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 H.J.S.
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 Sole Arbitrator

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**BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2070
IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION CONCILIATION ACT, 1996**

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IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
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AND THE ARBITRATION CONCILIATION ACT, 1996**

Acer Incorporated

Republic of China, of 7F-5,
No.369, Fuxing N. Rd.,
Songshan Dist.,
Taipei City 105,
Taiwan, Republic of China

.... Complainant

Versus

Mr. Raj Kumar

3, Adyar, Chennai, Tamil Nadu - 600042
Email: info@laptopstoreindia.com
Phone: +91-956219995
India

.... Respondent

**DISPUTE RELATING IN THE DOMAIN DISPUTE NAME
www.acerindia.in**

Award Dated- 22.12.2025

**BEFORE V.P. PATHAK
SOLE ARBITRATOR
AT NEW DELHI**

⇒ **DISPUTED DOMAIN NAME & REGISTRAR-**

The disputed domain name is registered through the Registrar of the disputed domain name **Endurance Digital Domain Technology Private Limited**, which is accredited with the .IN registry and is listed on the website of the .IN registry.

⇒ **ARBITRATION TRIBUNAL-**

1. The Complainant has filed this Complaint for the disputed domain name, to be transferred to it. To decide this Complaint, NIXI has appointed the undersigned as Arbitrator. A consent letter with a declaration of impartiality by the undersigned to decide this case was sent to NIXI on 11.11.2025. The NIXI on 17.11.2025, appointed the undersigned as Arbitrator to proceed with the case.
2. The Tribunal primarily ordered the Complainant on 20.11.2025, to send the soft & hard copy of the Complaint along with Annexures to the Respondent & to send the Postal Slip of the same to the Tribunal. The Complainant on 21.11.2025, had sent the soft &

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hard copy along with other documents to the Respondent by Courier, the receipt of which was sent to the Tribunal on 24.11.2025 by the Complainant.

3. As per **Rule 5 of the INDRP Rules** the Tribunal issued a notice dated 26.11.2025 calling upon the Respondent to file its reply on the Complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter.
4. This Tribunal resumed this matter on 26.11.2025, by sending notice to the Respondent for reply, but no reply was filed. Since, no reply was filed by the Respondent so, in the interest of justice, the Tribunal gave an extension to the Respondent of 5 days till 17.12.2025, but there was no response even though the Complainant had sent a hard copy of the Complaint to the Respondent.
5. The Tribunal is constituted under the INDRP Policy and Rules. Under rule 13, the arbitration proceedings must be conducted according to the Arbitration and Conciliation Act, 2019 (as amended up to date) read with the Arbitration & Conciliation Act, Rules, Dispute Resolution Policy and its by-laws, and guidelines, as amended from time to time.
6. As mentioned above, the Respondent has not replied to any of the notices hence, this Tribunal is bound to proceed Ex Parte against the Respondent.

⇒ **PARTIES TO THE ARBITRATION:**

7. The Complainant, Acer Incorporated, is a globally reputed multinational technology corporation headquartered in Taiwan, engaged for several decades in the manufacture, sale, and distribution of computers, laptops, monitors, servers, digital devices, and a wide range of electronic products. The Complainant has placed on record certified copies of its trademark registrations for the mark ACER across multiple classes in India and several foreign jurisdictions, evidencing exclusive legal rights and continuous use extending over many years. These records include descriptions of the goods and services for which protection has been granted, thereby establishing the Complainant's strong statutory and common-law rights. **Annexure A**
8. The Complainant has also submitted extracts highlighting Acer's global reputation, product evolution, market presence, and long-standing technological innovation. These documents outline the worldwide goodwill associated with the ACER mark and its significant public recognition across global markets including India. **Annexure B**
9. Further, the Complainant provided evidence of its officially owned domain names such as acer.com, acer.co.in, and acer.in, which serve as authentic platforms for product sales, customer service, corporate communication, and after-sales support. These domain names collectively form a substantial part of the Complainant's digital identity. **Annexure C**
10. The Complainant has successfully garnered immense goodwill and reputation in the industry in the due course of time since it has been in the market since more than a decade.
11. The Complainant has filed the instant Complaint challenging the registration of the domain name *www.acerindia.in* under the ".in" Domain Name Dispute Resolution Policy (INDRP) and the rules framed there under. The Complainant has preferred this arbitration by raising this dispute for the redressal of its grievances.

