

महाराष्ट्र MAHARASHTRA

2019

VF 217061

प्रधान मुद्रांक कार्यालय, मुंबई
प.मू.वि.द. ८.००००९०
13 JUN 2019
सौक्ष्म आधिकारी

BEFORE THE SOLE ARBITRATOR DIPAK G. PARMAR
.IN REGISTRY
(C/o NATIONAL INTERNET EXCHANGE OF INDIA)

श्री. दि. क. गवई

Juul Lab, Inc.

v/s

...Complainant

Rohan Verma

...Respondent

In the matter of Disputed Domain Name <JUULPOD.IN>

1 The Parties

The Complainant is Juul Lab, Inc. 560 20th Street, Building 104, San Francisco, California 94107, United States of America, represented by Fidus Law Chambers.

The Respondent is Rohan Verma, Gurgaon, Nae Dille - 110022, Delhi.

Dipak G. Parmar

2 Procedural History

- 2.1 A Complaint dated May 3, 2019 has been filed with the National Internet Exchange of India (hereinafter referred to as the "Exchange"). The Complainant has made the registrar verification in connection with the domain name at issue. It is confirmed that presently the Respondent is listed as the registrant and provided the contact details for the administrative, billing and technical contact. The Exchange verified that the Complaint satisfied the formal requirements of the Indian Domain Name Dispute Resolution Policy (hereinafter referred to as the "INDRP") and the Rules framed thereunder.
- 2.2 The Exchange appointed Dipak G. Parmar, Advocate as the sole arbitrator in this matter. The Arbitrator finds that he was properly appointed. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Exchange.
- 2.3 On June 7, 2019, the Arbitrator had directed the Respondent to file his reply to the Complaint on or before June 21, 2019. On June 12, 2019, the Respondent informed the Arbitrator that he had surrendered the Disputed Domain Name to the Registrar and do not wish to use the Disputed Domain Name. He also requested to close this proceeding.
- 2.4 Email is the mode of communication of this arbitration and each email is copied to the Complainant, the Respondent and the Exchange.

3 Discussion and Findings

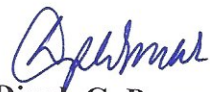
- 3.1 Although the Respondent has requested to close this proceeding. But the parties have not agreed to a formal settlement and terminating this proceeding. The Arbitrator appears to have authority to delay the decision and permit the parties time to submit confirmation that they have agreed to a settlement. This will, however, would delay this proceeding. Under the circumstances, the Arbitrator believes the better course is to enter an order granting the relief requested by the Complainant so that the transfer may occur without further delay.
- 3.2 Accordingly, in line with previous decisions¹, this Panel finds that the disputed domain name can be transferred to the Complainant without determination of the following elements:
- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
 - (ii) the Respondent has no rights or legitimate interests in the Disputed Domain Name; and
 - (iii) the Disputed Domain Name has been registered or is being used in bad faith.

¹ Amgen Inc. v/s Texas International Property Associates, WIPO Case No. D2007-0155 and Valero Energy Corporation, Valero Refining and Marketing Company v/s RareNames, WebReg, WIPO Case No. D2006-1336



4. Decision

In light of the foregoing reasons, the Arbitrator orders that the Disputed Domain Name <JUULPOD.IN> be transferred to the Complainant.


Dipak G. Parmar
Sole Arbitrator

Date: June 24, 2019