



मध्य प्रदेश MADHYA PRADESH

DF 515830

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

ARBITRAL AWARD

Date-13.02.2026

Disputed Domain Name: www.nintendo.co.in

INDRP Case No -2077

THE PARTIES

(1) The Complainant is Nintendo Co., Ltd. is a corporation in Japan having its principal place of business at 11-1 Hokotate-cho Kamitoba Minami-ku Kyoto-shi, Kyoto Japan 601-8501.

The Respondent is Cui Long, Tiaoxi Jiayuan 3-502, 313000, Huzhou, China





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THE DOMAIN NAME AND REGISTRAR

(2)

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

(b) The Registrar with whom the disputed domain name is registered is indicated as:
NETIM SARL, with address: Netim, 264 Avenue Arthur Notebart, 59160 Lille FRANCE
and Email ID: tld@netim.com.

This was registered on 18.05.2022

PROCEDURAL HISTORY

(3)

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure	17.11.2025
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.	17.11.2025



Due date of submission of Statement of Claim by Complainant (instructed by mail dated 17.11.2025)	28.11.2025
Complainant 's response by submitting their Statement of Claim to AT- Soft copy Hard copy	18.11.2025 20.11.2025
Complainant 's response by submitting their Statement of Claim along with all annexures to Respondent- Soft copy - Complainant sent the copy of complaint along with all annexures to Respondent vide their mail dated 18.11.2025 (12:02PM) and stated that - <i>'We are serving the soft copy of the INDRP Domain Dispute Complaint relating to the domain name "nintendo.co.in " along with an editable copy of the same upon the Arbitrator appointed as well as the Respondent by way of this email in accordance with the Arbitrator's direction vide email dated 17.11.2025 and Rule 3 of the INDRP Rules of Procedure.'</i> Hard copy - Complainant vide their mail dated 26.11.2025 (11:14 AM) intimated that - <i>'The hard copy of our Complaint has now been delivered to the Respondent and proof of the same is attached [Waybill tracking no. 1900399244]. Accordingly, service of soft and hard copy of the Complaint upon the Respondent is now complete.'</i> By seeing the delivery report it was found that the said documents were delivered on 25.11.2025	18.11.2025 26.11.2025
Due date of submission of Statement of Defense by Respondent as instructed by AT mail dated 17.11.2025	09.12.2025
Respondent's response by submitting their Statement of Defense against the due date of submission as 09.12.2025	Not submitted
Complainant's response by submitting their Rejoinder	Not required



<p>AT by their mail dated 11.01.2026 stated and informed all concerning that- <i>Respondent was directed to file the Soft copy (PDF & Editable) and the Hard copy of 'Reply of the said complete complaint (Statement of Defense)' on or before 09.12.2025. But Respondent failed to file the same by this time limit and even by today. 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></p>	11.01.2026
The language of the proceedings	English

FACTUAL BACKGROUND

(4) The Complainant:

The Complainant is Nintendo Co., Ltd. 11-1 Hokotate-cho Kamitoba Minami-ku Kyoto-shi, Kyoto Japan 601-8501 with Telephone: NOT PROVIDED and Email: NOT PROVIDED

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

Name-Ms. Astha Negi , Mr. Saurabh Nandrekar , Ms. Sankalpita Pal

Address-Fidus Law Chambers LLP , F-12, Sector 8, Noida-201301

Contacts-91-120-4847550, 91-120-4847551

E mails-domaindisputes@fiduslawchambers.com; Astha@fiduslawchambers.com; saurabh@fiduslawchambers.com; Sankalpita@fiduslawchambers.com

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

Electronic-Only Material



Method: E-mail

Address: domaindisputes@fiduslawchambers.com

Contact: Ms. Astha Negi , Mr. Saurabh Nandrekar, Ms. Sankalpita Pal

Material Including Hard Copy

Method: Speed Post

Address: Fidus Law Chambers LLP

F-12, Sector 8, Noida-201301

Fax: 91-120-4847551

Contact: Ms. Astha Negi, Mr. Saurabh Nandrekar, Ms. Sankalpita Pal

(5) The Respondent:

Name: Cui Long

Address: Tiaoxi Jiayuan 3-502, 313000, Huzhou, China

Email: wuloudemao@gmail.com , Telephone: +86.18857249987

(6) Complainant's Activities:

- (a) The Complainant, headquartered in Kyoto, Japan, operates in the field of interactive entertainment including video games and hand-held gaming consoles. The Complainant is renowned across the world for its hi-tech, innovative and interactive entertainment products. In 1933, the Complainant's predecessor established an unlimited partnership named Yamauchi Nintendo & Co. In 1951, the Complainant's predecessor changed its corporate name to Nintendo Playing Card Co. Ltd. Thereafter, in 1963, the Complainant's present corporate name Nintendo Co., Ltd came into being. Since at least 1933, the Complainant has been incorporating the trademark NINTENDO as a conspicuous and integral part of its corporate name and identity. Complainant's main business website is "www.nintendo.com". Extracts from Complainant's website showcasing the history of the Complainant are enclosed as Annexure A.
- (b) Under the trademark NINTENDO, the Complainant has created notable gaming consoles such as Game boy, Nintendo DS, Wii and Nintendo Switch along with various popular video game franchises such as Super Mario,



Donkey Kong, Metroid, Zelda and Pokémon. The Complainant manufactures and markets both hardware and software products in the field of interactive entertainment. The Complainant has sold consumer video games to billions along with gaming consoles and gaming software to millions of consumers, globally. Documents showcasing the Complaint's range of hardware and software products extracted from the Complainant's website are enclosed as Annexure B.

- (c) The Complainant had registered its domain name <nintendo.com> on 10th January 1995 . Copy of the WhoIs extract for Complainant's domain name <nintendo.com> is enclosed as Annexure C. The said website has been featuring the trademark NINTENDO since at least 22nd December 1996 and extract of its archive retrieved from WayBack Machine (www.web.archive.org) is enclosed as Annexure D. The Complainant also holds registration for the domain name <nintendo.in> since 14th February 2005. Copy of the WhoIs extract for the Complainant's domain name <nintendo.in> is enclosed as Annexure E. Complainant's website is accessible in several countries (including India) and available in several languages, which are accessible through the Complainant's dedicated region-specific selector page www.nintendo.com/region-selector/.
- (d) Complainant's video games are available through mobile application listings on Google Play and Apple App Store in India. Relevant extracts of the said mobile application listings on Google Play Store and Apple App Store are enclosed as Annexure F.
- (e) The Complainant has sold millions of units of hardware and software in relation to the Complainant's popular video game under the marks NINTENDO SWITCH and NINTENDO SWITCH 2. Customers worldwide can access the Complainant's website to purchase gaming consoles and video games. A representative extract of the Complainant's online store is enclosed as Annexure G. In India, the Complainant's NINTENDO branded gaming consoles and video games are available on e-commerce marketplaces such as Amazon India. Few extracts of the Complainant's offerings on the said e-commerce platforms are enclosed as Annexure H.



- (f) The popularity and fame of the Complainant's products and services under the trademark NINTENDO can be gauged from the Complainant's social media presence. The Complainant maintains a bundle of region-specific accounts on social media platforms such as Instagram, Facebook, LinkedIn, X and YouTube which have seen an increasing number of followers and subscribers from around the world. The Complainant's social media pages help consumers and the public associate the products and services under the trademark NINTENDO with the Complainant itself. Extracts from Complainant's social media pages under the trademark NINTENDO are enclosed as Annexure K.
- (g) Over time the trademark NINTENDO has gained eminence with global recognition and success in the interactive gaming and entertainment industry of gamers and gaming enthusiasts, affording various accolades. Recently, the Complainant's Nintendo Switch 2 won the Japan Game Awards by Japan's Ministry of Economy, Trade and Industry (METI). In 2023, the Game Awards honoured the Complainant for games in its popular franchises such as Super Mario Bros, The Legend of Zelda, etc. At the Game Awards of 2022, the Complainant won the 'Best Action Game' for Bayonetta 3. In 2018, at the 21st Annual D.I.C.E Awards, the Complainant received top awards in various categories such as 'Game of the Year', 'Outstanding Achievement in Game Direction and Design', 'Handheld Game of the Year' etc. Extracts from news articles and blogs discussing the awards and accolades received by the Complainant are enclosed as Annexure L.

