

AND IN THE MATTER OF:-

Dispute relating to domain name <xometry.in>

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Xometry, Inc.,

Plot No.: 6116 Executive Blvd. Suite 800,

North Bethesda MD 20852, USAComplainant

Versus

Sarang Dumbre

Sharda Niwas, Netaji Road, Pune,

Maharashtra, India - 411001

Email: sarangdumbrepatil@gmail.com

Phone no. (+91) 9665101647Respondent

AWARD

04.09.2025

1. The present arbitration proceedings are initiated under and in accordance with the INDRP, and the INDRP Rules of Procedure which are adopted by the National Internet Exchange of India (NIXI) which governs the dispute in connection with .IN domain name.
2. The Complainant has filed the subject Complaint against the Respondent seeking transfer of domain name <xometry.in> from the Respondent to the Complainant.
3. The Registrant/Respondent has registered the <xometry.in> (hereinafter 'disputed domain name') with the domain name Registrar duly accredited with the NIXI i.e. GoDaddy.com, LLC., since 23.02.2024.

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Procedural history

4. The consent of the Arbitrator was sought for in the present matter by the NIXI and the Arbitrator gave his consent along with his statement of acceptance and declaration of impartiality dated 02.07.2025.
5. I was appointed as an Arbitrator by the NIXI in the present matter vide their email dated 11.07.2025 which email containing the complaint and all relevant documents was marked to the Respondent (<sarangdumbrepatil@gmail.com>) as well. The Arbitrator issued a notice dated 14.07.2025 under Rule 5(c) of INDRP Rules of Procedure whereby the Respondent was directed to file its reply to the Complaint till 11.08.2025 and the parties were directed to file their written submissions by 13.08.2025. The said notice issued by the present Arbitrator was marked via email to the Complainant and to the Respondent, which email did not bounce back. The Respondent was duly served with the complaint and documents vide email dated 11.07.2025 by NIXI. Thereafter, the notice 14.07.2025 of the Arbitrator was also duly served on the Respondent vide Arbitrator's email dated 14.07.2025.
6. In the said Notice dated 14.07.2025, the Complainant was directed to serve again on the Respondent the subject complaint and all accompanying documents, including the said Notice of the Arbitrator, so that the Respondent is provided with ample opportunity to file his reply.
7. The Complainant, through its learned counsel vide email dated 23.07.2025 to the Arbitrator which email was marked to the Respondent as well, stated that they had served the

Respondent with the complaint via email and courier. The email of the learned Counsel of the Complainant dated 17.07.2025 showing the service of the complaint on the Respondent, was attached with the said email dated 23.07.2025. Furthermore, with the said email dated 23.07.2025, the learned counsel of the complainant has also attached a courier receipt showing the dispatch of the complaint to the Respondent.

8. In view of foregoing, it is apparent that the Respondent was served with domain complaint along with all other documents firstly by NIXI vide their email dated 11.07.2025, secondly by the Complainant vide their email dated 17.07.2025. The Notice dated 14.07.2025, via email dated 14.07.2025, by the Arbitrator was also served on the Respondent. The said email of the Arbitrator did not bounce back. Furthermore, the communication (email) of the Complainant dated 23.07.2025 to the Arbitrator stating that the Respondent was duly served with the complaint was also marked to the Respondent as well. The Respondent in its reply or written submissions has not denied the receipt of the complaint or of the email from NIXI and the Complainant containing the complaint.
9. The Respondent vide its email dated 20.07.2025 acknowledge the receipt of the notice and submitted his reply. The Complainant filed its written submissions on 13.08.2025 whereas the Respondent filed its written submissions on 15.08.2025.
10. Rule 5(d) of the INDRP Rules of Procedure states that the date of commencement of the arbitration proceeding shall be the date on which the arbitrator issues notice to the

Respondent. Therefore, the date of commencement of arbitration in the present case is 14.07.2025. Rule 5(e) of the INDRP Rules of Procedure states that an Arbitrator shall pass an award within a period of 60 days from the date of commencement of the arbitration proceeding and in exceptional circumstances, the timeline may be extended by a maximum period of 30 days by the Arbitrator subject to a reasonable justification in writing. The present award is passed within the timelines prescribed under the INDRP Rules of Procedure.

