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IN-DL-27364479212785X

BEFORE THE ARBITRAL TRIBUNAL

V.P.PATHAK

SOLE ARBITRATOR

ARBITRAL AWARD

V.P. Pathak
V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

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**BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 1954
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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**BEFORE THE .IN REGISTRY OF INDIA
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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**

VFS GLOBAL SERVICES PLC
21, Dorset Square,
London, NW1 6QE,
United Kingdom

.... Complainant

Versus

Robin Singh
VPO Chak Budhoke
Jalalabad,
Fazikla,
Punjab-152123

.... Respondent

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

Award Dated- 21.03.2025

**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 www.godaddy.com LLC, which is accredited with the .IN registry and is listed on the of the .IN registry.

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⇒ **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 20.01.2025.
2. This Tribunal resumed this matter on 15.02.2025, by sending notice to the Respondent for reply. Further, in the interest of justice, the Tribunal gave an extension to the Respondent of 5 days till 20.02.2025, but there was no response even though the Complainant has sent a hard copy of the Complaint to the Respondent.
3. As per **Rule 5 of the INDRP Rules** the Tribunal issued a notice dated 15.02.2025 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. 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.
5. 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-**

6. The Complainant provides technological and logistics support services to various Foreign Embassies and Diplomatic Missions globally (i.e., visa services). The Complainant has filed the instant Complaint challenging the registration of the domain name www.vfsglobalhelplinecentre.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 reprisal of its grievances.
7. **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.
8. There is no reply to the Complaint so, we are unaware of the Respondent’s version.

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⇒ **FACTS OF THE CASE -**

• **Complainant-**

9. The details of the Registrant of the Disputed Domain Name has been provided by .IN Registry on December 13, 2024. A copy of the detailed domain name information as obtained is annexed and marked as **ANNEXURE 2**.
10. The Complainant, VFS Global, was incorporated on 28.09.2010, under the laws of United Kingdom. But the history of VFS / VFS GLOBAL group Companies is dated back early to the year 2000. Originally, a Company was incorporated as a fastrack Visa Facilitation Services Pvt. Ltd., on July 10, 2001, under the laws of India. On November 07, 2003, the Fastrack Visa Facilitation Services Pvt. Ltd. changed its name to VFS (India) Pvt. Ltd., the name of which was again changed to VFS Global Services Pvt. Ltd., on January 12, 2007, and later after few changes, the Board of Directors of Kuoni Visa Services Private Limited (promoters) at their meeting held on October 01, 2007, approved the scheme of amalgamation ('the Scheme') of VFS Global Services Pvt. Ltd., with itself, in India, and focused its business as a global business process- outsourcing and technology services specialist for and in the business of providing technological and logistics support services to various Foreign Embassies and Diplomatic Missions globally.
11. As the business expanded and new investment received, structure of the global corporate operations went into many changes including but not limited to moving of Headquarters from India to Switzerland to United Kingdom for administrative ease. At present, the Complainant is operating from UK, with administrative corporate office at Dubai UAE, under the name and style of VF WORLDWIDE HOLDINGS LIMITED, and all other entities based in different countries operates under trade name using words VFS / VFS GLOBAL under licensing arrangements.
12. The Complainant is thus a specialist and involved in providing administrative and non-judgmental tasks related to visa application for its client Embassies and Foreign Missions from the distribution of visa application forms, accepting Visa Application at its Visa Applications Centers, forwarding the Visa Applications to the concerned Embassy or Diplomatic Mission to return processed applications, and performs other related services and enjoys enormous goodwill and reputation for the services provided. **ANNEXURE 3**.

