

मध्य प्रदेश MADHYA PRADESH

BS 071635

BEFORE THE ARBITRATOR RAJESH BISARIA

UNDER THE

.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)

[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

ARBITRAL AWARDDate-26.05.2023Disputed Domain Name: www.kent-ro-service.in

INDRP Case no -1683

THE PARTIES

(1)

The **Complainant** are (1) KENT RO SYTEMS LIMITED, H- 35 South Extension, Part 1, New Delhi - 110049 , Also at E-6,7 &8 Sector 59 , Noida-201309, Uttar Pradesh, India(2)Mahesh Gupta , H- 35 South Extension, Part 1, New Delhi - 110049

The **Respondent** is 3D logic Private Limited, Unit 1017-A, 10th floor, JMD Megapolis Sohna Road, Gurgaon, Haryana- 122018, Phone no: +91-8506096743
E mail- eamanoj.asharma@gmail.com

THE DOMAIN NAME AND REGISTRAR**(2)**(a) This dispute concerns the domain name **http:// www.kent-ro-service.in**(b) The disputed domain name: **http:// www.kent-ro-service.in**

is registered with NameCheap, Inc, Address : Namecheap Legal
 Department, 4600 East Washington Street, Suite 305 , Phoenix, AZ
 85034, E-mail Support: legal@namecheap.com on 27.11.2020 &
 Updated on 03.12.2022 and expiry date 27.11.2023

PROCEDURAL HISTORY**(3)**

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure	29.03.2023
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI .	29.03.2023
Due date of submission of Statement of Claim by Complainant (instructed by mail dated 29.03.2023)	09.04.2023
Received mail dated 18.04.2023, regarding non receipt of notice of Arbitrator. This was replied by mail dated 19.04.2023 mentioning that notice by Arbitrator was sent by mail dated 29.03.2023 at addresses provided in complaint, and for the sake of transparency & in the interest of justice , one more opportunity was give to Complainant to submit said documents by	25.04.2023

25.04.2023.	
Complainant apologized for the inconvenience and confusion caused at their end by mail dated 21.04.2023 and mentioned that complaint along with all annexures were sent by mail dated 20.04.2023	
Complainant's response by submitting their Statement of Claim to AT-	
Soft copy	20.04.2023
Hard copy	21.04.2023
Complainant vide their mail dated 15.05.2023 intimated that- <i>We have searched our records and are not able to find any email ID of the respondent and no email has been sent to the Respondent from our office. Thus, no email service has been made on the respondent.</i>	
Complainant vide their mail dated 16.05.2023 intimated that- <i>The e-mail of the Respondent was provided to us by the registry and NIXI after filling the complaint. Thus, we had not made the email service to the respondent earlier. On 16.05.2023 we have served a copy of the complaint along with all the annexures upon the respondent. The email has been duly delivered and bounced back.</i>	
As per the query made by AT vide their mail dated 16.05.2023, Complainant submitted vide their mail dated 17.05.2023 that-	16.05.2023
<i>The email service to the Respondent has been done on 16.05.2023 which email was duly marked to the arbitrator as well as to NIXI. It is most respectfully clarified that "the email was duly delivered and not bounced back". Thus, there is no failure report in this particular case.</i>	

Due date of submission of Statement of Defense by Respondent as instructed in AT mail dated 19.04.2023 And AT mail dated 16.05.2023	05.05.2023 23.05.2023
Respondent's response by submitting their Statement of Defense against the due date of submission as 23.05.2023.	Not submitted
Complainant's response by submitting their Rejoinder. (Statement of Defense not submitted by Respondent)	Not required
Complainant's response by submitting proof of delivery of complaint along with all annexure to Respondent - Soft copies were sent to Respondent, vide Complainant mail dated 16.05.2023 and were delivered on 16.05.2023 and NIXI also sent Complaint along with annexure to Respondent, vide their mail dated 29.03.2023 and were delivered to Respondent on 29.03.2023 Complainant submitted through their mail dated 15.05.2023, the courier receipt and its delivery report of the hard copy of documents(Complaint along with annexure) sent by them to Respondent. As per the tracking report of DTDC consignment no X40500384, these documents booked on 20.04.2023 were successfully delivered to Respondent on 21.04.2023.	16.05.2023 29.03.2023 21.04.2023
Communicated by AT mail dated 24.05.2023 that the 'Respondent failed to submit the required documents within the time limit ie upto 05.05.2023 and thereafter by 23.05.2023, therefore the Respondent lost their right to entertain it. The proceeding of this case was kept closed for award and the matter would be decided ex-parte on the basis of the material on record with this tribunal as per INDRP policy'.	24.05.2023
The language of the proceedings.	English

FACTUAL BACKGROUND

(4) The Complainant:

The Complainant are (1) KENT RO SYTEMS LIMITED, H- 35 South Extension, Part 1, New Delhi - 110049 , Also at E-6,7 &8 Sector 59 , Noida-201309, Uttar Pradesh, India(2)Mahesh Gupta , H- 35 South Extension, Part 1, New Delhi - 110049

Complainant details

1. KENT RO SYTEMS LIMITED

Address: E-6,7 &8 Sector 59, Noida-201309, Uttar Pradesh, India

Contact Person: Mr. Surya Narayan Pati

Telephone: +91 9811239459

Fax: NA

Email: snpati@kent.co.in

2. MR. MAHESH GUPTA

Address: H-35, South Extension Part1 New Delhi 110049

Contact Person: Mr. Surya Narayan Pati

Telephone: +91 9811239459

Fax: NA

Email: snpati@kent.co.in

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

Ms Aamna Hasan & Ms Anupriya Shyam

Vutts & Associates LLP, C-5/8 GF, Safdarjung Development Area, New Delhi – 110016, India

+91 11 41096441

+91 11 41096442

email@vutts.com&aamna@vutts.com

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

Electronic-only material

Method: E-mail
Address: email@vutts.com ; aamna@vutts.com
Contact: Ms. Aamna Hasan & Ms Anupriya Shyam

Material including hardcopy (where applicable)

Method: Post
Address: Vutts & Associates LLP
C-5/8 GF, Safdarjung Development Area, New Delhi – 110016, India
Fax: F +91 11 4109 6442
Contact: Ms. Aamna Hasan