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

- (a) The Complaint is based on the Complainant's trademark NINTENDO. The Complainant honestly adopted its trademark NINTENDO and secured statutory rights in several jurisdictions around the world including Japan, China, United States, United Kingdom Australia, Belize, Canada, Chile, Philippines, Peru, Hong Kong, Mexico, Norway and Uruguay. A representative and non-exhaustive list of Complainant's foreign registrations jurisdictions are tabulated below and a few relevant status



pages from WIPO's global brand database and Intellectual property offices around the world are enclosed as Annexure I.

Country	Trademark	Registration no.	Filing Date/Registration date	Class(es)
Japan	NINTENDO 福 任天堂	452381	9 th November 1953	All classes
	Nintendo	1619331	21 st March 1980	9, 15, 20, 24, 25, 28
China	NINTENDO	285991	22 nd July 1986	9
United States	NINTENDO	73271433	18 th July 1980	9, 16, 28
United Kingdom	NINTENDO	UK00001167649	8 th January 1982	9, 14, 28
Australia	NINTENDO	378613	3 rd December 1981	9

- (b) In India, the Complainant trademark NINTENDO is registered since 5th September 1983. Details of a few Indian registrations for the Complainant trademark NINTENDO are as below:

Trademark	Registration no.	Filing Date/Registration date	Class(es)
NINTENDO	410209	5 th September 1983	28
	1243843	15 th October 2003	9, 16
	1441611	30 th March 2006	9, 16, 28, 38, 41
NINTENDO	1442202	3 rd April 2006	38, 41
NINTENDO	1597016	31 st August 2007	18, 25, 29, 30, 32, 35, 42

- (c) Copies of registration certificates obtained in India for the Complainant's trademarks are enclosed as Annexure J.



(d) The Complainant's rights in the trademark NINTENDO have been upheld in past domain name disputes under the Uniform Domain Name Dispute Resolution Policy ("UDRP"), such as <nintendo-gamecube.com> (Case No. D2000-1464), <clubnintendo.com> (WIPO Case No. D2010-0497), <i-nintendo.com> (Case No. D2000-1166) and <nintendoswitch2.com.br> (Case No. DBR2025-0002). Particularly, the UDRP Panel in Case No. D2000-1166 has observed "First, Complainant has registered its NINTENDO Marks worldwide. The "i-nintendo.com" Domain Name was first registered in February 2000 several years after Complainant had established rights in its NINTENDO Marks, and when Complainant's marks were well known worldwide.

(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 15 (words 3819) and annexure from A to O with 102 pages and Power of Attorney in 05 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 3819 words which are as per the above norms of the INDRP Rules and Annexures of total 107 pages, which is marginally surpassing the threshold of 100 pages. But in the interest of justice the submission is accepted.



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) The Complainant's rights in the trademark NINTENDO have been recognized as well-known in various UDRP decisions. The Complainant's trademark NINTENDO is registered in India since 1983. The Complainant also enjoys common law rights in its trademark NINTENDO in India which are well prior to the registration date of the disputed domain name.
- (b) The disputed domain name <nintendo.co.in> entirely subsumes the Complainant's prior used and registered trademark NINTENDO. Hence, the disputed domain name is identical and confusingly similar to the Complainant's trademark under the first element of the policy. Mere inclusion of the country-code second-level domain (ccSLD) 'co.in' in a disputed domain name will not distinguish the disputed domain name from the Complainant's trademark. It is a settled principle that ccSLD/ccTLD is to be disregarded when determining the similarity of the domain name with a mark under the first element. The Complainant relies on past INDRP decision in <prada.co.in> INDRP/1981 wherein the Panel held that the ccTLD "co.in" cannot help in distinguishing the disputed domain name from the complainant's trademark. The Panel in the decision of <kosas.in> INDRP/1903 held that "it is a well-established principal that when a disputed domain wholly incorporates a complainant's registered mark, the same is sufficient to establish identity or confusing similarity for the purposes of the Policy."
- (c) Hence, in the present case, the disputed domain name is identical to the Complainant's trademark NINTENDO, 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) Clause 6 of the INDRP provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name. None of these exist in the present case.
- (b) In the present case, the Respondent is neither a part of nor is it related to the Complainant. Before the initiation of this Complaint, the Respondent has not made any use and/or demonstrable preparations to use the disputed domain name consequently, they are not commonly known by this disputed domain name. The disputed domain name is being offered for sale at an exorbitant amount which is disproportionate to any costs the Respondent may have incurred for acquiring and maintaining the disputed domain name. As evidence under Annexures N and O, the historical page of the disputed domain name reveals a pattern of behavior by the Respondent where the disputed domain name has been persistently offered for sale by the Respondent. Further there is no evidence of any bona fide or substantive use being made of the website at the disputed domain name.
- (c) The Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to use the Complainant's famous trademark NINTENDO as a part of domain name.
- (d) Further, the disputed domain name has not been used for a legitimate business offering of goods or services by the Respondent. The Complainant relies on past INDRP decisions against the domains <saintgobain.co.in> INDRP/1992, <googlemeet.co.in> INDRP/1236, <brampium.co.in> INDRP/2008, <googleclassroom.in> INDRP/1308, and <googlepays.in> INDRP/1184. The Complainant further relies on <Panasonic.co.in> INDRP/1609 wherein the Panel observed "The selection of a domain name by the Respondent with a well-known trademark which is used to redirect to third party websites is not a bona-fide use and does not confer rights or legitimate interests."



