

Bond



**Indian-Non Judicial Stamp  
Haryana Government**



Date : 12/01/2018

Certificate No. G0L2018A1960

GRN No. 32659575



Stamp Duty Paid : ₹ 101  
(Rs. Only)

Penalty : ₹ 0

(Rs. Zero Only)

**Deponent**

Name: Ranjan Narula

H.No/Floor : Na

Sector/Ward : Na

Landmark : Na

City/Village : Gurugram

District : Gurugram

State : Haryana

Phone : 0



Purpose : ALL PURPOSE to be submitted at Other

RANJAN NARULA

ARBITRATOR

Appointed by the .IN Registry – National Internet Exchange of India

KENT RO SYTEMS LIMITED

E-6,7 &8 Sector 59

Noida-201309,

Uttar Pradesh, India

Mahesh Gupta

H- 35 South Extension, Part 1

New Delhi - 110049

..... Complainant

Kent RO System

Gurgaon, Haryana - 122001

Email: [info@kent-ro-service-centre.in](mailto:info@kent-ro-service-centre.in)

Phone no: 09876543210

..... Respondent

Disputed Domain Name: <[www.kent-ro-service-centre.in](http://www.kent-ro-service-centre.in)>

## **AWARD**

1) **The Parties:**

The Complainants in this arbitration proceeding are Kent Ro Systems Limited, E-6,7 &8 Sector 59, Noida-201309, Uttar Pradesh, India and Mr. Mahesh Gupta, H-35, South Extension Part1 New Delhi 110049. The Complainants are represented by their authorized representatives, Mr. Vaibhav Vutts, Ms. Aamna Hasan & Ms. Kriti Sood of Vutts & Associates LLP, C-5/8 GF, Safdarjung Development Area, New Delhi – 110016, India.

The Respondent in this arbitration proceeding is Kent RO System, Gurgaon, Haryana - 122001, as per the details available in the whois database maintained by National Internet Exchange of India (NIXI).

2) **The Domain Name, Registrar & Registrant:**

The disputed domain name is <[www.kent-ro-service-centre.in](http://www.kent-ro-service-centre.in)>.

The Registrar is GoDaddy.com, LLC

The Registrant is Kent RO System, Gurgaon, Haryana - 122001, [info@kent-ro-service-centre.in](mailto:info@kent-ro-service-centre.in)

3) **Procedural History:**

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28<sup>th</sup> June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

As per the information received from NIXI, the history of the proceedings is as follows:

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Mr. Ranjan Narula 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 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.



- The Complaint was produced before the Arbitrator on July 27, 2020 by email only.
- The notice was issued to the Respondent on July 29, 2020 at his email address [info@kent-ro-service-centre.in](mailto:info@kent-ro-service-centre.in) outlining that the Complainants had prayed for transfer of the disputed domain name "[www.kent-ro-service-centre.in](http://www.kent-ro-service-centre.in)" in its favour. The Respondent was called upon to submit their response within ten (10) days of receipt of the Arbitrator's email i.e. until August 8, 2020.
- As no response was received, the Arbitrator issued another notice to the Respondent on August 10, 2020 via email granting another opportunity to the Respondent to submit its reply on or before August 17, 2020.
- The Arbitrator received no response from the Respondent within the said timeline and the Arbitrator has not received delivery failure message from the email address. The Arbitrator thus informed the parties on August 21, 2020 that the Respondent has not filed its response and has been proceeded ex-parte.
- In view of the above, the Complaint is therefore being decided based on the submissions made by the Complainants and documents placed on record.

**Grounds for administrative proceedings:**

- A. The disputed domain name is identical with or confusingly similar to a trade mark or service mark in which the Complainant has rights; and is providing the nature of services identical with or confusingly similar to the services provided by the Complainant;
- B. The Respondent has no rights or legitimate interests in respect of the impugned domain name; and
- C. The impugned domain name was registered and is being used in bad faith.

