

मध्य प्रदेश MADHYA PRADESH

CS 354987

BEFORE THE ARBITRATOR RAJESH BISARIA
UNDER THE
.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)
[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

ARBITRAL AWARD

Date-19.03.2025

Disputed Domain Name: rajasthan-royals.in

INDRP Case no -1925

THE PARTIES

(1)

The Complainant is Royal Multisport Private Limited , 103-104, B Wing, Fulcrum, Hiranandani Business Park, Sahar Airport Rd Andheri East, Mumbai - 400099.

The Respondent is Alexey Antonchenko , Flat 14 Building 1470 Road 139 Block 701, Tubli, Manama, BH - 701

THE DOMAIN NAME AND REGISTRAR**(2)**

- (a) This dispute concerns the domain name **rajasthan-royals.in**
- (b) The registry of this disputed domain name : rajasthan-royals.in is the National Internet Exchange of India (henceforth referred to as NIXI) and the sponsoring Registrar with whom the disputed domain name is registered is indicated as: GoDaddy.com, LLC, with address:14455 North Hayden Road Suite 219 , Scottsdale, AZ 85260, United States and the E mail ID: udrpdisputes@godaddy.com
- This was registered on 02.05.2024.

PROCEDURAL HISTORY**(3)**

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|---|------------|
| The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure | 22.01.2025 |
| Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI. | 22.01.2025 |
| Due date of submission of Statement of Claim by Complainant (instructed by mail dated 22.01.2025) | 02.02.2025 |
| Complainant 's response by submitting their Statement of Claim to AT- | |
| Soft copy | 28.01.2025 |
| Hard copy | 12.02.2025 |
| Complainant 's response by submitting their Statement of Claim along with all annexures to Respondent- Soft copy – The Complainant vide their mail dated 28.01.2025 and 29.01.2025 intimated that- We are attaching the following | |

| | |
|---|--------------------------|
| documents as proof of service along with this email- Copy of the email delivery receipt to the Respondent and the Arbitrator [email sent on 28th January 2025 Hard copy – The Complainant vide their mail dated 28.01.2025 and 29.01.2025 intimated that- <i>We are attaching the following documents as proof of service along with this email- DHL Express Courier tracking receipt (Waybill tracking no. 6582568392) [courier dispatched on 28th January 2025].</i> The Complainant vide their mail dated 10.02.2025 intimated that- <i>please find attached the relevant email of service, the email delivery receipt to the respondent, the courier receipt, and the proof of delivery of the complaint to the respondent for your reference.</i> After seeing the above attached tracking report, it was found that the Complaint along with annexures were delivered to Respondent on 02.02.2025. | 02.02.2025 |
| Due date of submission of Statement of Defense by Respondent as instructed by AT mail dated 22.01.2025 and as instructed by AT mail dated 15.02.2025 | 13.02.2025 24.02.2025 |
| Respondent's response by submitting their Statement of Defense against the due date of submission as 15.02.2025 and thereafter 24.02.2025 | Not submitted |
| Complainant's response by submitting their Rejoinder | Not required |
| AT by their mail dated 27.02.2025 stated and informed all concerning that- <i>Since sufficient opportunity was given to Respondent to submit their pleading, so now the Respondent has lost their right to submit said documents and the proceeding of this case is kept closed for award and the matter would be decided ex-parte on the basis of the documents on record with this tribunal as per INDRP policy.</i> | 27.02.2025 |
| The language of the proceedings | English |

FACTUAL BACKGROUND

(4) The Complainant:

The Complainant is Royal Multisport Private Limited , 103-104, B Wing, Fulcrum, Hiranandani Business Park, Sahar Airport Rd Andheri East, Mumbai – 400099.

The Complainant's authorized representative in this administrative proceeding is:

Saurabh Nandrekar and Jatin Khushalani, Address of both : F-12, Sector 8, Noida-201301 , Telephone of both : 91-120-4847550, Fax of both: 91-120-4847551, and E mail : saurabh@fiduslawchambers.com and jatin@fiduslawchambers.com

The Complainant's preferred method of communication directed to the Complainant in this administrative proceeding is:

Electronic: only material: Mail-Address: saurabh@fiduslawchambers.com jatin@fiduslawchambers.com , & domaindisputes@fiduslawchambers.com
Material including hardcopy: Courier

(5) The Respondent:

The Respondent is Alexey Antonchenko, Flat 14 Building 1470 Road 139 Block 701, Tubli, Manama, BH – 701, Telephone : (+973).33700237 , E mail ID : aaantonchenko@gmail.com

(6) Complainant's Activities:

(a) The Complainant owns the franchise of the renowned cricket team named "RAJASTHAN ROYALS" which is a participating franchise in the well-known Indian Premier League (IPL) Twenty-20 cricket tournament held under the aegis of the Board of Control for Cricket in India.

