



INDIA NON JUDICIAL

Government of Uttar Pradesh



IN-UP97624305481159X

Signature: *[Signature]*
 ACC Name: Jay Prakash Tyagi
 ACC Code: UP14015404
 ACC Address: Dadrh, Gautam Budh Nagar
 Mobile No.: 9871591299
 License No.: 187

e-Stamp

Certificate No. : IN-UP97624305481159X
Certificate Issued Date : 15-Dec-2025 12:21 PM
Account Reference : NEWIMPACC (SV)/ up14015404/ GAUTAMBUDDH NAGAR 1/ UP-GBN
Unique Doc. Reference : SUBIN-UPUP1401540491913470535630X
Purchased by : VARUN SINGH
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) :
First Party : VARUN SINGH
Second Party : Not Applicable
Stamp Duty Paid By : VARUN SINGH
Stamp Duty Amount(Rs.) : 100
 (One Hundred only)

सत्यमेव जयते



₹100

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IN-UP97624305481159X

BEFORE NATIONAL INTERNET EXCHANGE OF INDIA

MR. VARUN SINGH, ADVOCATE: SOLE ARBITRATOR

INDRP CASE NO. 2036

IN THE MATTER OF:-

Arbitration under the .IN Domain name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India which sets out the legal framework for resolution of dispute in connection with .IN domain name, and the INDRP Rules of Procedure

AND IN THE MATTER OF:-

Dispute relating to domain name <walmartindia.co.in>

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Statutory Alert:

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2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy, please inform the Competent Authority.

AND IN THE MATTER OF:-

Walmart Apollo, LLC

702 Southwest, 8th Street,
Batonville, Arkansas 72716
United States of America

.....Complainant

Versus

Hiring Labs

Surya Apartment,
302, Malani Nagar,
Near Ganesh Mandir,
Mumbai, Maharashtra, India
Email:- hiringlabs123@gmail.com

.....Respondent

AWARD

22.12.2025

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 <walmartindia.co.in> from the Respondent to the Complainant.
3. The Registrant/Respondent has registered the <walmartindia.co.in> (hereinafter 'disputed domain name') with the domain name Registrar duly accredited with the NIXI i.e. GoDaddy.com, LLC, since 23.04.2023.

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Procedural history

4. I was appointed as an Arbitrator by the NIXI in the present matter vide their email dated 30.10.2025 which email containing the complaint and all relevant documents was marked to the Respondent (hiringlabs123@gmail.com) as well. The said email of the Respondent is reflected as such in the WHOIS record. The Arbitrator issued a notice dated 02.11.2025 under Rule 5(c) of INDRP Rules of Procedure whereby the Respondent was directed to file its reply to the Complaint till 05.12.2025. The parties were directed to file their respective written submissions by 12.12.2025. The said notice issued by the present Arbitrator was marked via email dated 02.11.2025 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 30.10.2025 by NIXI. Thereafter, the notice 02.11.2025 of the Arbitrator was also duly served on the Respondent vide Arbitrator's email dated 02.11.2025.
5. In the said Notice dated 02.11.2025, the Complainant was directed to amend its complaint and rectify a mistake occurred in paragraph 8 of the Complaint. The Complainant has filed the subject Complaint against the Respondent. Though the complaint is qua domain name <walmartindia.co.in>, and the complaint, as filed, mentioned the details regarding <walmartindia.co.in>, however, in the prayer clause in paragraph 8 of the complaint, the Complainant sought transfer of the domain name <walmart.co.in> from the Respondent to the Complainant. The Complaint also mentioned <walmart.co.in> in para 3 of

the Complaint. Therefore, the Complainant was directed vide notice dated 02.11.2025 to amend its complaint and rectify the mistakes, typographical and otherwise, and send the amended version of the Complaint to the Arbitrator within a period of 5 days from this notice. 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.

6. The Complainant had sent a copy of the amended/revised complaint along with all the documents through email dated 07.11.2025 to the Arbitrator, which email was also marked to the Respondent. The Complainant filed its written submissions on 12.12.2025 through email, which email was also marked to the Respondent as well.
7. 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 30.10.2025, secondly by the Complainant vide their email dated 07.11.2025. The Notice dated 02.11.2025, via email dated 02.11.2025, by the Arbitrator was also served on the Respondent. The said email of the Arbitrator did not bounce back. Furthermore, the Complaint had filed its written submissions on 12.12.2025 through email, and the Respondent was also marked in the said email.
8. All possible attempts were made to serve the Respondent. Therefore, I can safely hold that the Respondent was duly served with the domain complaint along with documents thereto and is aware of the present proceedings. This Tribunal

has not received any communication/reply from the Respondent till date. The Respondent has avoided any participation in the present proceedings.

