



1/21

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL71321910748455U
Certificate Issued Date	: 08-Aug-2022 11:02 AM
Account Reference	: IMPACC (SH)/ dlshimp17/ HIGH COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDLSHIMP1724398193033932U
Purchased by	: VAKUL SHARMA
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: VAKUL SHARMA
Second Party	: Not Applicable
Stamp Duty Paid By	: VAKUL SHARMA
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



ARBITRATION AWARD

INDRP CASE No. 1553***L'Oréal***[Complainant] v *Domain Administrator* [Respondent]

Disputed Domain Name: MATRIXPROFESSINAL.IN
BEFORE THE SOLE ARBITRATOR: VAKUL SHARMA

DATED: August 16, 2022



Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.shcilestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

[illegible]

ARBITRATION AWARD**In the matter of:**

L'Oréal
14 rue Royale
75008 Paris
France

[Complainant]

-v-

Domain Administrator

4 Akanbi Danmole

Street off Ribadu Road

Ikoyi 101233

Lagos

Nigeria

[Respondent]

Disputed Domain Name:

<matrixprofessional.in>

INDRP CASE No. 1553



1. The Complainant

The Complainant is L'Oréal, with its registered office located at 14 rue Royale, 75008 Paris France.

2. The Respondent

The Respondent was until recently identified as Sugarcane Internet Nigeria Limited, however its present details have been redacted for privacy. However, at the request of the Complainant the Registrar of the domain name made available the Respondent's detail.

3. The Registrar

The Registrar with which the domain name is registered is: GoDaddy.com LLC.

4. Disputed Domain Name

<MATRIXPROFESSIONAL.IN>

5. Jurisdiction

The Complainant by filing the Complaint under the aforesaid INDRP Rules of Procedure [Rules] has accepted the subject matter jurisdiction of the .IN Domain Dispute Resolution Policy - INDRP [Policy].

In view of the above, this domain name dispute is properly within the scope of the Policy. The registration agreement, pursuant to which the disputed domain name was registered, incorporates



the Policy. Disputes between Registrants, as they relate to domain name registrations, are governed by the Policy.

6. Procedural History

- (i) This Arbitration Proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy"), adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules"), which were approved on June 28, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By submitting to the Policy and the Rules, the Complainant agreed to the resolution of the disputes pursuant to the Policy and the Rules.
- (ii) Complaint was filed by the Complainant with NIXI against the Respondent. NIXI verified the Complaint and its annexures for conformity with the requirements of the Policy and the Rules.
- (iii) I submitted the statement of acceptance on June 2, 2022 and subsequently appointed by NIXI as an Arbitrator in the above matter [INDRP No. 1553] on June 2, 2022.
- (iv) Complainant submitted a Copy of the Complaint and Annexures to me as well as to the Respondent's email ID: sugarcane@mm.st from its email ID in accordance with the Rules.

Vahid Shamma

- (v) Complainant has further vide email dated June 20, 2022 has submitted that the Respondent could not be identified at its postal address.
- (vi) In view of the completion of procedures related to Service of Complaint as mandated under the Rules, I issued a Notice dated June 22, 2022 to the Respondent to submit its reply to the above said complaint within 15 days from the date of the Notice failing which the Complaint shall be decided on merit.
- (vii) I issued another notice dated July 8, 2022 informing the parties that in the interest of justice a final opportunity being given to the Respondent to submit its reply within next five days of the notice failing which the Complaint shall be decided *ex-parte* on the merits of the complaint.
- (viii) Despite giving a final opportunity, the Respondent has failed to submit any reply and hence vide notice dated July 14, 2022, I informed both the parties that *"the Respondent right to file Reply stands closed and the Complaint shall now be decided ex-parte on the basis of the merits of the Complaint."*
- (ix) The Arbitration Award is now pronounced on this day, i.e., August 4, 2022 after considering the contentions of the Complainant, evidence on record and the Policy framework under my signatures. This is an *ex-parte order* as the Respondent has failed to file their Reply despite being given adequate opportunity.



