

मध्य प्रदेश MADHYA PRADESH

CZ 000946

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

**ARBITRAL AWARD**

**Date-23.08.2025**

**Disputed Domain Name: [www.anantaraclub.in](http://www.anantaraclub.in)**

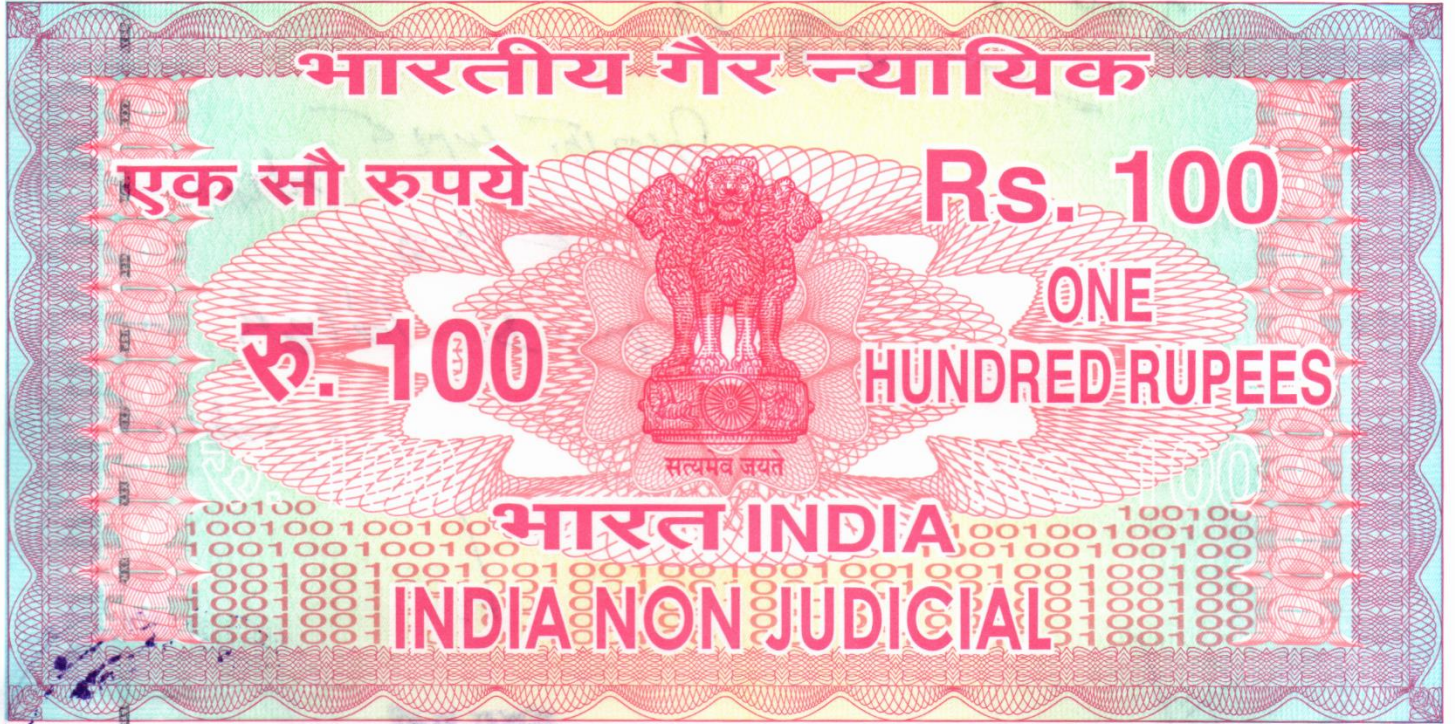
**INDRP Case No -2020**

**THE PARTIES**

- (1) The Complainant is MHG IP HOLDING (SINGAPORE) PTE. LTD., A company incorporated under laws of Singapore and having its registered office at 2, Alexandra Road, # 05-04/05, Delta House, Singapore, 159919  
The Respondent is NYS Softech and having its address at: K-316/10 Lado Sarai, New Delhi, Delhi-110030







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#### THE DOMAIN NAME AND REGISTRAR

(2)

(a) This dispute concerns to the domain name **www.anantaraclub.in**

(b) The Registrar with whom the disputed domain name is registered is indicated as:

GoDaddy, with address: NOT PROVIDED and Email ID: reg\_admin@godaddy.com.

