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Amount of Stamp Paper Purchased in Words	: Rupees One Hundred
Stamp Paper Purchased on	: 12/06/2025
First Party Name	: Adv SUNIL V MOHAMMED
First Party Address	: Arbitrator, NIXI, Delhi
Second Party Name	: LEGAL
Second Party Address	: NIXI, DELHI
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Treasury Code & Name	: 1110 - Additional Sub Treasury, Eranakulam

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BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA

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

AWARD

Dated 5th July, 2025

Venue: New Delhi, India



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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. 1964

Between

Complainant:

UPL Limited, R&D Center,
Plot Nos. B-20 and C-12,
Road No.16, Wagle Industrial Estate,
Thane-West, Thane - 400604,
Maharashtra.

And

Respondent:

Zhou Xiangsheng,
HouJu Road #9-4-3-101,
Hongshan District,
Wuhan, Hubei-430074, China.

Disputed Domain Name : "upl.co.in"

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

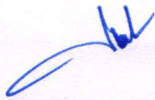
**Date of commencement
of Arbitration Proceeding** : 7th April, 2025

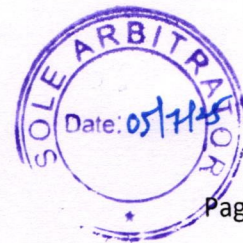


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Adv. SUNIL V. MOHAMMED BA., LL.B.
(Sole Arbitrator)



1. The Parties to the Arbitration:

1.1 The Complainant in the Arbitration Proceedings is UPL Limited, R&D Center, Plot Nos. B-20 and C-12, Road No.16, Wagle Industrial Estate, Thane-West, Thane-400604, Maharashtra, a company incorporated under the Companies Act, 1956, along with its parent company, and its global affiliated entities. The Complainant's authorized representatives in these proceedings are its Attorneys, M/s. Lall & Sethi, D-17, South Extension-11, New Delhi-110 049. (Email: jk-team@indiaip.com), as per Power of Attorney dated 6th February, 2025.

1.2 The Respondent in the proceedings is Zhou Xiangsheng, HouJu Road #9-4-3-101, Hongshan District, Wuhan, Hubei-430074, China (E-mail: domain9158@163.com), as per the details publically available in **Annexure B** WHOIS database maintained by the National Internet Exchange of India (hereinafter referred to as **NIXI**).

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 NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the policy and Rules framed thereunder (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 "**upl.co.in**" was registered on the 15th June, 2023 and the Sponsoring Registrar of the Respondent Registrant is Dynadot LLC.



3.2 The particulars of the registration of Domain Name as found in the .IN Registry database are as follows:

DNS Form	upl.co.in
User Form	upl.co.in
ROID	D632312DFD81B4A59B964B9507389AC6 E-IN
Register Name	Dynadot LLC
IANA ID	472
Create Date	2023-06-15T20:00:08Z
Expiry Date	2025-06-15T20:00:08Z
Last Updated Date	2025-01-29T10:35:05Z
EPP Status	serverRenewProhibited serverUpdateProhibited serverTransferProhibited clientTransferProhibited serverDeleteProhibited
Domain Status	Registered
Assigned Name servers	sl1.sedo.com sl2.sedo.com
Registrant Client ID	C-581018
Registrant ROID	C33013B8FD65E4BCA8C7E80AA5AC65 989-IN
Registrant Create Date	2024-10-19T09:10:21Z
Email	domain9158@163.com
Phone	86.13554189
International Postal Name	Zhou Xiangsheng
International Postal Street Line I	HuoJu Road #9-4-3-101
International Postal Street Line 2	Hongshan District
International Postal City	Wuhan
International Postal State	Hubei
International Postal Postcode/ Zip Code	430074
International Postal Country	CN
Registrant Registrar Name	Dynadot LLC
Registrant Registrar IANA ID	472



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4. Procedural History

4.1 The Sole Arbitrator, Adv. Sunil V. Mohammed was appointed on 7th April, 2025, in the above **INDRP** case to resolve the domain dispute raised in the Complaint dated 6th February 2025, 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 O** and also the WHOIS details of the domain initially through e-mail dated 7th April 2025. But it was noticed that the Domain Complaint and the Declaration attached to it referred to a different domain name. Accordingly, when this was pointed out, NIXI by e-mail dated 14.04.2025, forwarded the complaint concerning the present domain name in dispute.