(b) The Complainant (formerly known as 'Jaipur IPL Cricket Private Limited') was incorporated in 2008. It has a robust franchisee structure and operates the cricket team "RAJASTHAN ROYALS" in the IPL. The

popularity of the game and the tournament has led the Complainant and the RAJASTHAN ROYALS team to have a huge fan following, respected, and appreciated in India and several countries in the world. In the first edition of IPL in 2008, team RAJASTHAN ROYALS emerged as champions and gained immense popularity. Being winners of the first-ever Indian Premier League tournament, team RAJASTHAN ROYALS instantly acquired extensive goodwill, reputation, and fan following.

(c) The Complainant's recognition and goodwill under the trademark RAJASTHAN ROYALS are not limited to the cricket-playing countries. Over the time the Complainant has received sponsorships from various national and international brands. Relevant extracts of the Complainant's website "www.rajasthanroyals.com" were submitted as Annexure B. Relevant extracts of third-party news articles were submitted as Annexure C.

(7) Complainant's Trade Marks and Domain Names:

(a) The Complaint is based on the trademark RAJASTHAN ROYALS registered in favour of the Complainant and, used in connection with goods sold and services offered by the Complainant. The Complainant owns numerous registrations for the wordmark RAJASTHAN ROYALS,



device mark . Details of Complainant's word mark registrations (in India) for RAJASTHAN ROYALS are as below and a consolidated list of all registered RAJASTHAN ROYALS trademarks along with copies of the registration certificates were submitted as Annexure D. All the below registrations are currently valid and subsisting.

| S. No. | Trademark | Registration Number | Classes | Registration Date |
|--------|------------------|---------------------|---------|-------------------|
| 1. | RAJASTHAN ROYALS | 1825872 | 16 | 05th June 2009 |
| 2. | RAJASTHAN ROYALS | 1825873 | 18 | 05th June 2009 |
| 3. | RAJASTHAN ROYALS | 1825874 | 25 | 05th June 2009 |
| 4. | RAJASTHAN ROYALS | 1825875 | 28 | 05th June 2009 |

| | | | | |
|----|------------------|---------|----|----------------|
| 5. | RAJASTHAN ROYALS | 1825876 | 41 | 05th June 2009 |
|----|------------------|---------|----|----------------|

(b) The Complainant has also registered its RAJASTHAN ROYALS trademark in several other jurisdictions including Australia, New Zealand, South Africa, and the European Union. A list of these registrations was submitted as Annexure E.

(c) The Complainant adopted the trademark RAJASTHAN ROYALS on 01st January 2008 and the same has been in continuous and extensive use till date. Under its adoption more than a decade ago, and extensive use thereof, the trademark RAJASTHAN ROYALS has become exclusively associated with the Complainant in the eyes of consumers.

(d) Since the inception of the Indian Premier League (IPL), Complainant's franchise team has been its continuous participant under the trademark RAJASTHAN ROYALS and was titled the winner of the First Season of IPL. The Complainant also registered the domain name <rajasthanroyals.com> (on 26th February 2008) to render and promote its services including but not limited to details about the Complainant sports events, video clippings and photographs of cricket matches, and sale of merchandise under the RAJASTHAN ROYALS trademark. A copy of the WhoIs extract for the Complainant's domain name <rajasthanroyals.com> was submitted as Annexure F.

(e) The Complainant under its trademark RAJASTHAN ROYALS offers various kinds of merchandise including t-shirts, tracksuits, caps, mugs, mobile covers, laptop covers, and posters. The Complainant sells merchandise through its official website and authorised third-party websites which makes the merchandise available to customers all around the world. Relevant extracts of RAJASTHAN ROYALS merchandise store were submitted as Annexure G.

(f) The Complainant under its trademark RAJASTHAN ROYALS also operates a mobile application available on both Google Play and Apple Store. The mobile application has been downloaded more than 100K times

on Google Play and has received a rating of 4.3 out of 5. Relevant extracts from Google Play and Apple Store were submitted as Annexure H.