This was registered on 22.01.2024

#### PROCEDURAL HISTORY

(3)

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure	14.07.2025
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 5(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI.	15.07.2025
Due date of submission of Statement of Claim by Complainant (instructed by mail dated 15.07.2025)	25.07.2025



Complainant 's response by submitting their Statement of Claim to AT-	
Soft copy	18.07.2025
Hard copy	21.07.2025
Complainant 's response by submitting their Statement of Claim along with all annexures to Respondent-	
<b>Soft copy</b> - Complainant sent the copy of complaint along with all annexures to Respondent vide their mail dated 18.07.2025 (03:59PM) and stated that – <i>'This email has also been marked to the Respondent, on the email as provided by NIXI as well as the other email ids available on the domain name in dispute'</i> .	18.07.2025
<b>Hard copy</b> – Complainant vide their mail dated 25.07.2025 (01:21 PM) intimated that – <i>'Please find attached the tracking reports and postal receipts confirming dispatch of the hard copies of the Domain Name Complaint, along with the annexures, to your esteemed office.</i>  <i>For clarity, we wish to reiterate that while the courier sent to your office has been successfully delivered, as confirmed by the tracking report, the courier sent to the Respondent's address (as provided by NIXI) was returned with the remark: "No such person or company at this address." However, the soft copy was been emailed to the Respondent, on the email ids as provided by NIXI as well as the other email ids available on the domain name in dispute.</i>  <i>In light of your instructions, we submit that service of the Domain Name Complaint from our end stands complete'.</i>  The complete set of complaint was sent by Speed post with tracking no- ED836372589IN	25.07.2025
Due date of submission of Statement of Defense by Respondent as instructed by AT mail dated 14.07.2025 and 14.08.2025	05.08.2025 20.08.2025

Respondent's response by submitting their Statement of Defense against the due date of submission as 28.06.2025	Not submitted
Complainant's response by submitting their Rejoinder	Not required
AT by their mail dated 22.08.2025 stated and informed all concerning that- <i>As per AT's mail dated 15.07.2025 Respondent was directed to file the Soft copy (PDF &amp; Editable) and the Hard copy of 'Reply of the said complaint (Statement of Defense)' along with complete set of annexure' on or before 05.08.2025 and thereafter by 20.08.2025 vide AT's mail dated 14.08.2025. But Respondent failed to submit the said documents within said time limit ie 20.08.2025. Respondent has also not filed any application for the grant of extension of time for this submission. Since sufficient opportunity was given to Respondent to submit their pleading, therefore their right to submit the same is stand forfeited and no further opportunity shall be granted in this regard. 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>	22.08.2025
The language of the proceedings	English

## FACTUAL BACKGROUND

### (4) The Complainant:

The Complainant is MHG IP HOLDING (SINGAPORE) PTE. LTD., a company incorporated under laws of Singapore and having its registered office at 2, Alexandra Road, # 05-04/05, Delta House, Singapore, 159919 with Telephone: NOT PROVIDED and Email: NOT PROVIDED

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

Jesse Lieberman 2, Alexandra Road, # 05-04/05, Delta House, Singapore, 159919 and Email jlieberman@minor.com

**The Complainant's Attorneys in this administrative proceeding are:**

Mr. Amit Panigrahi (D/1712/2010), Ms. Parul Panthi (MP/214/2018), and all Advocates of Kochhar & Co., having office at the address, 11th Floor, Tower A, DLF Towers Jasola, Jasola District Center, New Delhi 110025 (India); contact number (+91) 9818162562; Email: trademarks.ip@kochhar.com

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

Medium: Email  
 Address: trademarks.ip@kochhar.com  
 Concerned Person's Name: Amit Panigrahi, Advocate

**(5) The Respondent:**

NYS Softech, having address K-316/10 Lado Sarai, New Delhi, Delhi-110030  
 Phone- +91 8860320083 and Email- nyssoftech@gmail.com

**(6) Complainant's Activities:**

(a) MHG IP HOLDING (SINGAPORE) PTE. LTD., i.e., the Complainant (a term which hereinafter will include their other affiliates and group companies as well), owns and operates resorts and spas which combine luxury with the culture and natural beauty in the most enchanting destinations in the world. The Complainant is a subsidiary of Minor International PCL which currently operates over 550 hotels, resorts and serviced suites and over 2,600 restaurants that they have built and developed over the course of over 50 years of operation, in 57 countries across the Asia Pacific, the Middle East, Europe, South America, Africa and the Indian ocean. The Complainant is amongst the largest hospitality and leisure companies in the Asia Pacific region and also own and operate a highly successful spa business, consisting of over 70 branded spas in various parts of the world including Asia, Africa and the Middle East.

(b) The Complainant's chain of ANANTARA hotels have been marveled as one of the most astute luxury hotel developers in the world. Anantara hotels, resorts and spas have received a total of 11 top accolades at the World Spa



Awards 2020, with Anantara Spa being recognized as the World's Best Hotel Spa Brand for four consecutive years. Named the World's Best Hotel Spa Brand at the 2017, 2018, and 2019 World Spa Awards, Anantara Spa also retained this title in 2020 and was once again named the World's Best Hotel Spa Brand, as officially announced on Wednesday 28 October, 2020. Further, the Anantara Desaru Coast Resort & Villas (Malaysia) has won the Asia's Best Resort Spa at the World Spa Awards 2023. World Spa Awards™ is a dynamic awards program, launched in 2015 and designed to drive up standards within spa tourism by rewarding the organizations that are the leaders in the field. World Spa Awards was established in response to an overwhelming demand from the spa industry for a program that was fair and transparent- a program with a mission to serve as the definitive benchmark of excellence, and to help to foster a new era of growth in spa tourism. Copies of a few such awards are collectively annexed herewith as Annexure B (Colly).