9. 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 02.11.2025. 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

10. 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

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(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

11. The Complainant in its complaint, *inter alia*, states the following:-

- a. The Complainant, Walmart, is an American multinational retail corporation operating an extensive network of discount department stores, e-commerce platforms, and warehouse outlets worldwide. The Complainant company was established in 1962 by Mr. Sam Walton. The Complainant company was incorporated as Wal-Mart Stores, Inc on 31.10.1969. Walmart's shares entered OTC market in 1970 and were subsequently listed on the New York Stock Exchange in 1972. The Complainant has filed its Restated Certificate of Incorporation which reflects the date of original incorporation of the Complainant as 31.10.1969. The Complainant has also filed documents detailing its revenue details.
- b. The Complainant conducts business under a diverse range of at least 48 trade names worldwide, including Best Price Flipkart Wholesale in India and Walmart Supercentre in regions such as the United States, China, Canada, Central America, and Mexico.
- c. The Complainant finds its name in Fortune 500 and Fortune Global 500 rankings by Fortune Magazine.
- d. The Complainant has received numerous awards.

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- e. The Complainant first entered in Indian market in 2007 through a joint venture with Bharti Enterprises. This partnership led to the establishment of Best Price Modern Wholesale, a chain of self-service wholesale stores. Following the dissolution of the joint venture, Walmart assumed full control of its wholesale operations, continuing under its own subsidiary, which was later rebranded as Best Price Flipkart Wholesale. The Complainant now operates 28 such stores across nine States in India, along with fulfilment center.
- f. Walmart made a significant entry into India's e-commerce sector in 2018 by acquiring a 77% stake in the Flipkart Group, a leading Indian e-commerce company. The acquisition, valued at approximately USD 16 billion, remains one of the largest e-commerce deals in history.
- g. The Complainant is the prior user and honest adopter of its trademark WALMART/WALMART in India, as well as internationally, and has honestly coined the said mark with an intention to distinguish its goods and services from those of others. With passage of time, the Complainant has adopted various logos in respect of its WALMART/WAL-MART mark to effectively deal with its ever-expanding business.
- The Complainant has launched  logo in January, 2025 as its updated brand identity.
- h. The Complainant states that it has trade mark registrations in India and abroad.

- i. The Complainant owns and operates <walmart.com> at least since July, 1996. In India the Complainant operates through country specific platforms including <bestprice.in>, and <flipkart.com>.
- j. The Complainant has extensively advertised and promoted its WALMART/WAL-MART marks through a variety of creative campaigns across print and electronic media on global scale, including in India. The Complainant has social media presence on Facebook, Twitter. The Complainant has posted substantial revenue.
- k. The Complainant's trade mark WALMART/WAL-MART has been recognised as a well-known trade mark in multiple jurisdictions including Australia, Brazil, China, Chile, Colombia, Turkey, and Venezuela.
- l. The Complainant has taken numerous legal actions against several domain names to protect intellectual property and goodwill in the trade mark WALMART/WAL-MART.
- m. The Complainant has received judgments from WIPO Arbitration and Mediation Centre in its favour.
- n. The Complainant states that it recently learned through unrelated individuals that the disputed domain name <walmartindia.co.in> has been engaged in sending phishing emails to individuals on the pretext of offering job opportunities. In doing so, the registrant of the impugned domain has made false job-offers and has duped people of money fraudulently. Respondent's use of the disputed domain name to impersonate the Complainant and facilitate a fraudulent phishing scheme constitutes neither a bona fide

offering of goods or services, nor a legitimate non-commercial or fair use.

- o. The Complaint states that not only does the domain name send emails impersonating an employee at Walmart India,

Walmart 

but also uses the mark  in their signature, solely with the intention of causing confusion.

- p. The Complainant states that the Respondent registered the disputed domain name with actual knowledge of Complainant's mark.