(5) The Respondent:

The Respondent is 3D logic Private Limited, Unit 1017-A, 10th floor, JMD Megapolis Sohna Road, Gurgaon, Haryana- 122018, Phone no: +91-8506096743 , c/o NameCheap, Inc., E mail- eamanoj.asharma@gmail.com

(6) Complainant's Activities:

- a) This complaint is based on the Complainant's flagship, reputed, well known, fanciful and an arbitrary trademark KENT (hereinafter "the Mark"/"KENT").
- b) That the Complainant No. 2 is an inventor and has been developing several products from time to time. The Complainant No. 2 is a technocrat and alumni of the prestigious engineering institution IIT-Kanpur. The Complainant No. 2 has been developing and selling his products through company namely Kent RO Systems Limited incorporated under the Companies Act, 1956. The Complainant No. 2 is the Chairman and Managing Director of Complainant No. 1.

- c) The Complainant No. 2, with a vision of providing technology to minimize oil wastage in Indian Industry, commenced working on manufacturing and marketing of Hi-Tech Oil Conservation and measuring equipment on latest and modern technologies. The said products were sold under the mark KENT since 1988. The Complainant No. 2 formed and incorporated a Company named "M/s S.S. Appliances (P) Ltd" which was incorporated on 09-02-1988 to carry on these activities. Copies of sale invoices of the KENT products was submitted as Annex. 3 and copy of the incorporation certificate of M/s S.S. Applicants (P) Ltd. is attached as Annex. 4 The Complainant No. 2 and his family members are the Directors of the Company and control and hold entire share of the Company. Complainant No. 2 adopted "KENT" as trademark for his products and the mark was registered as "KENT OIL METERS" vide registration No. 632891 dated July 4, 1994 and continues to be valid till date. M/s S.S. Applicants (P) Ltd. is still subsisting and using the mark KENT for its products. Certificate of said mark along with renewal certificates and copies of invoices issued related to KENT OIL METER in support of user of said mark were submitted as Annex. 5.
- d) Complainant No. 2 formed a Partnership firm under the name and style M/s KENT RO SYSTEMS in and around 1999 and pursued his business activities of manufacture and sale of purifiers under mark KENT. The partners of the firm were Mr. Mahesh Gupta (Complainant No. 2), Mrs. Sunita Gupta and the above-mentioned company M/s S.S. Appliances (P) Ltd. A copy of the partnership deed was submitted as Annex. 6. Thereafter, Complainant No. 2 incorporated Complainant No. 1- "Kent RO Systems Ltd." in 2007 and Complainant No. 1 took over the partnership firm M/s Kent RO Systems. Accordingly, the rights in the mark KENT were assigned from KENT RO SYSTEMS to Complainant No. 2. Submitted the Assignment deed for assignment of the rights in the mark KENT to Complainant No. 2. as Annex. 7. The Complainant No. 2 is the Chairman and Managing Director of the said Company along with his other family members as Directors. The copy of incorporation certificate of Complainant No.1 was submitted as Annex. 8. The Applicant started using the mark KENT and

variants thereof for his various products like water purifiers, air purifiers, vacuum cleaners, cooking appliances, water softeners, car security devices etc.

- e) Thus, the Complainant No. 1 and Complainant No. 2 (hereinafter the “Complainant” or “Complainants”) have been carrying on their business activities exclusively under the well-known trademark/name KENT at least since the year 1988. Complainants today are one of the largest manufacturers of water purifiers in India.
- f) The mark KENT and its variants are registered trademarks of Complainant No. 2 and forms a prominent part of the corporate name of the Complainant No. 1 company i.e. “Kent RO Systems Limited”. The mark KENT is being used by the Complainant No. 1 by virtue of a licensee agreement with Complainant No. 2 dated 27.06.2007 and the terms of said License agreement has been amended/modified from time to time. A copy of the Deed of confirmation dated 01.04.2019 signed between Complainant No.1 and 2 confirming the Trade Mark licenses was submitted as Annex 9.
- g) The Complainants are the first to bring the revolutionary Reverse Osmosis (RO) technology to India and has now become the largest manufacturer of water purifiers, in India under its flagship brand KENT. Complainants are the only water purifier company to be certified by some of the most prestigious certifying agencies of India and abroad like NSF, CE certificate, European directive certificate and WQA of USA certification. A copy of the certification was submitted as Annex 10.
- h) The Complainants with its extensive research and development has not only brought forth the patented technology of the RO+UV+UF+TDS Controller that purifies water while retaining the natural minerals has also developed the Save Water Technology to ensure that no water is wasted while using our RO water purifier. The technological advancements by the Complainants have been recognized globally.
- i) In addition to water purifiers the Complainants now offers a wide range of healthcare products under the mark KENT such as HEPA Air Purifiers, Vegetable Cleaners, Water Softeners and the Smart Chef range of kitchen

appliances. Apart from the above-mentioned products the Complainants also provides maintenance services of the products. The mark KENT has come to be known for its innovative use of next-gen technology towards enhancing quality of everyday living and offering purity. Submitted description of the Complainants on their website as Annex 11.

- j) The Complainants have more than 40 lakh customers and 6000 persons associated, with the Complainant and the mark KENT. The Complainants have sale of more than 225,000 reverse osmosis purifiers every year and holds around 40% market share in India. The Wikipedia description of the Complainants was submitted as Annex 12.
- k) The goods and services of the Complainants under the mark KENT is available in India and many countries abroad namely Fiji, Panama, Dominica Republic, Netherlands, Germany, Bulgaria, Portugal, Tunisia, Mali, Liberia, Nigeria, , Zimbabwe, Zambia, Mozambique, Tanzania, Kenya, Sudan, Saudi Arabia, Qatar, Iran, Oman, Afghanistan, Bhutan, United Arab Emirates, Maldives, Mauritius, Sri-Lanka, Nepal, Myanmar, Indonesia, Philippines, Cambodia, Bangladesh, Vietnam, Malaysia, Egypt, Malawi, Angola, Ghana, South Africa, Uganda, Seveyol, Mexico, Chile, Kuwait, Bahrain, Iraq, Turkey, Singapore, Thailand, Romania, Spain, Greece, Ireland, United Kingdom, France, Poland and New Zealand. Complainants have a wide network with over 4000 distributors, 16000 dealers and over 600 direct marketing franchises. The deep penetration of marketing network is supplemented by a central CRM based service support network, backed by 2000 service franchises and a force of centrally trained service technicians who provide reliable after sales service to the KENT products. Submitted representative detail of the authorized dealer in the above countries as Annex 13.

