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Purchased by	: ALOK KUMAR JAIN
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
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BEFORE Please write or type below this line. **ALOK KUMAR JAIN, SOLE ARBITRATOR**  
**INDRP Case No. 1574**  
**Disputed Domain Name: <COFFEEBEAN.IN>**  
**ARBITRATION AWARD**

**Super Magnificent Coffee Company**  
**Ireland Limited**

**Complainant**

**VERSUS**

**Ding RiGuo**

**Respondent**

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*Alok Kumar Jain*

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**BEFORE ALOK KUMAR JAIN, SOLE ARBITRATOR**  
**.IN REGISTRY**  
**NATIONAL INTERNET EXCHANGE OF INDIA(NIXI)**  
**INDRP ARBITRATION**  
**INDRP Case No. 1574**

**Disputed Domain Name: <COFFEEBEAN.IN>**

**ARBITRATION AWARD**

**Dated 12.7.2022**

**IN THE MATTER OF:**

Super Magnificent Coffee Company Ireland Limited  
dba The Coffee Bean & Leaf®  
Unit 14, Gray Office Park, Galway Retail Park,  
Headford Road, Galway,  
Ireland

Complainant

versus

Ding RiGuo  
8F, No. 199 Shifu Road,  
Taizhou, Zhejiang – 318000,  
China

Respondent

**1. The Parties**

The Complainant is Super Magnificent Coffee Company (Ireland) Limited (“SMCC”), having its office at Unit 14, Gray Office Park,

Galway Retail Park, Headford Road, Galway, Ireland, doing business as The Coffee Bean & Tea Leaf®. The Complainant's contact details are 5700, Wilshire Blvd, Suite 120, Los Angeles CA 90036, United States of America E-mail: jsalgado@coffeebean.com The Complainant is represented in these proceedings by its authorized representative Ms. Preetika Kashyap, c/o Ira Law, I-34, 4<sup>th</sup> floor, Jangpura Extension, New Delhi 110014, India. Telephone: +91 11 40204694 Email:preetika@ira.law. siddharth@ira.law and office@ira.law

The Respondent is Ding RiGuo having address as 8F, No. 199 Shifu Road, Taizhou, Zhejiang – 318000, China, Telephone - 13819669399 Email: Juc@qq.com

The Registrant of disputed domain name is Respondent.

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

The Disputed Domain name is <www. COFFEEBEAN.IN>

The accredited Registrar with whom the Disputed Domain Name is registered is Endurance Digital Domain Technology LLP , Goregaon, Mumbai, Maharashtra. Email: compliance@edtpl.in

**Procedure 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") which were approved in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the Disputed Domain Name with a NIXI accredited Registrar, the Respondent agreed to the resolution of disputes pursuant to the said Policy and the Rules.

As per the information received from NIXI, the history of the proceedings is as follows:

- 3.2. The Complaint was filed by the Complainant with NIXI against the Respondent . On 23.6.2022 I was appointed as Sole Arbitrator to decide the disputes between the parties. I submitted statement of Acceptance and Declaration of Impartiality and Independence as required by rules to ensure compliance with Paragraph 6 of the Rules.

NIXI notified the Parties of my appointment as Arbitrator *via* email dated 23.6.2022 and served by email an electronic Copy of the Complainant with Annexures on the Respondent at the email addresses of the Respondent.

- 3.3. I issued notice to the parties vide email dated 23.06.2022 directing the Complainant to serve complete set of Complaint on the Respondent in soft copies as well as in physical via courier /Post. The Complainant served Copy of the Complaint with Annexures on

the Respondent at its email address. The Respondent was directed to file its response within 10 days from the date of notice. No response was received from the Respondent till 4.07.2022. On 4.7.2022 I granted further time to the Respondent to file reply within 3 days. However again no response was received from the Respondent till 8.7.2022. On 9.7.2022 I informed the parties that now the matter will be decided on merits of the case. Accordingly now the complaint shall be decided on merit. No personal hearing was requested by any party.

