



सत्यमेव जयते

# INDIA NON JUDICIAL

## Government of National Capital Territory of Delhi

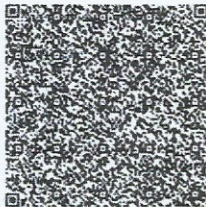
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Certificate No. : IN-DL92103092665972U  
 Certificate Issued Date : 24-Sep-2022 11:25 AM  
 Account Reference : SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH  
 Unique Doc. Reference : SUBIN-DL DL-SELF64057142450771U  
 Purchased by : PRABODHA AGRAWAL  
 Description of Document : Article 12 Award  
 Property Description : INDRP CASE NO. 1609 - ARBITRATION AWARD  
 Consideration Price (Rs.) : 0  
 (Zero)  
 First Party : PRABODHA KUMAR AGRAWAL  
 Second Party : NOT APPLICABLE  
 Stamp Duty Paid By : PRABODHA KUMAR AGRAWAL  
 Stamp Duty Amount(Rs.) : 100  
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Panasonic Holdings Corporation, Osaka, Japan vs. Pardeep, Mohali, Punjab  
**INDRP Case no. 1609**  
 Arbitrator: Mr. P.K.Agrawal

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## AWARD

### 1. The Parties

The Complainant is M/s **Panasonic Holdings Corporation, (formerly Panasonic Corporation)**, 1006, Oaza Kadoma, Kadoma-shi, Osaka 571-8501, Japan.

The Respondent is **Pardeep**, Sukhna Enclave, Kansal, Mohali, Punjab – 160103, India.

### 2. The Domain Name and Registrar

The disputed domain name is **<PANASONIC.CO.IN>**. The said domain name is registered with the Registrar – Dynadot LLC (IANA ID: 472). The details of registration of the disputed domain name (as per WHOIS details relevant to the Complaint) are as follows:

- a. Domain ROID: DB76185CA34964C47B2709858B7786819-IN
- b. Date of creation: May 12, 2020.
- c. Expiry date: May 12, 2023.

### 3. Procedural History

- (a) A Complaint dated nil by the Complainant has been filed with the National Internet Exchange of India (NIXI). The Complainant has made the registrar verification in connection with the domain name at issue. The print outs confirmed that the Respondent is listed as the registrant and provided the contact details for the administrative, billing, and technical contact. The Exchange verified that the Complaint satisfied the formal requirements of the Indian Domain Name Dispute Resolution Policy (INDRP) (the “Policy”) and the Rules framed thereunder.
- (b) The Exchange appointed the undersigned Mr. P.K.Agrawal, Advocate and former Addl. Director General in the Government of India, as the sole Arbitrator in this matter. The Arbitrator finds that he has been properly appointed. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Exchange.



- (c) In accordance with the Policy and the Rules, the copies of complaint with annexures were sent by the National Internet Exchange of India on 12.09.2022 by email. The Arbitrator served the Notice under Rule 5(C) of INDRP Rules of procedure along-with copies of complaint and annexures to the parties through email on 12.09.2022. The Complainant was advised to send copy of complaint (physical delivery) to the Respondent's address as reflected in WHOIS details. The Complainant submitted & served the complaint through email and through "Blue Dart" courier and RPAD which the Respondent refused to receive as per evidence submitted by the Complainant through email dated 14.9.2022. The Respondent was given 14 days for reply to the complaint. The Notice email was served upon the Respondent email id given in WHOIS details which was delivered; however, it could not be served upon the *postmaster@panasonic.co.in* as it was returned undelivered by Gmail due to non- acceptance by the recipient's server. The Complainant, through his email dated 13.09.2022 has submitted the proof of dispatch of his Complaint to the Respondent through Blue Dart courier and RPAD (India Post). In view of this, the Complaint and its annexures may be regarded to have been served to the Respondents as per Arbitration and Conciliation Act, 1996 and INDRP rules. The Respondent responded through email dated 13.9.2022 to the Complaint served to him and gave a short reply.