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12. **Rule 2 of INDRP Rules of Procedure** provides for communication/services of Complaint. Per this rule, the Respondent was sent a copy of the Complaint on the email shown in the domain name registration data in the .IN Registry's WHOIS database.
13. Despite valid service of the Complaint and reminders through both electronic and physical modes, the Respondent has not filed any response or objections.

⇒ **FACTS OF THE CASE:**

14. The Complainant has furnished certified trademark registrations showing that ACER has been legally protected for decades across multiple classes in India, including computer hardware, software, digital devices, electronic equipment, and related goods. These rights significantly pre-date the Respondent's adoption of the disputed domain name. **Annexure A**
15. The Complainant has also submitted extracts evidencing its longstanding global reputation, market dominance, product descriptions, history of innovation, and continuous use of the ACER mark in India and abroad. These documents reflect that the ACER trademark enjoys wide public recognition and trust, particularly in connection with laptops, monitors, PCs, and related electronics. **Annexure B**
16. Additionally, the Complainant submitted evidence of its officially owned domain names, including acer.com, acer.in, and acer.co.in, each used for distinct commercial and informational purposes. These domains collectively function as Acer's digital identity, and their existence establishes prior and continuous use of the ACER mark in domain name format long before the Respondent's registration of <acerindia.in>. **Annexure C**
17. The disputed domain name <acerindia.in> resolves to an online presence containing content that appears to associate itself with Acer's operations in India. Screenshots filed by the Complainant show that the website uses language, product categories, and presentation that may mislead consumers into believing the Respondent is an official Acer entity, distributor, or service provider. The Respondent's webpage structure, use of the ACER name, and domain selection collectively create a false impression of affiliation. **Annexure D & G**
18. In the light of the Complainant's prior adoption of the mark and the reputation and goodwill created by the Complainant, it is recognized as the proprietor of the said mark, which is perceived and identified by consumers and members of the trade, as the Complainant's mark alone. Thus, the adoption and use of a mark by a third party, that is similar and/or identical to the Complainant's Trademark and trading style "ACERINDIA" with respect to any of the diversified fields of the market, will lead to confusion and deception amongst the relevant class of consumers and the members of the trade.

RESPONDENT-

19. The Complainant served both soft and hard copies of the Complaint upon the Respondent. However, the Respondent remained completely silent, neither objecting nor offering any justification for its adoption or use of the domain name.

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⇒ **CONTENTIONS OF PARTIES-**

• **COMPLAINANT:**

20. The Complainant's Indian subsidiary, Acer India Private Limited, was incorporated on September 9, 1999 and has offices in various cities across India such as Bangalore, Mumbai, New Delhi, Chennai, Kolkata and a manufacturing plant at Puducherry. The Complainant also operates Acer Malls and Acer Points in various cities across India, including Coimbatore, Tamil Nadu, Lucknow, Kochi, Chandigarh, Ahmedabad, Nagpur, and Hyderabad. **Annexure E**
21. The Complainant submits that it is the long-standing proprietor of the well-known and widely recognized trademark ACER, which has acquired substantial goodwill and reputation across global markets, including India. It states that the disputed domain name <acerindia.in> incorporates its registered trademark in its entirety, and the mere addition of the geographical suffix "India" does not diminish the likelihood of confusion. Instead, it reinforces the deceptive association, as consumers in India commonly search for country-specific Acer portals for warranty, service, and product information. The Complainant asserts that an ordinary user encountering the disputed domain would immediately assume a connection or affiliation with the Complainant's Indian operations. The Complainant has produced extensive documentary proof, including trademark registrations, historical corporate documentation outlining Acer's global and Indian presence, details of its official domains such as acer.com, acer.co.in, and acer.in, and evidence of its longstanding digital identity and authorized distributor network. **Annexure F**
22. The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is neither commonly known by the name ACER nor engaged in any legitimate activity that would justify adopting a domain name identical to the Complainant's registered and well-known mark. The Complainant emphasizes that it has never authorised, permitted, licensed, or otherwise allowed the Respondent to use its trademark in any form, whether for domain registration or service offerings. In support of its position, the Complainant relies on established INDRP jurisprudence, including *Instagram LLC v. Ding Riguo*, INDRP/1183, which held that once a complainant establishes a prima facie case of absence of legitimate interest, the burden shifts to the respondent to demonstrate such interest—a burden the Respondent has entirely failed to meet by not appearing. Similarly, the Complainant cites *Wacom Co. Ltd. v. Liheng*, INDRP/634, where it was held that absence of authorization from the trademark owner negates any claim of legitimate use. The Complainant also refers to *Monster.com India Pvt. Ltd. v. Domain Leasing Company*, wherein it was reaffirmed that domain registrants bear an affirmative duty to ensure that the domain they select does not infringe upon existing trademark rights.
23. The Complainant further alleges bad faith registration and use by the Respondent. It submits that the Respondent adopted the disputed domain name decades after the Complainant's trademark had gained international fame and after Acer had established a substantial commercial presence in India. By pairing the Complainant's trademark with the term "India," the Respondent has deliberately attempted to impersonate or misrepresent itself as the Complainant's Indian division, subsidiary, or authorized channel. Screenshots submitted by the Complainant show that the Respondent's website presents itself in a manner capable of misleading consumers, thereby diverting them away from Acer's genuine platforms and exploiting Acer's goodwill for illicit

