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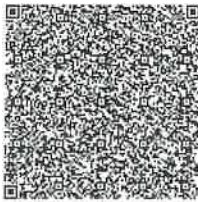
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**BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY**  
**(Appointed by the National Internet Exchange of India)**

**ARBITRATION AWARD**

Disputed Domain Name: &lt;bureauveritasindiapvtltd.in&gt;

IN THE MATTER OF

**Bureau Veritas**  
 Immeuble Newtime,  
 40/52 boulevard du Parc,  
 92200 Neuilly sur Seine, France

..... Complainant

-----versus-----

**Dotpe Pvt. Ltd**  
 Paras Twin Towers Ground Floor,  
 Tower-B, Golf Course Rd Sector 54,  
 Gurugram, Haryana 122002

Email: showroom@dotpe.in  
 Statutory Alert:

..... Respondent

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### 1. The Parties

The **Complainant** in this arbitration proceeding is **BUREAU VERITAS**, at the address: Immeuble Newtime, 40/52 boulevard du Parc, 92200 Neuilly sur Seine, France.

The **Respondent** in this arbitration proceeding is **Dotpe Pvt. Ltd.**, of the address: Paras Twin Towers Ground Floor, Tower-B, Golf Course Rd Sector 54, Gurugram, Haryana 122002 as per the WHOIS records.

### 2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**BUREAUVERITASINDIAPVTLTD.IN**> with the .IN Registry. The Registrant in the present matter is '**Dotpe Pvt. Ltd.**' as per the WHOIS records, and the Registrar is **Endurance Digital Domain Technology Private Limited**.

### 3. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

<b>Date</b>	<b>Event</b>
January 11, 2025	NIXI sought consent of Ms. Lucy Rana to act as the Sole Arbitrator in the matter. The Arbitrator informed of her availability and gave her consent vide email on the same date.
January 13, 2025	Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
January 20, 2025	NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.
January 21, 2025	The Arbitrator directed Counsel for the Complainant to provide dispute specific or a forum specific Power of Attorney, or a Power of Attorney providing authorization for legal actions (including arbitration).
January 27, 2025	Complainant's Counsel provided a revised dispute-specific Power of Attorney, wherein actions such as domain name disputes and arbitration were included.
January 28, 2025	The Arbitrator directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon the Respondent by email as well as physical mode (in case Complaint had

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	already not done so) and provide proof of service within seven (7) days.
February 03, 2025	Complainant's Counsel vide email forwarded an actual copy of the email as sent to Respondent (Outlook File/ Item) as well as courier receipt showcasing that the Complaint and the Annexures have been dispatched via courier and email to the Respondent.
February 04, 2025	The Arbitrator directed Complainant to provide proof of service via physical mode and/or email within three (03) days. Complainant's Counsel vide email on the same date, provided the proof of delivery of the email to the Respondent.
February 06, 2025	The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response, i.e. by February 20, 2025.
February 21, 2025	As no response was received from the Respondent within the stipulated time period, in the interests of justice, the Arbitrator granted a final extension of five (05) days to respond to the complaint.
February 28, 2025	As no response was received from the Respondent, Arbitrator concluded proceedings and reserved the present award.

#### **4. Factual Background – Complainant**

Counsel for the Complainant, on behalf of the Complainant in the present matter, has, inter alia, submitted as follows:

- i. That the Complainant, formerly known as BVQI (Bureau Veritas Quality International) is an International Certification Agency founded in Antwerp, Belgium in the year 1828. In addition to certifications, the Complainant provides HSE expertise (Health, Safety, Environmental) and is a world leader in laboratory testing, inspection and certification services.
- ii. That the Complainant assist their clients throughout the lifetime of their assets, products and infrastructure, helping them assure quality, reduce costs, increase productivity and foster a more responsible, sustainable culture.
- iii. That the Complainant employs over 83,000 individuals in more than 1,600 offices and laboratories worldwide, serving over 400,000 clients. In 2023, the Complainant achieved remarkable revenue of €5.9 billion. In this regard, the Complainant has annexed excerpts as Exhibit-1.
- iv. That the Complainant started its operations in India in 1971 and initially devoted to Ship and Engine Survey and soon expanded their offerings to industrial inspection by end of 1976. The System Certification business started in 1990 and BVQI (now Bureau Veritas Certification) soon gained iconic status. Most of India's best and largest

organizations were certified to Management Systems by Bureau Veritas Certification, a position that the Complainant still holds.

