



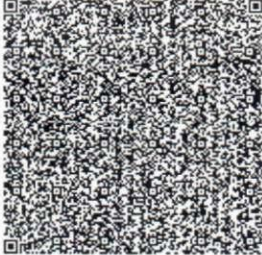
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL11955242444469K
Certificate Issued Date : 09-Aug-2012 04:56 PM
Account Reference : SHCIL (FI)/ dl-shcil/ HIGH COURT/ DL-DLH
Unique Doc. Reference : SUBIN-DL DL-SHCIL24076539284479K
Purchased by : MR NIKILESH RAMACHANDRAN
Description of Document : Article Others
Property Description : NA
Consideration Price (Rs.) : 0
(Zero)
First Party : MR NIKILESH RAMACHANDRAN
Second Party : NA
Stamp Duty Paid By : MR NIKILESH RAMACHANDRAN
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



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

ARBITRATION CASE NO.6 OF 2012

IN THE ARBITRATION MATTER OF:-

CLEAR TRIP TRAVEL SERVICE PRIVATE LIMITEDCOMPLAINANT

VERSUS

RAHUL BHATNAGAR

...RESPONDENT

Statutory Alert:

1. The authenticity of the Stamp Certificate can be verified at Authorised Collection Centers (ACCs), SHCIL Offices and Sub-registrar Offices (SROs).
2. The Contact Details of ACCs, SHCIL Offices and SROs are available on the Web site "www.shcilestamp.com"

AWARD:

The present dispute relates to the registration of the domain name www.cleartripindia.co.in in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name <www.cleartripindia.co.in> in favour of the Respondent. Pursuant to the In Domain Name Dispute Resolution Policy (INDRP) and the rules framed there-under, the Complainant has preferred this arbitration for raising this dispute for redressal of its grievances.

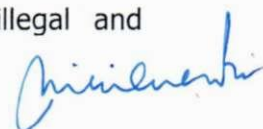
In its complaint, the Complainant has stated that it is the owner of the well known domain name "www.cleartripindia.co.in" which is registered on 18.11.2011.

The complainant states that it was incorporated in year 2005 with the objective of engaging in the business of providing online travel services to consumers from all parts of the world. The complainant renders technology platform based service that enables the travelers across the globe to book hotel and air tickets completely online through their well known and famous website i.e. www.cleartrip.com and other affiliated websites.

The complainant's services under the trademark "cleartrip" are advertised widely and extensively in various media like news papers, magazines, television, radio and other media. Consequently the said trademark enjoys extraordinary reputation and good will all over India and abroad since 2005.

The complainant further states that besides the www.cleartrip.com the complainant has also registered more than 25 domain names connected with mark "clear trip" across various GTLDs and CCTLDs. The complainant has placed on record the list of domain names registered with mark of cleartrip

The complainant states that the respondent has registered the impugned domain name with the intention of illegal and



commercial gain. The respondent has also not registered/ applied for registration as the trademark in India. It is clear that the respondent has registered the domain name unauthorizedly, malafidely and dishonestly only with an intention to mislead the public. The complainant has filed this complaint on the ground that the Respondent is not either as an individual, business or other organization, commonly known by the name "CLEARTRIP".

I entered upon reference regarding the instant dispute on 27th June 2012 and notice was sent to the Respondent calling upon for their response to the said complaint. The e-mail of the respondent did not accept the notice and therefore a notice from me was sent to his address at Uttar Pradesh by registered post. However, even after granting considerable time to the Respondent, there has been no response. Accordingly, the Respondent is proceeded ex-parte.

I have perused the records and have gone through the contents of the complaint. Although there has been no reply on behalf of the Respondent to the complaint, I shall deal with the complaint on the basis of its merits. Several grounds have been raised by the Complainant regarding the transfer of the domain name <www.cleartripindia.co.in> in its favour.

Firstly I shall deal with the ground regarding the rights of the Complainant vis-à-vis that of Respondent's over the domain name <www.cleartripindia.co.in>. The mark "CLEARTRIP" is a unique and distinct word and has acquired distinctiveness and is known to be a trademark owned by the complainant. It has been shown by the complainant that the use of the said mark has been for quite some time and that too for world over. The complainant has shown its various trade mark registration details world over. Although the Respondent has not appeared in these proceedings to present their case, but it is borne out from the records that Respondent has no bonafide or legitimate right over the mark "CLEARTRIP". Merely by



the adding of the name 'India' in the word cannot mean to be a mark different from the registered mark. This itself reflects the fact that the respondent wanted to create confusion the minds of the public. Hence the Respondent's action to register the said domain name is not bonafide as he has no right over the mark "www.cleartripindia.co.in."

Secondly as the Respondent's action to register the said domain name is not bonafide, therefore the said registration is done is bad faith. The Respondent is not either as an individual, business or other organization, commonly known by the name "CLEARTRIP". Therefore the Respondent has no legitimate right over the said domain name.

Considering the facts and circumstances of the present matter and taking view of the precedents in this context, I am of the view that the complainant has proprietary right over the mark "cleartrip". Under the facts and circumstances and on perusal of the records, I deem it fit and proper to allow the prayer of the Complainant in its favour and direct the Registry to transfer the said domain name i.e. <www.cleartripindia.co.in> in favour of the complainant.

Parties to bear their costs.



(NIKILESH RAMACHANDRAN)

ARBITRATOR

Dated 10th August 2012.