(c) The Complainant, among other things, is the owner of the trademarks

“ANANTARA”,  ,  (hereinafter collectively referred to as the “ANANTARA Trademarks”), in respect of its resorts and spas since the year 2000, and, have continuously expanded its business under the said trademarks by opening ANANTARA resorts and spas in a number of countries around the world. Today, the Complainant owns, operates and/or manages over 50 luxury hotels, resorts and premium serviced apartments and over 30 spas under the ANANTARA Trademarks in Asia, the Middle East, Africa and Europe including in countries such as Thailand, Sri Lanka, Vietnam, Cambodia, China, Indonesia, Maldives, Mozambique, Portugal, the United Arab Emirates, Oman and Qatar, to name a few. It is submitted that the Complainant, through its group companies, operates and manages hotels, resorts and spas, including those under the ANANTARA Trademarks. In addition to the Complainant's hotels and resorts under the well-known ANANTARA Trademarks, the Complainant operates hotels under many other prestigious brands, i.e. AVANI, TIVOLI,

NH, NH Collection, NHow, Oaks Hotels & Resorts, and Elewana Collection. The Complainant has consistently invested in opportunities to expand their business and has also intensified their footprint in India by launching ANANTARA brand in Jaipur, Rajasthan. The property is spread over the rich cultural heritage city of Jaipur, featuring 150 luxurious guest rooms and suites, including Terrace Suites with private plunge pools and a 160-square meter Royal Suite with a large terrace and private pool. This new project marries the Complainant's take on authentic, indigenous luxury with outstanding wedding and event facilities in the hospitality sector. Documents is annexed herewith as Annexure C.

- (d) The Complainant has continuously and extensively used the ANANTARA brand and trademarks across its resorts and standalone spas, ensuring consistent branding. Each resort, such as ANANTARA Hua Hin, ANANTARA Koh Samui, ANANTARA Dhigu, and others, bears the trademark ANANTARA, as do the standalone spas, including ANANTARA Spa at Kempinski Zamani Resort and ANANTARA Spa at Kilimanjaro Hotel. Additionally, the Complainant offers ANANTARA Experiences, encompassing curated luxury activities like local excursions, wine tasting, and river cruises. The resorts reflect the Complainant's commitment to blending luxury with natural landscapes and local culture, solidifying ANANTARA as synonymous with superior hospitality and redefining global luxury standards.
- (e) By virtue of the beautiful locations of their resorts and spas and the excellent standards of service and unique experiences provided by the Complainant to their guests, ANANTARA resorts and spas have become immensely popular and attract huge tourist traffic from all around the world, including from India. The worldwide revenues earned by the Complainant through their various ANANTARA resorts and spas for the years 2001-2024 are as follows:

Year	Sales Figures (US\$ approx..)
2001	6.5 million
2002	7 million

2003	8 million
2004	11.1 million
2005	18.3 million
2006	20.2 million
2007	21.2 million
2008	56.9 million
2009	65.2 million
2010	93.2 million
2011	142.2 million
2012	205.1 million
2013	260.6 million
2014	362.5 million
2015	452.3 million
2016	470.5 million
2017	531.3 million
2018	562.5 million
2019	575.5 million
2020	308.3 million
2021	316.2 million
2022	507.5 million
2023	815.5 million
Till August'2024	534.20 million

- (f) It is further submitted that the Complainant expends enormous amount of skill and resources in promoting, marketing and advertising its services under the ANANTARA Trademarks throughout the world including India and hence, have also been acknowledged and acclaimed in many of the international periodicals and journals to be the operator of the world's best resort hotels, spas and cruise ship services. Several of the Complainant's hotels, resorts and spas under the ANANTARA Trademarks have featured in both the regional and worldwide lists of best hotels published by leading travel magazines and publications around the world, including the Conde



Nast Traveler, the Harper's Bazaar, Forbes, DestinAsian, the Lonely Planet, Vogue US, Elite Traveler UK, Travel+Leisure, Tatler UK, The New York Times, Lonely Planet (Thailand), Time Magazine, CNN Traveler, Business Traveler to name a few. Copies of a few news articles featuring information about the Complainant and the ANANTARA Trademarks along with details of Indian customers are collectively marked and annexed herewith as Annexure D (Colly).