#### 4. Factual Background

The Complainant in this arbitration proceedings is M/s **Panasonic Holdings Corporation, (formerly Panasonic Corporation)**, 1006, Oaza Kadoma, Kadoma-shi, Osaka 571-8501, Japan.

According to the details given in the complaint, the Complainant is a multinational corporation organized and existing under the laws of Japan and having presence and/or establishments in several countries of the world. The Complainant has a history that spans more than 100 years. The Complainant's product portfolio boasts of a wide variety of products, systems and services, ranging from consumer electronics products to industrial devices, automotive electronics and parts, building products and housing materials and construction. The fanciful mark 'Panasonic' ("**trade mark**") was coined and adopted by the Complainant in the year 1955 in relation to audio speakers. The said trade mark was created by combining the words 'Pan' and 'Sonic' since the intention of the Complainant was to 'bring the sound it created to the world'. The earliest



trade mark application for the mark 'Panasonic' dates back to 5th October 1955 with the following details:

App. No.	Jurisdiction	Class	Status
1955-027134	Japan	7, 9, 10, 11, 12, 17	Registered

The Complainant has secured registration of the said trade mark 'Panasonic' in numerous jurisdictions which are valid and subsisting.

Jurisdiction	Number	App. Date	Class
United States of America	72003002	1956-02-20	9
Canada	237510	1956-09-21	9
Singapore	T6845252A	1968-11-28	9
Australia	284562	1975-01-20	14
European Union	000170688	1996-04-01	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 28, 35, 37, 41

The Complainant is also the registered proprietor of numerous 'PANASONIC' marks in India under the Trade Marks Act, 1999. Particulars of some of the registrations are provided below:

Trade Mark No.	Application Date	Class	Status
251515	05/09/1968	9	Regd.
270810	24/03/1971	1	Regd.
441595	12/08/1985	20	Regd.
552952	19/06/1991	17	Regd.
978796	21/12/2000	20	Regd.
1244170	17/10/2003	35, 36, 37, 38, 40, 41, 42	Regd.
1983400	22/06/2010	7, 9, 11, 12, 39	Regd.
2477289	13/02/2013	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 19, 20, 21, 25, 26, 28, 35, 38, 39, 40, 41, 42, 43, 44, 45	Regd.

The Complainant has also registered numerous domain names comprising 'Panasonic' as their essential and prominent feature including <panasonic.in> which was registered on 2009-04-22.

The Complainant claims that since at least 1955, the said trade mark has been used openly, extensively, continuously and exclusively by the Complainant. Since 2008, the said trade mark also forms an essential and prominent part of the corporate name of the Complainant ("said name").

The Complainant submits that over the years, the Complainant's presence has extended to many countries/ jurisdictions across the globe including but not limited to the India, United States of America, Canada, Australia, New Zealand, the United Kingdom, etc. The said name and mark 'Panasonic' has also been highly publicized and advertised, both in India



and globally, such that any reference to 'Panasonic' is instantly associated by the members of public with the Complainant to the exclusion of all others. The said name and mark 'Panasonic' has gained tremendous reputation and goodwill over the years (world-wide including in India) and the same has acquired the status of well-known mark considering *inter-alia* the duration, extent and geographical area of use and promotion and knowledge and popularity of the said mark amongst the members of trade and public.

The Complainant claims that the Complainant is the legal proprietor of all right(s), title and interest in and to the said trade mark 'Panasonic' and is entitled to protect and enforce the proprietary rights vested in it in respect of the same.

### **Respondent's Identity and Activities**

The Respondent's activities are not known as per WHOIS details. The Respondent responded on 13.9.2022 to the Notice and complaint served upon him through emails and couriers. In his short email dated 13.9.2022, the Respondent has claimed that he was not aware of the potential legal issues of owning this domain. He found this domain available and thought that Panasonic is not interested in owning the domain. He has claimed that he has not misused the brand name or harm anyone in anyway. He has offered to surrender the domain realising his mistake of owning this domain.

## **5. Parties Contentions**

### **A. Complainant**

The Complainant contends that each of the elements specified in the Policy are applicable to this dispute.