(g) The Complainant's social media pages and handles under its trademark RAJASTHAN ROYALS have millions of followers/subscribers. The Complainant has also carried out promotional campaigns featuring RAJASTHAN ROYALS trademarks and has promoted its trademarks on social media websites. Web extracts of the Complainant's social media channels/handles were submitted as Annexure I.

(h) That under such continuous and exclusive use since at least 01st January 2008, as well as the promotion of the RAJASTHAN ROYALS trademarks by the Complainant, the general public and members of trade now recognize and associate the goods and services under the RAJASTHAN ROYALS trademarks with the Complainant and none other.

(8) Respondent's Identity and activities:

Respondent failed to submit their Statement of Defense and other asked documents, so his identity and activities are not clear.

(9) Response by Respondent:

(a) Respondent vide their mail dated 10.02.2025(5:30 PM) (addressed to Complainant and copy to all concerning) intimated that-

In light of this, please forget my email address. I want to point your attention that I am no longer the owner of "rajasthan-royals.in". You are now free to acquire it as you see fit.

(b) Respondent failed to submit the required/said documents within the time limit ie 24.02.2025 instead Respondent vide their mail dated 24.02.2025(2:04PM) submitted that-

Please note that I'm not the owner rajasthan-royals.in domain anymore. Below you can find the necessary confirmation from godaddy. Hope it will help you to close this case and go further.

(c) Complainant submitted that:

The Respondent has registered the domain name <rajasthan-royals.in> ("disputed domain name") which subsumes the

Complainant's trademark RAJASTHAN ROYALS. The disputed domain name was registered on 2nd May 2024, which is more than a decade after the Complainant secured its rights in the trademark RAJASTHAN ROYALS. The disputed domain name an active website providing false/incorrect information about Complainant's team under the trademark RAJASTHAN ROYALS. A web extract from "www.rajasthan-royals.in" was submitted as Annexure J.

(10) Rejoinder by Complainant:

Since the Respondent failed to submit their reply to the Complaint of Complainant, so Rejoinder was not required to be submitted by Complainant.

(11) Submissions of Documents by Complainant:

Complainant submitted Domain name complaint with pages 1 to 15 (words 3403) and annexure from A to J with pages 87(16 to 102).

As per the INDRP Rules of Procedure, Clause 4(a) –

The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator's discretion.

The Complainant submitted pleadings of 3403 words and annexures of 87 pages, which is as per the above norms of the INDRP Rules

THE CONTENTIONS OF COMPLAINANT

(12) The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights:

Submission by Complainant

- (a) It is submitted that the disputed domain name <rajasthan-royals.in> subsumes the Complainant's subject trademark RAJASTHAN ROYALS in its entirety. The Respondent has merely added a hyphen between the words 'Rajasthan' and 'Royals' of Complainant's

trademark which cannot sufficiently distinguish the disputed domain name from the Complainant's trademark, hence the disputed domain name identical to the Complainant's subject trademark.

- (b) The Complainant has established that it has statutory and common law rights in the trademark RAJASTHAN ROYALS and such rights predate the registration of the disputed domain name.
- (c) Past INDRP decisions have held that the fact that a domain name wholly incorporates a Complainant's registered trademark is sufficient to establish identity or confusing similarity for the purpose of INDRP, ITC Limited v. Travel India (INDRP Case No. 065), Allied DOMECCQ Spirits and Wine Limited v. Roberto Ferrari (INDRP Case No. 071), International Business Machines Corporation v. Zhu Xumei (INDRP Case No. 646) and Jaguar Land Rover v. Yitao (INDRP Case No. 641).
- (d) Further, it is a settled principle that gTLDs such as “.in” need not be taken into consideration when comparing the mark to the disputed domain name under the first element. The Complainant also relies on past INDRP decisions in Nike Inc. v. Nike Innovative CV Zhaxia (Case No. INDRP/804).
- (e) Hence, in the present case, the disputed domain name is identical to the Complainant's trademark RAJASTHAN ROYALS and the Complaint has successfully satisfied the first requirement set out in clause 4(a) of the INDRP.

(13) The Respondent has no rights or legitimate interests in respect of the domain name:

Submission by Complainant

- (a) Under clause 6 of the IN-Domain Dispute Resolution Policy (INDRP), any of the following circumstances, if found by the Arbitrator, may demonstrate a Respondent's rights or legitimate interests in a disputed domain name:

- Before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations

to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

- The Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
- The Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

(b) The Respondent has no rights or legitimate interest in the disputed domain name. First of all, to the best of the Complainant's knowledge and belief, the Respondent is not commonly known under the name "RAJASTHAN ROYALS", nor has the Respondent acquired any trademark or service rights. Secondly, the Respondent is not affiliated with the Complainant and the Complainant has not licensed or otherwise permitted the Respondent to use the subject trademark RAJASTHAN ROYALS or to register a domain name incorporating the subject trademark RAJASTHAN ROYALS. In addition to this, the Respondent cannot claim prior rights or legitimate interest in the disputed domain name.