- (g) In addition to the above, the Complainant, known for its ANANTARA Trademarks, has garnered a substantial global following. Its website attracts thousands of visitors from diverse corners of the world, including India. This widespread interest evidences the brand's exceptional reputation and popularity. Consequently, any use of an identical or similar domain name would likely cause confusion among consumers and dilute the Complainant's distinctive identity. Screenshot from the Google Analytics report and Geo Market Report of the Complainant's website evidencing the users, transactions and revenue generated in the recent years are marked and annexed herewith as Annexure-E.
- (h) As would be pertinent from .in domain name perspective, since the year 2001, tourists from India have continuously and extensively travelled and stayed at the various ANANTARA resorts and spas of the Complainant under the ANANTARA Trademarks. Year-wise list of the number of Indian residents to have visited and stayed at the Complainant's ANANTARA resorts and spas since 2001 are as follows

Year	Total Guests
2001	24
2002	34
2003	150
2004	346
2005	1164
2006	789
2007	1,099
2008	2,783

2009	4,478
2010	5,235
2011	6,142
2012	6,873
2013	7,199
2014	6,100
2015	11,477
2016	16,139
2017	21,894
2018	24,152
2019	24,550
2020	8,122
2021	6,071
2022	26,752
2023	41,467
Till August'2024	23,984

- (i) Besides having a significant presence in offline business, the Complainant has extensive presence and outreach to global customer base, through its dedicated website, <https://www.anantara.com/en> which website was created in the year 2000. The said website has been accessible from India since its inception and it has been possible at all times for residents in India to book their stay at the Complainant's ANANTARA resorts through this website. Documents evidencing the above are collectively enclosed along with the complaint as Annexure F (Colly).
- (j) The Complainant has been a member of the "Global Hotel Alliance" since 2006, an association comprising over 850 hotels across 100 countries. The alliance mandates that directories listing all member hotels be placed in each guest room of affiliated hotels. Indian members include the Leela Hotels in Delhi, Gurugram, Goa, Mumbai, Bengaluru, Chennai, and Udaipur. As a result, the Complainant's ANANTARA Trademarks and associated

goods and services have been prominently showcased to thousands of Indian guests across these hotels.

- (k) It is further humbly submitted, that by virtue of such extensive and widespread use, advertisement and promotional activities, public renown of ANANTARA and goodwill and reputation arising therefrom, internationally including in India, the ANANTARA Trademarks have acquired a very high degree of distinctiveness and qualify to be considered as well-known trademarks. The Complainant also actively promotes and advertises its ANANTARA Trademarks and goods and services thereunder through numerous social media sites/platforms such as Facebook, YouTube, Instagram, Twitter etc. The popularity of ANANTARA is also evident from the popularity of its social media pages. Notably, the Complainant's Instagram handle has over 200 thousand followers as of June' 2025, their YouTube page over 22.1 thousand subscribers as of June'2025. The Complainant also maintains Twitter(X) and Facebook pages with an average of more than 202 thousand followers each. Extracts from the Complainant's social media pages collectively are being filed with the present proceedings and marked as Annexure G(Colly).
- (l) That the Complainant, by virtue of its exemplary experience coupled with world class services has acquired unparalleled reputation in the hospitality industry worldwide. The highly acclaimed and favorable reviews, reputation and goodwill earned by the Complainant globally are also due to the enormous investments and resources expended in the form of time, effort, and money for promoting and publicizing the goods and services provided by the Complainant, especially the chain under the ANANTARA Trademarks. The annual promotional and marketing expenditure incurred by the Complainant, for the services provided under the ANANTARA Trademarks in the last few years are being tabulated hereunder:

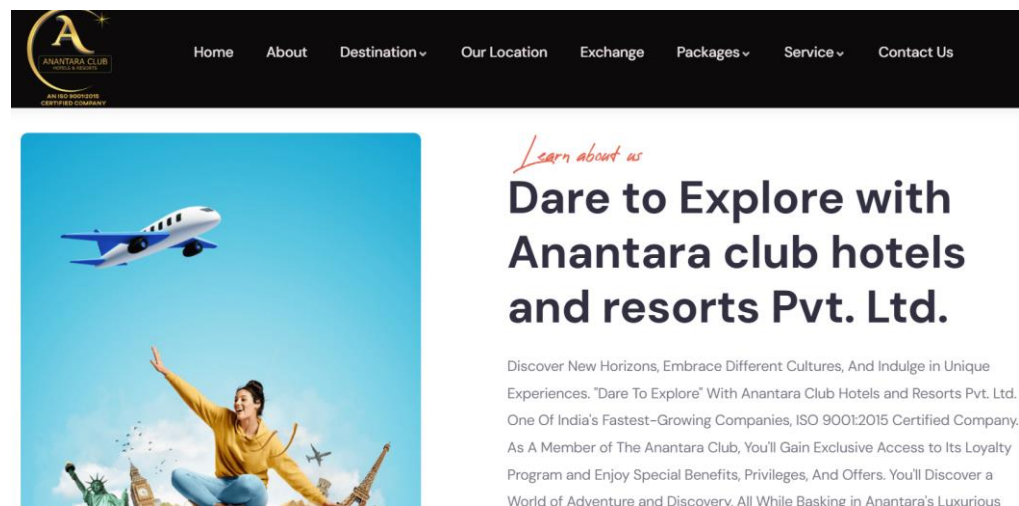
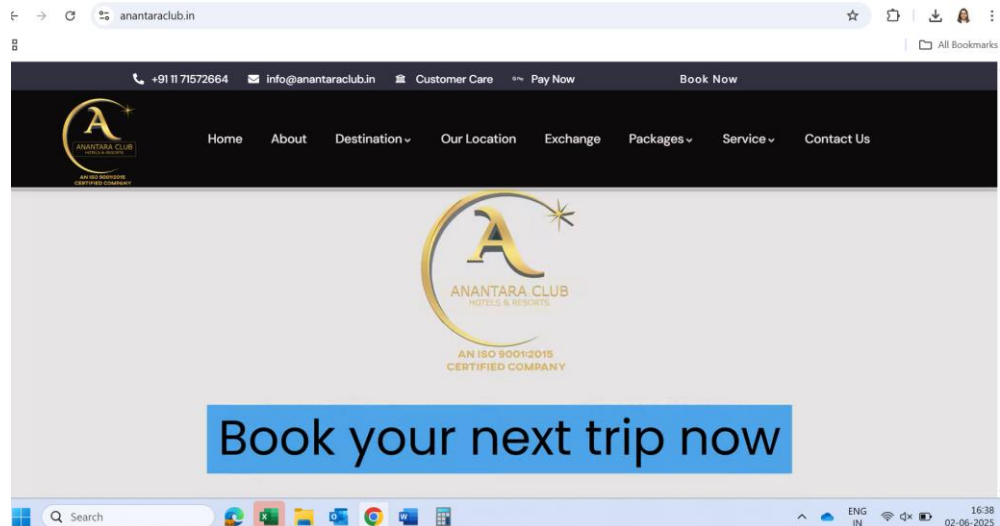
YEAR	USD
2013	8.981
2014	10,657
2015	14,527

2016	12,525
2017	17,969
2018	18,137
2019	16,782
2020	9,019
2021	8,945
2022	15,098
2023	18,267
Till August'2024	12,694

(m) On account of its global popularity and immense reputation, the Complainant's brand, ANANTARA also, at times, attracts unauthorized and illegal use by infringing parties, such as the Respondent herein. The Complainant regularly checks such misuse and takes appropriate legal actions against unscrupulous third parties. The Complainant has in fact obtained injunction orders and decree from Indian Courts against infringement and misuse of its trademark, ANANTARA along with various favourable orders in a number of UDRP/INDRP domain name complaints against third party infringers who were found making use of identical/similar domain names. Copies of the favorable orders for the transfer of the domains in the name of the Complainant and Decree of court, are annexed herewith and marked as Annexure I.

(n) Recently, the Complainant came across the domain name- [www.anantaraclub.in](http://www.anantaraclub.in). The Complainant learned that the Respondent has been promoting, marketing and offering its hospitality services to potential customers and public at large, through the said domain, which is the Impugned Domain herein. From the bare perusal of the website, hosted from the Impugned Domain, it is apparent that the Respondent is flagrantly and prominently using the Complainant well-known brand and registered trademark, ANANTARA, in respect to identical services being hospitality services. For ready reference, screenshot from the Respondent's website is reproduced herein below


















- (o) It is apparent that owing to the Complainant's global popularity and impeccable reputation, the Respondent has adopted and is using the Complainant's well-known brand and trademark, ANANTARA. Moreover, the Respondent has no reason to adopt the same for providing identical services, establishing the malicious intentions and dishonest adoption of the Complainant's trademark. These acts of Respondent are causing grave loss of revenue and reputation to the Complainant as also severe loss to the unwary customers. It is submitted that both the Complainant and consumers would continue to incur losses unless the Respondent's website is taken down and the Impugned Domain is transferred to the Complainant / suspended immediately.
- (p) The Complainant was concerned to note that the Respondent has wantonly adopted the Impugned Domain incorporating 'ANANTARA' which is










identical to the Complainant's well-known, registered and earlier trademark and trade name. The malafide adoption of the Impugned Domain is a blatant violation of the Complainant's valuable rights in the well-known, registered and earlier mark ANANTARA, since any use of the well-known trademark and trade name ANANTARA as a company name and/ or in any other manner whatsoever is likely to cause confusion and deception amongst the purchasing public and members of the trade. Further, such malafide adoption of the Impugned Domain is also likely to dilute the distinctive character of the Complainant's well-known, registered and earlier trademark and trade name ANANTARA. Being concerned with the same, the Complainant has now been constrained to initiate the subject proceedings with urgency.

