

भारतीय गैर न्यायिक

एक सौ रुपये

Rs. 100

रु. 100

ONE
HUNDRED RUPEES

सत्यमेव जयते

भारत INDIA

INDIAN NON JUDICIAL

मध्य प्रदेश MADHYA PRADESH

CS 354988

BEFORE THE ARBITRATOR RAJESH BISARIA

UNDER THE

.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)

[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

ARBITRAL AWARDDate-21.03.2025

Disputed Domain Name: hdfcmutualfund.in

INDRP Case no -1937

THE PARTIES

- (a) The Complainant is HDFC Bank Limited, HDFC Bank House, Senapati Bapat Marg
Lower Parel W, Mumbai, Maharashtra, India, 400013



The Respondent is Mr. Amit Tripathi, Ionz Digital Pvt. Ltd, Level 5, Reliable Business Centre, Near Heera Panna Mall, Oshiwara, Andheri (West), Mumbai, Maharashtra, India – 400102.

THE DOMAIN NAME AND REGISTRAR

(2)

- (a) This dispute concerns the domain name: **hdfcmutualfund.in**
- (b) The registrar(s) with which the domain name(s) is/are registered is/are: Name: GoDaddy.com, LLC, Address: 2155 E. GoDaddy Way, Tempe, Arizona, United States and Telephone: 040-67607600
This was registered on 03.06.2016.

PROCEDURAL HISTORY

(3)

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure	24.01.2025
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI.	24.01.2025
Due date of submission of Statement of Claim by Complainant (instructed by mail dated 24.01.2025)	04.02.2025
Complainant's response by submitting their Statement of Claim to AT-	
Soft copy	28.01.2025
Hard copy	29.01.2025

<p>Complainant 's response by submitting their Statement of Claim along with all annexures to Respondent-</p> <p>Soft copy - Complainant sent the copy of complaint along with all annexures to Respondent vide their mail dated 28.01.2025(9:57 PM) and further intimated vide their mail dated 29.01.2025 (4:13 PM) that- <i>'Unfortunately, the email was not delivered since the email address was not found. The courier however was delivered earlier today'</i>.</p> <p>Hard copy - Complainant vide their mail dated 29.01.2025(4:13PM) filed the delivery report of courier service provider for their documents (complaint & all annexures) sent to Respondent and <i>according to the said report the documents were delivered to Respondent on 28.01.2025</i>. The documents were booked through Blue Dart DHL, with Way bill no. 20765189410 on 28.01.2025. After seeing the above attached tracking report, it was found that the Complaint along with annexures were delivered to Respondent on 29.01.2025(10:18)</p>	29.01.2025
<p>Due date of submission of Statement of Defense by Respondent as instructed by AT mail dated 24.01.2025 and as instructed by AT mail dated 16.02.2025</p>	15.02.2025 25.02.2025
<p>Respondent's response by submitting their Statement of Defense against the due date of submission as 15.02.2025 and thereafter 25.02.2025</p>	Not submitted
<p>Complainant's response by submitting their Rejoinder</p>	Not required

AT by their mail dated 27.02.2025 stated and informed all concerning that- <i>Since sufficient opportunity was given to Respondent to submit their pleading, so now the Respondent has lost their right to submit said documents and the proceeding of this case is kept closed for award and the matter would be decided ex-parte on the basis of the documents on record with this tribunal as per INDRP policy.</i>	27.02.2025
The language of the proceedings	English

FACTUAL BACKGROUND

(4) The Complainant:

The Complainant is HDFC Bank Limited, HDFC Bank House, Senapati Bapat Marg Lower Parel W, Mumbai, Maharashtra, India, 400013 with Telephone: 022 6631 6409 and

Email: ip-legal hdfcbank@hdfcbank.com

The Complainant's authorized representative in this administrative proceeding is:

Ms. Nivedita Nivargi, Address: 62/1 Palace Road, Vasanthnagar, Bengaluru 560 001 India. Telephone: +91 80 4268 6000 and

Email: ip@samvadpartners.com

The Complainant's preferred method of communication directed to the Complainant in this administrative proceeding is:

Electronic: only material: Mail - Email: ip@samvadpartners.com

Material including hardcopy: Courier



(5) The Respondent:

The Respondent is Mr. Amit Tripathi, Ionz Digital Pvt. Ltd, Level 5, Reliable Business Centre, Near Heera Panna Mall, Oshiwara, Andheri (West), Mumbai, Maharashtra, India - 400102, Telephone: +91 2261578888 and +91 2261578899, Email: amit@id8labs.net

(6) Complainant's Activities:

- (a) The Complainant, i.e., HDFC Bank Limited, is one of India's largest private banks and was among the first to receive approval from the Reserve Bank of India (RBI), India's central bank, to set up a private sector bank in 1994 with its registered office in Mumbai, India. The Complainant commenced operations as a Scheduled Commercial Bank in January 1995 and got listed on the National Stock Exchange (NSE) as well as the Bombay Stock Exchange (BSE) in the same year.
- (b) The Complainant provides a wide range of banking services catering to diverse needs of the customers, covering commercial and investment banking and transactional/branch banking. The Complainant provides a comprehensive range of financial products and services to its corporate clients, such as loans, deposits, payments, collections, tax solutions, trade finance, cash management solutions, and corporate cards. The Complainant is the first bank to launch mobile banking in India.
- (c) As of August 31, 2024, the Complainant's distribution network was at 8,919 branches and 21,031 ATMs / Cash Recycler Machine (Cash deposit & withdrawal) 3,836 cities / towns and spans rural, semiurban, and urban areas across the country. The Complainant has consistently delivered profitable growth, consolidating its leadership position in the Indian banking space due to its effective risk management systems, robust credit policy, and underwriting capabilities.

- (d) The Complainant's website 'www.hdfcbank.com' is replete with various new features to enhance customer experience such as live chat, click-to-talk facility, missed called service and online banking.
- (e) The Complainant's erstwhile associate and promoter entity, Housing Development Finance Corporation Limited ("HDFC Limited"), was established in 1977 for promoting housing and making India a 'property owning democracy'. HDFC Limited over the years had set up a wide network of subsidiaries which further catered to different financial products such as mutual funds, life and general insurance, pension fund management, etc.
- (f) HDFC Limited, ceased to exist with effect from July 1, 2023, as it merged into the Complainant, HDFC Bank Limited, pursuant to the scheme of amalgamation in CP (CAA) No. 243/2022 (the "Scheme") entered into between the entities and approved by the Hon'ble National Company Law Tribunal, Mumbai Bench, India vide its order dated March 17, 2023. The merger was entered into to, inter-alia, transform the Complainant, HDFC Bank Limited, to a financial services conglomerate straddling key financial services and products, including housing loan, life and general insurance, and asset management amongst others, through itself and the wide network of subsidiaries (which became the subsidiaries of the Complainant vide the Scheme). It is therefore submitted that value of the brand "HDFC" has been in existence for 47 years.
- (g) As a result of the Scheme sanctioned by operation of law, all the estate, assets, properties, rights, claims, title, interest, trademarks, tradenames, domain names, contracts, and authorities of HDFC Limited have been transferred to and vested in the Complainant, HDFC Bank Limited. Accordingly, the Complainant is the successor-in-interest of all the rights, title and interests in the trademarks, tradenames, domain names and

other intellectual properties, and is the sole owner of the said trademarks, tradenames, domain names and other intellectual properties, from effective date of the merger (i.e. July 1, 2023). The Complainant also submits that vide the Scheme, the benefit of all judgments / orders in favour of HDFC Limited (including the previous orders as stated in para 12.B below) inures to the benefit of the Complainant.

- (h) It is also important to note that the Complainant conducts a multitude of operations within the geographical vicinity of the Respondent's location (i.e. Mumbai), encompassing a diverse range of banking and financial activities. Currently, the Complainant has 158 branches / ATMs in Mumbai, where the Respondent is located.
- (i) HDFC Mutual Fund ("HDFCMF") / HDFC Asset Management Company Limited ("HDFC AMC"), a subsidiary of HDFC Bank, was incorporated as a public company on December 10, 1999. HDFC AMC is responsible for operating HDFC Mutual Funds, which is a significant part of the HDFC Group's financial services offerings. HDFC AMC's growth and market presence were further solidified when it went public on August 6, 2018, through an Initial Public Offering (IPO). Since then, it has established a comprehensive network of 228 Investor Service Centres (ISCs). These ISCs are strategically located across more than 200 cities in India, ensuring widespread accessibility to HDFC Mutual Fund services for investors throughout the country.
- (j) The website 'www.hdfcfund.com' is a comprehensive platform showcasing the extensive range of mutual fund services offered by HDFC AMC. It provides detailed information about various mutual fund schemes, investment options, financial planning tools, and other related services that are integral to HDFC AMC's operations. The site serves as a primary digital interface for investors and stakeholders, reflecting the

brand's identity and its scope of services. This further underscores the association between the disputed domain name 'hdfcmutualfund.in' and the well-known HDFC brand, making it evident that the Respondent's registration of the domain name is intended to create confusion or misleadingly associate itself with HDFC's established services.