- (e) In the case of <intesananpaolo.co> (WIPO Case no. DCO2012-0009), the UDRP Panel held that “The Respondent is not commonly known as “Intesa Sanpaolo” and has no other apparent connection with that name or mark. Further, the Respondent has not made any legitimate, non-commercial use of the disputed domain name.....Such use of the disputed domain name to link to a page offering it for sale for an exorbitant amount does not result in the Respondent acquiring any rights or legitimate interests in the disputed domain name”. This precedent squarely applies to the Complainant’s present case. The Complainant is the prior legitimate proprietor of the trademark NINTENDO and the Respondent’s act of offering the disputed domain name primarily for sale at an inflated sum of USD 8000 immediately after acquiring it, cannot be considered as legitimate and non-commercial in nature.
- (f) Further, the adoption and use by the Respondent since the registration date of the disputed domain name significantly postdates the Complainant’s acquired common law and registered rights in the trademark NINTENDO. Given the Complainant’s rights in the trademark NINTENDO is famous and well-known as upheld in <i-nintendo.com> (WIPO Case No. D2000-1166), it is implausible that the Respondent was unaware of the Complainant in the first place. Additionally, the Complainant already holds a registration of the domain name <nintendo.in> since 2005 which is also significantly prior to the registration date of the disputed domain name by the Respondent.
- (g) The UDRP Panel in <kraftrecipes.com> (WIPO Case No. D2009-0547) held that “...while the overall burden of proof rests with Complainant, panels have recognized that this could result in the often-impossible task of proving a negative, requiring information that is often primarily within the knowledge of the respondent. Therefore, a Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such a prima facie case is made, respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, a Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP”. See, e.g., Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455; Belupo d.d. v. WACHEM d.o.o., WIPO Case No. D2004-0110”. None of the conditions laid down under Clause 6 of the INDRP have

been satisfied by the Respondent. The Complainant has established 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 disputed domain name. The Complainant further relies on the decision in <eurocopter.in> INDRP/116.

- (h) In light of the above, the Complainant has successfully satisfied the second requirement set out in Clause 4(b) of INDRP.

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

Submission by Complainant

- (a) Clause 7 (a) of the INDRP notes the following circumstance, if found by the Panel, may demonstrate a Disputed Domain has been registered and used in bad faith:
- (b) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the Trademark or Service Mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or
- (c) The Complainant's trademark NINTENDO is famous and well-known and its unauthorized usage in the disputed domain name by itself reveals the Respondent's bad faith. The Complainant relies on <aprilla.in> INDRP/1132 wherein the INDRP Panel relied on the case of The Caravan Club v. Mrgsale, FA 95314 where it was held: "registration of a well-known trademark by a party with no connection to the owner of the trademark and no authorization or legitimate purpose to utilize the mark reveals bad faith."
- (d) The Respondent's has registered the disputed domain name primarily for the purpose of selling it to the Complainant or its competitor. As evidenced under Annexures N and O by the Respondent's consistent attempt to sell the same at an exorbitant price of USD 8000 (which significantly exceeds the