- v. That the Complainant's Indian subsidiary employs over 5,500 individuals in India across 100+ Offices and Labs throughout India. In this regard, the Complainant has annexed excerpts supporting goodwill and reputation of the Complainant in India as Exhibit-2.
- vi. That the Complainant is the registered proprietor of the trademark **BUREAU VERITAS** and formative marks in various countries around the world including in India. In this regard, the Complainant has annexed copies of the Trademark Registration Certificates (in India) as Exhibit-3.
- vii. That the Complainant has adopted its trademark "**BUREAU VERITAS**" honestly, bonafidely and has been using it since 1829 around the world including in India.
- viii. That the Complainant is the registered owner of the domain names [www.bureauveritas.co.in](http://www.bureauveritas.co.in) and [www.bureauveritas.com](http://www.bureauveritas.com) which act as the identifier of the Complainant's business and its goods/services. In this regard, the Complainant has annexed excerpts of ICANN Lookup Page and .in Registry WHOIS Search page as Exhibit-4.
- ix. That the Complainant has expanded enormously to ensure such wide-spread domestic as well as international presence. This has resulted in tremendous growth of the Complainant in terms of business generated by the efforts made by the Complainant. This has also ensured that the brand **BUREAU VERITAS** is exclusively associated with the Complainant and no one else.

##### **5. Contentions And Legal Grounds Submitted By The Complainant**

In support of the requirements laid under Paragraph 4 of the INDRP (combined with the relevant Rules of Procedure), the Complainant has submitted that:

- i. The Complainant is entitled to exclusive proprietary rights in the trademark/tradename **BUREAU VERITAS** by virtue of prior adoption, extensive and continuous use and prior registration in respect of the trademark/tradename **BUREAU VERITAS** and domain names "**bureauveritas.co.in**" and "**bureauveritas.com**", and the public at large associate the said trademark/ domain name with the goods/services offered by the Complainant alone and none else.
- ii. A domain name is more than an Internet address and is entitled to the equal protection as that of trademark and in this regard, the Complainant has placed reliance on *The Federal Bank Ltd v. Matt Hiller and Anr.* [MIPR 2007 (3) 380].

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- iii. That the owner of a registered domain name has exclusive right over the same and no other person has any right to adopt and use a similar domain name. In this regard, the Complainant has placed reliance on *Info Edge (India) Pvt. Ltd. and Anr. v. Shailesh Gupta and Anr.* [98 (2002) DL T 499].
- iv. The domain name <BUREAUVERITASINDIAPVTLTD.IN>, which is identical to the Complainant's registered domain names "bureauveritas.co.in" and "bureauveritas.com" and trademark BUREAU VERITAS depicts the Respondent's mala-fide intentions to benefit from the established reputation and goodwill garnered by the Complainant in its trademark/trade name BUREAU VERITAS and the registered domain names "bureauveritas.co.in" and "bureauveritas.com". Such conduct clearly demonstrates the Respondent's attempt to exploit the established goodwill of the Complainant's prior-used and registered trademark/domain name, which is exclusively owned by the Complainant. The Complainant has placed reliance on *Oki Data Americas, Inc. v. ASD Inc.* [WIPO Case No. D2001-0903].
- v. That the Complainant's domain names- "bureauveritas.co.in" and "bureauveritas.com" are the identifier of the Complainant's business and its goods/services. The Respondent's use of a deceptively similar or identical domain name causes confusion and directs individuals seeking the Complainant's website to the Respondent's portal. Thus, a website with same/similar/identical domain name is likely to cause confusion as to the source of the goods sold/services so rendered and therefore, is highly detrimental to the Complainant's well established and immensely reputed business rendered under the BUREAU VERITAS branding. In this regard, Complainant has placed reliance on *Satyam Infowav Ltd. v. Sifynet Solutions Pvt. Ltd.* [AIR 2004 SC 3540].
- vi. That the Complainant has been using the trade mark BUREAU VERITAS since the year 1828 and the domain names "bureauveritas.com" since 1996 and "bureauveritas.co.in" since 2003 which is much earlier to the date of adoption of the Respondents' domain name <BUREAUVERITASINDIAPVTLTD.IN> (July 01, 2021). This shows that the Respondent has registered the impugned domain name <BUREAUVERITASINDIAPVTLTD.IN> in bad faith.

**6. Reliefs claimed by the Complainant (Paragraphs 11 of the .IN Policy and 4(b)(vii) of the .IN Rules)**

The Complainant has requested for suspension of the disputed domain name <BUREAUVERITASINDIAPVTLTD.IN> as well as for restraining transfer of the domain name in any illegal manner to an unrelated-third-party/ user of the website.

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## 7. Respondent's Contentions

The Respondent has not filed any response to the submissions of the Complainant.

## 8. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, a Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The disputed domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
  - ii. The Respondent has no rights and legitimate interest in respect of the domain name; and
  - iii. The disputed domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.
- i. **The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights**  
(Paragraph 4(a) of the .IN Domain Name Dispute Resolution Policy)
- The Complainant has furnished information about their trademark rights over the mark **BUREAU VERITAS** in several countries, including registrations over the mark in India.
  - The Complainant has also provided details of various domain names, comprising its **BUREAU VERITAS** trademark.
  - The Complainant has also submitted that the disputed domain is identical to the Complainant's registered domain names "**bureauveritas.co.in**" and "**bureauveritas.com**" and trademark **BUREAU VERITAS**.
  - The Complainant has also made submissions and provided evidence in respect of its prior adoption and use, as well as reputation in its **BUREAU VERITAS** trade mark.