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commercial gain. In support of its allegation of bad faith, the Complainant relies on *Honda Motor Co. v. Rafiq Ahmed*, which held that adopting an internationally reputed mark without authorization indicates deliberate imitation intended to mislead consumers; *Colgate Palmolive Co. v. Go On Communication*, where unauthorized use of a well-known mark for attracting consumer traffic was deemed classic bad faith; and *Pentair, Inc vs. Urmi Prakash*, where creation of confusion for commercial advantage was held incompatible with bona fide use. These decisions, according to the Complainant, clearly support the conclusion that the Respondent adopted the disputed domain name with mala fide intentions. **Annexure H**

24. The Respondent registered the disputed domain name after the Complainant acquired common law trademark rights in its mark "ACERINDIA". The disputed domain name appears to be registered by the Respondent with the sole purpose of selling it to the Complainant's competitors. This shifts the burden of proof on the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the disputed domain name.
25. Clause 3(d) of the INDRP requires a Respondent to not knowingly use the domain name in violation or abuse of any applicable laws or regulations. The obligations imposed by clause 3(d) are an integral part of the INDRP applicable to all the Respondents, and cannot be ignored, as was observed by the Ld. Arbitrator in the case- *Momondo A/S vs. Ijorghe Ghenrimopuzulu*, INDRP Case No 882.
26. Thus, the Complainant prays for IN Registry of NIXI to transfer the disputed domain name "acerindia.in" to the Complainant along with the costs of the proceedings of the Complainant.

• **RESPONDENT:**

27. The Respondent has not filed any reply.

⇒ **ANALYSIS-**

According to the above-mentioned facts of the case, the Tribunal must decide the following points-

A. Whether the Respondent's domain acerindia.in is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.?

The Complainant has placed on record substantial evidence demonstrating long-standing statutory and common-law rights in the trademark ACER, including multiple registrations in India and extensive global recognition. The Tribunal notes that the disputed domain name <acerindia.in> incorporates the Complainant's registered mark ACER in its entirety, without any alteration, distortion, or phonetic modification. Under settled INDRP jurisprudence, the complete reproduction of a complainant's registered and well-known trademark within a disputed domain name is, by itself, sufficient to establish confusing similarity. Further, the Tribunal finds that the addition of the geographic term "India" not only fails to distinguish the domain name from the Complainant's trademark but, on the contrary, heightens the likelihood of confusion, as the Complainant has an established commercial presence, customer base, and official digital identity within India. A consumer encountering the term "acerindia" would naturally assume that it refers to the Complainant's Indian operations, subsidiary, or authorized