**4) Summary of the Complainant's contentions:**

**The Complainant in support of its case has made the following submissions:**

1. The Complainants submit that the Complainant No. 2 (Mr. Mahesh Gupta) formed a Partnership firm under the name and style M/s KENT RO SYSTEMS in and around 1999 and pursued his business activities of manufacture and sale of purifiers under the mark KENT. Thereafter, Complainant No. 2 incorporated Complainant No. 1-"Kent RO Systems Ltd."



in 2007 and Complainant No. 1 took over the partnership firm M/s Kent RO Systems. Accordingly, the rights in the mark KENT were assigned from KENT RO SYSTEMS to Complainant No. 2. The Complainant No. 2 (Mr. Mahesh Gupta) is the Chairman and Managing Director of the said Company along with his other family members as Directors. It is further submitted that the Complainant No. 1 and Complainant No. 2 have been carrying on their business activities exclusively under the well-known trademark/name KENT at least since the year 1988. Complainants today are one of the largest manufacturers of water purifiers in India

2. The Complainants further submit that the mark KENT and its variants are registered trademarks of Complainant No. 2 and forms a prominent part of the corporate name of the Complainant No. 1 Company i.e. "Kent RO Systems Limited". The mark KENT is being used by the Complainant No. 1 by virtue of a licensee agreement with Complainant No. 2 dated 27.06.2007 and the terms of said License agreement has been amended/modified from time to time.
3. The Complainants are the first to bring the revolutionary Reverse Osmosis (RO) technology to India and has now become the largest manufacturer of water purifiers, in India under its flagship brand KENT. In addition to water purifiers the Complainants now offer a wide range of healthcare products under the mark KENT such as HEPA Air Purifiers, Vegetable Cleaners, Water Softeners and the Smart Chef range of kitchen appliances. Apart from the above-mentioned products the Complainants also provides maintenance services of the products. The mark KENT has come to be known for its innovative use of next-gen technology towards enhancing quality of everyday living and offering purity.
4. They submit that they have more than 25 lakh customers and 5000 persons associated, with them and the mark KENT. The Complainants have sale of more than 225,000 reverse osmosis purifiers every year and holds around 40% market share in India.
5. The Complainants submit that the goods and services of the Complainants under the mark KENT is available in India and many countries abroad namely Fiji, Panama, Dominica Republic, Netherlands, Germany, Bulgaria, Portugal, Tunisia, Mali, Liberia, Nigeria, , Zimbabwe, Zambia, Mozambique, Tanzania, Kenya, Sudan, Saudi Arabia, Qatar, Iran, Oman, Afghanistan, Bhutan, United Arab Emirates, Maldives, Mauritius, Sri-Lanka, Nepal, Myanmar, Indonesia, Philippines, Cambodia, Bangladesh, Vietnam, Malaysia, Egypt, Malawi, Angola, Ghana, South Africa, Uganda, Seveyol, Mexico, Chile, Kuwait, Bahrain, Iraq, Turkey, Singapore, Thailand, Romania, Spain, Greece, Ireland, United Kingdom, France, Poland and New Zealand.



It is further submitted that the Complainants have a wide network with over 4000 distributors, 16000 dealers and over 600 direct marketing franchises. The deep penetration of marketing network is supplemented by a central CRM based service support network, backed by 2000 service franchises and a force of centrally trained service technicians who provide reliable after sales service to the KENT products.

