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NON JUDICIAL

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GOVERNMENT OF KERALA
e-Stamp

e-Stamp Serial Number : 202425000002713435

Verification Code : 162330105V

Govt. Reference No.(GRN) : KL042640197202425E
 Purpose : Bond
 Amount of Stamp Paper Purchased in Numeral : ₹ 100
 Amount of Stamp Paper Purchased in Words : Rupees One Hundred
 Stamp Paper Purchased on : 28/03/2025
 First Party Name : Adv SUNIL V MOHAMMED
 First Party Address : NIXI, Delhi
 Second Party Name : LEGAL
 Second Party Address : NIXI, DELHI
 Vendor Code & Name : 11112470 - M.R.Padmanabhan
 Treasury Code & Name : 1111 - STAMP DEPOT, Eranakulam

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BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA

Adv. SUNIL V. MOHAMMED BA., LL.B.
(Sole Arbitrator)

AWARD

Dated 31st March, 2025

Venue: New Delhi, India



This can be verified by
https://www.estamp.treasury.kerala.gov.in/index.php/estamp_search using e-Stamp
Serial Number and Verification Code.



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M. R. PADMANABHAN
High Court Stamp Vendor
ERNAKULAM

**In the matter of Arbitration under the .In Domain Name Dispute
Resolution Policy; the INDRP Rules and Procedure and
The Arbitration and Conciliation Act, 1996**

INDRP CASE No. 1952

Between

Complainant

HACHETTE FILIPACCHI PRESSE,
2 Rue Des Cevennes,
75015 Paris, France

And

Respondent

Mr. ANKUR JHA,
Chennai, Tamil Nadu, India, Elle Kids III'
Velachery House, New Secretariat Colony,
Gangai Nagar, Velachery,
Chennai, Tamil Nadu, India

Disputed Domain Name : *"ellekids.in"*

Seat of Arbitration : Office of the NIXI at Delhi, India.

**Date of commencement
of Arbitration Proceeding** : 31st January, 2025



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Adv. SUNIL V. MOHAMMED BA., LL.B.
(Sole Arbitrator)

1. The Parties to the Arbitration:

1.1 The Complainant in the Arbitration Proceedings is **HACHETTE FILIPACCHI PRESSE**, 2 Rue Des Cevennes, 75015 Paris, France. The Complainant is represented in these proceedings by its authorized representatives through its Counsels Remfry and Sagar, Remfry House at Millennium Plaza, Sector-27, Gurugram-122009 (e-mail: *remfry-sagar@remfry.com*, *gaurav.mukerjee@remfry.com*, *amol.dixit@remfry.com*, *saumya.tripathi@remfry.com*) as per **Annexure-P** Authorization.

1.2 The Respondent in the proceedings is **Mr. ANKUR JHA**, Chennai, Tamil Nadu, India, Elle Kids 111, Velachery House, New Secretariat Colony, Gangai Nagar, Velachery, Chennai, Tamil Nadu, India (e-mail: *forteam47@gmail.com*), as mentioned on **Annexure-O** website "*www.ellekids.in*" and from the contact details publicly available in **Annexure-N** WHOIS data.

2. Applicable Law and Jurisdiction:

2.1 The present Dispute Resolution Process is in accordance with Policy No. 5 of the .IN Domain Name Dispute Resolution Policy (hereinafter referred to as the **.IN Policy**) and .IN Domain Name Dispute Resolution Rules of Procedure (hereinafter referred to as the **INDRP Rules of Procedure**), based on the Arbitration and Conciliation Act, 1996 as amended from time to time, adopted by the NIXI and sets forth the legal framework for resolution of disputes between a Domain Name Registrant and a Complainant arising out of the registration and use of an .IN Domain Name.

2.2 By registering the disputed Domain Name with the National Internet Exchange of India (hereinafter referred to as **NIXI**) accredited Registrar, the Respondent has agreed to the resolution of disputes under the Policy and Rules framed there under (See Policy No. 15 and 16 of the .IN Policy and Rule 13 (a) INDRP Rules of Procedure).




3. The Domain Name and Registrar:

3.1 The disputed Domain Name is "*ellekids.in*", which is registered on 8th October, 2024 with GoDaddy.com, LLC, by the Respondent registrant.

3.2 The particulars of the registration of Domain Name as found in the WHOIS records are as follows:



DNS Form	ellekids.in
User Form	ellekids.in
ROID	D489C3ACAAF7B4F889650E8E32F9028E0-IN
Registrar Name	GoDaddy.com, LLC
IANA ID	146
Create Date	2024-10-08T13:14:40Z
Expiry Date	2025-10-08T13:14:40Z
Last updated Date	2024-10-13T13:14:41Z
EPP Status	clientDeleteProhibited clientUpdateProhibited clientRenewProhibited clientTransferProhibited serverTransferProhibited
Domain State	Registered
Assigned Name servers	ns78.domaincontrol.com ns77.domaincontrol.com

4. Procedural History

4.1 The Sole Arbitrator, Adv. Sunil V. Mohammed was appointed on 20th January, 2025, in the above INDRP case to resolve the domain dispute raised in the Complaint dated 20th November, 2024, in accordance with Rule 2(a) and 4(a) of the INDRP Rules of Procedure.