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13. Since its incorporation in the year 2001, the Complainant has experienced rapid growth in its business and is present in over 150 countries across the globe. All the group companies of the Complainant are collectively referred to as “VFS / VFS GLOBAL”. Today the Complainant serves the interests of the diplomatic missions of 70 sovereign governments in 152 countries across 05 continents worldwide. The Complainant has successfully processed over 301 million applications since its inception in 2001, and over 144.04 million biometric enrolments since 2007 and operate out of 3482 Visa Application Centres located in Asia, Australia, Africa, Middle East, and Europe.
14. To meet customers' expectations, the Complainant has hugely invested in state-of-the-art customized proprietary software, regular upgrading of systems and procedures and a huge investment in trained dedicated human resources. The Complainant is committed in order to ensure that all transactions performed are secure, safe and confidential. For this purpose, the Complainant has put in place privacy protection control systems designed to ensure the highest security standards and confidentiality. The whole system is now online and linked through the Complainant’s website www.vfsglobal.com, which provides all country specific visa information, visa requirements, application procedure, fee structure, scheduling of interviews etc.
15. The website is being accessed by millions every day who seek visa (of various categories and purpose) for US, UK, Australia, European Union, India, Canada and other countries as the Complainant is exclusively authorized by the Government of these countries through their embassies.
16. The Complainant has originally conceived and adopted a distinctive Trademark “VFS” (hereinafter referred to as the said Trademark). The said Trademark is also being used, with or without the word “GLOBAL”, forming the mark “VFS GLOBAL”. VFS/VFS GLOBAL also forms an integral and essential part of the Complainant’s corporate name/trading name in respect of providing the said Services. To secure statutory protection of the marks VFS / VFS GLOBAL (hereinafter collectively referred to as said Trademarks/Trade names), the Complainant and its group companies have applied/obtained registration of the marks VFS/VFS GLOBAL, as word per se, as well as in a distinctive figurative form/ stylized manner in several countries around the world including in India.

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17. The Complainant relies on some Indian Trademark registration nos. in support of this Complaint. The copies of a few of these Registration Certificates of the Registered Marks are annexed as **ANNEXURE 4**.
18. Apart from India, the Complainant is the registered owner of the Trademark/ Trade name VFS/VFS GLOBAL in many countries like USA, UK, UAE, China, Canada, Australia etc. The copies of Registration Certificates of few of the Registered Marks outside India, are annexed as **ANNEXURE 5**.
19. Due to the continuous, extensive, uninterrupted and exclusive global use of the 'said Trademark/ Trade name' VFS / VFS GLOBAL, it has become absolutely distinctive and indicates to the trade and the public about unique services rendered by the Complainant and its group companies. The 'said Trademark' "VFS" and/or the said 'Trade name' "VFS GLOBAL" has become synonymous with quality services of visa administration and management by the Complainant and its group companies and none else. Thus, the marks VFS / VFS GLOBAL have acquired enormous reputation and goodwill especially in respect of the unique services provided by the Complainant, and it will not be an exaggeration to state that the public at large associates the term, "VFS" exclusively with the visa processing services provided by the Complainant, globally. It is a unique achievement to be appointed and authorized by several diplomatic missions of nations including those of USA, UAE, Canada, UK, Australia, China etc. to process and administer their visa processing for several countries across the globe as visa processing and issuance involves highly secured and confidential technology processes, coordination, organizational structure. The Complainant takes pride in developing such a secured and state of the art technology and processes and serving diplomatic missions around the world most satisfactorily since its inception in 2001.
20. The Complainant is the registered owner, true and legitimate proprietor of the Trademarks "VFS" and "VFS GLOBAL". Apart from Trademark registrations, the Complainant is also a Registrant of the Domain Name www.vfsglobal.com. The Domain Name www.vfsglobal.com was registered on February 23, 2005, by one of the group companies of the Complainant VF Worldwide Holdings Limited, having office at Unit 3101-A, JBC 1, Plot No. JLT-PH1-G2A, Jumeirah Lake Towers, Dubai, UAE. A copy of records about

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Complainant's Domain Name obtained from <https://www.whois.com/whois/> is annexed and marked as **ANNEXURE 6**.