In relation to **element (i)**, the Complainant submits that (a) the present Complaint is based on the Complainant's name and trade mark 'Panasonic'. The Complainant is the proprietor of the said trade mark in various classes in numerous jurisdictions across the world including India. The disputed domain name, wholly incorporates the Complainant's well-known trade mark and name 'Panasonic' as its essential feature along with the ccTLD <.in>. It is now well-established that addition of a ccTLD is recognized as a technical requirement for the domain name and therefore is irrelevant to the analysis of identity/ similarity of a domain name with a trade mark [*Google Inc. v. Ding RiGuo*, INDRP/794; *Aon PLC and Ors. v. Guanrui*, INDRP/633; *Dell Inc. v. Mani Soniya*, INDRP/753].



(b) It is also well-established that incorporation of a well-known trademark (particularly if the mark is an internationally well-known mark) in its entirety is sufficient to establish that the domain name is identical or confusingly similar to Complainant's registered trademark [*Lockheed Martin Corporation v. Aslam Nadia*, INDRP/947; *Kenneth Cole Productions v. Viswas Infomedia*, INDRP/093; *Dell Inc. v. Mani Soniya*, INDRP/753].

(c) Under the INDRP, it is the responsibility of the Respondent to find out before registration that the domain name being registered does not violate the rights of any proprietor [*Lockheed Martin Corporation v. Aslam Nadia*, INDRP/947]. The Respondent has failed in/ blatantly violated his responsibility.

(d) Further, it is pertinent to mention that the Respondent itself has displayed the following disclaimer on the website hosted on the disputed domain name: "*Panasonic.co.in is a separate entity & doesn't have any collaboration with Panasonic Corporation (Global) & Panasonic India Pvt. Ltd.*" The said disclaimer undeniably establishes that the Registrant had knowledge of: (i) the Complainant (ii) the Complainant's Indian subsidiary and (iii) the trade mark 'PANASONIC'. The Respondent has registered disputed domain name with full knowledge of the Complainant's prior rights in the same and included the disclaimer since the disputed domain name is identical or confusingly/ deceptively similar to the Complainant's well-known trade mark.

(e) Further, the Hon'ble High Court of Delhi has held that appropriation of another's mark as a domain name cannot be remedied by a disclaimer [*Yahoo!, Inc. vs Akash Arora & Anr.*, 78 (1999) DLT 285 citing with approval *Jews for Jesus Vs. Brodsky*, 46 USPQ 2d 1652]. Moreover, in several domain name dispute awards passed under the UDRP, it has been held that presence of a disclaimer is irrelevant to the similarity analysis [*Las Vegas Sands, Inc .v. The Sands of the Caribbean and Las Vegas Sands, Inc .v. George Samuel*, WIPO D2001-1134; *Estée Lauder .v. estelauder.com et al*, WIPO Case No. D2000-0869].

The Complainant submits that the disputed domain name contains in its entirety the registered and well-known name and mark 'Panasonic' of the Complainant. The said name and mark is the main component of the disputed domain name. Unwary internet users are very likely to be confused / misled to believe that the disputed domain name belongs to the Complainant. The disputed domain name essentially capitalizes on the use of the said trade mark and name of the Complainant. The Complainant and its group companies have collectively registered more than a thousand domain names comprising 'Panasonic'. Hence, the disputed domain name appears to be another domain name registered by the Complainant.



Accordingly, the Complainant contends that the first condition that Respondent's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights, as per Paragraph 4 (a) of the Policy has been satisfied.

In relation to **element (ii)**, the Complainant contends that (a) The mark 'Panasonic' is a fanciful word, having no dictionary meaning and coined by the Complainant. The Complainant is the honest adopter and user of the said name and mark 'Panasonic' since at least 1955. The said name and mark 'Panasonic' have attained tremendous goodwill and reputation around the world, including India. The Complainant's adoption, use and registration of the 'Panasonic' trade mark in India predates the Respondent's registration of the disputed domain name by several decades. (b) It is well-established that trade mark registration is recognized as *prima facie* evidence of rights in a mark [*International Hotels v. Abdul Hameed INDRP/278*; *Société Anonyme Des Galeries Lafayette v. Ding RiGuo, INDRP/1083*]. The name and trade mark PANASONIC is internationally well-known and exclusively associated and identified with the Complainant and the same has been recognised in previous domain name dispute arbitrations under INDRP and UDRP, in all of which the Complainant has been successful.