4.2 After obtaining the Statement of Acceptance and Declaration of Impartiality of Independence of the Sole Arbitrator, the NIXI has forwarded the amended complaint along with Annexures A to Q through e-mail dated 28th January, 2025.

4.3 On 31st January, 2025, the Tribunal issued Notice under Rule 5(c) of the INDRP Rules of Procedure to the Respondent through e-mail and the Complainant was directed to serve copies of the domain complaint along with complete set of documents in soft copies as well as in physical via courier or post to the Respondent registrant at the address provided in the WHOIS details

of the domain, in compliance of Rule 2 and 3(d) of the INDRP Rules of Procedure and to furnish proof of such service and delivery. In the said Notice, the Respondent was directed to file Reply to the Domain Complaint within 15 days.

4.4 The Complainant forwarded the soft copies of the Complaint and Annexures to the known e-mail ID's of the Respondent viz., *forteam47@gmail.com* as well through courier and speed post. The Complainant as per e-mail dated 31st January, 2025 and 5th February, 2025 has informed the Tribunal about the same with proof of service in compliance of Rule 3(d) of the INDRP Rules of Procedure. Accordingly, the complainant has affected the service of the Complaint and Annexures on the Respondent under Rule 2(d) (iii) of the INDRP Rules of Procedure.

4.5 Since the Respondent failed to submit reply/response to the Domain Complaint within the time limit as mandated in the Notice dated 31st January, 2025 of the Tribunal and as the said time period had expired on 15th February, 2025, the Tribunal as per e-mail dated 17th February, 2025 granted the Respondent with another opportunity under Rule 13 of the INDRP Rules of Procedure to submit reply to the domain complaint within a further period of 10 days. But the Respondent did not submit any reply/response and the said time period had also expired on 27th February, 2025.

4.6 Accordingly, as per e-mail dated 4th March, 2025, the Tribunal set the Respondent *ex-parte* and decided to proceed under Rule 17 of the INDRP Rules of Procedure. Since the said proceedings of the Tribunal was not communicated to the Respondent in the e-mail *forteam47@gmail.com*, fresh intimation was issued as to the proceedings dated 4th March, 2025 to the Respondent vide e-mail dated 18th March, 2025. Despite that, the Respondent hasn't appeared in the matter. So, the Tribunal adjourned the matter for passing Award under Rule 5(e) of the INDRP Rules of Procedure.

5. Grounds urged for the Administrative Proceedings:

5.1 The disputed domain name is confusingly similar to Complainant's.

5.2 The Registrant has no rights or legitimate interests in respect of the domain name.




5.3 The Registrant's domain name has been registered or is being used in bad faith.

6. Complainant's Contentions:

6.1 The Complainant would contend that it is a globally recognized media company **headquartered in France** and a member of the **Lagardère Group of Companies**, which is one of the most renowned media groups in the world and a global leader in content publishing, production, broadcasting and distribution, whose powerful brands leverage its virtual and physical networks to attract and enjoy qualified audiences.

6.2 According to the Complainant, **its flagship publication is the magazine ELLE**, which was **launched in the year 1945** and is celebrating its 79th anniversary and that the magazine under the **title/trade/service mark/name 'ELLE'** is the earliest title in its current group of publications with 50 editions across the world and a global readership running into millions, making it the **world's leading fashion and lifestyle magazine**.

6.3 The Complainant would point out that as part of its publication under the trade/service mark/name 'ELLE', it merchandises various products/services worldwide and across the industry including, but not limited to the fashion industry and that since its launch in 1945 as evident from **Annexure-A** first cover page, 'ELLE' has evolved into an international concept, recognized for its universal appeal.

6.4 It is the contention of the Complainant that it **began its international expansion in the 1980's** and to prove the international expansion, the Complainant has produced **Annexure-B** chronological representation. The Complainant would contend further that 'ELLE' now boasts 50 editions globally, making it the only magazine published on this scale. According to the Complainant, its annual worldwide revenue generated under the trademark 'ELLE' between 1999 to 2008 is as follows:

Year	Millions of Euros
1999	349
2000	405
2001	409



2002	385
2003	367
2004	340
2005	353
2006	361
2007	374
2008	406

6.5 It is the case of the Complainant that, as shown in **Annexure-C** printouts of press clippings, 'ELLE' magazine **made its entry into the Indian market in the year 1996**, where it was hailed by the Hindustan Times as the 'Number One fashion magazine in the world' and since then, **Ogaan Publications Private Limited has been the authorized licensee of the mark in India**, maintaining this partnership for 28 years as evident from **Annexure-D** licence agreements.

6.6 The Complainant would content that **in 2000, 'ELLE' introduced 'ELLE DÉCOR' to the Indian market, a magazine dedicated to interior decoration** and to prove the same **Annexure-E** newspaper clippings of the launch in the Indian press has been produced. According to the Complainant, over the years, it has further expanded through strategic partnerships and licensing agreements, such as collaborations with Trident Limited, Trend Sutra Client Services Private Limited, Mont Blanc Ventures Private Limited etc. introduced ELLE-branded multi-brand outlets to the Indian market and the statistics below shows the monthly circulation of the Indian edition of the magazine under the 'ELLE' trade mark since 1999 to 2008:

Year	Copies per month in thousands
1999	36
2000	21
2001	19
2002	19
2003	18
2004	21
2005	21
2006	24
2007	23
2008	16