21. The Complainant's offices and operations across the world are certified with various certificates one of them being ISO 9001:2015 for quality management system, one of the world's leading external and independent certification bodies. A copy of the said certificate is annexed and marked as **ANNEXURE 7**.
22. The Complainant submits that the essential and significant part of the Disputed Domain Name <vfsglobalhelplinecentre.in> is "VFS GLOBAL" which is identical and/or confusingly similar to the Complainant's Domain name www.vfsglobal.com and/or 'said Trademark/ Trade name' VFS / VFS GLOBAL, in which the Complainant has exclusive rights on the basis of prior adoption, continuous and extensive use, and prior registrations. Further, the Complainant submits that the Disputed Domain Name <vfsglobalhelplinecentre.in> can be easily associated with the Complainant's registered domain, www.vfsglobal.com, as if it were an extension of the registered domain.
23. By registering confusingly similar domain, the Respondent has tried to deviate, misrepresent, and create an impression to the general gullible public in bad faith by adopting the Disputed Domain Name <vfsglobalhelplinecentre.in> to make it seem as if it is associated with our Client "VFS Global". The Complainant has accordingly established that the Disputed Domain Name is identical and/or confusingly and deceptively similar to the Complainant's Domain Name and registered Trademarks VFS / VFS GLOBAL in which the Complainant has exclusive rights and/or interests and no one can use it without taking any permission and/or authorization from the Complainant. The Complainant, being highly vigilant about its rights in the Trademarks VFS / VFS GLOBAL, as well as the confidential and critical services provided under these marks, actively monitors for fraudulent activities and takes immediate action to address any infringement. The Complainant refers the Panel to the WIPO Arbitration and Mediation Centre's decision of *Nordin Entertainment Group AB vs. 蒋黎 (Ied johnny) and 梦聃 (Qian Meng Dan)* (Case No. D2022-0083) wherein the Disputed Domain Name was transferred to the Complainant.
24. The Complainant has filed complaints against several Disputed Domain Names and has been successful to get them all transferred to their ownership. Few copies of decisions from the above cases are annexed and marked as **ANNEXURE 8**.

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25. The Complainant's use and registration of the Trademarks VFS / VFS GLOBAL and registration of the Domain Name www.vfsglobal.com predates the Respondent's registration of the Disputed Domain Name by more than 20 years and the said fact is established by relevant annexures herein above.
26. The Complainant refers the Panel to the WIPO Arbitration and Mediation Centre's decision of *Phillip Morris Products S.A. vs. Tarik Sucu G P M* (Case No. DPW2019-0004), involving registered Trademarks "IQOS" and "HEETS" and Disputed Domain Name iqosheetskentglo.pw, wherein the Disputed Domain Name was transferred to the Complainant considering the fact that the registration and use of the Complainant's Trade Marks "IQOS" and "HEETS" predates the registration of the Disputed Domain Name, and that the Disputed Domain Name is identical to the Complainant's Trade Marks.
27. 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 "VFS GLOBAL" with respect to any of the diversified fields of activities, will lead to confusion and deception amongst the relevant class of consumers and the members of the trade.

- **Respondent-**

28. The Respondent has not replied to the Complaint.

⇒ **CONTENTIONS OF THE PARTIES-**

- **By the Complainant-**

29. As mentioned-above, the Complainant was made aware of that its Domain name & Trade Mark, VFS GLOBAL is being used by the Respondent when its registered the domain extension ".in", registered on December 13, 2024 while the Complainant's website www.vfsglobal.com was registered on February 23, 2005.
30. Since, the Complainant has submitted all evidence regarding its Trade Mark and service mark and the Respondent has not replied to any of the complaint's sent to it, the burden of proof to prove that the contentions are wrong lies on the Respondent.