- (k) Given the extensive presence and long-standing operation of HDFC AMC in the mutual fund sector, squatting the domain name 'hdfcmutualfund.in' is particularly unfair and patently illegal. This domain name directly corresponds to the core business of HDFC AMC, and its use by an unauthorized party could lead to significant consumer confusion and potentially disrupt the ability of genuine investors to access HDFC's mutual fund services. Squatting of this domain not only infringes HDFC's established rights associated with its brand but also poses a risk to the financial well-being of potential investors who may be misled by this unauthorized use of HDFC's name in combination with its primary service offering.
- (l) The Complainant was awarded as Winner in 'Best Performance on Growth (Private Sector Bank – Large)' Category at the 2nd ICC Emerging Asia Banking Conclave & Awards, 2024. A copy of the article evidencing the above award was submitted as Annex- 2.
- (m) The Complainant was recognized as the 'Best Bank for SMEs' in India at the Euromoney Awards for Excellence 2024. An online article to evidence the above was submitted as Annex- 3.
- (n) The Complainant, was awarded as the 'India's Leading Private Bank (Large)' at the 16th edition of Dun & Bradstreet BFSI & Fintech Summit 2024. A copy of an article with a description of the award and the Complainant's receipt of the award was submitted as Annex -4.



- (o) The Complainant, was awarded the 'Best Bank of the Year' (Joint Winner) and 'Best Large Indian Bank' award at the 28th BT - KPMG Best Banks and NBFCs Survey 2022-23. A copy of an article with a description of the awards and the Complainant's receipt of the award was submitted as Annex-5.
- (p) The Complainant, has been awarded as the 'Conscious Corporate of the Year' at the Economic Times Awards for Corporate Excellence 2023. A copy of the online article was submitted as Annex-6.
- (q) The Complainant, has been awarded the 'Best Private Sector Bank' at Financial Express Best Banks Awards, 2023. A copy of an online article with a description on receipt of the award was submitted as Annex -7.
- (r) The Complainant, has been recognised as 'Most Committed to High Governance Best Standards' by FinanceAsia's Best Companies in Asia Poll 2022. A copy of FinanceAsia's announcement regarding the award being conferred to the Complainant was submitted as Annex - 8.
- (s) HDFC AMC's HDFC MF won the award for the best in the actively-managed fixed income category at the Mint BFSI Awards, 2023. A copy of an article from www.livemint.com was submitted as Annex - 9.
- (t) HDFC AMC's HFDC MF won the नवभारत (Navabharat) Evergreen Fund House Award at the NAVABHARAT BFSI Awards, 2023. Extracts from a video of Navabharat BFSI Awards - Mutual Fund Highlights obtained from www.YouTube.com was submitted as Annex - 10.
- (u) HDFC AMC's HDFC MF won the Morningstar India Fund Awards in the 'Best Fund House Equity Category' and the 'Best Fund House Multi Asset Category', consecutively in 2012 and 2013, respectively. Copies of articles on Morningstar, Inc.'s website with a description of the awards were submitted as Annex - 11.



(7) Complainant's Trade Marks and Domain Names:

- (a) In accordance with the Paragraph 4(b)(v), Rules, the Complainant is the registered proprietor of the mark "HDFC". Further, the Complainant is the owner of multiple other trademarks and the word "HDFC" is the prominent part in most trademarks registered by the Complainant.
- (b) The list of trademarks registered by the Complainant and its subsidiaries is captured in Annex - 12. Copies of the few Registration Certificates were submitted as Annex-13.
- (c) The disputed domain name 'hdfcmutualfund.in' is deceptively and confusingly similar to the trademarks registered by the Complainant. Further, the operative part of the domain name (i.e., "HDFC") is identical and deceptively similar (as the case maybe) to several trademarks registered by the Complainant in several classes including Classes 09, 16, 35, 36, 41 and 42.
- (d) The Complainant had made an application to the Indian Trade Marks Registry to recognize the mark " " as a well-known mark. In accordance thereto, the Complainant's mark has been included in #51 in the list of well-known marks officially released on February 19, 2024. A copy of the publication of the list of well-known Trade Marks was submitted as Annex - 14.
- (e) The Complainant owns 16 domains, most of which incorporate the word "HDFC". A table showing the complete list of the domains owned by the Complainant and its subsidiaries was submitted as Annex-15. Of the domains owned by the Complainant, hdfcbank.com has an Alexa Global Ranking of 412 and hdfc.com has an Alexa Global Ranking of 18982.
- (f) The Complainant is also the owner of the Top Level Domain ("TLD") ".hdfcbank".