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

- a) In pursuance of the growing business in India and abroad the goods and services provided by Complainants are accessible via its website <https://www.kent.co.in/> and <https://www.kentrosystems.com/>. These websites are accessible and interactive from anywhere in the world. Other than the above, the Complainant's Mark KENT is also displayed on various third party e-commerce websites including but not limited to www.amazon.in, www.flipkart.com, www.snapdeal.com and www.indiamart.com. Regularly by its distributor's dealings for sale of the Complainant's products. The supporting documents displaying the word KENT on websites were submitted as Annex 14.
- b) The Mark KENT is well known and carries high reputation in India is evident from the fact that the Complainants have been awarded with numerous awards and recognition for innovating excellent products. The following awards and accolades are a testimony of the phenomenal reach and acceptance by the consumers of the products under the Mark KENT in India and abroad.
- (i) Fore-Top-Rankers Excellence Award for Organization of The Year
 - (ii) The Extraordinaire award by Nexbrands & Brand Vision - 2016-2017
 - (iii) Best Domestic Water Purifier Award - 2016-2017 by Water Digest - UNESCO
 - (iv) Kalam Innovation Governance Award by KIGA- 2016
 - (v) Swachh Bharat Ambassador 2016 by Hon'ble Prime Minister of India
 - (vi) Asia's Most Promising Brands - Household Products - Home Appliances - 2016 by World Consulting & Research Corporation
 - (vii) Best Domestic Water Purifier Award 2015 by Water Digest - UNESCO

- (viii) India's Most Trusted Brand 2015 by Brand Trust Report – Trust Research Advisory
- (ix) Delhi NCR Hot 50 Brands 2015 by OneIndia
- (x) Asia's Most Admired Brand – 2014-2015 by Planman Media – Power Brands Glam, USA
- (xi) Asia's Most Promising Brands – Household Products – Home Appliances 2014 by World Consulting & Research Corporation
- (xii) India's Most Trusted Water Purifier Brand – 2014 by Brand Trust Report – Trust Research Advisory
- (xiii) Top 100 franchise opportunities 2014 by Franchise India
- (xiv) Delhi NCR Hot 50 Brands 2014 by Hindustan Times
- (xv) Trusted Brand – Category Water Purifier 2013 by Global Brand Excellence Awards
- (xvi) Asia's Most Promising Brands – Household Products – Home Appliances 2013 by World Consulting & Research Corporation
- (xvii) India's Most Trusted Water Purifier Brand 2013 by Brand Trust Report – Trust Research Advisory
- (xviii) Glamme Awards 2013 by Planman Media – Power Brands Glam, USA
- (xix) Most Attractive Brand – Water purifier Category 2013 by India's Most Attractive Brands
- (xx) Innovative 100 – Certificate of Excellence 2013 by Inc. India
- (xxi) Indiamart Trust Seal Award 2013 by Indiamart.com
- (xxii) Asia's Most Promising Leader (Mahesh Gupta-Chairman-Kent RO) 2012-2013
- (xxiii) Child Most Popular Award 2013- Most Popular Safe Water Equipment' by Child Magazine in the year 2013
- (xxiv) Leaders of Tomorrow Award 2012 – FMCG & Consumer Durables by ET Now – India Mart
- (xxv) Top 100 Franchise Opportunities 2012 by The Franchising World
- (xxvi) Indian Home Award 2012 by Franchise India- Bloomberg TV

- (xxvii) Best Domestic Water Purifier Award – 2011-12 by Water Digest – UNESCO
- (xxviii) Asia's Most Promising Brands – Household Products – Home Appliances 2012 by World Consulting & Research Corporation
- (xxix) Star Brands of India – 2011 by IIPM –Planman Marcom
- (xxx) India's Most Admired Consumer Durable Brand – 2011 by 4Ps (Business & Marketing) –Planman Media – ICMR
- (xxxi) 100 Brands That Rocked India – 2010 by 4Ps (Business & Marketing) –Planman Media
- (xxxii) Excellence Award, 2008
- (xxxiii) Best Domestic Water Purifier Award – 2007-08 by Water Digest – UNESCO
- (xxxiv) Golden Peacock Award for Eco-Innovation – 2007 by World Environment Foundation
- (xxxv) Best Domestic Water Purifier Award – 2006-07 by Water Diges UNESCO

Submitted the details of the above awards and accolades as Annex. 15.

- c) This establishes that the Mark KENT is well known and synonymous with the Complainants across the globe and has acquired immense reputation and goodwill over decades of its use. Further as a result of strict adherence to quality standards, continuous and uninterrupted use of the Mark KENT for more than 30 years on a very large scale the products and services provided under the Mark KENT has acquired a reputation of being extremely sound and reliable products. Also, consumers around the world, exclusively associate the Mark with the Complainants for purifiers and related services including maintenance services. The degree of recognition and association of the word "KENT" with the Complainants is evidenced by the fact that a Google search for "KENT" predominantly reveals links to the Complainants. Extracts from Google search and Dictionary.com showing no meaning for the term "KENT" were submitted as Annex 16. Similar searches on other search engines such as YAHOO and

BING also yield links to the Complainants. Extracts of these searches were submitted as Annex 17.