(c) The Complainant further contends that to the best of the Complainant's knowledge; the Respondent is not commonly known by the disputed domain name and has never acquired any trademark or service mark rights in the disputed domain name. Given the Complainant's established use of its trade mark 'Panasonic', it is unlikely that the Respondent is commonly known by the said trade mark [*Six Continents Hotels, Inc. v. Trasporto di Networ and Pro Intel, WIPO Case No. D2004-0246*]. In fact, the disclaimer included evinces that the Respondent was fully aware that the disputed domain name has the potential to create a false association with the Complainant and its well-known trade mark. To the best of the Complainant's knowledge, the Respondent does not have any trade marks rights in the word 'Panasonic'. It is a settled position that if the Respondent does not have trade mark rights in the word corresponding to the disputed domain name and the Respondent is not commonly known by the disputed domain name, the Respondent can have no right or legitimate interest [*Shulton Inc. v. Mr. Bhaskar, INDRP/ 483*; *Société Anonyme Des Galeries Lafayette v. Ding RiGuo, INDRP/1083*].

(d) The trade mark 'Panasonic' is internationally well-known. No license, permission or authorization has been granted by the Complainant to the Respondent to use 'Panasonic'. It is well-established that in the absence of any license or permission to use such a widely-known trade mark, no actual



or contemplated bona fide or legitimate use of the domain name could reasonably be claimed [*Make-up Art Cosmetics Inc. v. Doublefist Ltd.* INDRP/1094; *Formula 1 Licensing B.V. v. Sachin Sahrawat*, INDRP/960; *Kelly Properties LLC v. Neha*, INDRP/ 1176]. Further, the disclaimer appearing on the Respondent's website amounts to an admission that the Respondent has no connection/ association with the Complainant.

(e) The Respondent is neither using the disputed domain name in connection with a bona fide offering of goods or services nor making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain. In fact, the Respondent has made illegitimate/ unfair use of the disputed domain name with an absolutely *malafide* intent of riding on the Complainant's reputation and goodwill and making illicit commercial gains. Specifically, the Respondent has intentionally attempted to attract internet users/ traffic to its website by using the Complainant's well-known name and mark as a part of the disputed domain name and then re-directing its audience using EZOIC advertising tools in an attempt to earn advertising fees. The Respondent is monetizing its website traffic by re-directing visitors using display ads, promoted products and weblinks to third party websites and therefore has a commercial incentive to attract internet users to its website by misappropriating the reputation of a well-known brand. Misleading users by incorporating other's trademarks in a domain name gives a false impression to users and does not constitute a bonafide offering of goods and services [*Consorzio del Prosciutto di Parma v. Jim Muller*, INDRP/218; *Dell Inc. v. Mani Soniya*, INDRP/753; *Zurich American Insurance Company v. Administrator. Domain. WIPO Case No.D2007-0481*]. Pertinently, some of the display ads, promoted products and weblinks to third party websites as appearing on the website hosted on the disputed domain name pertain to the Complainant's competitor's (such as Samsung, LG, Sony etc.) products / services and hence, there is undeniable monetary loss, damage to reputation and harm being caused to the Complainant by the Respondent's use of the disputed domain name.

(f) It is also relevant to note that the top keywords/ search words driving traffic to the disputed domain name are: "*panasonic*", "*panasonic india*", "*panasonic customer care*" and "*Panasonic ac customer care*" – clearly indicating that web-traffic is being driven to the disputed domain name on an assumption that it is the official website of the Complainant and/or its group company. The Respondent is intentionally attempting to attract internet users to the website by creating confusion with the Complainant's name. The selection of a domain name by the Respondent with a well-known trademark which is used to redirect traffic to third party websites is not a *bona-fide* use and does not confer rights or legitimate interests [*Media*



*General Communications Inc. v. Rare Names, WebReg, WIPO Case No.D2006- 0964; HSBC Finance Corporation v. Clear Blue Sky Inc. and Domain Manager, WIPO Case No.D2006-0062*].

