

BEFORE BHARAT S KUMAR, SOLE ARBITRATOR
.IN REGISTRY
NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)
INDRP ARBITRATION
INDRP Case No. 2059
DISPUTED DOMAIN NAME: <SWATCH-INDIA.IN>
ARBITRATION AWARD DATED FEBRUARY 16, 2026

IN THE MATTER OF:

SWATCH AG

Nicolas G. Hayek Strasse 1,
CH-2502 Biel/Bienne,
Switzerland

Complainant

VERSUS

Darrell Basler

4278 Green Hill Road
AR-72740 Huntsville
United States of America

Respondent

1. The Parties in the proceeding:

The complainant no. 1 in this administrative proceeding is SWATCH AG a fully owned subsidiary company of The Swatch Group Ltd. The complainant lays reliance on **Exhibit H.1 to H.3**. The complainant states that it is having its principal place of business at Nicolas G. Hayek Strasse 1, CH-2502 Biel/Bienne.



Switzerland. The complainant has authorized Mr. Sebastian Regez (email sebastian.regez@swatchgroup.com) as their authorized representative in the present proceedings. Power of Attorneys (POA) dated 08.08.2025, for the complainant has been filed with the complaint as **Exhibit F.1**.

The Respondent in the present proceedings is Darrell Basler, having his address at 4278 Green Hill Road, AR-72740 Huntsville, USA. The complainant has also filed the publicly-available WHOIS record, for the domain name <swatch-india.in >.

2. **Domain Name and Registrar:-**

The disputed domain name is <swatch-india.in>. The domain name was registered on 2024-11-06. The registrar with which the domain name is registered is NameCheap, Inc., 1068, 4600 East Washington Street , Suite 33, Phoenix AZ 85034, United States. The email address of the registrar is support@namecheap.com.

3. **Procedural History:**

3.1 This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy") adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules"). The arbitration proceeding is approved in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with a NIXI accredited Registrar, the respondent has agreed to the resolution of disputes pursuant to the said Policy and the Rules.

3.2 The complaint was filed by the complainant with NIXI against the respondent. On 11.11.2025, to ensure compliance, I had submitted statement of acceptance and declaration of impartiality and independence as required by the Arbitrator's Empanelment Rules (Rule 5). On 14.11.2025, I was appointed as the sole arbitrator to decide the disputes between the parties.


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NIXI notified both the parties of my appointment as arbitrator *via* email dated 14.11.2025. NIXI had also served by email an electronic copy of the complainant with annexures, on the respondent at the email address of the respondent, disibok78@163.com, whilst appointing me as an arbitrator.

3.3 On 14.11.2025, I had issued notice to the respondent and directed the complainant to serve the complete paperbook on the respondent by both post and email, i.e. the complaint which was filed by the complainant and the complete annexures. It is pertinent to note that the respondent has been marked on all email correspondences. That I had on 14.11.2025 also granted the respondent a time period of 15 days, to file a response to the complaint, from my email and the delivery of service of the complete paperbook. The service was done by the complainant's authorized representative, Antoine Haller from the complainant company, on 18.11.2025 and 20.11.2025, on the email address and physical address present through a WHOIS lookup, i.e. disibok78@163.com. The courier proof was also shared vide email dated 20.11.2025. **Mr. Roman Villemin, the complainant company's subsequent representative had vide email on 24.11.2025, also affirmed and confirmed my appointment as an arbitrator. There was no response from the respondent to my email dated 19.11.2025.**

3.4 That pursuant to no response from the respondent for 15 days after service of the complaint and the documents (annexures), I had on 08.12.2025 sent an email to the respondent stating that in the interest of justice, I am granting it 7 more days to file a response. I had on 16.12.2025, closed the respondent's right of filing a response and apprised it about the same too through email and that it is being proceeded *ex parte*. That in the same email, I had also asked the complainant's representative whether they wish to seek any personal hearing, to which they declined the same and requested that the complaint further proceed on merits.



3.5 That on 13.01.2026, I had observed that the documents which the complainant was allegedly relying upon was not shared with me. I had then vide an email dated 13.01.2026, asked the complainant's representative to re-share the documents and reserve the same to the respondent, as abundant caution. This was to make certain that later the respondent may not state that the documents were not served upon him, even if he was being proceeded ex-parte upon non-appearance. That vide emails dated 19th, 23rd, 28th and 30th January, 2026, the complainant affirmed that it had served upon the respondent both by email and post. The complainant had even tried to re-serve the second time, but due to the respondent allegedly giving a wrong address in WHOIS records, the same again could not be done.