3.4 A Complete set of Complaint was served by NIXI in electronic form by email to the Respondent on 23.6.2022 at the email provided by the Respondent with WHOIS ,while informing the parties about my appointment as Arbitrator. Thereafter I issued notice to the parties through the same trailing mail. Complainant also served the Respondent at its email address as given in WHOIS details. All communications were sent to Complainant, Respondent and NIXI by email. Therefore I hold that there is sufficient service on the Respondent through email as per INDRP rules. The Respondent has not filed any response to the Complaint despite two opportunities.

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3.5. Clause 8(b) of the INDRP Rules 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.

3.6. Clause 12 of INDRP Rules provides that in event any party breaches the provisions of INDRP rules and/or directions of the Arbitrator, the matter can be decided ex-parte by the Arbitrator and such arbitral award shall be binding in accordance to law.

3.7 As stated above, Initially I gave 10 days time to the Respondent to file a Response and additional time to file response, thereafter on 11.6.22 further time was granted to the Respondent to file reply by 18.6.2022 but the Respondent failed to file any Response to the Complaint despite opportunity and chose not to answer the Complainant's assertions or controvert the Complaint and the contentions raised. As a result, I find that the Respondent has been given a fair opportunity to present his case but has chosen not to come forward and defend itself.

3.8 Further Clause 13(a) of the Rules provides 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 the Tribunal proceeds to decide the complaint on merit 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.

**4. Grounds for Arbitration Proceedings.**

**INDRP Policy para 4. Class of Disputes provides as under:**

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 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 in bad faith.

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**5. The Case of the Complainant :-**

The Complainant has filed the present complaint seeking transfer of disputed domain name in its favour. In support of the case the Complainant has stated in the Complaint, inter alia, as under.

5.1. The Complainant stated in the complaint that the Complainant owns, operates, and franchises over 1,000 stores worldwide under the name “**THE COFFEE BEAN & TEA LEAF**” with a presence in 26 countries, including India. The Complainant has protectable rights, title, interest and reputation in the trade name and trademark/service mark **THE COFFEE BEAN & TEA LEAF**. The Complainant is registered proprietor of the trademark/service mark **THE COFFEE BEAN & TEA LEAF** in India and abroad, by virtue of a worldwide assignment of trademarks from International Coffee & Tea, LLC, in its favour in October 2019.

5.2 The Complainant owns various “coffee bean” domain names including the gTLD <coffeebean.com> which was created in 1995; <coffeebeanchina.com> which was created in 2015; <coffeebeanchina.com.cn> which was created in 2015; and the Complainant’s website <https://www.coffeebean.com/> has been in operation ever since.

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It was Established in 1963 in Los Angeles, California, USA as a small family run coffee store, the Coffee Bean & Tea Leaf has since grown into one of the leading global roaster and retailer of specialty coffee and tea beverages offering one of the most extensive selections of coffee and tea from around the world. The certificate of incorporation of the Complainant is enclosed and marked as **ANNEXURE E**.

The Complainant adopted the mark **THE COFFEE BEAN & TEA LEAF** in the year 1963 in the United States not only as its trademark but also as its business name; the same is thus a vitally important source identifier of the Complainant and is a carrier of the Complainant's reputation and associated goodwill.

The Complainant launched its first outlet in India in 2008 on a franchise owned model. As part of their aim to cater to the growing demand of premium quality coffee and tea among the Indians, the Complainant has made rapid inroads across Indian cities through its franchise-outlets and has created a niche for itself in the organized coffee chain retail market in India.

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The Complainant has won the “Best Café Award – Gold” at the India International Coffee Festival, 2012, which further solidified its preeminence in the Indian coffee chain retail market.

5.3 The Complainant has been continuously and consistently using the trademark and trade name **THE COFFEE BEAN & TEA LEAF** for several decades for its business activities across the world.

On account of its highly distinctive nature and pioneering activities, the trademark **THE COFFEE BEAN & TEA LEAF**, often used in its abbreviated form as **THE COFFEE BEAN**, has acquired an excellent reputation from the very inception. Over the decades, the said name/mark has consistently been associated with and exclusively denotes the Complainant’s business, which is known for premium quality beverages.