4.3 After clarifying the confusion with respect to the difference in the Complaint with NIXI, on 1st May 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 Following the same, the Respondent vide e-mail dated 10th May 2025, has placed its response to the domain complaint contending that it has never tried to sell the domain name or brought any kind of inconvenience to the Complainant and further that the Respondent did not register it or not using the domain name in bad faith.

4.5 After declaring the service of the Domain complaint along with the Annexures and the Notice to the Respondent on 31st May, 2025 in compliance of Rule 3(d) and 2(d) of the INDRP Rules of Procedure, the matter was posted for the proceedings in accordance with Rule 5(e) of the INDRP Rules of Procedure.



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4.6 The Award ought to have been passed within 60 days from the date of handover. But further time was necessitated due to health issues of the Arbitrator and consequent bed rest. Therefore, the Tribunal had availed a further period of 30 days in accordance with Rule 5(e) of the INDRP Rules of Procedure to complete the proceedings.

5. Grounds urged for the Administrative Proceedings:

5.1 The disputed domain name is identically and/or confusingly similar to Complainant's domain name/trademark

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 content that it is a global crop protection chemicals and seeds company and founded in 1969, it is, today regarded as the 5th agrochemical company in the world. Previously, it was known as '**United Phosphorus Limited**' and later it officially adopted the corporate name '**UPL Ltd.**' in the year 2013.

6.2 The Complainant would content further that it is a global leader with a revenue of approximately USD 4.7 billion (2018-2019) and has established its presence in more than 138 countries globally, with 48 manufacturing locations and by virtue of this expansive presence, it is focused on ushering growth and progress for complete 5 agricultural value chain including growers, distributors, suppliers and innovation partners. To substantiate the above contentions, the Complainant would rely on **Annexure D** documents.





6.3 It is the case of the Complainant that apart from the aforementioned activities, it is also involved in several other related businesses such as environmental solutions, environmental electronics, specialty chemicals and apiculture and that there are more than 1344 products in its product portfolio across seeds, seed treatment, herbicides, insecticides, fungicides, rodenticides and post-harvest. The Complainant would also content that while conducting its global business; it lays huge emphasis on maintaining the highest standards of quality for its products, processes and relationships. In support of the same, the



Complainant has produced **Annexure E** printouts from its website as well as third-party websites evidencing its history and business.

6.4 It is the case of the Complainant that various articles from the Complainant's website and the multiple third-party websites produced as **Annexure F** would demonstrate the fact that **the names 'UPL Ltd.' and 'United Phosphorous Limited' have been used interchangeably even before the year 2013.** It also pointed out by the Complainant based on **Annexure G** that it has registered multiple companies and business ventures with the corporate names, which include its trade mark 'UPL'.

6.5 According to the Complainant, it is the registered proprietor of highly distinctive and unique trade mark 'UPL' in India from 2013 onwards. The Complainant has produced **Annexure H** certificate of registrations to substantiate the said contention. As per the same, the following are the relevant registrations obtained by the Complainant in India:

TradeMark	Number	Date	Class
UPL	2503011	March 26, 2013	Class 01
UPL	2695839	March 10, 2014	Classes 01,05, 31 and 44
	1420531	February 10, 2006	Class 01
UPL	2503010	March 26, 2013	Class 05
	1420530	February 10, 2006	Class 05
UPL	1411342	January 04, 2006	Class 31
	1420529	February 10, 2006	Class 31
UPL	2797650	August 26, 2014	Class 44
	2804097	September 4, 2014	Class 44

6.6 As per the Complainant, the said registrations are valid and subsisting and it was used long before the Respondent's registration of the Disputed Domain Name.



6.7 The Complainant relying on **Annexure I** would content that to fully protect its trade mark rights, it has applied for/registered for its trade mark 'UPL' in numerous countries throughout the world including but not limited to Australia, Mexico, Jordan, Republic of Korea, Malaysia, Philippines, Japan, Israel, Mongolia, New Zealand, Mozambique, Singapore, United States, Cuba, Iceland, Lao People's Democratic Republic and several countries designated under the Madrid Protocol.