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31. The Complainant submits that the Respondent has no right or legitimate interest in respect of the Disputed Domain Name on the following grounds:-
- a. "VFS / VFS GLOBAL", being the predominant and essential and most relevant component of the Disputed Domain Name, does not in any way reflect the Respondent's name.
 - b. The Respondent does, to the best of the Complainant's knowledge, not own any Trademark registrations reflecting "VFS/VFSGLOBAL" (being the predominant component of the Disputed Domain Name) in any country; and
 - c. The Respondent has not acquired any reputation and/or goodwill in "VFS / VFSGLOBAL" (being the predominant component of the Disputed Domain Name) in any country.
32. The use of the Disputed Domain Name <vfsglobalhelplinecentre.in>, registered in absolute bad faith and with mala fide intention, causes absolute confusion amongst consumers at large, thereby causing great loss to the established reputation our Client has built over the years. It is pertinent to note that the Complainant is exclusively authorized by the governments of multiple countries to manage visa administration and related services, including handling highly confidential visa applications, through a secure website that meets the highest global security standards. The Respondent's use of the Trademarks VFS / VFS GLOBAL as their primary name is misleading and reflects dishonest and malafide intent to adopt a mark/s which is/are similar to the Complainant's registered Trademark VFS / VFS GLOBAL, knowing that it is solely the Complainant who holds the exclusive rights to these registered Trademarks. This unauthorized use creates confusion, as many users, unfamiliar with the exact website address, may simply search for terms like "VFS", "GLOBAL", "VFS GLOBAL", "VFS Global help", VFS Visa, and many other variations online, leading them directly to the Respondent's site instead of that of the Complainant's, thereby damaging the Complainant's reputation, goodwill, and business.
33. The Complainant reiterates that they are the proprietor of the Trademarks VFS /VFSGLOBAL and that any unauthorized and deceptive use of such unique and distinctive Trademark/s on any goods or services; more particularly visa and travel related services, will be tantamount to an infringement of their Trademark/s. The registration and use of domain name <vfsglobalhelplinecentre.in> is unjustified, unlawful, unauthorized, and

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dishonest. The Complainant further reiterates that such unauthorized registration and possibly potential use also amounts to trading upon the reputation and goodwill of the Complainant's distinctive Trademarks and their services which is mainly provided through their official website www.vfsglobal.com.

34. The Complainant submits that its cybersecurity team identified the registration of the Disputed Domain Name. As the Disputed Domain Name is similar to the Complainant's domain name, www.vfsglobal.com, it may be not be incorrect to assume that the Disputed Domain Name is registered with malafide intention and may be potentially used for fraudulent or misleading activities. The Respondent has no bonafide justification for adopting the words "VFS" or "VFS GLOBAL" in any combination. A simple Google search of the Disputed Domain Name 'vfsglobalhelplinecentre.in' redirects to a page of the Registrar, namely, 'GoDaddy', that provide tabs of common searches related to 'VFS' and 'VFS GLOBAL', copy of which is annexed and marked as **ANNEXURE 9**.

35. The Complainant has cited few cases-

In the case of *Telenor ASA vs. Dr. Prashant Shukla* [2009 (41) PTC 86]-

the .IN Registry's National Internet Exchange of India (NIXI) passed an order in favour of the Complainant and made it apparent that the use of the domain name of "*Telenor.in*" by the Respondent was confusingly and deceptively similar to the trade/service mark of the Complainant, i.e. "*Telenor*". It further stated that the Respondent has no rights or legitimate interests in respect of the domain name and that the registration of the same by the Respondent appears to be in bad faith.

In the case of *McAfee, Inc vs. Chen Shenglu* [2007 (34) PTC 298]-

the .IN Registry analysed the evidence on record and stated that the Respondent attempted to have commercial gain and prevent the owner of a trademark to reflect that mark in corresponding domain names and thereby creating confusion in the mind of internet users.

In the case of *Sony Ericsson Mobile Communications AB vs. Chen Sheng* [2006 (33) PTC 59]-

the .IN Registry's National Internet Exchange of India (NIXI) held that "it is clear Respondent is using the Disputed Domain Name in bad faith and 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. The Respondent's registration and use of the Domain Name is a clear case of cyber-squatting, whose intention is to take advantage of the Complainant's substantial reputation and its prominent presence on the internet, in order to confuse the public to the detriment of the Complainant".