- d) The Complainant spends considerable amount of money year to promote and advertise the Mark KENT around the world. For example, the Mark KENT and its products are endorsed and have brand ambassadors such the famous Indian actors and celebrities such Shahrukh Khan, Hema Malini, AhanaDeol, Esha Deol, and Boman Irani. Hema Malini has been the ambassador for KENT since 2005 and continues to be ambassador. Recently, the Complainants have also appointed the hugely popular and well-known celebrity Shahrukh Khan as its brand ambassador for its security product range. The mark KENT has become popular throughout India and abroad and has been regularly advertised on Satellite Television channels including but not limited to ABP NEWS, ZEE NEWS, NDTV INDIA, AAJ TAK, STAR SPORTS, TEN SPORTS, ZEE TV, SONY, COLOURS, STAR PLUS etc. and also through Print media in leading newspapers and journals including Times of India, Economic Times, Hindustan Times and many other regional news papers, etc. Submitted extracts from news papers Annex18.
- e) The Complaints has also been sponsoring various cricket events, possibly the most popular and most followed sport in India. For instance, the complainants have been Associate Sponsor of the ICC Cricket World Cup since 2007, ICC T-20 World Cup since 2007 and IPL 2010 to 2014, India Australia Series–One Day Test -2014 (Title Branding), 2014 India England one Day Test & Test Series, ICC Champions Trophy 2015 (Studio Brand), India Srilanka Test Series 2015 (Title Sponsor), 2014-15 ICC –World Cup 2015, India South Africa one Day Test , T-20 & Test -2015 (Title Sponsor), India vs. Australia one day & T-20 (Studio Brand), India vs. Sri Lanka T-20-2016 (Title Brand), The Asia Cup being played at Bangladesh as T-20 Asia Cup (Title Brand), ICC T-20 World Cup-2016 (Studio Co-sponsor) & India Vs. Pakistan ICC Champions Trophy 2017 (Studio sponsor).), IPL-2018(Title Sponsor) for Kings 11 Punjab, Cricket World Cup 2019 (Principal Sponsor) of Sri Lanka team and most recently in January 2020

title sponsor for India v New Zealand T20 for the year 2020. Submitted few extracts of the sponsorship as Annex. 19.

- f) It is further important to mention that due to unmatched products and services provided by the Complainants in the last 30 years the Mark KENT has become synonymous with the Complainant. The Complainant has generated huge revenues amounting to several crores of India Rupees from the sale of its products and services under the Mark KENT and has also expended several crores of Indian Rupees in relation to the promotion and publicity of the Mark KENT. Representative sales figures for the last five years are as below:

<i>Years</i>	<i>Turn over (INR in lakhs)</i>	<i>Advertisement expenses (INR in lakhs)</i>
2007-08	10,746.86	1,435.75
2008-09	11,664.04	1,524.68
2009-10	16,597.50	2,355.49
2010-11	23,860.84	3,625.16
2011-12	32,582.72	3,906.60
2012-13	44,478.61	6,407.81
2013-14	57,384.08	9,475.17
2014-15	66,078.81	8,792.65
2015-16	75,348.30	9,464.99
2016-17	76,349.71	10,945.63
2017-18	82,519.23	10,779.00
2018-19	89,709.03	14,405.16

2019-20	87,365.39	15,504.22
2020-21	96,474.31	11,953.94
2021-22	1045.86(apx)	135.14(apx)

A certificate from a chartered account attesting to the above figures was submitted as Annex 20.

- g) That the Complainants have a very distinct clients to its credit, which includes individuals, Government Sectors, Public and Private Sectors, Armed Forces, Corporates, Institutions, NGO's, etc. and some of the leading clients to which the products have been sold are World Health Organization – Regional Office for South East Asia, New Delhi, Indian Army, BSF, CRPF, ITBP, Delhi Police, Ministry of Commerce & Industry, Ministry of Defense, Ministry of Horticulture, UGC and University of Delhi, IIT, Delhi, CPWD, Delhi, BEL, NTPC, NPTI, IOC, BPCL, ONGC, DMRC, Tamil Nadu Public Service Commission, Tamil Nadu Police Canteen, Indian Archaeological Society, American Embassy, Canadian Embassy, Sri Lanka High Commission, Embassy of Nepal, Central Board of Excise and Customs, Builders - Ansals, Omaxe, Parsvnath, Supertech, Niho, TDI, ATS, Eldeco, Assotech, Eros, Mahagun, etc., Reliance, Croma, Vijay Sales, Future Retail, Moor Department Stores, Vishal Megamart, Spencers, Sargam Electronics, Medical Health and Family Welfare, Uttar Pradesh
- h) Apart from the significant common law rights in the Mark KENT, the Complaint also has statutory rights in the Mark KENT through registration of the Mark "KENT" in India. Few of the Complainants' trademark registrations include:

<i>S.NO.</i>	<i>MARK</i>	<i>NUMBER</i>	<i>CLASS</i>	<i>DATED</i>
1	KENT R-O WATER MAKER	883459	7	26.10.1999

2	KENT Ozone (LABEL)	1323797	7	03.12.2004
3	KENT Ozone (LABEL)	1323799	7	03.12.2004
4	KENT Ozone LABEL)	1323800	7	03.12.2004
5	KENT Health Care Products	1352675	7	25.04.2005
6	KENT MINERAL RO WATER PURIFIERS (IN HINDI)	1677429	7	17.04.2008
7	EAT KENT PURE	2419626	7	30.10.2012
8	BREATHE KENT PURE	2419627	7	30.10.2012
9	DRINK KENT PURE	2419628	7	13.12.2010
10	KENT MINERAL RO HOUSE OF PURITY	2605620	7	01.10.2013
11	KENT OIL METERS	632891	9	04.07.1994
12	KENT OIL CONSERVATION PRODUCT THROUGH TECHNOLOGY	1352676	9	25.04.2005
13	KENT CAREYE	4034553	9	21.12.2018
14	KENT CAMEYE	4066975	9	24.01.2019
15	KENT MINERAL RO (LABEL)	1553138	11	26.04.2007
16	KENT MINERAL RO Double Purification	1554356	11	01.05.2007

	Technology RO+ UV+ Minerals			
17	KENT MINERAL RO	1554355	11	01.05.2007
18	KENT MINERAL RO WATER PURIFIERS (IN HINDI)	1677372	11	17.04.2008
19	KENT TAP GUARD (LABEL)	2067253	11	13.12.2010
20	KENT TAP GUARD (LABEL)	2067255	11	13.12.2010
21	EAT KENT PURE	2419629	11	30.10.2012
22	KENT MINERAL RO WATER PURIFIER	2007672	11	11.08.2010
23	BREATH KENT PURE	2419630	11	13.12.2010
24	DRINK KENT PURE	2419631	11	13.12.2010
25	KENT MINERIAL RO HOUSE OF PURITY	2605621	11	01.10.2013
26	KENT SUPREME	3365314	11	16.09.2016
27	KENT WATER PRESSURE BOOSTING SYSTEM	2007667	11	11.08.2010
28	KENT WIPES	2717803	24	15.04.2014