(c) The Respondent is running an active website providing false/incorrect information about the Complainant's trademark RAJASTHAN ROYALS and also using incorrect team names, team logos, player names, player images participating in IPL unauthorized which clearly shows the mala fide intentions of Respondent. The disputed domain name is filled with third-party trademark infringement instances. for example, the Respondent has used logo of Punjab Kings with the spin off name of Sunreser

Hyderabad- both of which are Complainant's competitors. The sole purpose being the registration of the disputed domain name is to either to misleadingly divert consumers and tarnish the subject trademark of the Complainant and misappropriate the reputation associated with the Complainant, including the Complainant's subject trademark RAJASTHAN ROYALS or to attempt to sell it to the Complainant.

- (d) The Complainant has therefore established a prima facie case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby the burden of proof shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Domain Name. The Complainant relies on the decisions in Eurocopter, an EADS Company v. Bruno Kerrien (Case No. INDRP Case No. 116), Voltas Ltd. v. Sergi Avaliani (INDRP Case No, 1257), Hitachi Ltd v. Kuldeep Kumar (INDRP Case No. 1092), Do The Hustle, LLC v. Tropic Web, (WIPO Case No. D2000-0624); and Payoneer, Inc. / Payoneer Europe Limited v. Korchia Thibault, Quinv S.A. (WIPO Case No. DEU2019-0013).
- (e) Based on the above, it is evident that the Respondent's use of the disputed domain name is neither a bona fide offering of services, nor a legitimate non-commercial or fair use pursuant to Policy.
- (f) In light of the above, the Complainant has successfully satisfied the second requirement set out in clause 4(b) of the INDRP.

(14) The domain name was registered and is being used in bad faith:

Submission by Complainant

- (a) The Complainant's subject trademark RAJASTHAN ROYALS is well-reputed and widely recognized. The complainant's subject trademark RAJASTHAN ROYALS has immense goodwill and reputation and is well before the registration of the disputed domain name. The Complainant's subject trademark RAJASTHAN ROYALS

has been used continuously and extensively for several years in India and other countries. Hence, the Respondent knew or should have known about the Complainant's trademark RAJASTHAN ROYALS at the time of registration of the disputed domain name. Owing to the fame of the mark RAJASTHAN ROYALS, the Respondent had constructive notice of the Complainant's rights in its mark. Hence the registration and use of the disputed domain name is in bad faith.

(b) The Respondent is using the Complainant's trademark RAJASTHAN



ROYALS along with its logo , names and images of players playing for RAJASTHAN ROYALS along with the third-party team names and logos. This clearly shows that Respondent is aware of Complainant's trademark and is knowingly registered disputed domain name to create confusion in minds of general public and to spread misinformation under the Complainant's trademarks.

(c) The Complainant relies on Fannie May Confections, Inc. v. Domain Contact 2 (FANNIEMAYS-COM-DOM) (WIPO Case No. D2006-0813) and Carla Sozzani Editore S.R.L. v. Michael D. Darr (WIPO Case No. D2017-1237) where a similar registration of a domain name by Respondent several years after the adoption of the Complainant's mark was held to be with the motive to profit from the goodwill that Complainant had built in its mark and was subsequently transferred to the Complainant.

(d) The Respondent's bad faith is further evidenced by the fact that the Respondent registered the impugned domain name on 2nd May 2024, years after the registration of the Complainant's trademark registration in India.

(e) Further, there is a great likelihood that actual or potential visitors to the present website of the Respondent will be induced to:

- Believe that the Complainant has licensed its trademark RAJASTHAN ROYALS to the Respondent or authorized the Respondent to register the disputed domain name; and