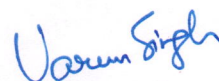
Issues for consideration

11. Paragraph 4 of the INDRP provides the grounds on which a complaint can be filed by the aggrieved Complainant who considers that a registered domain name conflicts with his/her legitimate rights or interests on the following grounds:

- (a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and
- (b) the Registrant has no rights or legitimate interests 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.

Contention of the Parties

12. The Complainant in its complaint, *inter alia*, stated the following:-



- a. The Complainant, incorporated in 2013, is a global AI-powered marketplace connecting buyers with a vast network of manufacturers.
- b. The Complainant helps manufacturers and engineers access and purchase production services by leveraging automation and artificial intelligence to simplify the supply chain. The Complainant helps businesses by use of its AI-powered tool-Instant Quoting Engine which enable customers to upload CAD files and instantly receive manufacturing quotes based on real-time pricing, lead times and feasibility analysis. The platform of the Complainant also provides design feedback, allowing for optimized production.
- c. The Complainant is an intermediary and offers a wide array of manufacturing services, including online CNC machining service, 3D printing online services, sheet cutting, custom plastic injection moulding service, Urethane casting, tube bending services, laser tube cutting services and injection moulding services to engineers, product developers, designers, and more through the vetted network of 10,000 + suppliers. The digital/ AI-powered marketplace offered by the Complainant has a massive network capacity, with production capacity of over 10,000 manufacturers with wide ranging capabilities and certifications across 46 US states and 22 countries.
- d. The Complainant states that its 'Xometry Instant Quoting Engine' puts data science to work so the customer can easily choose their choice of project's optimal price and lead time. The Complainant serves variety of industries such as aerospace, defence, automotive, medical, robotics, industrial,

consumer electronics and its services are tailored to each sector's unique standards, challenges, and compliance requirements. The Complainant is ISO9001:2015, ISO 13485:2016, AS9100D certified and ITAR-registered, producing lightweight, high-performance components.

e. The revenue of the Complainant in the year 2013 Annual report was \$463 Million including 30% marketplace revenue growth. The Complainants has won awards.

f. The Complainant is a bonafide adopter and proprietor of trade mark XOMETRY. The said trade mark along with other

formative trademarks  and



are promoted on various social media websites such as facebook, Instagram, youtube, and on <xometry.com>. The domain name/website of the Complainant i.e. <xometry.com> stands registered since 13 May, 2015.

g. The Complainant states that its trade mark XOMETRY is exclusively associated with the Complainant's goods, services, and business around the world. The said trade mark is coined with high level of distinctiveness. The word XOMETRY on the google search engine returns several results pertaining to the business of the Complainant.

h. The Complainant states that its trade mark XOMETRY is in use in India as its website is visible from India and that there are purchase orders from India from 08.03.2021.

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- i. The Complainant is advertising its trade mark on digital platforms. The trade mark of the Complainant is used through You Tube and there are videos in hindi language targeting Indian partners.
 - j. The trade mark XOMETRY is registered in USA, UK, Australia, EU, China.
 - k. The Complainant states that the disputed domain name is non-functional and the disputed domain name is a case of cybersquatting.
13. The Respondent in its reply stated as under:-
- a. The disputed domain name is registered since 23.02.2024 in good faith for personal blogging. The disputed domain name as purchased for future personal use.
 - b. The domain name of the Complainant is not registered in India.
 - c. The Respondent is not intending to profit from the brand identity.
 - d. The documents through courier sent by the Complainant were not received by him.
14. The Respondent has not denied receipt of documents through email.

Respondent's disputed domain name confusingly similar to Complainant's trade mark

15. The Complainant has produced certificates of registration of its trade mark, extracts of its website under domain name <xometry.com>, extracts of hindi you tube videos, purchase orders from India, extracts of social media presence which

invariably show that the trade mark XOMETRY of the Complainant and its domain name <xometry.com> are in use and the Complainant is carrying in its business using the said trade mark and the said domain name. Furthermore, the search of XOMETRY on google give a result of website of the Complainant i.e. <xometry.com>.