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



















(a) Being wary of this notoriety and impeccable association of the brand "ANANTARA" with its business, the Complainant cautiously protects its intellectual property and other rights, interest, titles, goodwill and reputation in and around its well-known ANANTARA Trademarks and brand, worldwide. In relation thereto the Complainant has obtained several trademark registrations for the well-known mark "ANANTARA" and its formatives in India and in over 65 jurisdictions of the world. A comprehensive list entailing details of trademarks registrations obtained in relation to the ANANTARA Trademarks, and copies of a few registrations obtained are collectively attached herewith and marked as Annexure H (Colly). Following are the details of the Complainant's registrations and prior applications, for ready reference:









APP. NO.	TRADEMARK	CLASSES	COUNTRY
5175781	ANANTARA	03	INDIA
5175784	ANANTARA	43	INDIA
5175777		35	INDIA

5175776		3	INDIA
5175780		44	INDIA
5175783	ANANTARA	36	INDIA
5175782	ANANTARA	35	INDIA
5175785	ANANTARA	44	INDIA
5175779		43	INDIA
40M14328 4 2		3, 36, 43, 44	Mongolia
18012568 6		39, 41	Thailand
J00201303 3 0 8 8		44	Indonesia
V0020110 0 3 6 2 8		43	Indonesia
J00201101 6 9 9 3		35	Indonesia
26482020	ANANTARA	35, 43, 44	Switzerland
20180087 4 9		36	Malaysia
20180087 4 8		3	Malaysia
310658		3, 43, 44	Israel
M1432842		36, 3	Laos
TNM1001 4 3 2 8 4 2		3	Tunisia

1105613	ANANTARA	3, 36, 43, 44	New Zealand
1106794	 ANANTARA	43	New Zealand
1429924	 ANANTARA	3, 36, 43, 44	Madrid
1964293	ANANTARA	3, 36, 43, 44	Australia
1968400	 ANANTARA	43	Australia
KH/14328 4 2 / M	 ANANTARA	3	Cambodia
1432842	 ANANTARA	3, 36, 43, 44	Madrid
42018001 8 1 7	 ANANTARA	3, 36, 43, 44	Philippines
42018001 8 1 8	 ANANTARA	43	Philippines
40201725 3 3 1 W	 ANANTARA	3, 36, 43, 44	Singapore
40201725 3 2 8 U	 ANANTARA	3, 36, 43, 44	Singapore
16044158	ANANTARA	3, 43, 44	European Union
ZM/T/201 6 / 0 0 0 6 7 4	ANANTARA	16	Zambia
ZM/T/201 6 / 0 0 0 6 7 5	ANANTARA	3	Zambia



T2015850 5		43, 44	Bhutan
T2015850 4		3, 43, 44	Bhutan
20130057 6 2		44	Malaysia
MZT20112 0 4 0 6		43	Mozambique
MZT20112 0 4 0 7		44	Mozambique
JOT18814 2		43	Jordan
JOT18814 3		44	Jordan
11985097 6 6 5 8		43	Mexico
KH/32317 / 0 8		44	Cambodia
KH/32316 / 0 8		43	Cambodia
39795		42	Brunei
57972200 8		43, 44	Switzerland
T0808254 Z		43, 44	Singapore
1247760		43, 44	Australia
1005468		43	Malaysia
1005467		35	Malaysia
BHT07263 9		43	Bahrain
BHT10726 4 0		44	Bahrain

BHT10726 3 9		43	Bahrain
23676		43	Laos
23677		44	Laos
20100216 4 6		35	Malaysia
9542821		35, 43	European Union
62039201 0		35	Switzerland
T1014077 B		35	Singapore
1391049		35, 36	Australia
4942661		43, 44	European Union
40201800 0 1 3 7 2 6 7		43, 36	Korea
76401	ANANTARA HOTELS & RESORTS	45	Kazakhstan

(b) Quite evidently, the Complainant's trademark "ANANTARA" qualifies as a well-known trademark, enjoying exclusivity across all classes of products and services. It is submitted that ANANTARA Trademarks have predominantly become synonymous with the Complainant and their quality services and, therefore, the Complainant is entitled to exclusive proprietary rights therein. Further, the ANANTARA Trademarks have become so well-known to the public at large including those in India, that the use of an identical or similar mark in relation to identical/similar or

cognate and allied services/goods of another would likely be taken as indicating a connection between those services/goods with the Complainant.

**(8) Respondent's Identity and activities:**

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

**(9) Response by Respondent:**

No Response.

**(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 18 (words 4913) and annexure from A to J with 96 pages and Power of Attorney in 02 pages.