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business division. The domain therefore creates a false impression of official affiliation, particularly in an industry where consumers frequently rely on official country-specific portals for service information, warranty support, and product purchases. It is well-recognized in domain name dispute jurisprudence that when a geographical indicator is appended to a well-known trademark, the resulting domain often magnifies consumer confusion by suggesting an authorized territorial branch of the trademark owner. The use of “india” thus reinforces, rather than mitigates, the connection to the Complainant. Such misleading association is precisely the harm that INDRP seeks to prevent. The disputed domain name, viewed as a whole, is therefore confusingly similar in appearance, meaning, and commercial impression to the Complainant’s ACER mark. Moreover, the Tribunal finds persuasive that the Complainant has submitted evidence of its official domains such as acer.com, acer.co.in, and acer.in, all of which precede the registration of <acerindia.in>. These established domain names have conditioned consumers to associate any domain prefixed with “ACER” and suffixed with a geographic or regional reference as originating from the Complainant. In such circumstances, the Respondent’s domain is positioned to mislead the public into believing that it is associated with, endorsed by, or officially operated by Acer’s Indian operations. The Tribunal therefore finds <acerindia.in> to be confusingly similar to the Complainant’s trademark ACER.

B. According to the above-mentioned facts of the case, the Tribunal has to decide the following points-

The Complainant has established a strong prima facie case that the Respondent has no rights or legitimate interests. Under *Instagram LLC v. Ding Riguo*, INDRP/1183, the burden shifted to the Respondent to demonstrate any legitimate rights. The Respondent has not appeared and has produced no evidence. The Complainant has not granted the Respondent authorization, license, or permission. In *Wacom Co. Ltd. v. Liheng*, INDRP/634, such absence of authorization is fatal to any claim of legitimate interest. The Respondent’s domain name leads to a webpage that could mislead consumers into believing that they are accessing official Acer content. The Respondent has failed to discharge this obligation.

The Respondent has failed to discharge this obligation & therefore the Respondent has no rights or legitimate interests in the disputed domain name.

C. Whether the Respondent’s domain name is registered or is being used in absolute bad faith?

The Respondent registered <acerindia.in> decades after the Complainant’s trademark became globally recognized. Selecting a domain name that pairs the Complainant’s mark with a geographical reference is a calculated attempt to impersonate Acer’s Indian presence.

The content available on the domain demonstrates intent to confuse consumers seeking Acer’s official Indian resources. In *Honda Motor Co. v. Rafiq Ahmed*, it was held that adopting a well-known mark in identical form reflects deliberate deception. The Respondent’s conduct aligns with this principle.

In *Eureka Forbes Ltd. v. Gomez and Colgate Palmolive Co. v. Go On Communication*, the Panels found that exploiting goodwill and using confusingly similar marks for commercial benefit amount to bad faith. The Respondent’s actions fall squarely within these parameters.

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The Respondent's silence, despite multiple notices, strengthens the inference of mala fide adoption. The Tribunal is satisfied that the domain was registered and used to misappropriate Acer's goodwill, divert users, and create an impression of affiliation.

The Tribunal therefore finds that the disputed domain has been registered and is being used in bad faith.

The above-mentioned facts themselves disclose the malice of the Respondent. To answer the question above - the Respondent's domain name registered is being used in absolute bad faith and such use demonstrates that the Respondent has used the disputed domain name to derive a commercial benefit and to tarnish the Complainant's website and domain name image.

⇒ **CONCLUSION-**

28. Considering the above facts, this Tribunal is of the view that the Complaint has merit. The Respondent did not have the Complainant's permission to use its domain name and hence it had no right to treat the domain name as its own. It is being mentioned again, that without the domain name, there is no gTLD/ccTLD. So, even though the Respondent's domain name is "acerindia.in", the name "ACERINDIA" belongs to the Complainant. The whole dispute in this Complaint is for the domain name and the mere alteration of a domain name or its extension does not affect or alter the ownership thereof.
29. In addition to everything mentioned above, it is pertinent to mention that the Respondent is using the Complainant's domain name, but it has not once responded to the Complaint made against it. The Respondent was given notice by the Complainant and by the tribunal. The hard copy of the Complaint was also sent to it through courier (receipt enclosed). This clearly shows that the Respondent has nothing to say and is not interested in its domain name and it's all just fable.
30. The Complainant has the full right and ownership of the domain name "ACERINDIA.COM" & "ACERINDIA.IN" So, the Complaint is allowed.
31. This Award is being passed as per Clause 5 (e) of the INDRP Rules, and Arbitration Act, 1996.

⇒ **ORDER-**

32. The IN Registry of NIXI is directed to transfer the disputed domain name "acerindia.in." to the Complainant forthwith. Registry to do the needful.
33. Parties to bear their own costs.
34. This Award is passed today at New Delhi on 22.12.2025.

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Date- 22.12.2025