29	KENT HOMEYE	4033460	45	20.12.2018
30	KENT DOOREYE	4033459	45	20.12.2018
31	KENT CAREYE	4034554	45	21.12.2018
32	KENT CAMEYE	4066976	45	24.01.2019
33	KENT	1442714	1	05.04.2006
34	KENT	1442715	2	05.04.2006
35	KENT	1442716	3	05.04.2006
36	KENT	1442717	4	05.04.2006
37	KENT	1442718	5	05.04.2006
38	KENT	2605613	7	01.10.2013
39	KENT	1442721	8	05.04.2006
40	KENT	1443187	10	07.04.2006
41	KENT	1443190	14	07.04.2006
42	KENT	1443191	15	07.04.2006

43	KENT	1443193	18	07.04.2006
44	KENT	1443194	19	07.04.2006
45	KENT	2605614	20	01.10.2013
46	KENT	1443197	22	07.04.2006
47	KENT	1443198	23	07.04.2006
48	KENT	1443199	24	07.04.2006
49	KENT	1443200	25	07.04.2006
50	KENT	1443180	26	07.04.2006
51	KENT	1443181	27	07.04.2006
52	KENT	1443182	28	07.04.2006
53	KENT	1443185	31	07.04.2006
54	KENT	1443186	33	07.04.2006
55	KENT	1443171	35	07.04.2006
56	KENT	1443173	36	07.04.2006
57	KENT	3394559	38	24.10.2016
58	KENT	1443176	39	07.04.2006
59	KENT	3394557	40	24.10.2016
60	KENT	2391950	41	07.09.2012
61	KENT	1443179	42	07.04.2006

62	KENT	2605615	43	01.10.2013
63	KENT	2605616	44	01.10.2013
64	KENT	2605617	45	01.10.2013

Copies of the registration certificates of the registrations in India were submitted as Annex 21.

- i) The Complainants are also the registered proprietors of the Mark "KENT" in various countries including pending applications as detailed below:

<i>S. No.</i>	<i>Country</i>	<i>Application No./Registration No</i>	<i>Class</i>	<i>Date of Application / Registration</i>
1	China	Registration No. 11915218	7	14.04.2015
2	China	Registration No. 11915219	11	14.05.2015
3	Bhutan	Registration No.BT/T/2012/7969	7 & 11	17.04.2013
4	UAE	Registration No 180850	7	09.06.2014
5	UAE	Registration No 180852	11	09.06.2014
6	Kuwait	Registration No 136438	7	04.08.2016
7	Kuwait	Registration No 136439	11	04.08.2016
8	Mexico	Registration No 1563699	11	14.08.2015
9	Mauritius	Registration No 18268/2015	11	03.08.2015
10	Indonesia	Registration No. IDM000523103	7 & 11	13.01.2014

11	Iran	Registration No. 275786	11	04.07.2017
12	UK	Registration No. UK00003400687	11	20.05.2019
13	USA	Registration no. 5866542	11	05.02.2019
14	ZANZIBAR	Registration no. ZN/T/2019/0464	11	29.06.2019
15	EU	Registration no. 18101567	11	30.07.2019
16	Bangladesh	Application No 165148	7	27.05.2013
17	Bangladesh	Application No165149	11	27.05.2013
18	Pakistan	Application No. 322587	7	27.06.2012
19	Pakistan	Application No. 322585	11	27.06.2012
20	Sri Lanka	Application No. 180664	7	30.05.2013
21	Sri Lanka	Application No. 180665	11	30.05.2013
22	Sri Lanka	Application No. 160474	11	26.01.2011
23	Sri Lanka	Application No. 160475	11	26.01.2011
24	Nepal	Application No. 48867	7	03.06.2013
25	Nepal	Application No. 48868	11	03.06.2013
26	NIGERIA	Application no. OAI/TM/201810041244095- 301317-349834	32	04.10.2018

27	USA (CarEye)	Application no. 88142670	9&45	10.04.2018
28	KENYA	Application no. 107261	11	08.05.2019
29	MALI(OAPI)	Application no. 3201902140	11	02.07.2019
30	SAUDI ARABIA	Application no. 195777	11	01.08.2019
31	AFGHANIS TAN	Application no. 14395	11	04.08.2019
32	MALAYSIA	Application no. Tm2019028763	11	06.08.2019
33	OMAN	Application no. 131120	11	02.09.2019

Copies of the registration certificates for the registrations in various countries were submitted as Annex 22.

- j) The Complainant owns the top-level domain www.kentrosystems.com and country specific domain name www.kent.co.in., details of which are provided in the table below. Printouts of registration details for these domains from www.whois.com ("WHOIS") are annexed as Annex 23. These websites provide information about the Complainants and details of the worldwide presence. The website prominently features the Mark and is accessible to people from all around the world. Printouts of some current pages of the websites of the Complainant were submitted as Annex 24.
- k) The foregoing information establishes that the Complainant and its business is undoubtedly associated with the Mark and that they own prior rights in the Mark, not only through registration as a trade mark in India

and other countries but also through common law rights acquired through continuous, exclusive and extensive use of the Mark in India and numerous other jurisdictions around the world for over 2 decades.