6.8 It is also the contention of the Complainant that demand of its products under the 'UPL' portfolio has increased by leaps and bounds. To substantiate the same, the Complainant has attached the following table showing sales figures for the years 2003 to 2023:

Year	Revenues (in Crore INR)
2022-23	53576
2021-22	46240
2020-21	38694
2019-20	35756
2018-19	17920
2016-17	17124
2015-16	13413
2014-15	12088
2013-14	10578
2012-13	9294
2011-12	7764
2010-11	5898
2009-10	5495
2008-09	4974
2007-08	3762
2006-07	2471
2005-06	1802
2004-05	1423
2003-04	1108

6.9 The Complainant would content further that it has also employed more than 700 Research and Development professionals and has established more than 25 research facilities across four continents, including a new network of



field research stations. In order to prove the same, the Complainant has produced **Annexure J** extracts from its Annual Report. It is the case of the Complainant that it is the first crop protection company to be a part of the *Bell Weather Index Nifty 50* and in addition to this achievement, it has received many awards and achievements as evident from **Annexure K** and further that it has established and manages dedicated pages on various social media sites to promote its brand 'UPL' and share information about it as seen from **Annexure L** printouts.

6.10 The Complainant by referring to its website www.upl-ltd.com (**Annexure M**) would content that the same provides information about it and its trade mark 'UPL' has been consistently utilized for products and services promoted on the website. Further, the Complainant would highlight the fact that 'UPL' has been declared as a **"well-known mark"** by the **Department for Promotion of Industry and Internal Trade vide Trade Marks Journal No. 2093 dated 27/02/2023 (Annexure N)** and therefore, it deserves enhanced protection as given to well-known trade marks in India.

6.11 The Complainant would point out that the **Respondent had created the disputed Domain Name on 15th June, 2023**, which has subsumed the Complainant's trade mark 'UPL' in its entirety. It is the case of the Complainant that its complaint before the Trade Marks Registry on 18th September, 2024, against infringement of its trademark was declined for want of authority vide **Annexure O** response and thereupon the Complainant had preferred the present complaint dated 6th February, 2025.

6.12 Accordingly, the Complainant sought to transfer the Respondent's domain name under the .IN Policy as it is identical and confusingly similar and used in bad faith, to protect its rights and legitimate business.

7. Respondent's Contentions:

7.1 The Respondent through its response dated 10th May, 2025, would primarily concede that it has never tried to sell the domain name directly to the Complainant or neither brought any kind of inconvenience to the Complainant such as publishing ads of the competitors etc. Thus, it is the specific undertaking of the Respondent that it did not register or is not using the domain name in bad faith.



7.2 Apart from that, the only defence taken by the Respondent is that **the prefix of the domain name 'UPL' is a generic name with the pattern "LLL"**. Moreover, the above contention was asserted by pointing out that the term 'UPL' is used as abbreviation for multiple phrases, such as "User Program Language", "Unified Project Lifecycle", "User Product Line", etc.

7.3 The Respondent reasoned that by virtue of the term 'UPL' being generic in nature, it is non-distinctive and thus the right to use or own the term 'UPL' cannot exist with one single entity or individual and that the term 'UPL' has been registered by third parties for 145 top TLDs like .net, .org, .us, .co.uk, .in, .cn, etc. The Respondent further produced as proof, the screenshot of the TLDs Reg Count search result through the url: <http://member.expireddomains.net/tools/tld-reg-count/>.

8. Discussions and Findings:

8.1 Accordingly, the Tribunal framed the following issues for consideration:

- (i) Whether the Respondent's Domain name is identical and/or deceptively similar to domain name and trademarks of the Complainant?*
- (ii) Whether the Respondent has any rights or legitimate interests in respect of the domain name?*
- (iii) Whether the Respondent's domain name was registered or is being used in absolute bad faith?*
- (iv) Reliefs and cost.*

8.2 The Complainant has produced Annexure A to O to substantiate its contentions. The Respondent has limited its defence to the contention that the term 'UPL' being generic in nature, is non-distinctive and thus the right to use or own the term 'UPL' cannot exist with one single entity or individual and that the term 'UPL' has been registered by third parties.

8.3 As per Rule 13(d) of the INDRP Rules of Procedure, the Arbitrator is to determine the admissibility, relevance, materiality and weight of the evidence placed for consideration in the proceedings while deciding the Complainant.