36. In view of the above, it is absolutely clear that the Respondent has registered the Disputed Domain Name without having any legitimate right or interest in it, constituting clear evidence of bad faith. This is particularly the case when the domain name reflects a famous Trademark owned by a third party with whom the Registrant has no affiliation. The Complainant respectfully refers to and relies upon the judgments in the following cases:
- A. Ropes & Gray LLP vs. Contact Privacy Inc. Customer 1248870845/Barry Nicholson (Case No. D2021-0011)
 - B. Praxair Technology, Inc. and Praxair Mexico, S. de RL de CV vs. John Rivas (Case No. D2021-0014)
 - C. Fruit of the Loom, Inc. vs. Henrik Bach-Jensen, Supr Group (Case No. D2021-0016)
37. The Complainant also submits that, in light of its extensive worldwide reputation and business under the Trademarks "VFS / VFS GLOBAL" (including in India, where the Disputed Domain Name is registered and the Respondent seems to be located), the Respondent must have surely known about the Complainant's rights in "VFS / VFS GLOBAL" at the time of registering the Disputed Domain Name. The Respondent's registration of the Disputed Domain Name cannot be bonafide in circumstances where the registration was made in the full knowledge of the Complainant's prior rights in "VFS / VFS GLOBAL", and also in circumstances where the Respondent did not seek permission from the Complainant for such registration.
38. The disputed domain name completely incorporates the trademark/service mark of the Complainant and the gTLD *.in* (According to Google, gTLD means- a generic Top-Level Domain – the last part of a domain name after the final dot (that makes up the URL of a web address aka the site's domain name) will not distinguish the disputed domain name from the Complainant's Trademark.
39. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use their registered and famous trademark "VFS

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GLOBAL”. The Respondent’s domain name is identical to the trading style and trademark in which the Complainant has prior rights.

40. It is again submitted that the Complainant already owns and operates the domain name *VFS Global.com* worldwide with the same domain name and website. Therefore, the disputed domain name www.vfsglobal.com would inevitably confuse and deceive the consumers, the members of the trade and the public.
41. 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.
42. Thus, the Complainant prays for IN Registry of NIXI to transfer the disputed domain name “vfsglobalhelplinecentre.in” to the Complainant along with the costs of the proceedings of the Complainant.

• **By the Respondent-**

43. The Respondent has not replied to the Complaint.

⇒ **ANALYSIS-**

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

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

As per the Complainant, the website www.vfsglobal.com & a Company was incorporated as a fastrack Visa Facilitation Services Pvt. Ltd., on July 10, 2001, under the laws of India. On November 07, 2003, the Fastrack Visa Facilitation Services Pvt. Ltd. changed its name to VFS (India) Pvt. Ltd., the name of which was again changed to VFS Global Services Pvt. Ltd., on January 12, 2007. The Complainant has originally conceived and adopted a distinctive Trademark “VFS” (hereinafter referred to as the said Trademark). The said Trademark is also being used, with or without the word “GLOBAL”, forming the mark “VFS GLOBAL”.

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VFS/VFS GLOBAL also forms an integral and essential part of the Complainant's corporate name/trading name in respect of providing the said Services. To secure statutory protection of the marks VFS / VFS GLOBAL (hereinafter collectively referred to as said Trademarks/Trade names), the Complainant and its group companies have applied/obtained registration of the marks VFS/VFS GLOBAL, as word per se, as well as in a distinctive figurative form/ stylized manner in several countries around the world including in India. The Complainant has provided us with annexures which are attached with its complaint. Here, it is important to understand that a domain name is registered so that there is an internet address. A trademark is registered to identify a product or service. The meaning of the word "domain name" is "a unique name that identifies a website on the internet" which in this case is "VFS GLOBAL" which came into use when the Complainant came into business in 2001. The domain name then further ends with an extension, without which the website is incomplete and cannot be opened such as - .in, .com, .org and so on. This extension is called gTLD (generic Top-Level Domain)- the last part of a domain name after the final dot (that makes up the URL of a web address aka the site's domain name). Thus, the Respondent's domain name is identical and similar to the trademark or service mark to that of the Complainant.