(g) The Complainant vide the Scheme of merger between the Complainant and erstwhile HDFC Limited is also the owner of the TLD “.hdfc”.

(h) Additionally, the Complainant’s subsidiary HDFC AMC is the registrant of the domain names hdfcfund.com, hdfcmutualfund.co and hdfcmutual.fund, respectively. Copies of the records showing ownership of domain names were submitted as Annex-16 (Colly.).

(8) Respondent’s Identity and activities:

Respondent failed to submit their Statement of Defense and other asked documents, so his identity and activities are not clear.

(9) Response by Respondent:

No Response.

(10) Rejoinder by Complainant:

Since the Respondent failed to submit their reply to the Complaint of Complainant, so Rejoinder was not required to be submitted by Complainant.

(11) Submissions of Documents by Complainant:

Complainant submitted Domain name complaint with pages 1 to 14 (words 4970) and annexure from 1 to 19 with pages 101.

As per the INDRP Rules of Procedure, Clause 4(a) – *The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator’s discretion.*

The Complainant submitted pleadings of 4970 words and annexures of 101 pages, which are almost as per the above norms of the INDRP Rules.

THE CONTENTIONS OF COMPLAINANT

(12) The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights:

Submission by Complainant

(a) The Complainant is the registered proprietor of the trademarks “HDFC” and “HDFC Bank” in India and several other jurisdictions. In the case of EQT AB & EQT Partners Pte Ltd vs. XUH SS, Al, USA (INDRP Case No. 1844), the Hon’ble Arbitrator in accordance with the Wal Mart Stores, Inc. vs. Richard MacLeod (WIPO Case No.: D2000-0662) held that, “When the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name, it is identical or confusingly similar for the purposes of the Policy.”

(b) The Complainant submits that the disputed domain name, hdfcmutualfund.in, does not at all distinguish itself from the Complainant’s trademark. Previous Arbitration tribunals have ruled that the mere addition of a non-significant element does not sufficiently differentiate the domain name from the registered trademark. In the case of SUPERCELL OY. vs. Mr. Harshwardhan Gupta (INDRP Case No. 1842) it was held that “It is well established that in cases where a domain name incorporates the entirety of a trademark, or 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.”

(13) The Respondent has no rights or legitimate interests in respect of the domain name:

Submission by Complainant

(a) The Respondent has registered the disputed domain name in 2016. The Complainant’s erstwhile associate and promoter entity, HDFC Limited,

was established in India in 1977 and the Complainant has been operational in India for several decades. Furthermore, the Complainant's mark "HDFC" is well established and recognized in India and internationally. HDFC has been a prominent player in the global financial services sector, with its reputation extending far beyond Indian borders. The Complainant's international presence, with its significant market capitalization and frequent mentions in global media, makes it highly improbable that the Respondent, being an Indian entity to be unaware of the Complainant, its services, and its marks when registering the disputed domain name. Given the global nature of the internet, it is reasonable to expect that any entity involved in domain registration related to financial services would conduct due diligence on existing major financial institutions worldwide. The Respondent is based in Mumbai where the Complainant already has multiple branches / ATMs. Therefore, it strains credulity to believe that the Respondent was unaware of the Complainant and / or its trademark when registering the disputed domain name.