8.4 Policy No. 4 of the IN Policy categorises class of disputes on three premises. **The Complainant's specific case is that the Respondent's domain name is identical and confusingly similar to its name/marks, that the**



Respondent has any rights or legitimate interests in respect of the disputed domain name and that the Respondent's domain name was registered and is being used in absolute bad faith.

8.5 The Complainant's specific case is that, founded in 1969, the Complainant has a long history of innovation and leadership in the agrochemical industry and headquartered in Mumbai, India, it has 38 subsidiary offices and a customer base in more than 138 countries around the world with a market access to 90% of the world's food basket. It is also the case of the Complainant that with more than 10,300 employees of 75 nationalities, it is ranked 5th amongst crop protection product companies worldwide and it is focused on ushering growth and progress for the complete agricultural value chain including growers, distributors, suppliers and innovation partners. According to the Complainant, it is the owner of the highly distinctive, unique and coined and well-known trade mark 'UPL', which also forms a part of its corporate name and over the years, its trade mark 'UPL' has gained immense goodwill and reputation and it is invariably vigilant about its IP rights.

8.6 To prove its case, the Complainant would place reliance on the following decisions:

(i) **Veuve Clicquot Ponsardin v. The Polygenix Group Co. (WIPO Case No. D2000-0163 at Section 6)**, wherein it was held that given the fame of the Complainant's mark as a trademark and domain name, it is not possible to conceive use by the Respondent of the Disputed Domain Name that would not constitute an infringement of Complainant's rights in its Trade Marks.

(ii) **Entrust, Inc. Vs. Mr. Sergey Krishtal (INDRP Case decision dated 03.06.2012)**, wherein it was held that the domain name www.entrust.in of the Respondent is identical and confusingly similar to the earlier trade mark ENTRUST of the Complainant.

(iii) **Yahoo! Inc. v. Akash Arora & Another (1999 PTC (19) 210 Delhi)**, wherein the Delhi High Court granted injunctive relief on the Yahoo! Inc. against the defendants who were attempting to use the domain name 'yahooindia.com' for internet related services.

(iv) **Playboy Enterprises International, Inc. v. Hector Rodriguez (WIPO Case No. D2000-1016)**, wherein it was held in relation to playboychannel.com and playboynetwork.com, that "*People, who manifest an*



intent to traffic in domain names that incorporate well-known or famous trade mark, as the Respondent does here, simply do not expend their efforts with the sole intention of relinquishing those domain names for just their out-of-pocket registration costs. The goal of their efforts, simply put, is an expectation of receiving an adequate reward, i.e., sufficient profit, from this trafficking."

(v) **Guerlain S.A. v. Pei Kang (WIPO Case No. D2000-0055)** and **Veuve Clicquot Ponsardin v. The Polygenix Group Co. (WIPO Case No. D2000-0163)**, wherein it was held that bad faith is found where a domain name *"...is so obviously connected with such a well-known product that its very use by someone with no connection with the product suggests opportunistic bad faith"*.

(vi) **Charles Jourdan Holding AG v. AAIM (WIPO Case No. D2000-0403)**, wherein it was held that *"...given the relative notoriety of the Complainant's mark as well as the ease for any user of the Internet to assess on its own whether or not the registration and use of a domain name is likely to encroach on another's rights, the Panel is of the opinion that Respondent acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of his out-of-pocket costs directly related to the Domain Name, an act which constitutes bad faith pursuant to paragraph 6 (i) of the Policy"*.

(vii) **Caravan Club v. Mrgsale, NAF (Claim Number: FA0007000095314)** concerning the caravanclub.com, wherein it was held that registration of a well-known trademark by a party with no connection to the owner of the trade mark and no authorization and no legitimate purpose to utilize the mark reveals bad faith.

(viii) **CBS Broadcasting Inc. v. Worldwide Webs, Inc. (WIPO Case No. D2000-0834)** concerning ILOVELUCY.COM, wherein it was held that the Respondent sought to profit from the mere registration of the Complainant's trade mark and service mark as a domain name, which constituted bad faith within the meaning of paragraph 6(i) of the policy.