In *ITC Limited vs. Travel India (INDRP Case No. 065)* it was opined that- the fact that a disputed domain name wholly incorporates a Complainant's Trademark is sufficient to establish the identity or confusing similarity for the purpose of INDRP. This proves that the Respondent is running its business under the Complainant's domain name making the Respondent's domain name unauthentic. Thus, the Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights, and the Respondent should not think of it as its own and run its business using this name.

B. Whether the Respondent has any rights or legitimate interests in respect of the domain name?

The Respondent has not replied to the Complaint. This point was to be proved by the Respondent. The Complainant's domain name and the Respondent's domain name are similar since it has used the gTLD ".in" and the Complainant has used ".com" which are identical and confusing. It is clear from record that the Complainant even though has changed its name between 2001-2007, it finally settled to VFS Global Services Pvt. Ltd., on January 12, 2007, which establishes that the

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Complainant is the first and only user of the domain name "VFS GLOBAL" and not the Respondent. It is also pertinent to mention that the word "VFS GLOBAL" is the disputed domain name and any the gTLD after this name does not matter as the Complainant is the sole holder of this disputed domain name. In the decision of INDRP in the case-

Nike Inc. v. Nike Innovative CZ Zhaxia (Case No- INDRP/804) which said that- the disputed domain name completely incorporates the trademark/service mark of the Complainant and the gTLD “.in” will not distinguish the disputed domain name from the Complainant's Trademark. It is a settled principle that gTLD is not to be considered when determining the similarity of the domain name with a mark under the first element. So, to answer the above-mentioned question, the Respondent has no rights or legitimate interests concerning the domain name “vfsglobalhelpinecentre.in”.

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

The Complainant in its statement supported with evidence has contended that the Respondent is using the disputed domain name since 2024 and is providing similar services to its consumers as is the Complainant. The Complainant is a world known company, it is hard to never come across such a prominent company dealing with such services as given by the Complainant. A random google search on “visa application” or “visa service” can lead people to the Complainant’s website. So, the doubt that the Respondent could have missed such an important fact about the Complainant is not believable. Anyone creating any domain name, always checks if there is a previous owner of the domain name or the gTDL or both and if the Respondent wanted to constitute such a business as that of the Complainant, it should have checked the background of the disputed domain name. The Respondent has registered this website only to mislead and divert customers and to tarnish the trademark or service mark "VFS GLOBAL". It is to be noted that, the practice of selling domain names is a common practice but the practice is valid only when the domain name is of the rightful and legitimate owner.

The applicant registered the domain name “VFS Global” earlier in time (2007) in comparison to the Respondent which was registered in 2024. Again, the registration by the Respondent for the disputed domain name is still unknown since it has not bothered to comply with the orders of this Tribunal, but one can only presume that it was done for malicious reasons and to probably get

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monetarily benefits.

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-**

34. Considering the above facts, this Tribunal believes 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. So, even though the Respondent's domain name is "vfsglobalhelplinecentre.in", the name "VFS GLOBAL" 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.
35. The Complainant brought the name "VFS GLOBAL" to life, so the Respondent does not have any standing in this domain name anymore.
36. 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.
37. The Complainant has the full right and ownership of the domain name "VFS GLOBAL" & "vfsglobalhelplinecentre.in" So, the Complaint is allowed.
38. This Award is being passed as per Clause 5 (e) of the INDRP Rules, and Arbitration Act, 1996.

V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

V.P. Pathak

⇒ **ORDER-**

39. The complaint is allowed. The .IN Registry of NIXI is directed to transfer the disputed domain name “vfsglobalhelplinecentre.in” to the Complainant forthwith.
Registry to do the needful.
40. Parties to bear their own costs.
41. This Award is passed today at New Delhi on 21.03.2025.

V.P.Pathak
V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator
VP Pathak
Sole Arbitrator
Date- 21.03.2025