*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 4913 words and Annexures of total 98 pages, which are 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 apparent that the Complainant's well-known brand and registered mark, 'ANANTARA' is the most prominent and in fact, the essential feature of the Impugned Domain i.e. [www.anantaraclub.in](http://www.anantaraclub.in) . From the

website, it is also apparent that the Respondent has given significant emphasis on the Complainant's mark, thereby giving an impression that the Respondent is in fact, ANANTARA.

- (b) As elaborated above, the Complainant enjoys both statutory and common law rights qua the trademark ANANTARA in India and throughout the world. It is submitted that the Respondent has adopted and is using the Impugned Domain, to clearly denote that the Respondent is associated with or is affiliated with the Complainant. Pertinently, the Respondent is using the Complainant's trademark, as part of the Impugned Domain, company name and trading style, in respect to identical services i.e. spa/wellness services. This leaves no or very less doubt in the mind of the consumers that the Respondent is either the Complainant itself or is closely associated with the Complainant. On account of the use of an identical mark for identical services, the Respondent is clearly infringing upon the Complainant's well-known brand and trademark, ANANTARA.
- (c) It is submitted, as is the modus operandi of the Respondent to misrepresent the consumers is apparent from the fact that the Respondent has adopted and is using the impugned identity of "Anantara Club", and is using the same, also as part of the Impugned Domain, to piggy ride the Complainant's immense goodwill and reputation.
- (d) The Complainant submits that the Impugned Domain is identical to the Complainant's registered trademark, 'ANANTARA' and is used in order to attract the internet users and consumers for its own commercial gain by abusing the goodwill and reputation of the Complainant's 'ANANTARA' Trademarks. It is pertinent to note here that the Complainant had registered its domain names, www.anantara.com in the year 2000, and www.anantaravacationclub.com in 2010, and thus has much prior, continuous and extensive use of its well-known brand and trademark, even in terms of online presence. Owing to identical / confusing similarity of the Impugned Domain with the Complainant's well-known brand, registered marks and even domain name, the



Respondent's adoption and use of the Impugned Domain is highly prejudicial to the Complainant's exclusive and proprietary rights and interest.

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

**Submission by Complainant**

- (a) The Complainant submits that there is no credible or legitimate reason for the Respondent to have chosen to adopt a domain name consisting of the identical 'ANANTARA' mark. It is apparent that the Respondent has adopted the Impugned Domain with the sole intention to use the fame of the Complainant's 'ANANTARA' Trademarks to generate web traffic and confuse the internet users and the public at large. Such use by the Respondent is neither bonafide, nor a legitimate fair use of the Impugned Domain.
- (b) It is apparent that the Respondent has registered and using the Impugned Domain to:
  - a. Attract internet users who will believe that the Respondent's services have been authorized and/or licensed by the Complainant.
  - b. Misrepresent the relevant users and pass off its services as that of the Complainant; and
  - c. Misappropriate the Complainant's reputation, goodwill and customer loyalty for its own wrongful profits.
- (c) It is much apparent that the Respondent has adopted and is using the identical domain name to usurp the immense reputation and goodwill associate with the Complainant's ANANTARA Trademarks. Admittedly, the Complainant is the registered proprietor and owner of the ANANTARA Trademarks and hence the Respondent has no right or any interest, whatsoever, in respect of the said mark, also as part of the Impugned Domain, other than that of reaping undue and illegal benefit.
- (d) The aforementioned facts clearly establish a prima facie case that the Respondent has no right or legitimate interest in the Impugned Domain and

that the burden shifts to the Respondent to show that it does have rights or legitimate interest in the disputed domain name.

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

**Submission by Complainant**

- (a) The Respondent's bad faith is writ large from the fact that the Respondent has deliberately registered the Impugned Domain, [www.anantaraclub.in](http://www.anantaraclub.in) and is flagrantly using the Complainant's brand on its website, to create public confusion as to the source of the services.
- (b) The Respondent's continued registration and use of the domain [www.anantaraclub.in](http://www.anantaraclub.in), despite prior adjudication against them, demonstrates a clear pattern of deliberate trademark infringement. It is pertinent to mention that the Complainant had previously filed a Domain Name Complaint with the WIPO, against [www.anantaraclubs.com](http://www.anantaraclubs.com) in 2024, wherein the WIPO unequivocally ruled in our favor, finding the domain to be infringing and ordering its transfer. The decision, annexed herewith and marked as Annexure J, underscores the Respondent's unlawful conduct. Yet, disregarding this enforcement action, the Respondent has once again attempted to circumvent legal rulings by registering the infringing domain [www.anantaraclub.in](http://www.anantaraclub.in) in January 2024, exhibiting clear malafide intent and a blatant disregard for intellectual property rights. Such actions not only violate established trademark protections but also highlight the Respondent's persistent bad faith in seeking to misappropriate the Complainant's goodwill.
- (c) It is apparent that the Respondent has illegally adopted and is using the Impugned Domain / website to pass off their unregulated spa/wellness services, under the garb of being the Complainant itself or an entity, affiliated, associated or endorsed by the Complainant. Besides, causing grave harm and loss of revenue and reputation to the Complainant, the Respondent is causing severe losses to the users/ consumers, who may use the Respondent's services, under a belief that the same are provided by the Complainant and thereby duping them off heavy monetary losses. It is apparent from the above that the Respondent unauthorizedly