(ix) **Bennett Coleman & Co Ltd v. Steven S. Lalwani (WIPO Case No. D 2000-0014)** and **Bennett Coleman & Co Ltd v. Long Distance Telephone Company (WIPO Case No. D 2000-0015)** wherein the Complainant was the publisher of the daily newspaper "The Economic Times"



and "The Times of India" holding the domain names, <economictimes.com> and <timesofindia.com> and the respondents had registered the sites <theeconomictimes.com> and <thetimesofindia.com> and the Panel held that it is not a sufficient answer to suggest that defendant will dispel any misleading first impression by use of a different design of the web site and that the necessary implication is that the domains were specifically selected in order to take advantage of the Complainant's very considerable reputation in the two titles of its publications by misleading internet users into believing that the respondent's sites came from or were associated with the Complainant.

8.7 The statement of the Respondent as per e-mail dated 10th May, 2025 would categorically prove that the Respondent does not materially dispute the contentions of the Complainant, except pausing a question as to whether the prefix of the domain name 'UPL' is a generic name with the pattern "LLL". It is the contention of the Respondent that the term 'UPL' is used as abbreviation for multiple phrases, such as "User Program Language", "Unified Project Lifecycle", "User Product Line", etc. and that being generic in nature, it is non-distinctive and thus the right to use or own the term 'UPL' cannot exist with one single entity or individual and that the term 'UPL' has been registered by third parties for 145 top TLDs like .net, .org, .us, .co.uk, .in, .cn, etc. In support of its contention, the Respondent has relied on the screenshot of the TLDs Reg Count search result through the url: <http://member.expireddomains.net/tools/tld-reg-count/>.

8.8 Accordingly, now the issues raised in the matter are answered separately for the sake of brevity.

8.9 **Issue No. 1:** As per Policy No. 3(b) of the .IN Policy, the Respondent Registrant is to ensure that to its knowledge the registration of the domain name will not infringe upon or otherwise violate the rights of any third party. In this case, the Respondent's domain name is identical to the trademark of the Complainant in accordance with Policy No. 4(a) of the .IN Policy. To prove the same the Complainant has produced sufficient documents and would submit that the Respondent has registered the disputed domain name "upl.co.in" with malifide intention to gain leverage from it and make illicit gains by adopting the Complainant's trademark "UPL" in its entirety. According to the Complainant, the Respondent has registered the disputed domain name with full knowledge of the Complainant, its business activities and IPR Rights. Moreover, it is the case of the Complainant that it came to know of the



Respondent's domain registration when it attempted to register the domain for its brand protection and expansion of the domain portfolio and found it to be unavailable for registration. In this context, it is noteworthy that the WHOIS records would reveal that the domain name "**upl.co.in**" was registered on **15th June, 2023**, which is much after the registration of the Complainant's trademark and domain name. Further, Annexure H and I produced by the Complainant would show that its trademark "**UPL**" is registered in India and various other countries are valid and subsisting and that it was used long before the Respondent's registration of the Disputed Domain Name. Moreover, Annexure N would reveal that 'UPL' has been declared as a "well-known mark" by the Department for Promotion of Industry and Internal Trade vide Trade Marks Journal No. 2093 dated 27/02/2023. The Hon'ble High Court of Delhi in the matter of **Thoughtworld Inc. Vs. Super Software Pvt. Ltd. & Others (MANU/DE/0064/2017)** has held that *"with the domain name taking up the entire name of the petitioner, there could be no doubt that the use of such domain name by the Respondent would be deceptively confusing and erroneously indicate a connection of Respondent with the Petitioner where there is none"*. In **F Hoffmon-La Roche AG Vs. Relish Enterprises (WIPO) D2007-1629**, it was held that *"If the Complainant owns a registered trademark, then it satisfies the threshold requirement of having the trademark rights and the domain name is confusingly similar to Complainant's trademark because the disputed domain name looks and reads like Complainant's trademark"*. Moreover, in the decisions in **Kenneth Cole Productions Vs. Viswas Infomedia (INDRP/093)**, **Inter-Continental Hotels Corporation Vs. Jaswinder Singh (INDRP/278)**, **Starbucks Corporation Vs. Mohanraj (INDRP/I18)** and, **Raddison Hospitality Belgium BV/SRL Vs. Najim (INDRP/I818)** deceptive similarity is answered in similar lines. Thus, it is clear that the Respondent's domain name is identical to the trademark of the Complainant. Accordingly, Issue No. I is answered in favour of the Complainant.