- (b) The Complainant does not have any relationship or nexus with the Respondent. The Complainant is the registered proprietor of the term "HDFC" and its various variations. Further, the Complainant submits that it has never authorized the Respondent to use its trademark "HDFC" as part of the disputed domain name.
- (c) More importantly, a simple search of the disputed domain name exhibits that the domain name 'hdfcmutualfund.in' is parked and not connected to an online services or products. The fact that the domain name was registered in 2016 but not in use, as of October, 2024, indicates that the Respondent has no legitimate interest in using the domain name 'hdfcmutualfund.in' in connection with bona fide offering of goods or services. Screenshots of the disputed domain name 'hdfcmutualfund.in' is

attached as Annex -17. The Complainant re-iterates that it is the rightful owner of the trademark "HDFC". Furthermore, the Complainant holds the trademark registration for "HDFC" in India and has registered its trademark 'HDFC Bank' in several other jurisdictions such as European Union, Japan, Kenya, United States of America, Singapore, Bahrain, and United Kingdom. Further, the Complainant's erstwhile associate and promoter entity, HDFC Limited (prior to the merger) proactively protected its trademark and has filed and contested cases against cyber squatters attempting to infringe its intellectual property rights including before the WIPO. In one such case, HDFC Bank Limited vs. Punit Jain (Case No. D2024-0177) dated March 25, 2024 the administrative panel relied on the view set out in Housing Development Finance Corporation Ltd. v. Shomprakash Sinha Roy (Case No. D2019-2567), and observed that "the Complainant's trademark "HDFC" has no established meaning or generic value but as a well-established brand and is distinctive only of the Complainant and its services.". Accordingly, the administrative panel held that the Complainant's trademark is well established and distinctive. Therefore, the components of the disputed domain name "HDFC" and "mutual fund", when read together, are naturally bound to deceive one to believe that the domain name belongs to the Complainant, as 'mutual fund' is a generic and descriptive term that does not serve at all to distinguish or differentiate the disputed domain name from the Complainant's trademark.

(d) In the case of Swarovski Aktiengesellschaft v. Zhang Yulin (Case No. D2009-0947), the administrative panel noted that "The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the TradeMark. The Complainant has prior rights in the TradeMark which precede the Respondent's



registration and use of the disputed domain name. The Complainant has therefore established a prima facie case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby shifted the burden to the Respondent to produce evidence to rebut this presumption.” Similarly, in the present case, the Complainant has demonstrated that it is the honest and rightful proprietor and prior user of the trademark “HDFC”. Therefore, the Complainant has established a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name. The Respondent has not used the disputed domain name or the term “HDFC” in connection with a bona fide offering of goods or services. Secondly, the rightful owner of the trademark “HDFC” is the Complainant, and the Respondent is not commonly known by the disputed domain name or the term “HDFC”. Thirdly, the Respondent has not been using the disputed domain name for any legitimate non-commercial or fair use, as the domain name was registered in 2016 but remains unused as of October 2024. Therefore, the Complainant submits that it has demonstrated that the Respondent has no rights and legitimate interests in the disputed domain name as within the ambit of any of the circumstances captured in Paragraph 6 of the Policy.

(e) Therefore, in accordance with the Paragraphs 4(b) and 6, Policy; Paragraph 4(b)(vi), Rules, the Complainant reiterates that:

- i. Considering “HDFC” is a well-established brand worldwide (especially, in India), the Complainant is the largest bank in India (in terms of market capitalization) and it has already existing branches in Mumbai, it is implausible for the Respondent to assert ignorance of the Complainant, its



activities, or its trademarks when registering the disputed domain name;

- ii. The Respondent has no legitimate interest in using the domain name 'hdfcmutualfund.in' in connection with bona fide offering of goods or services; and
- iii. The Complainant is the rightful registered proprietor and prior user of the trademark "HDFC" and has no relationship with the Respondent. The Complainant has also not authorized the Respondent to use its trademark "HDFC" as part of the disputed domain name or otherwise. Therefore, the Complainant has established a prima facie case that the Respondent has no rights or legitimate interest in the disputed domain name.

(14) The domain name was registered and is being used in bad faith:

Submission by Complainant

- (a) The disputed domain name was registered in 2016. However, the Complainant has applied for registration of the 'HDFC BANK' trademark as early as 2000 with earliest usage date recorded as September 1978. An excerpt from the Indian Trade Marks Registry's database evidencing the registration of the 'HDFC BANK' mark and earliest usage of the mark since September 1978 in India is attached at Annex-18 and Annex-19, respectively. In the case, Sanofi-Aventis v. Abigail Wallace (Case No. D2009-0735), the administrative panel noted that "It is suggestive of the Respondent's bad faith that the trademark of the Complainant was registered long before the registration of the disputed domain name." In the present case, the Complainant has demonstrated that it holds multiple trademark registrations for "HDFC" and HDFC formative trademarks and

also owns several domain names comprising the trademark “HDFC”, most of which predate the date of registration of the disputed domain name on June 03, 2016. Accordingly, the Complainant submits that the Respondent’s act of registering the disputed domain name which contains the Complainant’s trademark as a dominant feature, in itself, is suggestive of bad faith.