3.6 That, all the communications to the complainant, respondent and NIXI by this tribunal have been through email. None of the emails sent on disibok78@163.com have bounced or returned. The complainant has even served the respondent through normal post multiple times, without any avail. I therefore hold that the service is complete as per the INDRP rules as all correspondences effectively took place on disibok78@163.com.

Respondent being proceeded ex-parte:

3.7 I wish to highlight Clause 13(b) of the INDRP Rules of procedure requires that the arbitrator shall at all times treat the parties with equality and provide each one of them with a fair opportunity to present their case. Clause 17 of the INDRP Rules of procedure grant the power to an arbitrator to proceed *ex-parte*, in the event any party breaches the provisions of INDRP rules and/or directions of the arbitrator.

3.8 The respondent has been given a fair opportunity to represent itself, respond to the complainant's assertions & contentions and counter the same, if it so wishes to. However, there has been no response by the respondent, despite effective service. It is noteworthy that Clause 18 of the INDRP Rules of



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procedure mandate that an arbitrator shall decide a complaint on the basis of the pleadings submitted and in accordance with the Arbitration & Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2015 read with the Arbitration & Conciliation Rules, Dispute Resolution Policy, the Rules of Procedure and any by-laws, and guidelines and any law that the arbitrator deems to be applicable, as amended from time to time. In these circumstances this tribunal proceeds to decide the complaint on merits, in accordance with said act, policy and rules on respondent's failure to submit a response, despite having been given sufficient opportunity and time to do so and represent itself. As a result of the aforementioned, the respondent is proceeded *ex-parte*.

4. **Legitimate rights under which a complainant can approach NIXI:**

4.1 The complainant has invoked Clause 4 of the INDRP policy to initiate the arbitration proceeding. Clause 4 reads as under:

4. Any person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

(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.

The complainant therefore has to satisfy this arbitral tribunal on all the three aforementioned clauses/conditions, i.e 4 (a), (b) and (c).



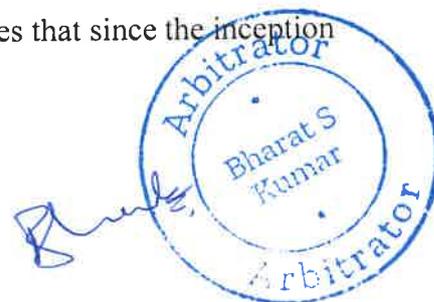
A handwritten signature in blue ink is written over a circular blue stamp. The stamp contains the text "Arbitrator" at the top and "Bharat S. Kumar" in the center. The word "Arbitrator" is also written at the bottom of the stamp.

5. Case of the complainant

5.1 The complainant avers that it is one of the world's foremost watch manufacturing companies and its "Swatch" brand of watches are recognized across the world as a symbol of brilliance and impeccable time keeping. The complainant states that it owns certain trademarks and makes extensive use of them such that they have become famous. It states that the SWATCH fame has been recognized in former UDRP cases and relies on the following - "The Panel finds that the Complainants' trademarks are well known and that they have been used since at least 1985", See: *SWATCH AG v. Boomin Jeong*, WIPO Case No. D2018-2627; "The Complainants' SWATCH trademark is well known in its industry", see *Swatch Ltd. v. Uli Kumli, Social-Media. Club*, WIPO Case No. D2016-2338)".

5.2 The complainant avers that SWATCH AG is a wholly-owned subsidiary of The Swatch Group Ltd. the complainant's mother company. It avers that the Swatch Group Ltd, is the largest watch company in the world that employs about 31,000 people in 50 countries. For the same, it relies upon Exhibit D.13. It further avers that it encompasses numerous other world-renowned watch maker brands such as OMEGA, BREGUET, HARRY WINSTON, HAMILTON, TISSOT, and RADO. The complainant avers that the Swatch Group Ltd is publicly traded on various stock exchanges under the symbols UHR and UHR N. For the same, it relies upon Exhibit D.14.)