Based on the above-mentioned arguments, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, as per Paragraph 4 (b) of the Policy.

Regarding the **element (iii)**, the Complainant contends that (a) bad faith can be found where a respondent “knew or should have known” of a complainant’s trade mark rights and nevertheless registered a domain name in which it had no rights or legitimate interests [*Research In Motion Limited v. Privacy Locked LLC/Nat Collicot, WIPO Case No. D2009-0320; The Gap, Inc. v. Deng Youqian, WIPO Case No. D2009-0113*]. The Complainant is well-known throughout the world including India. As the disputed domain name entirely reproduces Complainant’s fanciful trade mark ‘Panasonic’ and contains a disclaimer about the Complainant, the Respondent was well aware of the Complainant and its trade mark rights while registering the disputed domain name.

The Complainant submits that as held in numerous INDRP and UDRP awards, bad faith can be found where a domain name is so obviously connected with a well-known trademark that its very use by someone with no connection to the trademark may suggest opportunistic bad faith [*LEGO Juris A/S v. store24hour, WIPO Case No. D2013-0091; Lancôme Parfums et Beauté & Cie, L’Oréal v. 10 Selling, WIPO Case No. D2008-0226*].

The act of the Respondent in registering a domain name comprising of the Complainant’s well-known trademark in its entirety creates an irrefutable impression of an association/ relationship between the Complainant and the Respondent, which is not the case. The Respondent’s conduct reflects a blatant attempt to profit illegally and wrongfully from the goodwill and reputation garnered by the Complainant. 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 [*Media General Communications Inc. v. Rare Names, WebReg, WIPO Case No.D2006- 0964; HSBC Finance Corporation v. Clear Blue Sky Inc. and Domain Manager, WIPO Case No.D2006-0062*].

According to the Complainant, it is amply evident that the Respondent is not using the disputed domain name for any legitimate purpose. Use of the disputed domain name is a clear case of taking undue advantage of the Complainant’s substantial reputation and goodwill, diverting web-traffic and business and making illicit commercial gains.



Such nefarious use of the disputed domain makes it amply evident that the disputed domain name is being used in bad faith and for illicit purposes.

In view of the aforesaid, the Complainant submits that the disputed domain name has been registered and is being used in bad faith, and that paragraph 4(c) of the INDRP is satisfied.

## **B. Respondent**

The Respondent responded on 13.9.2022 to the Notice and complaint served upon him through emails and couriers. In his short email dated 13.9.2022, the Respondent has written –

“Dear Sir,

I was not aware of the potential legal issues of owning this domain. I found this domain available and thought that Panasonic is not interested in owning the domain. I have published very little content without any ill intentions. I have not earned much money from Ads or any other means.

I have not misused the brand name or harm anyone in anyway.

I want to surrender the domain realising my mistake of owning this domain.

Kindly let me know the next steps.”

He did not submit any evidence or argument indicating his relation with the disputed domain name <panasonic.co.in> or any trademark right, domain name right or contractual right.

## **6. Discussion and Findings**

The Rules instruct this arbitrator as to the principles to be used in rendering its decision. It says that, “a panel shall decide a complaint on the basis of the statements and documents submitted by the parties in accordance with the Policy, the Arbitration and Conciliation Act, 1996, the Rules and any rules and principles of law that it deems applicable”.

According to the Policy, the Complainant must prove that:

- (i) The Registrant’s domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;
- (ii) The Registrant’s has no rights or legitimate interests in respect of the domain name that is the subject of Complaint; and
- (iii) The Registrant’s domain name has been registered or is being used in bad faith.

Although Respondent has not offered any arguments to defend himself



on this complaint, the default does not automatically result in a decision in favour of the Complainant. The burden remains with Complainant to establish the three elements of the Policy by a preponderance of the evidence.