8.10 Issue No.2: It is the contention of the Complainant that the Respondent has no rights or legitimate interests in respect of the Domain Name as the Respondent has not established one or more of the circumstances enumerated in Policy No. 6 of the .IN Policy. The Complainant's specific case is that the Respondent has no rights or legitimate interests in the domain, "**upl.co.in**", because it has not licensed nor allowed the Respondent to use the "**UPL**" trademarks for any purpose.



8.11 In this context, it is relevant to note that nothing is brought on record to show that the Respondent was using, or had made demonstrable preparations to use the Domain Name in connection with a bonafide offering of goods or services in accordance with Policy No. 6(a) of the .IN Policy. Further, there is nothing to show that the Complainant had authorised, licensed or otherwise allowed the Respondent to make any use of its domain name. Therefore, it is clear that the Respondent's adoption of the disputed domain name, its dishonest use and confusing similarity would not constitute a bonafide offering of goods or services and that intentional ignorance of the Respondent while registering the domain name is malafide. Policy No. 3(d) of the .IN Policy provides that the registrant while applying to register a domain name must represent that the registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations and infringing or violating someone else's rights. In **Wacom Co. Ltd. Vs. Liheng, INDRP/634 (<wacom.in>)**, it was held that no legitimate interest is made out where *"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"*.

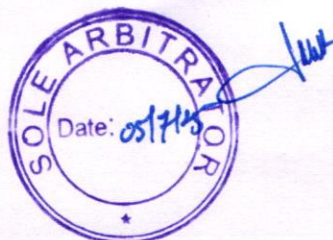
8.12 As regarding the contention of the Respondent relying on the screenshot of the TLDs Reg Count search result through the url: <http://member.expireddomains.net/tools/tld-reg-count/> that the term 'UPL' is used as abbreviation for multiple phrases, such as "User Program Language", "Unified Project Lifecycle", "User Product Line", etc. and that being generic in nature, it is non-distinctive and thus the right to use or own the term 'UPL' cannot exist with one single entity or individual and that the term 'UPL' has been registered by third parties for 145 top TLDs like .net, .org, .us, .co.uk, .in, .cn, etc. it is to be noted that mere technical requirement of the addition of the TLD and CCTLDs does not grant any distinction to the Respondent (See the decisions of the INDRP Panel in **Urban Outfitters Inc. Vs. Hua An Holdings (H.K.) Limited (INDRP/601)**, **Starbucks Corporation Vs. Aditya Khanna (INDRP/614)** and **Sudhir Kumar Segar Vs. John Doe (INDRP/645)**). Infact, a generic TLD/CCTLD such as ".in" is a standard registration requirement and therefore cannot be said to distinguish the Respondent's domain name from the Complainant's registered trademark or its domain name as held in **Equifax Inc. Vs. Nikhlesh Kunwar (INDRP/1038)** and **Walmart Stores, Inc. v. Richard MacLead (WIPO Case No. D2000-0662)**. As such, when the disputed domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name, it is to be considered identical or



confusingly similar for the purposes of the Policy as held by the Hon'ble Supreme Court of India in **Satyam Infoway Ltd. Vs. Sifynet Solutions Pvt. Ltd. (2004 Supp. (2) SCR 4651)** that the domain name has acquired the characteristic of being a business identifier when it identify the subject trade or service that an entity seeks to provide to its potential customers (See the decisions in **Dell Inc. Vs. Mani, Soniya (INDRP/753)**, **Patagonia Inc. Vs. Doublefist Ltd. (INDRP/I185)**, **Factory Mutual Insurance Company Vs. Rhianna Leatherwood (WIPO Case No. D 2009)** and **Avanti Feeds Limited Vs. Pradeep Chaturvedi (INDRP/I388)** that followed the dictum of the Hon'ble Supreme Court of India). Further, in **Zippo Manufacturing Company Inc. Vs. Zhaxia (INDRP/840)**, it has been observed that *"the Respondent has picked up the mark without changing even a single letter and when a domain name wholly incorporates a complainant's registered mark that is sufficient to establish identity or similarity for purpose of the Policy."*

8.13 In view of the above discussion, the Respondent herein cannot legitimately claim that it is commonly known by the Domain Name in accordance with Policy No. 6(b) of the .IN Policy. Moreover, in light of the nature of the domain name, comprising the Complainant's 'UPL' trademark, preceded by the term ".IN", it can be concluded that the Domain Name carries with it an implied risk of affiliation with the Complainant, which cannot constitute fair use. Therefore, it is found that the Respondent has no rights or legitimate interests in the Domain Name, in accordance with Policy No. 4(b) of the .IN Policy and that the Respondent has subsumed the Complainant's trade mark 'UPL' in its entirety. Accordingly, Issue No. 2 is answered in favour of the Complainant.