- (b) Further, considering that the trademark “HDFC” is well established, the Complainant submits that it ought to be presumed that the Respondent had constructive notice of the Complainant’s trademark and such knowledge of the Respondent is an indicator of bad faith on its part in having registered the disputed domain name. In *The Gap, Inc. v. Deng Youqian* (Case No. D2009-0113), the administrative panel concurred with previous WIPO UDRP decisions holding that registration of a well-known trademark as a domain name is a clear indication of bad faith in itself, even without considering other elements.
- (c) Moreover, the disputed domain name was registered in 2016 and is still not operational, as of October 2024. The Respondent has intentionally registered the disputed domain name which would create a likelihood of confusion with the Complainant’s trademark. Thus, the Complainant submits that the Respondent has intentionally attempted to attract customers / prospective customers of HDFC AMC to the disputed domain name by creating a likelihood of confusion with the Complainant’s mark.
- (d) Additionally, the Complainant’s line of business of providing financial services is a strictly regulated space. If the disputed domain name becomes functional and operative, it could deceive the general public to believe that the disputed domain name belongs to the Complainant. This would mislead consumers, thereby causing severe customer grievances, financial losses and tarnish the Complainant’s reputation and goodwill.

OTHER LEGAL PROCEEDINGS:**(15) Submission of Complainant**

No other legal proceedings have been commenced or terminated in connection with or relating to the domain name that is the subject of the Complaint.

REMEDY SOUGHT:**(16) Submission of Complainant**

The Complainant requests the Arbitration Tribunal that the disputed domain name be transferred to the Complainant. Costs as may be deemed fit may also be awarded to the Complainant by the Learned Arbitrator.

DISCUSSION AND FINDINGS:

- (17)** After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure and Respondent has been notified of the complaint of the Complainant.
- (18)** Respondent was given enough opportunity to submit Reply of Complaint (Statement of Defense) by 15.02.2025 and thereafter by 25.02.2025. But Respondent failed to submit the same within said time limit; therefore, the Respondent had lost their right to entertain it. The proceeding of this case was kept closed for award on 27.02.2025 and the matter is to be decided ex-parte on the basis of the document on record with this tribunal as per INDRP policy.
- (19)** Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant has filed a complaint to .IN Registry on the following premises:
- (a) the Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights;
- and



(b) the Registrant's has no rights or legitimate interest in respect of the domain name; and

(c) The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.

(20) The Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights:

Facts & Findings

On the basis of the referred Awards of NIXI(INDRP) and WIPO cases, above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(21) The Registrant's has no rights or legitimate interest in respect of the domain name:

Facts & Findings

On the basis of the referred Award of WIPO cases, above mentioned facts by Complainant, non-submission of Statement of Defense and submission of Respondent as stated in above para (8), the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(22) The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose:

Facts & Findings

On the basis of referred Awards of WIPO cases, above mentioned facts by Complainant, non-submission of Statement of Defense and submission of Respondent as stated in above para (8), the Arbitral Tribunal concludes that the

Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(23) ARBITRAL AWARD

I, **Rajesh Bisaria**, Arbitrator, after examining and considering the pleadings and documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 5, 17 and 18 of the INDRP Rules of Procedure and Clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP), as follows:

Arbitral Tribunal orders that the disputed domain name

“hdfcmutualfund.in”

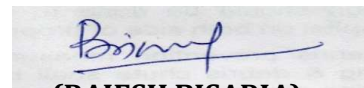
be forthwith TRANSFERRED from Respondent to Complainant.

Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs. 10000/- (Rs. Ten thousand only) is being imposed on the Respondent, as per the provision in clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to .IN Registry for putting the administration unnecessary work.

AT has made and signed this Award at Bhopal (India) on 21.03.2025 (Twenty-first Day of March, Two Thousand Twenty-Five).

Place: Bhopal (India)

Date: 21.03.2025



(RAJESH BISARIA)

Arbitrator