#### **A. Identical or Confusingly Similar**

The disputed domain name *<panasonic.co.in>* was registered by the Respondent on May 12, 2020.

The Complainant is an owner of the registered trademark "PANASONIC" for the last many years. The Complainant is also the owner of the similar domains as referred to in the Complaint. These domain names and the trademarks have been created by the Complainant much before the date of creation of the disputed domain name by the Respondent. In the present case the disputed domain name is *<panasonic.co.in>*. Thus, the disputed domain name is very much similar to the name, activities and the trademark of the Complainant.

The Hon'ble Supreme Court of India has held that the domain name has become a business identifier. A domain name helps identify the subject of trade or service that an entity seeks to provide to its potential customers. Further that, there is a strong likelihood that a web browser looking for "PANASONIC" products would mistake the disputed domain name as of the Complainant.

In the case of *Wal Mart Stores, Inc. v. Richard MacLeod*, (WIPO Case No. D2000-0662) it has been held that "When the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name" it is identical or confusingly similar for purposes of the Policy.

Therefore, I hold that the domain name *<panasonic.co.in>* is phonetically, visually and conceptually identical or confusingly similar to the trademark of the Complainant.

#### **B. Rights or Legitimate Interests**

The Respondent may demonstrate its rights to or legitimate interest in the domain name by proving any of the following circumstances:

- (i) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or



- (ii) the Registrant (as an individual, business or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights; or
- (iii) The Registrant is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

In Case No. INDRP/776, *Amundi v. GaoGou*, the arbitration panel found that the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such *prima facie* case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4 (II) of the INDRP Policy.

The Respondent has responded through a very short mail in this case without submitting any argument in his favour despite sufficient notice. There is no evidence to suggest that the Respondent has become known by the disputed domain name anywhere in the world. The name of the Registrant / Respondent is not **PANASONIC** as per WHOIS details. Based on the evidence adduced by the Complainant, it is concluded that the above circumstances do not exist in this case and that the Respondent has no rights or legitimate interests in the disputed domain name.

Further, the Complainant has not consented, licensed or otherwise permitted the Respondent to use its name or trademark "**PANASONIC**" or to apply for or use the domain name incorporating said trademark. The domain name bears no relationship with the Registrant. Further that, the Registrant has nothing to do remotely with the business of the Complainant.

As has been contended by the Complainant, the Respondent is not making a legitimate, fair or bona fide use of the said domain name for offering goods and services. The Respondent registered the domain name for the sole purpose of creating confusion and misleading the general public.

I, therefore, find that the Respondent has no rights or legitimate interests in the domain name *<panasonic.co.in>* under INDRP Policy, Para- 4(ii).



### **C. Registered and Used in Bad Faith**

Any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration or use of the domain name in bad faith:

- (i) 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
- (ii) the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or
- (iv) by using the domain name, the Registrant has intentionally attempted to attract the internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

The contention of the Complainant is that the present case is covered by the circumstances mentioned herein above. There are circumstances indicating that the Respondent has intentionally attempted to attract, for commercial gain, internet users to its web site, by creating a likelihood of confusion with the Complainant's mark. It may also lead to deceiving and confusing the trade and the public.

In WIPO Case No. D2007-1695, Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe - "Respondent's use of a domain name confusingly similar to Complainant's trademark for the purpose of offering sponsored links does not of itself qualify as a bona fide use."

The circumstances as evident from the foregoing paragraphs lead to the conclusion that the domain name in dispute was registered and used by

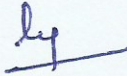


the Respondent in bad faith.

**7. Decision**

In light of the foregoing findings, namely, that the domain name is confusingly similar to the trademark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the domain name was registered in bad faith and is being used in bad faith, it is clear beyond doubt that the Respondent has violated the provisions of Rule-3 of the Policy. Therefore, in accordance with the Policy and the Rules, the Arbitrator orders that the domain name <panasonic.co.in> be transferred to the Complainant.

No order to the costs.



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**Prabodha K. Agrawal**

**Sole Arbitrator**

Dated: 26<sup>th</sup> September, 2022