8.14 **Issue No. 3:** The Complainant would point out that its domain was registered much prior to the registration of the disputed domain name of the Respondent. According to the Complainant its 'UPL' trademark has become well-known to characterize its business and services, as evidenced by Annexure L and its multiple 'UPL' trademark and domain registrations shown in **Annexure H** and **I**. Therefore, the evident identity between Respondent's domain name and Complainant's marks/domain name incorporating 'UPL' is likely to mislead, confuse and deceive Complainant's customers as well as the general lay public as to the source, sponsorship, affiliation or endorsement of Respondent's domain name. So for all reasons, the disputed domain registration creates online confusion and disrupts Complainant's business reputation. The



documents produced by the Complainant would show that the disputed domain name is identical and confusingly similar to that of the name and mark of the Complainant and the said fact remains unopposed as well. As such, it is to be concluded that actual knowledge of a well-known trademark at the time of registration of a domain name constitutes evidence of bad faith. In the decision dated 16th June, 2005 in **Viacom International Inc & MTV Networks Europe Vs. Web Master (Case No. D2005-0321-WIPO)**, it was observed that *"Given long and widespread reputation of the Complainant's mark, the compelling conclusion is that the Respondent, by choosing to register and use a domain name which is not only confusingly similar to the Complainant's widely known and distinctive mark but identical thereto, intended to ride on the goodwill of the Complainant's trademark in an attempt to exploit, for commercial gain, Internet traffic destined for the complainant. Potential partners and end users are led to believe that the website is either the Complainant's site, especially made up for bearings, or the site of the official authorized partners of the Complainant, while, in fact, it is neither of these"*. In **QRG Enterprises Limited & Havells India Limited Vs. Zhang Mi (INDRP/852)** it was held that *"Such registration of a domain name based on awareness of a trade mark is indicative of bad faith registration under the Policy."* Further, in **Amazon Technologies Inc. Vs. Mr. Alex Parker (INDRP/I166)** it was held that *"The Respondent's registration of the domain name <amazonemi.in> is likely to cause immense confusion and deception and lead the general public into believing that the said domain name enjoys endorsement or authorized by or is in association with and/or originates from the Complainant. The foregoing circumstances lead to the presumption that the domain name in dispute was registered and used by the Respondent in bad faith."* The Tribunal is also of the view that the case of the Complainant is well supported by the decision in **M/s. Merck KGa Vs. Zeng Wei (INDRP/323)**, wherein it was held that *"The choice of the domain name does not appear to be a mere coincidence, but 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."* In that view of the matter, it is to be presumed that the Respondent has adopted identical name as opportunistic bad faith as held in **Mozilla Foundation and Mozilla Corporation Vs. LINA Double fist Limited (INDRP/934)**. In the decision dated 5th April, 2008 in **ITC Ltd Vs. Travel India (Case No. L-2/5/R4 OF 2008-NIXI)**, it has been held that *"Registration of domain name which is identical to trademark, with actual knowledge of the trademark holder's rights*



is strong evidence that the domain name was registered in bad faith". Further, in **Wockhardt Ltd. Vs Kishore Tarachandani: (INDRP No: INDRP/382)**, it has been held that *"The Respondent cannot have a right or legitimate interest in the disputed domain name when it incorporates the entire mark of the Complainant, a clear case of abusive registration of a well-known mark."* Therefore, it is be concluded that the Respondent's use of the Domain Name, is an intentional attempt to attract internet users to online locations by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website, in accordance with Rule 4(c) of the INDRP Rules of Procedure and Policy No.7(c) of the.IN Policy. Accordingly, Issue No. 3 is also answered in favour of the Complainant.