5.3 The complainant further avers that it is the owner of the distinctive and well-known SWATCH trademark. While placing reliance on Exhibit D.1, it states that at least as early as 1983 and long prior to the creation of the Disputed Domains(s), the complainant commenced the use of the SWATCH Mark in connection with what has become one of the most famous industry leaders in wristwatches. The complainant states that it also produced or produces apparel, sunglasses, and other items. It further states that since the inception



of the SWATCH Mark, it has continually used it in commerce and has thereby gained both common-law and registered trademark rights.

5.4 The complainant states that that its website www.swatch.com is used to promote the SWATCH brand and its products and services on the internet. The complainant avers that it also has fully owned, branded retail stores throughout North America, Europe, the Middle East, Africa, Central and South America, Asia, and Australia, as well as a growing number of E-commerce shops available for the brand SWATCH at www.Shop.Swatch.com. For the same, it relies on Exhibit D.2. and D.3. The complainant avers that SWATCH AG has been the subject of stories in major news outlets. For the same, it relies on Exhibit D.4 and D.5. The complainant avers that its marks are so famous that even a collector's market has developed for its older products and many fans have posted images and stories on the internet to demonstrate their affinity for the brand.

The complainant's statutory claims pertaining to trademark "SWATCH":

5.5 **The complainant states that it has obtained trademark protection for its the SWATCH Mark in India as early as 1983.** For the same, it relies upon Exhibits E.12. and E.13.. It further avers that it has subsequently extensively and continually been using its SWATCH marks in commerce in India. For the same, it relies upon Exhibits D.15. to D.21. **It further avers that the same is also long prior to respondent's registration of the Disputed Domain in the year 2024. It relies on Exhibit B.1 for the same.** The complainant states that it operates numerous exclusive SWATCH boutiques in India and furthermore sells its goods through an extensive network of selected authorized resellers throughout India. For the same, it relies on Exhibit D.21. Thus, the complainant avers that the SWATCH Marks are well known among Indian consumers, and the term "SWATCH" is closely



associated with the complainant and its luxury products by Indian consumers. The complainant avers that examples of how the SWATCH Marks are used, promoted, and recognized in relation to its goods and services have also been filed with this present proceeding.

5.6 The complainant has also filed trademark registrations with this complaint as Exhibits E.1. to E.13. It particularly lays reliance on the India registered trademarks "SWATCH" with registration number 623297 registered on 25.03.1994 and "SWATCH QUARTZ" with the registration number B401066 registered on 07.02.1983.

6. The dispute raised before this tribunal – case of the complainant:

The Domain Name and associated website

6.1 The complainant states that it recently came across the respondent's domain name <swatch-india.in> ("*disputed domain name*") which was registered on 06.11.2024. The complainant avers that the name of the respondent is Darrell Basler. The complainant has also filed the WHOIS extract of the disputed domain with this present complaint.

7. Analysis

7.1 It is pertinent to note that Paragraph 4 of the INDRP Domain Name Dispute Resolution Policy, mentions about class of disputes, which grants any person who considers that a registered domain name conflicts with his/her legitimate rights or interests, the right to file a complaint with the .IN Registry. There are 3 conditions which an aggrieved right holder may file the complaint under. The complainant has in the present complaint mentioned that its rights under all the three conditions have been violated:




- i. Condition 4(a) - The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the complainant has rights;

The complainant states in the complaint that it has statutory and common law rights in the trademark (label mark) **SWATCH** and such rights predate the registration of the disputed domain name. It further states that generally, a domain name is "identical or confusingly [similar] to a trademark for purposes of the policy when the domain name includes the trademark, or a confusingly similar approximation, regardless of other terms in the domain name (see *Asurion, LLC v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. D2019-1650; *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. D2000-0662). Further, it avers, a domain name is confusingly similar if a distinctive trademark is readily recognisable within the Disputed Domain names and, accordingly, the addition of a variety of descriptive terms is insufficient to avert a finding of confusing similarity (Reliance is placed on *Amazon Technologies, Inc. v. Jack Worli*, INDRP Case No. 868; *Petsmart International Ip Holdings, Inc. vs. Mr Prashant Bhekare*, INDRP Case No. 1764; *Amazon Technologies, Inc. v. Surya Pratap*, INDRP Case No. 868; *Kenneth Cole Productions Inc v. Viswas Infomedia*, INDRP Case No. 093; *Inter IKEA Systems B.V. v. Lee Jin Ho*, WIPO Case No. D2017-1649).