The Complainant is the registered proprietor of the **COFFEE BEAN & TEA LEAF** trademarks in India. Copies of the certificates of the registrations downloaded from the website of the Trade Marks Registry are annexed collectively as **ANNEXURE G**. The Complainant is also the registered proprietor of the trademark ‘**THE COFFEE BEAN**’ in various countries across the world.

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It further averred that the Complainant has devoted significant time, effort, and energy in promoting and advertising the said trademark through print and online media, as well its social media handles. In fact, the Complainant has a Facebook account **@TheCoffeeBeanIndia**; an Instagram page **@cbtlindia**, both of which have a large number of followers. Consequently, the **THE COFFEE BEAN** trademarks are solely identified with the Complainant. The Complainant is the owner of the domain name < coffeebean.com > which is synonymous with its **THE COFFEE BEAN** trademarks. Extracts from the Whois database evidencing the Complainant as the registrant of the said domain name as well as a list of various other similar domain names owned by the Complainant are annexed as **ANNEXURE H.**

5.4 The Complainant submitted that the Complainant has successfully and vigorously enforced its trademark rights in the trademark/ trade name **'THE COFFEE BEAN & TEA LEAF'** in India. The Complainant's rights in the said trademark / service mark were protected in India as far back as 2008 by the Hon'ble Delhi High Court in the matter titled International Coffee & Tea LLC v. Sanjay Mansukhani, (2008 SCC OnLine Del 783) wherein the Complainant succeeded in a quia timet action of infringement and passing off. Excerpts of the judgement of the Hon'ble Delhi High Court upholding the trademark rights of the Complainant are given below:

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*“Measured by the aforesaid yardstick laid down for claiming injunctive relief in a ‘Quia Timet’ action, the plaintiff has been able to establish that it has been in the business of owning and operating franchise stores worldwide for the past 45 years under the impugned trademark ‘THE COFFEE BEAN & THE TEA LEAF’, which is a distinctive trademark and a unique collocation of words, making the said trademark of the plaintiff highly memorable in the minds of the public. The plaintiff had also established that it has a presence by way of 423 stores worldwide in different countries and the plaintiff has also pending applications pending for registration in India. Thus the plaintiff has established that it has earned a goodwill over the past several years and any attempt on the part of the defendant to use the impugned trademark is likely to be associated with the plaintiff’s business. That apart, the plaintiff has entered into the Indian market by opening its store for its product through its launch held as recently as in March, 2008. The plaintiff also enjoys international goodwill and has acquired an international reputation through its advertisements worldwide including those on the web.”*

(Emphasis supplied)

A copy of the said judgement dated 7 July 2008 is annexed as

**ANNEXURE I.**

That All the above factors demonstrate that the Complainant has protectable common law rights as well as statutory rights in the

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trademark/service mark '**THE COFFEE BEAN & TEA LEAF**' of which '**THE COFFEE BEAN**' is an integral part.

5.5 Complainant submitted that It is more than likely that the Respondent is a cyber-squatter as the same entity has been arrayed as Respondent in several INDRP complaints. As a matter of fact, the INDRP panel in Morgan Stanley v. Ding RiGuo (INDRP/370 dated 6 July 2012) observed that the "Respondent [Ding RiGuo] is a habitual cyber-squatter who registers domain names that incorporate famous marks owned by other parties and that Cybersquatting is evidence of bad faith under the INDRP."

In the present case , the Respondent has registered the impugned domain name **<coffeebean.in>** by misappropriating illegally and without authority, the trademark/ trade name '**COFFEE BEAN**' in which the Complainant has exclusive proprietary rights. The Complainant has superior and prior rights in the mark '**COFFEE BEAN**' is demonstrable from the fact that the Complainant has registrations for the mark '**THE COFFEE BEAN & TEA LEAF**' in India dating to 1998 and 2007, it has an established business in India since around 2008 with several outlets in many cities in India and is very well recognized by the relevant class of consumers, its international use of the mark **THE COFFEE BEAN & TEA LEAF**

dates back to 1963, it has a presence in 26 countries, it also has numerous registrations for the mark '**THE COFFEE BEAN**' in many countries and it operates a website at [www.coffeebean.com](http://www.coffeebean.com).