- l) The Complainant's rights in their marks have been recognized in various legal proceedings recognizing the rights of the complainant in the Mark KENT and observing that that KENT is well known mark. Additionally, the Complainant has also been successful in a WIPO domain complaint against a domain name comprising the Mark KENT. Brief details of the proceedings are as follows:

<i>S. No</i>	<i>Court, Case No. & Title</i>	<i>Domain name/ Mark Involved</i>	<i>Date of order</i>	<i>Held</i>
1.	Kent Ro Sytems Limited and Mahesh Gupta v. 3D Logic Pvt. Ltd.	kentrocustomerservice.in	22.11.2021	Disputed domain kentrocustomerservice.in transferred to Complainants
2.	Case No. D2021-2159 Kent Ro Sytems Limited and Mahesh Gupta v. Iqbal Khan, AL TareeqAllamee Tr. Est	kentdubai.com	15.09.2021	Disputed domain kentdubai.com transferred to Complainants
3.	WIPO Case No. DAE2021-0005 Kent Ro Systems Limited v Iqbal Khan, Al TareeqAllamee Tr. Est,	kentrouae.ae	26.05.2021	Disputed domain kentrouae.ae transferred to Complainants

4.	WIPO Case No. D2020-1954 Kent Ro Systems Limited V. Shyam Pandey, DULBIZ.COM	kentrouae.c om	27.08.202 0	Disputed domain kentrouae.com transferred to Complainants
5.	INDRP Case No. 1242 Kent Ro Systems Limited and Mahesh Gupta V. SubhamSadhukhan	kentoservic e.in	16.12.202 0	Disputed domain kentoservice.in transferred to Complainants
6.	WIPO Case no. D2020-0350 Kent Ro Systems Limited and Mahesh Gupta V. Aditya Kumar	kentro servic e.com	08.05.202 0	Disputed domain kentro service.com transferred to Complainants
7.	INDRP Case No. 1253 Kent Ro Systems Limited and Mahesh Gupta V. Kent Ro System	kentro- service.co.in	20.08.202 0	Disputed domain kentro- service.co.in transferred to Complainants
8.	INDRP Case No. 1252 Kent Ro Systems Limited and Mahesh Gupta V. Kent Ro System	kent-ro- service- centre.in	07.09.202 0	Disputed domain kent-ro- service-centre.in transferred to Complainants
9.	INDRP Case No. 1254 Kent Ro Systems Limited and Mahesh Gupta V. Kent Ro System	kent-ro- customer- care.in	22.09.202 0	Disputed domain kent-ro- customer-care.in transferred to Complainants

10.	Case No. DAE2020-0004 Kent Ro Sytems Limited / Mr. Mahesh Gupta v. Umer Khokhar	kentro.ae	20.11.2020	Disputed domain kentro.ae transferred to Complainants
11.	CS (OS) 1626/2014 High Court of Delhi Kent RO Systems Ltd &Anr Vs Kentech Technology &Ors	KENTECH	28.05.2014	Court held that the trademark KENT of the plaintiff is a well-known trademark and Defendants were restrained from using the trademark KENTECH.
12.	High Court of Delhi CS(OS) 3011/2014 Kent RO Systems Ltd. &Anr. V/S Kentech RO Systems &Anr.	KENTECH	19.9.2017	Court observed that case of Passing off is maintainable in case of well-known mark. Suit decreed in favour of the Plaintiff.
13.	CS(COMM) 978/2015 High Court of Delhi Kent RO Systems Ltd. &Anr. v. Kent Air Eco Corporation Ltd.LP	KENT	04.10.2016	Decreed in favour of Plaintiff restraining Defendants from using the Plaintiff's well-known mark KENT.

14.	CS (COMM) 351/ 2018 High Court of Delhi Kent RO Systems Ltd &Anr Vs Kentech Technology &Ors	KENTECH	31.07.201 8	Decreed in favour of Plaintiff restraining Defendants from using the Plaintiff's well- known mark KENT.
15.	CS (COMM) 881/2016 High Court of Delhi Kent RO Systems Ltd. &Anr. v. Ken Flow &Anr	KEN FLOW	23.04.201 9	Decreed in favour of Plaintiff restraining Defendants from using the Plaintiff's well- known mark KENT.
16.	CS (OS) 1032/2015 High Court of Delhi Kent RO Systems Ltd. &Anr Vs Ken Flo Technology &Anr	KEN FLO	20.4.2015	Ad Interim Injunction granted in favour of the Applicant wherein Defendants are restrained from using Plaintiff's mark KENT T
17.	CS(COMM) 372/2016, High Court of Delhi Kent RO Systems Ltd &Anr Vs RO Care India & Another	KENT	10.11.201 6	Decreed in favour of Plaintiff restraining Defendants from using the Plaintiff's well- known mark KENT.
18.	CS(Comm.) No.382/2016 High Court of Delhi Kent RO Systems Ltd. &Anr Vs	KEN SMART	30.11.201 7	Decreed in favour of Plaintiff restraining Defendants from using the Plaintiff's well- known mark KENT.

	Rajkumar &Ors			
19.	CS(Comm) 137/2019 High Court of Delhi Kent RO Systems Ltd &Anr Vs Apex Service Centre &Ors	KENT, KENT CUSTOMER CARE, KENT SERVICE, KENT SERVICE CENTER, KENT RO SERVICE CENTER, KENT RO SERVICE'.	15.03.201 9	Ad Interim Injunction granted in favour of the Applicant wherein Defendants are restrained from using the words 'Kent, Kent Customer Care, Kent Service, Kent Service Center, Kent RO Service Center, Kent RO Service'

Copies of the foregoing decisions were submitted as Annex 25.

(8) Respondent's Identity and activities :

Respondent failed to submit required documents, so his identity and activities are not clear.

SUBMISSIONS BY COMPLAINANT

(9)

Complainant submitted Domain name complaint with pages 1 to 31 and annexure from 1 to 28 . 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.

Complainant vide their mail dated 30.03.2023 mentioned that-

The Annexures along with the Complaint exceed 100 pages as the documentary evidence establishing the Complainant's rights in its trademark are bulky and voluminous. Therefore, it is requested that the Ld. Arbitrator in furtherance of the discretion granted under Rule 4 of the INDRP rules allow the Complainant to submit Annexures exceeding 100 pages.

The Complainant's above submission is accepted in the interest of justice.