16. The purchase orders from India starting from 08.03.2021, social media presence of the Complainant as reflected from the print outs of the social media websites, extracts from <xometry.com>, extracts of the youtube videos in hindi, establishes the prior use of the Complainant's trade mark XOMETRY and its domain name <xometry.com>. On the other hand, the disputed domain name does not host any active website. Moreover, the said domain name is registered on 23.02.2024 i.e. much after the usage of the domain name and trade mark of the Complainant. The Respondent has not mentioned any use of the disputed domain name. the Respondent has mentioned that the disputed domain name is for future personal use which does not give any valid reason to purchase the disputed domain name which is similar to the domain name, trade name and trade mark of the Complainant.
17. Furthermore, the trade mark XOMETRY of the Complainant is registered in many jurisdictions such as EU, USA, and UK, much prior to the registration of the disputed domain name by the Respondent.
18. Therefore, the prior use of the Complainant's trade mark XOMETRY and its domain name <xometry.com> stands established.

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19. It is well established law that the specific top-level domain such as '.com', '.net', '.in' etc does not affect the domain name for the purpose of determining whether it is identical or confusingly similar (*Relevant decision:- Rollerblade, Inc. v. Chris McCrady*¹). Therefore, TLD '.in' is to be disregarded while comparing the disputed domain name with the trademark of the Complainant. When the trade mark of the Complainant XOMETRY and the disputed domain name are considered, there is no doubt that the disputed domain name is confusingly similar to the trade mark and the domain name of the Complainant.
20. Furthermore, the Respondent has used the whole of the trade mark of the Complainant in disputed domain name.
21. In view of foregoing, it is apparent that the disputed domain name is confusingly similar to the trade mark XOMETRY of the Complainant, and its the domain name <xometry.com> and trade name of the Complainant. Therefore, The Complainant has established its case under paragraph 4 (a) of the INDRP.

Respondent has no rights or legitimate interests in disputed domain name

22. The Respondent has used the entire trade mark XOMETRY of the Complainant, in the disputed domain name. The Respondent is not known by the domain name. Furthermore, the registration of the disputed domain name is created and used without any consent of the Complainant.

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¹ WIPO Case No. D2000-0429

23. The disputed domain name also makes a hopeless attempt to make an association with the Complainant's trade mark and domain name which can never be termed as legitimate use of the disputed domain name. The disputed domain name uses in its entirety the word XOMETRY which is the internationally registered trade mark of the Complainant, to divert the users from the Complainant's platform.
24. The Respondent cannot be said to have any legitimate right or interest in the disputed domain name which is confusingly similar to a registered trade mark of the Complainant.
25. The disputed domain name incorporates a trade mark which is neither owned by the Respondent nor the Respondent is known by the name XOMETRY.
26. The Complainant has been using its domain name <xometry.com> which was registered much prior to the registration of the disputed domain name. The domain name of the Complainant hosts an active website showing use of the trade mark XOMETRY of the Complainant.
27. The reply of the Respondent is bereft of any reason of the adoption of the disputed domain name which is similar to the domain name of the Complainant. Furthermore, the disputed domain name does not host any website of the Respondent. The disputed domain name is not put to any use. The reason given by the Respondent that he wishes to use the disputed domain name for his future personal use show that the Respondent was aware of the trade mark of the Complainant and has deliberately adopted the disputed domain name to



ride upon the reputation of the Complainant and to hurt the business of the Complainant.

28. Therefore, the Respondent/Registrant has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established its case under paragraph 4 (b) of the INDRP.

Baid Faith

29. The registration of the disputed domain name affects the rights of the Complainant vis-à-vis its internationally registered trade mark XOMETRY which finds its place prominently in its domain name <xometry.com> and its trade name as well.
30. The disputed domain name negatively affects the goodwill and reputation of the Complainant thereby disrupting business of the Complainant. The disputed domain name which diverts the internet users to itself who otherwise would have visited the websites of the Complainant acts in disrupting the business of the Complainant. Therefore, the registration of the disputed domain name is in bad faith according to paragraph 7(d) of the INDRP.
31. The Respondent registered the disputed domain name much subsequent to the registration of the domain name of the Complainant. The said registration of the disputed domain name is in bad faith to confuse internet users as to a possible association between the disputed domain name and the Complainant. The registration of the disputed domain name is in bad faith according to paragraph 7(c) of the INDRP.

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32. In view of foregoing, it is apparent that the registration of the disputed domain name is in bad faith to hurt the commercial activity of the Complainant. The Complainant has established its case under paragraph 4 (c) of the INDRP.

Decision

33. In view of the foregoing, it is ordered that the disputed domain name <xometry.in> be transferred to the Complainant from the Respondent. Parties are ordered to bear the cost of the present proceedings.

Varun Singh

(VARUN SINGH)

Sole Arbitrator

Varun Singh

Advocate-on Record

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