6.1 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;

I have gone through the complaint and perused all the documents annexed with the Complaint. Complainant avers that :

- i) The impugned domain name <**coffeebean.in**> is identical to the Complainant's domain name <**coffeebean.com**>. Moreover, the impugned domain name is confusingly similar to the well known **THE COFFEE BEAN** trademarks of the Complainant and wholly comprises of and is identical to the trademark/service mark '**THE COFFEE BEAN**' of the Complainant.
- ii) The impugned domain name <**coffeebean.in**> constitutes an imitation of the essential feature of the Complainant's registered and well-known trademark/service mark '**THE COFFEE BEAN**' and '**THE COFFEE BEAN & TEA LEAF**'.

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- iii) It has been consistently held by WIPO Arbitration and Mediation Center that “where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for the purposes of UDRP standing.” (See Dr. August Oetker Nahrungsmittel KG v. WhoisGuard Protected, WhoisGuard, Inc., WIPO Case No. D2020-2233).
- iv) The registration of the impugned domain name by the Respondent is in violation of paragraph 3 of the INDRP.
- v) The Complainant’s registration of its mark ‘**THE COFFEE BEAN & TEA LEAF**’ in India is dated 1998 and it started its operations in India in the year 2008. It is also pertinent to point out that the Complainant’s domain name <**coffeebean.com**> was created in 1995 and has been in operation ever since. The Respondent created and registered the impugned domain name in 2012, that is, well after the Complainant had started its business operations in India. Therefore, the only plausible reason for registration of the Complainant’s trademark/service mark by the Respondent in the impugned domain name is to illegally occupy the impugned domain name with a mala fide intention of hurting the business and commercial operations of the Complainant in India.

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vi) The impugned domain name featuring an essential feature of the Complainant's 'THE COFFEE BEAN' trademarks has been registered by the Respondent with the sole ulterior motive of preventing the Complainant from making a legitimate commercial use of the same for offering its products and service using the impugned domain name. The Respondent is a habitual cyber-squatter and has occupied the impugned domain name with nefarious intention of coercing the Complainant to purchase the impugned domain name at an exorbitant price. The Respondent has in fact posted the impugned domain name and the domain name < coffeebean.co.in > for sale as evident from the screenshots of the webpages of coffeebean.in and coffeebean.co.in as shown in the complaint.

The Complainant satisfies the identity/confusing similarity requirement of the first INDRP element. The Disputed Domain Name incorporates the Complainant's COFFEEBEAN mark exactly, without alteration or addition. As established in other '.in' in earlier panel decisions, the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identity/confusing similarity. For example, in Zippo Manufacturing Company Inc. v. Zhaxia, Case No. INDRP/840, the arbitrator noted that: '*... the Respondent has picked up the mark ...*



*without changing even a single letter ... when a domain name wholly incorporates a complainant's registered mark, that is sufficient to establish identity or confusing similarity for purposes of the Policy'.*

The Respondent has not filed any response to the complaint as such all the averments of the complainant has remained un rebutted.

It is evident from above submissions and documents annexed with the complaint that the complainant has sufficiently established its rights in and to the ownership of the COFFEEBEAN Trademarks.

A mere perusal of the disputed domain name COFFEEBEAN.IN' of the Registrant/Respondent shows that the Respondent has used the Complainant's trading mark 'COFFEEBEAN in its entirety. it is well established that the mere addition of the Country Code Top Level Domain '.in' 'in' does not add any distinctive or distinguishing element. Following cases may be referred in this regard:

*i. Lego Juris AIS v. Robert Martin (INDRI/125) wherein the Learned Arbitrator observed that it is well recognized that incorporating a trademark in its entirety, particularly if the mark is an internationally well-known mark, is sufficient to establish that the domain name is identical or confusingly similar to the Complainant's registered mark.*