THE CONTENTIONS OF THE COMPLAINANT

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

- a) The disputed domain comprises the Complainants prior and well-known Mark and trade name in its entirety. As disclosed above, the Complainant's adoption, use and registration of the Mark predates the registration of the disputed domain. Pertinently, the Mark had achieved global notoriety prior to the registration of the disputed domain and is immediately associated with the Complainant's commercial activities and various businesses across the globe. The disputed domain incorporates the Mark in its entirety. Many WIPO decisions have affirmatively held that incorporation of the trademark/trade name of the Complainant in its entirety is sufficient to establish that a domain name is identical or confusingly similar to Complainant's registered Mark. See, WIPO Case No. D2017-0445 Ruby life Inc. v. Tom Fu, WIPO Case No. D2010-1059, RapidShare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin.
- b) For purposes of comparison, the top-level suffix in the disputed domain i.e. ".in" should be disregarded because it is a necessary requirement to register and use the disputed domain and would not be considered distinctive element of the disputed domain by Internet Consumers. Previous Panels have ruled that the specific top level of a domain name such as ".com" etc. does not serve to distinguish the domain name from the

trademark. See, for e.g., WIPO Case No. D2000-0834 CBS Broadcasting Inc. v. Worldwide Webs, Inc.

- c) Likewise, the additional word “service” succeeding the trademark KENT and KENT RO in the disputed domain name <www.kent-ro-service.in> is generic or descriptive. Further, the use of the symbol ‘hyphen’/‘-’ to separate the words ‘kent’, ‘ro’, and ‘service’ in the disputed domain name is of no consequence to distinguish the disputed Domain Name. Such use by the Respondent does nothing to negate an inference of confusing similarity between the disputed domain name and the Complainant’s trademark ‘KENT’. See for e.g., WIPO Case No. D2019-0946 Petr leos Mexicanos v. Registration Private, Domains By Proxy, LLC / Marta Ramos and WIPO Case No. D2007-1412 MasterCard International Incorporated v. North Tustin Dental Associates.
- d) Further the Complainant is the owner of two domain names with “KENT” and “KENT RO”; and the primary rights of the Complainant are in the mark “KENT” i.e. presence of “KENT/ KENTRO” in conjunction with descriptive elements which shall result in inevitable association with the Complainant.
- e) In addition, because the Mark has achieved notoriety and significant transnational reputation and goodwill, it is very likely that internet consumers, in particular consumers searching for KENT RO services would believe that there is a real connection between the disputed domain and the Complainant and its business. In fact, as disclosed below, it is apparent that the Respondent banked on the likelihood of such consumer confusion to profit from the disputed domain.
- f) Accordingly, the Complainant submits that the disputed domain should be considered identical/confusingly similar to the Complainants’ Mark and name KENT.
- g) It is further submitted that in accordance with Division Bench decision of Hon’ble High Court of Delhi in Stephen Koeing vs. Arbitrator NIXI and Ors. (02.11.2015 - DELHC) : MANU/DE/3419/2015, it has been held that the Complainant will succeed if the Complainant proves Paragraph 4(i) of Policy itself. As per the Hon’ble Court’s decision, the Complainant does not

need to prove Paragraph 4(ii) & 4(iii) of Policy and can succeed on Paragraph 4(i) of Policy itself.

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

- a) The Respondent does not have any right or legitimate interest in the disputed domain. The Complainant is a prior user and registered proprietor of the well-known and highly distinctive Mark KENT. The Respondent is not sponsored or affiliated in any way with the Complainant, nor commonly known by the Disputed Domain Name. The Complainant has not authorized or given permission to the Respondent to use the Complainant's trademark in any manner and that the Respondent does thus not have any rights or legitimate interests in the Disputed Domain Name. Printout from Respondent's website on the disputed domain is annexed as Annex 26. It appears from the Respondent's website that the Respondent is providing customer care services for various water purifier companies and not just that of the Complainant. Therefore, the Respondent has no right or legitimate interest to use the mark KENT in the disputed domain name.
- b) It is submitted that the Respondent is neither affiliated with the Complainant nor has it obtained any authorization or license to register or use any domain name incorporating the Mark. The Respondent does not have any right or legitimate interest in the Mark KENT and has wrongfully registered the disputed domain for the purpose of encroaching upon the goodwill and reputation of the Complainant. The Respondent is not an authorized service provider of the Complainant.
- c) Therefore, the Respondent cannot be said to have any legitimate rights in the disputed domain in the manner contemplated by paragraphs 7(i), 7(ii) & 7(iii) of the Policy because a) use of the domain name for providing unauthorized services of the Complainant is not a bona-fide use of the domain name or offering of services; b) the Respondent is neither known by the disputed domain nor has it been licensed by the Complainant; and c) there no non-commercial/fair use as the Respondent is offering

unauthorized services of the Complainant, misleading consumers to believe that the services are being offered by the Complainant and its company. This negates the possibility that the disputed domain is used for non-commercial or fair purposes.

- d) Many WIPO decisions have affirmatively held that the existence of the foregoing elements is sufficient to conclude the lack of right or legitimate interest in a disputed domain. See for e.g. WIPO Case No. D2017-0449SvapostoreS.r.l. v. Arcbo d.o.o. (Arcangelo Bove) and WIPO Case No. D2018-1397 Sanofi v. VistaPrint Technologies Ltd.
- e) In addition, where the Respondent is neither a licensee of the Complainant, nor has it otherwise obtained authorization of any kind whatsoever as in this case, to use the Complainant's Mark nor is the Respondent authorised service provider of the Complainant, the Respondent's lack of rights or legitimate interest is strongly indicated. See for e.g. WIPO Case No. D2003-0098 Six Continents Hotels, Inc. v. Patrick Ory, and WIPO Case No. D2018-1562 Jungheinrich AG v. James White wherein the Panel concluded that in the absence of any commercial relationship between the parties entitling the Respondent to use the Complainant's mark, the Respondent could not be thought to have any legitimate right or interest in the disputed domain comprising the Complainant's Mark. A similar conclusion should be reached in the instant case as the Respondent's sole motive to register the domain appears to be to trade off the immense recognition of the Mark KENT.
- f) In view of the facts stated above, it is submitted that the Complainants have established the Respondent has no rights or legitimate interest in the disputed domain name.

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

- a) The Respondent is providing various RO services including repair, installation and maintenance under the disputed domain name. While the website appears to provide services for various RO brands such as Livpure , Aquaguard and Pureit, however, the most prominent use has been made of the phrase 'KENT RO SERVICE CENTER' on the home page

of the website which incorporates the Complainant's trademark 'KENT/KENT RO' in its entirety. The website has a separate section that relates exclusively to 'Kent RO Service', however, the Respondent has not been authorised in this regard by the Complainant. The use of the marks is in such a manner so as to create the impression that the respondent is the authorized service provider of KENT. It is evident that the Respondent is taking benefit of the repute of the complainant and the contact details on the of the Respondent's website reflecting as Complainant's details are not in fact Complainant's details. Therefore, it is all the more important that the disputed domain be transferred to the Complainant.

