Girgaum Gaiwadi, Mumbai-400004.
E-mail: sangodkarprajakta@gmail.com.

2. DOMAIN NAME AND TRADEMARK IN DISPUTE:

Domain name of the respondent is "**utsa.in**"

The trademark of the complainant is "**UTSA**". The registry is National Internet Exchange of India (NIXI).

*Sanjay K. Singh
30-10-2019*

3. **BRIEF BACKGROUND:**

This arbitral proceeding commenced in accordance with IN Dispute Resolution Policy (INDRP) and rules framed thereunder.

The complainant submitted his complaint in the registry of NIXI. Shri Sanjay Kumar Singh was appointed as Sole Arbitrator in the matter by NIXI.

The complainant has submitted that complainant has applied /registered for registration in India in classes 25 and 35 for the said trade mark "UTSA" in in respect of goods and services mentioned as under.

Class 25 in respect of clothing, footwear and headgear.

Class 35 in respect of services relating to retailing of goods and merchandise such as toiletries, perfumes, cosmetics, dentifrices, perfumery, essential oils, edible oils, cutlery, electrical and electronic goods, clothing, textiles, games, playthings, toys, sporting articles, jewelry, watches, gift articles, bags, groceries, stationery, leather accessories, household items, furniture, footwear, headgear , article made of plastic, kitchenware, bed and table linen, artificial flower and trees, potpourri items, mirrors, bathroom accessories, tabletop ornaments, meat, seafood, poultry and games, eggs, milk and milk products, pastry, confectionery; and all the aforesaid services provided through an online database, website and mobile applications; online retail services connected with the sale of all the products available in physical departmental store; business management; business administration; office functions.

IT has been submitted by the complainant that the complainant is company incorporated under Indian Companies Act, 1913 and it belongs to one of the most reputed and oldest Industrial houses in India, the TATA group. The TATA group of companies of over 100 operating companies in seven business sectors, namely, information systems and communications, engineering, materials, services, energy, consumer products and chemicals. The TATA group has operations in more than 100 countries across six continents, and its company's exports products and services to around 150 nations.

The complainant has submitted that the said trade mark "UTSA" was honestly, independently, conceived and adopted by the complainant in the

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year 2015 for using in the relation to the said goods and services. In order to obtain statutory protection, the complainant has applied for registration /registered the said trade mark in various countries including India. The details of the registrations of the said trade mark in India are mentioned as under.

Sr. No.	Registration /application No.	Class	Trade Mark	Status	Date of Registration Application No.
1.	3094803	25	Utsa	Registered	5 Nov. 2015
2.	3094806	25	UTSA	Registered	5 Nov. 2015
3.	3470609	25	Utsa	Registered	31 JAN. 2017
4.	4032025	35	UTSA	Registered	19 Dec. 2018
5.	4104527	35	Utsa	Registered	01 March 2019

The complainant has submitted that the disputed domain name is identical and deceptively similar to the domain name and trademarks of the complainant.

The complainant has also submitted that respondent lacks or has no rights or legitimate interests in respect of the disputed domain name that is the subject of the complainant.

The complainant has further submitted that the disputed domain name was registered in bad faith.

The complainant as such has prayed for an award in the above matter for transfer of the domain name "**UTSA.IN**" in favour of the complainant.

ARBITRAL PROCEEDINGS & AWARD:

A copy of complaint has already been sent to the respondent by the .In Registry through e-mail.

Upon receipt of the complaint, the Arbitrator sent a notice dated 15-10-2019 to the respondent to send the defense / counter to the complaint along with supportive documents / evidence at his e-mail address within 10 days from receipt of notice. But the respondent did not come forward and did not send any defense / counter or reply to the complaint.

The respondent has sent an email dated 20-10-2019 from the e-mail ID of the respondent stating that the respondent is ready to transfer the

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disputed domain name UTSA.IN to the complainant. Furthermore, it has stated in the email dated 20-10-2019 that the respondent wants to voluntarily surrender the domain utsa.in to complaint (Trent) without any consideration as the respondent had inadvertently acquired the same and the respondent shall transfer the rights in the domain to complaint (Trent).

Therefore, this matter is being decided in view of the email of the respondent dated 20-10-2019 sent from the e-mail ID of the respondent. The contents of email of the respondent dated 20-10-2019 from the email ID sangodkarprajakta@gmail.com are reproduced as under:

"I Prajakta Sangodkar want to voluntarily surrender the domain utsa.in to Trent without any consideration as I had inadvertently acquired the same. I shall transfer the rights in the domain to Trent.

Regards

Prajakta Sangodkar"

4. FINDINGS

After going through the submission of the complainant and considering the email of the respondent dated 20-10-2019 sent from the e-mail ID of the respondent, the complainant has established the right over the above domain name "**UTSA.IN**".

5. CONCLUSION:

The domain name of the respondent is identical and confusingly similar to trademark of complainant. The respondent also does not have right or legitimate interest in the domain name. The respondent has got it registered in bad faith; as such respondent is not entitled to retain the domain name. The complainant is entitled to transfer of domain name "**utsa.in**" as the complainant has established bonafide rights in trademark. The complainant is entitled to transfer of domain name "**utsa.in**" in view of the email of the respondent dated 20-10-2019 sent from the e-mail ID of the respondent. Hence I direct that the Domain name be transferred to the complainant by registry on payment of requisite fee to the registry.

No order as to costs.

Delhi

Date: 30-10-2019.

Sanjay Kumar Singh
(Sanjay Kumar Singh)
Arbitrator