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IN-DL04010958961088Y

INDRP CASE NO, 2110

AWARD

Puneet Dhawan

Statutory Alert:

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UNDER INDRP POLICY & RULES OF PROCEDURE

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....Complainant

Versus

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.....Respondent

DOMAIN IN ISSUE: CELPIP.IN

ARBITRATION AWARD: (INDRP CASE NO.2110)

The Complainant, details as mentioned above in the title, has filed a Complaint under INDRP Policy and Rules of Procedure against the domain CELPIP.IN

The domain CELPIP.IN is registered in the name of the Respondent, as mentioned in the title above, through the Registrar Namecheap, Inc with address at 4600 E Washington St., Ste. 300, Phoenix, Arizona 85034, USA, Telephone: 661-310-2107 e-mail: abuse@namecheap.com As per the information and details provided, the Domain CELPIP.IN was created and registered in the name of the Respondent on 14.01.2014.

After the filing of the domain Complaint, National Internet Exchange of India (referred to as NIXI) appointed me as an Independent Arbitrator as per the INDRP Policy and Rules of Procedure on 13 April, 2026 by an e-mail. Thereafter, an e-mail pertaining to the appointment as an Independent Arbitrator as well as commencement of the proceedings by me was sent to all parties concerned on 14 April, 2026.

Subsequently, the Complainant had also complied with the provision of service of complaint on the Respondent by sending copies of the domain Complaint and documents/annexures to the Respondent by both the modes namely e-mail and in physical by courier. The Complainant had also furnished proof of service and delivery in respect of the same.

It is noticeable that despite of the due service of the Complaint as well as the documents on the Respondent and an opportunity to file the Reply to the Complaint being given to the Respondent, the Respondent had chosen not to file any reply within the time limit given. It is also noticeable that the Respondent has also not appeared in the proceedings despite of e-mails being sent to him as well as the Complaint along with documents being served on him by the Complainant.

CASE ON MERITS:

Complainant has submitted that the trademark CELPIP is registered in India under Registration number 3897589 in the Indian Trade Marks Registry, Intellectual Property House in respect of goods namely "Printed publications namely manuals, study guides and text books featuring instruction for English language test preparation in Class 16 and for services namely "English language training services namely the administration of English as a second language courses and English language testing services; English language proficiency testing centres, English language test preparation" services in Class 41. The said trademark of the Complainant is also renewed up to 25.07.2028.

It is the submission of the Complainant that the Complainant (as also through their predecessor in interest) has continuously used the CELPIP trademark to identify and promote its English language examination and testing services, and materials associated therewith, since year 2002. The Complainant also owns a domain name registration for and operates the website at www.celpip.com, which redirects to www.celpip.ca (together mentioned as "CELPIP Domain"), which was registered on 04 July, 2002.

The Complainant has also submitted in his Complaint that the Complainant has invested considerable amount of money and effort into developing, registering, and using its name as an English language testing services brand, resulting in the CELPIP trademark becoming a strong indicator of the source of Complainant's goods and services. It is also the case of the Complainant that consumers have come to identify the CELPIP trademark as reflecting high quality, trustworthy testing services that reliably evaluate the English language skills of the test-taker.

The Complainant has also submitted in his Complaint that the Disputed Domain Name CELPIP.IN is confusingly similar to Complainant's CELPIP trademark, in which the Complainant has both prior and superior rights. The Disputed Domain Name is a clear attempt to cybersquat on Complainant's CELPIP Domain, only differing by the .TLD used. The Complainant further submitted that it has been in use of the trademark for more than twenty years around the World which far predates Respondent's registration of the Disputed Domain Name. Further, the Complainant has also registered the CELPIP Domain on July 4, 2002 which is quite before the Respondent's registration of the Disputed Domain Name.

The Complainant has also shown that its trademark CELPIP and its variants are registered and used abroad in other countries namely Philippines, China, Canada, USA and Vietnam under registration numbers 4-2018-015243, 3897589, 3457594, 26984512, 26984513, 50637244, TMA654395, 5,858,589, 4-0408576-000 and 57570337. The Complainant has filed its trademark registration details and documents in support of usage of its trademark and domain along with the Complaint which suffices the requirement of establishing its prior adoption and usage by the Complainant.

The Complainant has been able to establish the fact that the trademark CELPIP is adopted and used by the Complainant since July 04, 2002 which is prior in time than the disputed domain name. The Complainant has also been able to establish the fact that the Respondent has copied the trademark of the Complainant and obtained the domain with dishonest and mala fide intention. The Complainant has also been able to establish all the three statutory requirements as laid down in Rule 4 of the INDRP Policy namely: -

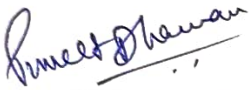
- (a) The Respondent Registrant's domain name is identical to the Domain Name, Trademark / Service Mark of the Complainant; and
- (b) The Respondent Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) The Respondent Registrant's domain name has been registered in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

The Complainant has also relied upon a few case laws precedents namely *Six Continents Hotels, Inc. v. Hemant Kumar*, NIXI Case No. INDRP-2019, *Sony Ericsson Mobile Communications AB v. Salvatore Morelli*, NIXI Case No. INDRP-027, *Applebee's Int'l, Inc. v. Ding RiGuo*, NIXI Case No. INDRP-1361, *The John Hopkins Health 6 System Corporation, The John Hopkins University v. Domain Administrator*, WIPO Case No. D2008-1958 and *Sony Ericsson Mobile Communications AB v. Salvatore Morelli*, NIXI Case No. INDRP-027 in support of its submissions.

DECISION

On the basis of the submissions made herein by the Complainant in their Complaint and the findings of the Tribunal, it is hereby held that the Complainant has been able to make out his case on merits. It is accordingly, ordered that the domain CELPIP.IN be transferred to the Complainant. Parties are to bear their own Costs.

NIXI is also requested to facilitate transfer of the domain in favour of the Complainant as per the INDRP Policy and Rules of Procedure.



PUNEET DHAWAN

INDEPENDENT ARBITRATOR

Date: 04.05.2026

Place: Delhi