- q. The Complainant states that domain name in question <walmartindia.co.in> has the Complainant's registered mark "WALMART" in its entirety and is thus confusingly similar thereto for which the Complainant has registrations in India and globally. Statutory rights apart, the Complainant also enjoys common law rights in its mark "WALMART" in India due to the extensive use and pan India business activities, as demonstrated above. Pursuant to such use and reputation of the mark "WALMART" both internationally and in India, the mark "WALMART" has come to be associated exclusively with the Complainant and its business activities. The disputed domain name gives an unmistakable impression of a nexus with the Complainant, which is certainly not the case.

12. The Respondent did not file any reply to the complaint, despite ample opportunity granted, as mentioned above.

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

13. The trade mark WAL-MART is a registered trade mark of the Complainant in India under trade mark no. 928856 in class 16, and trade mark no. 1254218 in class 42. The trade mark WALMART is a registered trade mark under trade mark no. 1818308 in class 35. The trade mark WALMART (Device mark) is a registered trade mark under trade mark no. 1818309 in class 35. Section 28 of the Trade Marks Act, 1999, confers rights to the Complainant by registration of its trade marks including the right to exclusive use of the said trade marks. Apart from the foregoing, the trade mark WALMART is a registered trade mark of the Complainant in other foreign jurisdictions.
14. The Complainant has produced documents including trade mark registrations in India and abroad. The domain name of the Complainant (<walmart.com>) is registered much prior to the registration of the disputed domain name. On the other hand, the website of the Respondent under the disputed domain name is not functional.
15. 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 'WALMART' and its domain name

¹ WIPO Case No. D2000-0429

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<walmart.com> and the disputed domain name are considered, there is no doubt that the disputed domain name is confusingly similar to the registered trade mark 'WALMART', the trade name and domain name of the Complainant.

16. In view of foregoing, it is apparent that the disputed domain name is confusingly similar to the registered trade marks WALMART, WAL-MART of the Complainant, the domain name 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

17. The Respondent has used the entire registered trade marks WALMART, WAL-MART 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.
18. When the Arbitrator tried to visit the website hosted by the disputed domain name, the website did not open.
19. The disputed domain name also makes a hopeless attempt to make an association with the Complainant's trade marks 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 'WALMART' which is the registered trade mark of the Complainant, to divert the users from the Complainant's platform.

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20. 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.
21. The disputed domain name incorporates a trade mark which is neither owned by the Respondent nor the Respondent is known by the name WALMART.
22. The Complainant has been using its domain names which were registered much prior to the registration of the disputed domain name. The disputed domain name is similar to the domain names of the Complainant.
23. The Complainant has filed the email dated 09.09.2024 which in its chain has an email dated 09.03.2025 received by one Dindi Manogna from Walmart India (<hr@walmartindia.co.in>) where she was offered a job in Walmart.
24. It is clear that the impugned domain name <walmartindia.co.in> has sent an email to an individual on the pretext of offering job opportunities. The same cannot be said to constitute a bona fide offering of goods or services, or a legitimate non-commercial or fair use.
25. 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

26. The registration of the disputed domain name affects the rights of the Complainant vis-à-vis complainant's domain

Vaish Singh

names and its registered trade marks. Therefore, the Complainant's right to exclusively use its domain name and its trade marks is affected by the registration of the disputed domain name.

27. The disputed domain name will negatively affect 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.
28. Furthermore, the impugned domain name <walmartindia.co.in> has sent an email to an individual on the pretext of offering job opportunities. The same cannot be said to constitute a bona fide offering of goods or services, or a legitimate non-commercial or fair use. The bad faith on the part of the Respondent is apparent.
29. The Respondent registered the disputed domain name recently and the same is registered 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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30. In *Telstra Corporation Limited v. Nuclear Marshmallows*² it was observed that “*It is possible, in certain circumstances, for inactivity by the Respondent to amount to the domain name being used in bad faith.*” Notwithstanding the absence of current activity of the disputed domain name, its confusing similarity to the Complainant's registered trademark, coupled with the Respondent's lack of legitimate rights, demonstrates bad faith registration.
31. 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

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



(VARUN SINGH)

Sole Arbitrator

Varun Singh

Advocate-on Record

1203, Tower-8, SDS NRI Residency,
GH 04/A, Sector-45, Noida,
Uttar Pradesh-201303

² WIPO Case No. D2000-0003