registration costs of the disputed domain name) is demonstrative of bad faith. The Respondent has registered the disputed domain name primarily with the intent to lure the Complainant or its competitor to buy the disputed domain name from the Respondent at an inflated rate. This thereby satisfies Clause 7(a) of INDRP. The Complainant relies on <tek.in> INDRP/1415, the INDRP Panel held that “Further the Respondent has put the domain on sale at a price of USD 10,000. The disputed domain will certainly be purchased by one who has rights in the marks or the competitor of the Complainant. The registration of the domain name solely for the purpose of selling is against INDRP.” The complainant also relies on similar findings made in <inc.mobi> (WIPO Case No. D2006-1479), <mbf.com> (WIPO Case No. D2006-0450), <toefl.com> (WIPO Case No. D2000-0044), <rado.in> INDRP/1416 and <meesho.in> INDRP/1906.

- (e) The Respondent does not have any conceivable bona fide use of the disputed domain name and in fact is making a notorious attempt to sell the same at an inflated sum. As also discussed above, the Complainant’s trademark has already been recognised as well-known by Panel in various UDRP decisions. The Complainant submits that the Respondent had constructive notice of the Complainant’s rights in the trademark NINTENDO by virtue of the Complainant’s well spread reputation and use. The Complainant relies on UDRP Panel’s decision in <f1ferrari.com> (WIPO Case no. D2003-0882) where it was held that “Respondent has appropriated a trademark having a strong reputation and widely known. The Panel finds it implausible that [r]espondent was unaware of [c]omplainant's trademark . . . [r]espondent has provided no evidence or suggestion of a possible legitimate use . . . Thus, in the words of Telstra, it is not possible to conceive of any plausible actual or contemplated active use of the Domain Name by [r]espondent that would not be illegitimate, such as passing off, or an infringement of consumer protection legislation, or an infringement of the [c]omplainant’s rights under trademark law”.
- (f) The Respondent ‘Cui Long’ has been engaging in a pattern of registering disputed domain names comprising famous and well-known trademarks and brand names solely for the purpose of selling them and has been a

respondent party to several UDRP and INDRP decisions including the list below.

Domain name	INDRP/WIPO Case Number	Decision
<molnlycke.co.in>	INDRP/1813	Disputed domains transferred to Complainant.
<molnlycke.com.ua>	WIPO Case No. DUA2025-0007	
<klarna.com.ua>	WIPO Case No. DUA2021-0024	
<clarins.ro>	WIPO Case No. DRO2020-0005	
<boehringer- ingelheim.qa>	WIPO Case No. DQA2023-0002	

- (g) The Complainant relies on UDRP Panel’s decision in <klarna.com.ua> (WIPO Case No. DUA2021-0024) where it was observed “The Panel also takes into consideration that the Respondent “Cui Long” has been a respondent in previous UDRP decisions referring to well-known brands (like BARILLA, CLARINS or ASHLEY MADISON). See for instance Barilla G. e R. Fratelli S.p.A. v. Cui Long, WIPO Case No. DCO2021-0062; Clarins v. Cui Long, WIPO Case No. DRO2020-0005; Ruby Life Inc. v. Cui Long, WIPO Case No. D2019-0358 et al.”.
- (h) Further, Clause 3(d) of the INDRP requires a Respondent to not 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 Respondents, cannot be ignored as was observed by the INDRP Panel in <momondo.co.in> INDRP/882. It is submitted that the Respondent is guilty of trademark infringement and passing off the Complainant’s trademark NINTENDO. Hence, the Respondent had an onus to ensure that the registration of disputed domain name did not violate the Complainant’s trademark rights in NINTENDO.
- (i) It is therefore submitted that the disputed domain name has been registered and is being used in bad faith. Hence, the Complainant has satisfied the third requirement set out in Clause 4(c) of INDRP.



OTHER LEGAL PROCEEDINGS:**(15) Submission of Complainant**

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:

- (a) 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 4 (b) (ii) of the INDRP Rules of Procedure;
- (b) That the .IN Registry of NIXI be directed to transfer the disputed domain name <nintendo.co.in>- to 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 11.01.2026. 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) As per Clause 5(e) INDRP Rules of Procedure the Award of this case is published within the extended period of additional 30 days due to the non-availability of the stamp paper in the market.

(24) **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. nintendo.co.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 13.02.2026 (Thirteenth Day of February, Two Thousand Twenty-Six).

Place: Bhopal (India)

Date: 13.02.2026



(RAJESH BISARIA)

Arbitrator