6. The Complainants submit that in pursuance of the growing business in India and abroad the goods and services provided by Complainants are accessible via its website <https://www.kent.co.in/> and <https://www.kentrosystems.com/>. These website are accessible and interactive from anywhere in the world. Other than the above, the Complainant's mark KENT is also displayed on various third party e-commerce websites including but not limited to [www.amazon.in](http://www.amazon.in), [www.flipkart.com](http://www.flipkart.com), [www.snapdeal.com](http://www.snapdeal.com), [www.shopclues.com](http://www.shopclues.com) and [www.indiamart.com](http://www.indiamart.com) regularly by its distributor's dealings for sale of the Complainant's products.
7. The Complainants submit that the mark KENT is well known and carries high reputation in India is evident from the fact that the Complainants have been awarded with numerous awards and recognition for innovating excellent products.
8. The Complainants further submit that it spends considerable amount of money to promote and advertise the mark KENT around the world. For example, the mark KENT and its products are endorsed and have brand ambassadors such the famous Indian actors and celebrities such Shahrukh Khan, Hema Malini, Ahana Deol, Esha Deol, and Boman Irani.
9. The Complainants further submit that they have generated huge revenues amounting to several crores of India Rupees from the sale of their products and services under the mark KENT and have also expended several crores of Indian Rupees in relation to the promotion and publicity of the mark KENT.
10. It is submitted that apart from the significant common law rights in the mark KENT, the Complainant also have statutory rights in the mark KENT through registration of the mark KENT in India and various other countries i.e., Afghanistan, Bangladesh, China, EU, Indonesia, Iran, Kenya, Kuwait, Malaysia, Mauritius, Mexico, Nepal, Nigeria, Oman, Pakistan, Sri Lanka, UAE, UK, USA, ZANZIBAR, etc.
11. The Complainants submit that their rights in the mark KENT has been recognized in various legal proceedings recognizing the rights of the Complainants in the mark KENT and observing that that KENT is well known mark. Additionally the Complainant has also been successful in a



WIPO domain compliant against a domain name comprising the mark KENT.

**5) Respondent**

The Respondent has not filed any response to the Complaint though they were given an opportunity to do so. Thus the Complaint had to be decided based on submissions on record and analyzing whether the Complainant has satisfied the conditions laid down in paragraph 4 of the policy.

**6) Discussion and Findings:**

The submissions and documents provided as **Annexure 21** by the Complainant shows that its trade mark KENT is registered in India in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 14, 15, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 31, 33, 35, 36, 38, 39, 40, 41, 42, 43, 44 AND 45 since October 1999. The Complainant owns numerous trade mark registrations for KENT in various countries of the world as shown in **Annexure 22**.

The Arbitrator notes that the Complainant owns the top-level domain [www.kentrosystems.com](http://www.kentrosystems.com) (registered on March 19, 2001) and country specific domain name [www.kent.co.in](http://www.kent.co.in) (registered on February 3, 2006) as shown in **Annexure 23**. The Arbitrator further notes that these websites provide information about the Complainants and details of the worldwide presence as shown in **Annexure 24**.

**Annexure 25** shows that the Complainant's rights in their marks have been recognized in various legal proceedings recognizing the rights of the complainant in the mark KENT and observing that that KENT is well known mark. Additionally the Complainant has also been successful in a WIPO domain compliant against a domain name comprising the mark KENT.

**Annexure 11** shows description of the Complainants on their website [www.kent.co.in](http://www.kent.co.in).

**Annexure 12** shows that the Complainants have more than 25 lakh customers and 5000 persons associated, with them and the mark KENT. The Complainants have sale of more than 225,000 reverse osmosis purifiers every year and holds around 40% market share in India.

**Annexure 13** is a representative details of the authorized dealers of the Complainants in the various countries.



**Annexure 14 shows** that the Complainants' mark KENT is also displayed on various third party e-commerce websites including but not limited to [www.amazon.in](http://www.amazon.in), [www.flipkart.com](http://www.flipkart.com), [www.snapdeal.com](http://www.snapdeal.com), [www.shopclues.com](http://www.shopclues.com) and [www.indiamart.com](http://www.indiamart.com).

**Annexure 16** shows that a Google search for "KENT" predominantly reveals links to the Complainants and Dictionary.com shows no meaning for the term "KENT".