The complainant further states that it is a well-established principle of law, as upheld by Indian courts that where a name or trademark incorporates a pre-existing trademark, then a deceptive similarity must be presumed in regard to the lay consumer having average attention and imperfect recollection. It lays reliance on *Exide Industries Limited v. Exide Corporation*, ORA/110/2011/TM/MUM; *Subhash Chand Bansal v.*



Khadim's, CS(OS) 2392/2006; *Dr. Reddy's Laboratories Ltd. v. Reddy Pharmaceuticals Ltd.*, 2004 (29) PTC 435 (Del)).

The complainant thus states that in the present case, the disputed domain name is confusingly similar to the complainant's trademark **SWATCH** and the complaint has successfully satisfied the first requirement set out in clause 4(a) of the INDRP.

I have gone through the pleadings and documents filed by the complainant. With regard to the fulfilment of paragraph 4(a) of the INDRP policy, it is evident that the complainant has been continuously and extensively using the mark **SWATCH** in the course of trade and commerce in India, as well as internationally, since the year 1983. The complainant has also registered its trademarks "SWATCH" with registration number 623297 registered on 25.03.1994 and "SWATCH QUARTZ" with the registration number B401066 registered on 07.02.1983. Furthermore, its sale in India and its statutory rights thus, in the trademark **SWATCH** are well established. It is pertinent to note that the disputed domain name *swatch-india.in* was registered on 06.11.2024, over 40 years after the first use and about 30 years after the registration of the trademark, **SWATCH** in India.

It is noteworthy that a perusal of the disputed domain name *swatch-india.in* of the registrant/respondent shows that the respondent has used the complainant's trademark **SWATCH** in its entirety. The disputed domain name 'swatch-india.in' is deceptively similar, or some may say near identical to the 'SWATCH' trademark of the complainant with merely the country's name "India" added to it. It is well established that the mere addition of a TLD such as "in" to a registered trademark(s), is not significant in distinguishing a domain name. It has been held by prior panels deciding under the INDRP, such as in *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, that there is confusing/deceptive similarity where the disputed



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domain name wholly incorporates a complainant's trade mark. It is further noteworthy that, a TLD/ccTLD such as ".in " is an essential part of domain name. Therefore, it cannot be said to distinguish the respondent's domain name 'swatch-india.in' from the complainant's trademark SWATCH. In **Satyam Infoway Ltd vs Siffynet Solutions Pvt. Ltd AIR 2004 SC 3540**, the Hon'ble Supreme Court of India stated that the law pertaining to the Trademark Act, 1999 shall be applicable to domain names in India. The Hon'ble Supreme Court of India also observed that domain names have the same characteristics of a trademark and thus act as a source and business identifier. In *M/s Retail Royalty Company v. Mr. Folk Brook INDRP/705*, wherein on the basis of the complainant's registered trademark and domain names for "AMERICAN EAGLE", having been created by the complainant much before the date of creation of the disputed domain name <americaneagle.co.in> by the respondent, it was held that:

"The disputed domain name is very much similar to the name - and trademark of the complainant. The Hon'ble Supreme Court of India has recently held that the domain name has become a business identifier. A domain name helps identify the subject of trade or service that an entity seeks to provide to its potential customers. Further that there is a strong likelihood that a web browser looking for AMERICAN EAGLE products in India or elsewhere would mistake the disputed domain name as of the complainant."

The complainant has rights in the trademark SWATCH by way of trademark registration in India. Pertinently, the use is prior to the date on which the respondent created the impugned domain <swatch-india.in> incorporating the complainant's trademark and trade name SWATCH in totality and as a whole. I agree that using the word "swatch" not only creates confusion, but may even make a potential web user believe that this may well be associated with the complainant.




The respondent has not filed any response to the assertions put forth by the complainant. The averments of the complainant thus remain unrebutted.

In view of the above facts and submissions of the complainant, on perusal of the documents filed and annexed with the complaint, I therefore hold that the disputed domain name < swatch-india.in> of the registrant (respondent) is identical and/or confusingly/deceptively similar to the trademark SWATCH of the complainant.

- ii. Condition no.4 (b) the Respondent (Registrant) has no rights or legitimate interest in respect of the domain name:

The complainant states that there are no signs that respondent has been commonly known by the Domain Names, and respondent is not in any way related to the complainant or its/their business activities nor has the complainant granted a license or authorized the respondent to use its trademarks or apply for registration of the Domain Name.