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ii. *Incase Designs Corp v. Stavros Fernandes (INDRP/ 1209) wherein the Learned Arbitrator observed that it is well established that the mere addition of the Country Code Top Level Domain '.in' does not add any distinctive or distinguishing element. In view of the same the Learned Arbitrator adjudged that the domain name www.incase.in of the respondent was identical to the trade mark INCASE of the Complainant.*

iii. *The Gillette Company v. Mr Gaurav Kana (INDRJI/049) wherein the disputed domain name was www.gillete.in and the complainant was the proprietor of the trademark and trading name GILLETTE. The Learned Arbitrator in the matter observed that:*

*"The Complainant has been using the trade name GILLETTE in many countries including the United States. As such, consumers looking for GILLETTE may instead reach the Respondent's website. Therefore I hold that the domain name www.gillette.in is confusingly similar to the Complainant's trademark."*

In view of the above facts and submissions of the complainant, and on perusal of the documents annexed with the Complaint, I hold that the Disputed Domain Name <COFFEEBEAN.IN> of the Registrant is identical or confusingly similar to the trademark COFFEEBEAN of the Complainant and the domain name www.COFFEEBEAN.COM.

**Condition no.4 (b) the Registrant has no rights or legitimate interests in respect of the domain name;**

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Complainant stated that the Respondent has no rights or legitimate interest in the impugned domain name <coffeebean.in> for the following reasons:

- A. The Complainant has well established common law and statutory rights in the **THE COFFEE BEAN** trademarks. The Complainant being the exclusive owner of the said marks is entitled to use these exclusively in relation to its products and services, including incorporation of the said marks as a conspicuous part of domain names in furtherance of its business activities in India.
- B. The Complainant has not in any way authorized, licensed, or otherwise permitted the Respondent to use its well-known trademark/service mark '**THE COFFEE BEAN & TEA LEAF**' or any part thereof including "**THE COFFEE BEAN**" or to apply for any domain name incorporating its trademark/service mark in full or in part.
- C. The Respondent has not provided any contact information about itself. Neither does the Respondent disclose its identification.

This proves beyond doubt that Respondent does not have and

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knows that it does not have any rights or legitimate interests in the disputed domain name.

D. The Respondent's registration of the impugned domain name <coffeebean.in> is not bona fide and merely an attempt to prevent the Complainant from operating under its legitimate business name in India. It is submitted that the Respondent is not making any legitimate, non commercial, or fair use of the disputed domain name because there is no website associated with the impugned domain name. It is further pertinent to point out that the Respondent does not engage in any activity under the name 'COFFEE BEAN', neither does it carry out any business or commerce activity relating to coffee and tea related products and services. Therefore, the Respondent has no legitimate interests in the impugned domain name.

E. As stated above, the primary motive of the Respondent for registering the impugned domain name is to coerce the Complainant to purchase the impugned domain name at an exorbitant price.

F. There can be no justification for the registration or use of the impugned domain name <coffeebean.in> by the Respondent

since the trademark/service mark 'THE COFFEE BEAN & TEA LEAF' is a coined mark which is registered and exclusively used by the Complainant for its products and services.

In view of above the Respondent has no rights or legitimate interest in the disputed domain name <coffeebean.in>.

A perusal of the documents, above averments and averments made in the complaint shows that the Complainant has not authorized the Respondent at any point of time to register the impugned domain name. Further, the Respondent cannot assert that it is using the domain name in connection with a *bona fide offering of goods and services* in accordance with Paragraph 6(a) of the .IN Policy, as it is Thus the Respondent has no rights or legitimate interests in respect of the impugned domain name.

The Respondent has not filed any response as such the facts stated in the complaint had remained unrebutted. Further the Respondent has failed to satisfy the conditions contained in clause 6(a),(b) and 6(c) of INDRP Policy.

On the contrary the Complainant has established that the Registrant has no rights or legitimate interest in respect of the Disputed Domain Name and has never been identified with the

Disputed Domain Name or any variation thereof. The Registrant's use of the Disputed Domain Name will inevitably create a false association and affiliation with Complainant and its well-known trade mark COFFEEBEAN.

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 domain name;

Accordingly I hold that the Registrant has no rights or legitimate interests in respect of the Disputed Domain Name.