Based on the submissions and documents filed in support, I now deal with the three requisite conditions laid in paragraph 4 of the .IN Domain Name Dispute Resolution Policy which is listed below. Further the Respondent has not contested the claims, therefore deemed to have admitted the contentions of the Complainant.

**(i) The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights;**

Based on submission and evidence filed by the Complainant, it is clear that the Complainant has prior and subsisting rights in the mark KENT with its earliest adoption in the year 1988 and several trademark registrations worldwide including India. In India, the Complainant has evidently proved that it has secured trademark registration for the KENT trademark in classes 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 14, 15, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 31, 33, 35, 36, 38, 39, 40, 41, 42, 43, 44 AND 45 24, 45. Therefore, Complainant statutory rights in the mark KENT worldwide including in India are clearly established. Further, the Complainant has pleaded that it has been commercially using the KENT trademark since 1999. Therefore, it can be inferred that the Complainant also the prior user of in the KENT trademark/name.

It has to be now ascertained if the disputed domain name <[www.kent-ro-service-centre.in](http://www.kent-ro-service-centre.in)> is identical to or confusingly similar with the Complainant's mark.

*As per WIPO Jurisprudential Overview 3.0, the standing or threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.*

*While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.*

It is also noted from **Annexure 21** and **Annexure 22** that the Complainant is the registered proprietor of the trademark KENT which is entirely contained in

the disputed domain name of the Respondent. It is evident in the present case that the disputed domain name <[www.kent-ro-service-centre.in](http://www.kent-ro-service-centre.in)> is identical and confusingly similar to the Complainant's registered trademark KENT and domain name [www.kent.co.in](http://www.kent.co.in). In my opinion, owing to the online presence of the Complainant's business, the disputed domain name could make Internet users to believe that such domain name and the contents originating therefrom belong to the Complainant. In view of the above, the requirement of the INDRP Policy paragraph 4(i) is satisfied.

**(ii) The Registrant has no rights or legitimate interests in respect of the domain name;**

There are no contents on the disputed domain and no information have been provided by the Respondent. The Respondent does not appear to have an actual business and therefore in no manner constitutes a *bonafide* offering of services or goods. on the other hand the Complainant claims to have a wide network with over 4000 distributors, 16000 dealers and over 600 direct marketing franchises. This network is supplemented by a central CRM based service support network, backed by 2000 service franchises and a force of centrally trained service technicians who provide reliable after sales service to the KENT products.

The Respondent has not rebutted the contentions of the Complainant and has not produced any documents or submissions to show his interest in protecting his own rights and interest in the domain name. Further, the Respondent has not used the domain name or a name corresponding to the disputed domain name in connection with a bonafide offer of goods or services. It has simply parked the domain.

The above leads to the conclusion that Respondent has no rights or legitimate interest in respect of the disputed domain name '[www.kent-ro-service-centre.in](http://www.kent-ro-service-centre.in)' and has not come forward to explain it's adoption.

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

It may be mentioned that since the Respondent did not file any response and rebut the contentions of the Complainant, it is deemed to have admitted the contentions contained in the Complaint. As the Respondent has not established its legitimate rights or interests in the domain name, an adverse inference as to their adoption of domain name has to be drawn. In any case the adoption of domain name containing the Complainant's well known mark KENT for servicing of RO water purifiers shows clear bad faith to derive unfair monetary advantage.



Based on the documents filed by the Complainant, it can be concluded that the domain name/mark KENT is identified with the Complainant's name, mark and goods, therefore its adoption by the Respondent shows 'opportunistic bad faith'.



## **Decision**

In my view, the Complainant has satisfied all the three requisite conditions laid down in paragraph 4 of the INDRP policy. In accordance with the Policy and Rules, it is directed that the disputed domain name <[www.kent-ro-service-centre.in](http://www.kent-ro-service-centre.in)> be transferred to the Complainant.



**RANJAN NARULA**  
**SOLE ARBITRATOR**  
**NIXI**  
**INDIA**

**September 7, 2020**