Thus, in light of the trademark rights presented by the Complainant's and the documents placed on record, the Arbitrator finds that the Complainant has been successful in establishing their rights in the trademark **BUREAU VERITAS**. It is well established that trademark registration is recognized as prima facie evidence of rights in a mark. The Complainant, by filing documents showing its ownership over registered trademark **BUREAU VERITAS**, has established its prior rights in the same in India (the jurisdiction where the disputed domain is registered).

Further, it has been held by prior panels deciding under the INDRP that there exists confusing similarity where the disputed name incorporates the Complainant's trade mark, such as *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, *Indian Hotel Companies Limited v. Mr. Sanjay Jha, INDRP/148 <Gingerhotels.co.in>*, *Carrier*

*Arora*

*Corporation, USA v. Prakash K.R. INDRP/238 <Carrier.net.in>, M/s Merck KGaA v. Zeng Wei INDRP/323 <Merckchemicals.in>, Colgate-Palmolive Company & Anr. v. Zhaxia INDRP/887 <Colgate.in> and The Singer Company Limited v. Novation In Limited INDRP/905 <singer.co.in>. More recently, as held by the INDRP Panel in the matter of Tata Communications Limited v. Chandan [INDRP/1880] on August 29, 2024 – “It is well established that the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identical or confusing similarity”.*

Accordingly, it may be stated that the disputed domain name <**BUREAUVERITASINDIAPVTLTD.IN**> is confusingly similar to the Complainant's **BUREAU VERITAS** trademark, and incorporates the same in entirety.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the .IN Domain Name Dispute Resolution Policy)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name, by demonstrating any of the following circumstances:

- (a) 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;*
- (b) 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*
- (c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.*

In this regard, in the absence of any rebuttal from the Respondent, and in light of the assertions below of the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

- The Respondent's registration of the disputed domain name is much subsequent to the Complainant's adoption of the **BUREAU VERITAS** mark.
- The brand **BUREAU VERITAS** is exclusively associated with the Complainant and no one else.
- That the Complainant has not authorised, licensed or otherwise allowed the Respondent to make any use of its **BUREAU VERITAS** trade mark, in a domain name or otherwise.

- That the Respondent cannot legitimately claim that it is commonly known by the disputed domain name in accordance with the paragraph 6(b) of the .IN Policy.
- The Respondent's registration of the disputed domain name with same/similar/identical **BUREAU VERITAS** mark acts as great threat to the Complainant's functioning, deliverance and security of the Complainant.

As held in the prior panel in *Amundi v. GaoGou (INDRP/776)*, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests, and once such case is established, then it is the Respondent upon whom there is the burden of proof, to demonstrate rights or legitimate interests in the disputed domain name. In this regard, if the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(b) of the Policy.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not come forward with any assertion or evidence to show any bonafides. Thus, as mentioned above, in view of the lack of assertions on part of the Respondent, coupled with the other contentions put forth by the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. **The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) of the .IN Domain Name Dispute Resolution Policy)**

In this regard, Complainant has *inter alia* contended the below points regarding Respondent's bad faith:

- The Respondent's awareness that the trademark **BUREAU VERITAS** is popular and famous world over including in India. As the Complainant has been using the trademark **BUREAU VERITAS** extensively and continuously since the year 1828 and the domain names "**bureauveritas.com**" since 1996 and "**bureauveritas.co.in**" since 2003. Therefore, the Respondent had constructive notice of the Complainant and its rights in the mark **BUREAU VERITAS**.
- The Respondent's registration and use of the disputed domain name is solely with intention to mislead people into believing that the disputed domain name is associated with the Complainant.

In this regard, it is pertinent to reiterate that the Respondent has not submitted any reply or rebuttal to the Complainant's contentions, or any evidence in support of its bona fide registration or use of the disputed domain name.

In view of the consolidated submissions of the Complainant, including the above, specifically regarding the relevance of paragraph 7(c) of the .IN Policy in the present domain dispute, the Arbitrator finds that the Respondent's registration and use of the



disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(c) of the Policy, namely “(c) by using the domain name, the Registrant has intentionally attempted to attract 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”.

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

#### **9. Decision**

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and directs the .IN Registry to suspend the domain <BUREAUVERITASINDIAPVTLTD.IN> and restrain transfer of the said domain name.

The Award is accordingly passed and the parties are directed to bear their own costs.



**Lucy Rana, Sole Arbitrator**

**Date: March 19, 2025.**

**Place: New Delhi, India.**