adopted the Complainant's prior and well-known trademark and is using the same, with ulterior motive to deceive unwary customers, including those who are interested in availing the quality services offered by the Complainant. In view of the serious loss caused to the Complainant as well as consumers, the Impugned Domain be immediately transferred to the Complainant, to cease these infringing activities of the Respondent.

- (d) The Respondent can have no plausible explanation as to how it came to adopt the Impugned Domain [www.anantaraclub.in](http://www.anantaraclub.in) in the first place except to have picked up the Complainant's identical trademark ANANTARA in its entirety and making the same part of the domain name to draw an apparent association with them and to depict to the public at large that they are the authorized service provider, partner/affiliate or related entity for the Complainant when that is not the case. As the Respondent is not affiliated or authorized by the Complainant, it is apparent that they are impersonating the Complainant's business and brand, to usurp illegal profits. The Respondent has no right to be exploiting or encashing upon the goodwill and reputation earned by the Complainant in its earlier and well-known trademark ANANTARA, and use of the same as part of the domain name has been done only in bad faith. The Respondent can neither have any explanation whatsoever for adoption of the Impugned Domain nor can any explanation be accepted in such a case of blatant copying of the Complainant's rights in its well-known, registered and earlier trademark ANANTARA. In the above circumstances, it is clearly evident that the Respondent has malafidely adopted the Impugned Domain, being totally aware of the trade name and trademark ANANTARA.
- (e) It is submitted that the evidence submitted so far overwhelmingly supports the conclusion that the Impugned Domain is being registered and used in bad faith, in light of the Complainant's extensive prior use and registration of its 'ANANTARA' marks and its domain [www.anantara.com](http://www.anantara.com). It is further submitted that given the prominence and well-known stature of the Complainant's services under its house mark, it is incomprehensible that the Respondent would have been unaware of the Complainant's

brand and trademark 'ANANTARA', at the time when the disputed domain name was registered. This behavior of the Respondent constitutes bad faith use and may tarnish the Complainant's reputation by, inter alia, attracting Internet users to a webpage that appears to be endorsed by the Complainant when there is no endorsement.

- (f) The Complainant submits that despite the prior knowledge of the Complainant's 'ANANTARA' mark, the Respondent registered the disputed domain name www.anantaraclub.in in year 2024, which is virtually identical to the Complainant's registered trademarks. In light thereof, it is submitted that the Respondent's conduct and adoption of the identical domain name amounts to bad faith. Having said so, it is further submitted that the Respondent intentionally adopted the identical domain name in order to attract the internet users to the disputed domain and its website thereon with a view to derive unfair monetary advantage.
- (g) Additionally, in registering the Impugned Domain www.anantaraclub.in, the Respondent has blatantly contravened the provisions of Paragraph 3 of the INDRP.
- (h) In view of the above, it is submitted that the Impugned Domain is a deliberate act of deception, misrepresentation and passing off and hence the same ought to be cancelled and/or transferred over to the Complainant.

#### **OTHER LEGAL PROCEEDINGS:**

##### **(15) Submission of Complainant**

It is submitted that the Complainant has not initiated any other legal proceedings against the Impugned Domain.

#### **REMEDY SOUGHT:**

##### **(16) Submission of Complainant**

In view of the aforesaid facts and circumstances, it is respectfully prayed to the Hon'ble Tribunal that it may be pleased to:

- a) Transfer the Impugned Domain to the Complainant; and/or
- b) Cancel the Impugned Domain; and



- c) Award cost of the proceedings to the Complainant;
- d) And may pass any other or further order as it may deem fit in the interest of justice and in the interest of the Complainant.

#### 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) latest by 05.08.2025 and thereafter latest by 20.08.2025. But Respondent failed to submit the same within said time limit; therefore, the Respondent right to submit the SOD was forfeited and the award was published on merits and on the basis of the documents 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 WIPO & INDRP cases, above mentioned facts by Complainant and non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 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 Awards of WIPO & INDRP cases, above mentioned facts by Complainant and non-submission of Statement of Defense, 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 the referred Awards of WIPO & INDRP cases, above mentioned facts by Complainant and non-submission of Statement of Defense, 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***

***“www.anantaraclub.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 23.08.2025 (Twenty Third Day of August, Two Thousand Twenty-Five).

**Place: Bhopal (India)**

**Date: 23.08.2025**



**(RAJESH BISARIA)**

**Arbitrator**