**6.3 Condition 4(C): the Registrant's domain name has been registered or is being used in bad faith**

Complainant submits that the Respondent has knowingly registered the Disputed domain name which is identical to its well known trade mark of the Complainant. The Respondent has no connection to the 'THE COFFEE BEAN & TEA LEAF' and 'THE COFFEE BEAN' trademarks belonging to the Complainant. Yet, the Respondent registered the impugned domain name comprising the Complainant's trademark. Such registration is in bad faith. And that the fact that the Respondent

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has carefully anonymized its identity on the Whois database and has not provided verifiable information of its address or contact details. This too demonstrates that the Respondent has no rights or legitimate interests in the impugned domain name which has been created and registered in bad faith. The Respondent has created the impugned domain name <coffeebean.in> primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who owns the trade/service mark 'THE COFFEE BEAN' and 'THE COFFEE BEAN & TEA LEAF', at an exorbitant price. In fact, the website parked on the impugned domain name states that the impugned domain name <coffeebean.in> is for sale. It is further stated by the Complainant that the Respondent is a cyber squatter..

In view of the foregoing contentions, the Complainant submits that the Respondent has clearly registered and used the Disputed Domain Name in order to target and commercially capitalise on the renown attached to the Complainant's distinctive and protected COFFEEBEAN mark. This amounts to evidence of the Respondent's bad faith registration and use for INDRP Policy purposes.

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I have perused the above submissions of the Complainant, documents annexed and averments made in the complaint. It is evident that the Respondent registered the impugned domain name which is identical to the Complainant's registered trademarks having prior knowledge of the Complainant's "COFFEEBEAN" marks. The Respondent's conduct and adoption of the identical impugned domain name amounts to bad faith. The Respondent intentionally adopted the identical impugned domain name in order to attract the internet users to the disputed domain and its website thereon with a view to derive unfair monetary advantage. Further the Respondent has put up disputed domain name for sale which by itself evidence of registration in bad faith.

The Panel decision in *M/s Merck KGaA v Zeng Wei INDRP/323* can be referred in the facts of the case 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. ”*

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The Respondent had no reason to adopt an identical name/mark with respect to the impugned domain name except to create a deliberate and false impression in the minds of consumers that the Respondent is somehow associated with or endorsed by the Complainant, with the sole intention to ride on the massive goodwill and reputation associated with the Complainant and to unjustly gain enrichment from the same.

It is shown by the complainant that the Complainant is a well known reputed and global entity with extensive operations around the world. The Registrant was most certainly aware of the repute and goodwill of the Complainant. Therefore adoption of the substantially identical Disputed Domain Name by the Registrant is with the sole intention to trade upon and derive unlawful benefits from the goodwill accruing to the Complainant. The Registrant has in fact knowingly adopted the Disputed Domain Name which wholly contains the Complainant's prior trademark COFFEEBEAN to attract customers to the Disputed Domain Name by creating confusion with the Complainant's reputed trademark COFFEEBEAN and corresponding domain name. Evidently such registration is in bad faith.

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In view of above facts, submissions of the Complainant and on perusal of the documents annexed with the Complaint , I find that the Complaint has proved the circumstances referred in Clause 7 of INDRP policy and has established that the registration of disputed domain name is in bad faith.

The facts and contentions enumerated in the complaint establish that Respondent's domain name registration for <COFFEEBEAN.IN> is clearly contrary to the provisions of paragraph 4(c) of the INDRP and is in bad faith.

Accordingly I hold that the Registrant's Domain Name has been registered in bad faith.

### **Decision**

- 7.1. In view of the foregoing, I hold that the Disputed Domain Name is identical and or confusingly similar to the Complainant's well-known 'COFFEEBEAN' Trademarks and that the Respondent has no rights or legitimate interests in respect of the Disputed Domain

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Name and that the Disputed Domain Name was registered in bad faith.

In accordance with the INDRP Policy and Rules, I direct that the Disputed Domain Name registration be transferred to the Complainant.

7.2 In the facts and circumstances of the case , as discussed above, I deem it appropriate to order the Respondent to pay cost of Rs.50,000/- for present proceedings to the Complainant.

Delhi  
Dated 12.07.2022

*Alok Kumar Jain*  
Alok Kumar Jain  
Sole Arbitrator