- Believe that the Respondent has some connection with the Complainants in terms of a direct nexus or affiliation with the Complainants.
 - Believe that the information provided by the Respondent on the disputed domain name is correct or sponsored by the Complaint
- (f) The Complainant relies on past decisions in *Bharti Airtel Limited vs. Rajeev Garg*, (INDRP Case No. 285), *Merck KGaA v. Zeng Wei* (INDRP Case No. 323), *General Motors India Pvt. Ltd. & Anr. v. Anish Sharma* (INDRP Case No. 799), and *Sensient Technologies Corporation v. Katrina Kaif, Corporate Domain* (INDRP Case No. 207), where respondent's bad faith was found from intentionally attempting to attract for gain Internet users to the respondent's website or other online location by creating a likelihood of confusion with complainant's mark. The Respondent is also guilty of trademark infringement and passing off the Complainant's subject trademark RAJASTHAN ROYALS.
- (g) Further, clause 3(d) of the INDRP does not require a registrant to knowingly use the domain name in violation or abuse of any applicable laws or regulations. The obligations imposed by clause 3(d) are an integral part of the INDRP applicable to all registrants and cannot be ignored as was observed by the Ld. Arbitrator in *Momondo A/S v. Ijorghe Ghenrimopuzulu*, (INDRP Case No. 882). A search in the online database of the Indian Trademarks Office or WIPO would reveal the Complainant's rights in its trademark RAJASTHAN ROYALS. Hence, the Respondent had an onus to ensure that the registration of the disputed domain name did not violate the Complainant's subject trademark rights in RAJASTHAN ROYALS. It is therefore submitted that the disputed domain name has been registered and is being used in bad faith.

OTHER LEGAL PROCEEDINGS:

(15) Submission of Complainant

As required under paragraph 4(b) (viii) of the Rules, the Complainant submits that no other legal proceeding(s) has been commenced, terminated, or are pending in connection with or relating to the disputed domain name that is the subject of the present Complaint.

REMEDY SOUGHT:

(16) Submission of Complainant

In light of the above, the Complainant prays for the following relief:

- i. That the dispute outlined in the present complaint be submitted to arbitration in accordance with the Dispute Resolution Policy and Rules framed there under, as per Rule 3(b) (i) of the INDRP Rules of Procedure, 2005;
- ii. That the .IN Registry of NIXI be directed to transfer the disputed domain name <rajasthan-royals.in> to the Complainant;
- iii. That the costs of the present proceedings be granted to the Complainant;
- iv. That any other order, in the facts and circumstances of the case and in the interest of justice, may be passed in the present case.

DISCUSSION AND FINDINGS

(17) After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure and Respondent has been notified of the complaint of the Complainant.

(18) Respondent was given enough opportunity to submit Reply of Complaint (Statement of Defense) by 13.02.2025 and thereafter by 24.02.2025. But Respondent failed to submit the same within said time limit; therefore, the Respondent had lost their right to entertain it. The proceeding of this case was kept closed for award on 27.02.2025 and the matter is to be decided ex-parte on the basis of the document on record with this tribunal as per INDRP policy.

(19) Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant has filed a complaint to .IN Registry on the following premises:

- (a) the Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights; and
- (b) the Registrant's has no rights or legitimate interest in respect of the domain name; and
- (c) The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.

(20) The Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights:

Facts & Findings

On the basis of the referred Awards of NIXI(INDRP), above mentioned facts by Complainant, non-submission of Statement of Defense and submission of Respondent as stated in above para (8), the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(21) The Registrant's has no rights or legitimate interest in respect of the domain name:

Facts & Findings

On the basis of the referred Award of NIXI(INDRP) and WIPO cases, above mentioned facts by Complainant, non-submission of Statement of Defense and submission of Respondent as stated in above para (8), the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(22) The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose:

Facts & Findings

On the basis of referred Awards of NIXI(INDRP) and WIPO cases, above mentioned facts by Complainant, non-submission of Statement of Defense and submission of Respondent as stated in above para (8), the Arbitral Tribunal concludes that the Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(23) ARBITRAL AWARD

I, **Rajesh Bisaria**, Arbitrator, after examining and considering the pleadings and documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 5, 17 and 18 of the INDRP Rules of Procedure and Clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP), as follows:

Arbitral Tribunal orders that the disputed domain name

“rajasthan-royals.in”

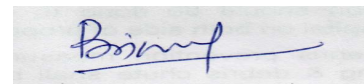
be forthwith TRANSFERRED from Respondent to Complainant.

Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs. 10000/- (Rs. Ten thousand only) is being imposed on the Respondent, as per the provision in clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to .IN Registry for putting the administration unnecessary work.

AT has made and signed this Award at Bhopal (India) on 19.03.2025 (Nineteenth Day of March, Two Thousand Twenty-Five).

Place: Bhopal (India)

Date: 19.03.2025



(RAJESH BISARIA)

Arbitrator