The complainant asserts that the respondent is unable to invoke any of the circumstances set out in Paragraph 6 of the .IN Policy to demonstrate rights or legitimate interests in the domain name. To further its claims, the complainant states that the disputed domain name has not been used in connection with *bona fide* offering of goods or services by the respondent. It avers that the disputed domain name is being used by the respondent to attract consumers by portraying itself as an affiliate of the complainant and making commercial gains by selling products/goods.



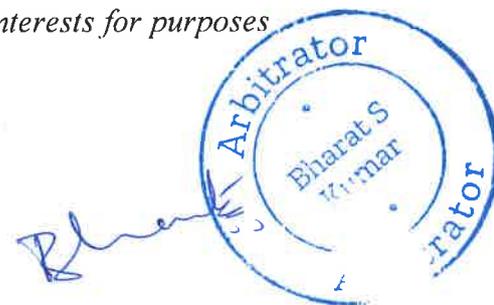
The complainant also avers that the respondent's use of the disputed domain name is for commercial gain. It states that the respondent's use of the complainant's SWATCH trademark is unauthorised. The complainant states that the respondent's acts are probative of its intention to make profit from unauthorised use of complainant's SWATCH trademark. Therefore, it states that the respondent has no legitimate interest in the disputed domain name, rather the sole purpose of its registration is to misappropriate the reputation associated with the complainant's trademark, SWATCH.

The complainant claims that it has therefore established a *prima facie* case that the respondent has no rights and legitimate interests in the disputed domain name.

I agree with the assertions put forth by the complainant. I believe that the complainant has established its rights in the trade mark SWATCH.

It is significant to note that the use of SWATCH in the respondent's domain name is definitely likely to give a false impression to internet users that the disputed website is either owned by the complainant or is affiliated to the complainant in some manner. The respondent cannot conceivably claim that its use of the complainant trademark is *bona fide* as per paragraph 6(a) of the .IN Policy or is commonly known by the domain name in accordance with paragraph 6(b) of the .IN Policy.

The mere fact that the disputed domain name is registered does not imply that the respondent has any rights or legitimate interests in them. In *Deutsche Telekom AG v. Phonotic Ltd.* (WIPO Case No. D2005-1 000), it has been held that "*Registration of a domain name in itself does not establish rights or legitimate interests for purposes*



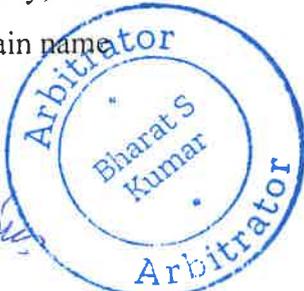
of paragraph 4(a)(ii) of the Policy". Therefore, any use of the disputed domain name by the respondent is not a legitimate, non-commercial or fair use. The respondent thus has no rights or legitimate interests in, the disputed domain name.

The adoption of word/mark "SWATCH", therefore in the disputed domain name affirms the malafide intention of the respondent to make use of and ride on the coat tails of the complainant for earning commercial benefits. Such a conduct demonstrates anything, but a legitimate interest in the domain name. In the *Sports Authority Michigan, Inc. v. Internet Hosting*, NAF Case No. 124516, it was held *'It is neither a bona fide offerings of goods or services, nor an example of a legitimate non-commercial or fair use under Policy 4(c)(i) and (iii), when the holder of a domain name that is confusingly similar to an established mark uses the domain name to earn a profit without approval of the holder of the mark'*.

It is pertinent to note that the complainant has also not licensed the use of the mark, SWATCH, to the respondent. In such as situation, there is no reason for the respondent to use the same as its domain name. The use is therefore unauthorized. A decision of a previous panel, *Wacom Co. Ltd. v. Liheng*, INDRP/634, is relevant in this case. It was stated that:

"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"

It is reiterated that the respondent (registrant) has not filed any response to counter the complainant's assertions, despite service. The respondent has thus failed to satisfy the conditions contained in clauses 6(a), (b) and (c) of INDRP Policy. Significantly, the respondent has never been identified with the disputed domain name

or any variation thereof. The respondent's (Registrant) use of the disputed domain name will inevitably create a false association and/or affiliation with complainant and its trademark/label marks, SWATCH.

Therefore, in view of the submissions made in the complaint and on perusal of the accompanying documents, I am of the opinion that the respondent has no rights or legitimate interests in respect of the disputed domain name. Accordingly, condition 4(b) of the INDRP policy is decided in the favour of the complainant.