- b) Attached are extracts from the webpage of disputed domain name of Complaint as Annex 27. The extracts make it amply clear that the use of the mark 'KENT' and 'KENT RO SERVICE' by the respondent is an attempt to deceive people into believing that they are associated with the complainant and are authorized service providers of KENT, which is not the case.
- c) Previous Panels such as WIPO Case no. Case No. D2018-1891 Mou Limited v. Whois Agent, Domain Whois Privacy Protection Service, Domain Admin Privacy Protect, LLC (PrivacyProtect.org) / Luo Yuandong, Laoyuandong, Song Li Hong, Sun YanQihave held that it is not conceivable that the Respondents would not have been aware of the Complainant's trademark rights at the time of the registration of the Disputed Domain Names particularly given that the Respondents have used the Complainant's marks on the website to which the Disputed Domain Names resolve. In addition, nowhere do the Respondents disclaim on its website the non-existing relationship between themselves and the Complainant. Therefore, the Panel concluded that the Disputed Domain Names were registered in bad faith. A similar conclusion should be reached in the instant case.
- d) It is pertinent to mention herein that previously the Complainant had initiated domain name proceedings before NIXI against the same entity, which is the Respondent in the present case, i.e. 3D Logic Pvt. Ltd. The

Respondent had registered the domain name www.kentrocustomerservice.in and had been running a website providing RO repair, installation and maintenance services, using the Plaintiff's trademark 'KENT' at various points on the website without permission from the Complainant and thereby indicating a false association with the Complainant. The disputed domain name in that case was ordered to be transferred to the Complainant and the order passed by the Ld. Arbitrator therein was submitted at Annexure 25. Thus it is clear that the Respondent is merely attempting to encash upon the goodwill and reputation of the Complainant by registering multiple domain names incorporating the Complainant's trademark 'KENT'. Thus, bad faith on part of the Respondent in registering the disputed domain name is well established.

- e) It is submitted that the Mark "KENT" has no meaning except that of Complainant's name and Mark. It is further reiterated that Complainant's business under the Mark is substantial, is well-known in India and its reputation extends beyond India. The Complainant being the largest manufacturers of water purifiers in India adds weight to the submission that there is bad faith acquisition of the disputed domain by the Respondent.
- f) As shown previously, the Mark KENT, is well known and has significant presence much prior to the creation date (27 November 2020) of the disputed domain. The complainant and its Mark are well known due to the extensive sale and marketing, endorsement by famous Indian celebrities and various awards and accolades awarded to the Complainant's company. It is evident that the Respondent has registered the disputed domain after being cognizant of the fact the huge presence of the Complainant and its Mark KENT.
- g) It is further pertinent to mention that a mere glance at the Respondent's domain name <https://www.kent-ro-service.in> makes it evident that Respondent is attempting to portray an association with the Complainant.

- h) The Respondent in its Agreement with Registrar at Annex 2 has at Clause 2 given representational and warranty that the registration of the disputed domain does not infringe on the legal rights of any third party. In the Registrar's Dispute Policy, the Respondent has categorically given the following representation:

"2. Your Representations

By applying to register a domain name, or by asking us to maintain or renew a domain name registration, you hereby represent and warrant to us that (a) the statements that you made in your Registration Agreement are complete and accurate; (b) to your knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party; (c) you are not registering the domain name for an unlawful purpose; and (d) you will not knowingly use the domain name in violation of any applicable laws or regulations. It is your responsibility to determine whether your domain name registration infringes or violates someone else's rights."

It is evident that the representations made to the Registrar are in bad faith. In view of the foregoing, the Complainant submits that the Respondent's bad faith registration and use is established.

(13) Other Legal Proceedings:

No other legal proceedings have been commenced or terminated in connection with or relating to the domain name that is the subject of the Complaint.

(14) Remedy Sought:

In accordance with Paragraph 10 of the Policy, for the reasons described above, the Complainant requests the Administrative Panel appointed in this administrative proceeding that the disputed domain <https://www.kent-ro-service.in> be transferred to the Complainant.

RESPONSE BY THE RESPONDENT

- (15) Respondent was directed to submit the soft copy (PDF & Editable) of 'Reply of the said complaint (Statement of Defense)' along with complete set of annexure' and the Hard copy of the same by 05.05.2023 and thereafter by 23.05.2023. Respondent failed to submit the required/said documents within the time limit ie 23.05.2023. Respondent has not even filed any application for grant of extension of time for submission of their said documents. Since sufficient opportunity was given to Respondent to submit their pleading, so by AT mail dated 24.05.2023, it was intimated to Respondent that they have lost their right to entertain it and the proceeding of this case was 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.

REJOINDER BY THE COMPLAINANT

- (16) Since Respondent failed to file the Statement of Defense, so there is no question of submitting the Rejoinder by 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) by 05.05.2023 and thereafter by 23.05.2023 . But Respondent failed to submit the same within said time limit; therefore the Respondent had lost their right to entertain it. The proceeding of this case was kept closed for award on 24.05.2023 and the matter is be decided ex-parte on the basis of the material 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 cases, Judgement of Division Bench decision of Hon'ble High Court of Delhi and above mentioned facts by Complainant, and due to non submission of Statement of Defense by Respondent, the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

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

Facts & Findings

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

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

Facts & Findings

On the basis of referred Awards of WIPO & INDRP , other above mentioned facts by Complainant and due to non submission of Statement of Defense by Respondent, 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.kent-ro-service.in"

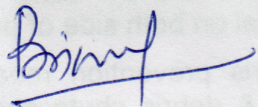
be forthwith TRANSFERRED from Respondent to Complainant.

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 26.05.2023 (Twenty Sixth Day of May , Two Thousand Twenty Three).

Place: Bhopal (India)

Date: 26.05.2023



(RAJESH BISARIA)

Arbitrator