8.15 As per Policy No. 4 of the .IN Policy, class of disputes are categorised on 3 premises. In the light of the above discussions and on an analysis of the documents produced and on the facts and circumstances of this case, the Tribunal is of the firm view that the Complainant has succeeded in establishing that the registration of the disputed domain prima facie conflicts with its legitimate rights and interests, that the registration is in bad faith, that the Respondent did not produce evidence to rebut the Complainant's case, that in the absence of such evidence, the Complainant is deemed to have satisfied the requirements of Policy No. 4(b) of the .IN Policy, that the Complainant has also succeeded in establishing that the disputed Domain Name is identical and confusingly similar to the inherently distinctive and known trademark of the Complainant (Policy No. 4(a) of the .IN Policy), that it was registered or is being used in bad faith (Policy No. 4(c) and 7of the .IN Policy), that the Respondent by all means is presumed to have knowledge of the Complainant's name/marks when it registered the Domain Name and therefore the registration of the domain name constitutes evidence of bad faith, that through the Respondent's use of the Domain Name, it has intentionally attempted to attract Internet users by creating a likelihood of confusion with the Complainant's trademarks/name as to the source, sponsorship, affiliation or endorsement of the website, in accordance with Policy No. 7(c) of the .IN Policy and that the Respondent ultimately derives commercial advantage from the Respondent's unauthorized use of the Complainant's domain name and marks, which is covered by Policy No. 7(d) of the .IN Policy. As regarding, award of cost of the proceedings, in view of the aforesaid findings, the Complainant has succeeded in persuading the Tribunal to allow the same.



8.16 Therefore, on the basis of the aforementioned findings, the Tribunal is pleased to order as follows:

Decision

- i) *The disputed domain name is confusingly similar to Complainant's name/trademarks.*
- ii) *The Registrant has no rights or legitimate interests in respect of the domain name.*
- iii) *The Registrant's domain name has been registered or is being used in bad faith.*
- iv) *The NIXI is to transfer the registration of the Domain Name in dispute "upl.co.in" to the Complainant, as prayed for, within a week of receipt of this decision. The Complainant shall also be at liberty to contact NIXI for implementation of this decision.*
- v) *The Respondent shall pay a cost of Rs. 25,000/- to the Complainant.*

9. Dispositions

9.1 The complainant has given sufficient material evidence to prove extensive trademark rights over the disputed domain name and the Respondent's adoption and registration of the impugned domain name is dishonest and malafide.

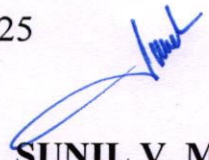
9.2 The various Panels have recognized that the Complainant if makes out a prima facie case that the Respondent lacks rights or legitimate interest, it is sufficient that the case put forward by the Complainant is to be accepted. In this case, the Complainant has proved a prima facie case that the Respondent is using the disputed domain name in bad faith.

9.3 The Respondent has no rights or legitimate interests in respect of the domain name in accordance with .IN Policy and INDRP Rules of Procedure and the Tribunal directs that the disputed domain name be transferred from the Respondent to the Complainant with a request to NIXI to monitor the transfer and the Respondent to pay costs to the Complainant.



9.4 The cost of Rs. 25000/- is also awarded.

Dated this the 6th July, 2025


Adv. SUNIL V. MOHAMMED
(Sole Arbitrator)

List of Annexures



- Annexure A:** Policy and the Rules.
- Annexure B:** Copies of the printout of the database search (es) conducted on January 14, 2025.
- Annexure C:** Information on Sponsoring Registrar of the Disputed Domain Name listed on the website of the .IN Registry.
- Annexure D:** Copies of documentary evidence.
- Annexure E:** Printouts from the Complainant's website as well as third-party websites evidencing the history and business of the Complainant.
- Annexure F:** Various articles from the Complainant's website and the multiple third-party websites demonstrating the fact that the names UPL Ltd. and United Phosphorous Limited have been used interchangeably even before the year 2013.
- Annexure G:** Documentary proof to substantiate the claims regarding the company names.
- Annexure H:** Copies of the registration certificates.
- Annexure I:** Copies of the registration certificates
- Annexure J:** Extracts from the Complainant's Annual Report.
- Annexure K:** Awards and achievements received by the Complainant.
- Annexure L:** Printouts obtained from the different social media pages.



- Annexure M:** Print outs of the Complainant's website www.upl-ltd.com showing the earlier trademark UPL consistently utilized for products and services promoted by it.
- Annexure N:** Copy of the Trade Marks Journal evidencing UPL as a "well-known mark".
- Annexure O:** Copy of the response from the Registrar of Trademarks.

Adv. SUNIL V. MOHAMMED
(Sole Arbitrator)