- iii. Condition 4(c): The Registrant's domain name has been registered or is being used in bad faith:

To look into condition 4 (c) of the INDRP policy, clause 7 is to be looked into. Clause 7 of the INDRP policy states as under:

For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the Registration and use of a domain name in bad faith:

(a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the Trademark or Service Mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or

(b) the Registrant has registered the domain name in order to prevent the owner of the Trademark or Service Mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or

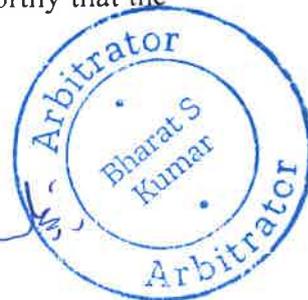


(c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location; or

(d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor.

The complainant states that the issue at hand falls 7 (c) of the INDRP policy as the Registrant(respondent) has intentionally attempted to attract users to the Registrant's website. The complainant states that the respondent has registered the disputed domain name subsuming the complainant's trademark SWATCH, with the sole reason of attracting prospective customers to its website and gain commercially. The complainant states that by using the disputed domain name, the respondent is attracting users to its website to view product listings under the complainant's trademark SWATCH and its variants in order to make commercial gains. The complainant states that the product sales on the respondent's website are unauthorised and the products are also allegedly counterfeit. Therefore, it states that the respondent's use of its trademark 'SWATCH' in the disputed domain name is solely to ride on the complainant's reputation.

It is pertinent to reiterate that the complainant is vested with statutory SWATCH trademark in India. The use of the trademark SWATCH has been from the year 1983, internationally. The respondent's registration of a disputed domain name wholly incorporating the complainant's trademark is most certainly to ride on the coat tails of the complainant's commercial success. It is also noteworthy that the


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actions of the respondent seem to fall squarely within subclause (c) hereinabove.

Given the enormous success of the complainant's business, its known trademark SWATCH, there seems to be no reason for the respondent to adopt an identical name/ mark with respect to the impugned domain name. This adoption by the respondent, of course seems to create a deliberate and false impression in the minds of users that the respondent is somehow associated with or endorsed by the complainant. A case by a previous panel, *M/s Merck KGaA v Zeng Wei JNDRP/323*, can be referred wherein it was stated that:

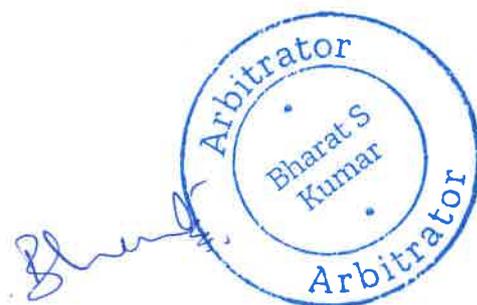
"The choice of the domain name does not appear to be a mere coincidence, hut a deliberate use of a well-recognized mark... such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration. "

It is noteworthy that Rule 3 of .IN Domain Name Dispute Resolution Policy (INDRP), casts obligations on a registrant, such as the respondent here. The same provides as under:

3. Registrant's Representations

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

- (a) the credentials furnished by the Registrant for registration of domain name are complete and accurate;
- (b) to the knowledge of Registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;**
- (c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and



(d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility' of the Registrant to determine whether their domain name registration infringes or violates someone else's rights.

It is evident from above rule that rule 3(b) and (d) puts an obligation on the Registrant, the respondent herein, before registering a domain name. The registrant is to verify that the registration of the domain name will not infringe upon or otherwise violate the rights of any third party.

From a perusal of the averments and documents filed herewith, there is therefore no doubt that the respondent has got the disputed domain name registered in bad faith and to ride on the complainant's SWATCH trademark's goodwill and reputation, not only in India, but globally too. The actions of the respondent are thus in contravention with paragraph 4(c) of the INDRP policy. I therefore hold that the respondent's domain name has been registered in bad faith.



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Decision

In view of the foregoing, I hold that the disputed domain name, <swatch-india.in> is identical and/or confusingly similar to the complainant's 'SWATCH' trademark. I further hold that the respondent has no rights or legitimate interests in respect of the disputed domain name and that the same was registered in bad faith by the respondent.

In accordance with the INDRP Policy and Rules, I direct that the disputed domain name registration be transferred to the complainant. No order as to costs.

Date: 16.02.2026

Place: New Delhi