7. Contentions of the Complainant

Complainant submits as follows:

- (i) The Complainant is a French industrial group specialized in the field of cosmetics and beauty and is the first cosmetics group worldwide. L'Oréal was created in 1909 by a French chemist by the same name, L'Oréal is today one of the world's largest groups in the cosmetics business. It has a portfolio of 36 brands, employs 86,000 employees, and is present in 150 countries Reliance is placed on Annex 3.
- (ii) L'Oréal is richly endowed with a portfolio of international brands that is unique in the world and that covers all the lines of cosmetics: hair care, colouring, skin care, make-up and perfume. Complainant's brands, are managed within the group by divisions that each have expertise in their own distribution channel.
- (iii) MATRIX, a leading professional haircare and hair color company in the United States, is part of L'Oreal USA's Professional Products Division. It is well known around the world, including India whose products are promoted on the official website <https://www.matrixprofessional.in/>
- (iv) Matrix was founded in 1980 by the American husband and wife hairdressing team, Arnie and Sydell Miller. Matrix now as part of L'Oréal is committed to the development of the salon professional, offering a wide range of haircare, haircolor and texturizing products.
- (v) It has sent a cease and desist letter to Respondent on July 30, 2021, asserting its trademark rights and asking it to cease the use of the domain name <matrixprofessional.in>, as well as to proceed with its transfer to Complainant free of charge. Having sent several reminders, the only response received was the registrar's automated message denying further assistance with claims regarding the wording of a registered domain name and advising to further pursue a UDRP dispute, whereas the



Respondent failed to provide any response to the Complainant. Reliance is placed on Annex 6.

- (vi) The Complainant has initiated INDRP proceedings after exhausting all the efficacious remedies available to it.

In the context of the above, Complainant in its complaint has made assertions to establish presence of each of the three elements required by paragraph 4 of the Policy.

- I. Whether the domain name <matrixprofessional.in> registered by the Respondent is identical to the trademarks of the Complainant?**

The Complainant submits that:

- (a) The MARIX Mark is famous, registered and enjoys world-wide reputation. Complainant owns statutory rights in MATRIX, and MATRIX WAVE SENSATION as registered trademark in India since 1990 and 2011 respectively, and since it is a registered trademark, which constitutes prima facie evidence of the validity of trademark rights. Reliance is placed on Annexure 4.
- (b) The disputed domain name is virtually identical or atleast confusingly similar to the Complainant's prior trademark MATRIX and the official domain name <matrixprofessional.in> which is incorporated fully, as is, with the ccTLD '.in'.



The domain name <matrixprofessinal.in> reproduces Complainant's trademark MATRIX in its entirety. It is submitted that 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 (WIPO Case No. D2011-1627, *L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*, WIPO Case No. D2010-1059, *Rapidshare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin* and WIPO Case No. D2000-0113, *The Stanley Works and Stanley Logistics, Inc. v. Camp Creek Co., Inc.*).

- (c) Complainant further submits that likewise, the disputed domain name <matrixprofessinal.in> is almost identical to Complainant's domain name <matrixprofessional.in> differing only in one letter, which makes potential typing error by Internet users more likely to happen, and as result diverting the traffic from Complainant's site to the Respondent's. The omission of the letter "o" does not significantly affect the appearance or pronunciation of the domain name. This practice is commonly referred to as "typosquatting" and creates virtually identical and/or confusingly similar marks to the Complainant's trademark (WIPO Case No. D2011-0692, *Mapfre S.A. y Fundación Mapfre v. Josep Sitjar*; WIPO Case No. D2009-1050, *Compagnie Gervais Danone of Paris v. Jose Gregorio Hernandez Quintero*).



- (d) It is further submitted by the Complainant that as the disputed domain name <matrixprofessional.in> has been registered in the TLD “.in”. The presence of the suffix “.in” is not to be taken into account when assessing the likelihood of confusion between Complainant’s trademark and the disputed domain name. Indeed, it is well established in domain name cases that the suffix to indicate the top level of the domain name, such as “.in” or “.co.in”, has to be disregarded for the purpose of determining whether the domain name is identical or confusingly similar to Complainant’s trademark.
- (e) The Complainant has further submitted that with the registration of the disputed domain name, Respondent created a likelihood of confusion with Complainant’s trademarks. It is likely that this domain name could mislead Internet users into thinking that this is, in some ways, associated with Complainant and thus may heighten the risk of confusion, i.e., the public would reasonably assume that the disputed domain name belongs to Complainant or is at least, related to Complainant.

II. Whether The Respondent has no rights or legitimate interests in respect of the domain name <matrixprofessional.in>?

The Complainant submits that:

- (a) The Respondent is neither affiliated with Complainant in any way nor has he been authorised or licensed by Complainant to use and register its trademarks, or to seek registration of any domain name incorporating the previously mentioned trademark. In addition, Respondent is not known by the name of MATRIX.



- (b) The Respondent has no prior rights or legitimate interests in the disputed domain name. The registration of the MATRIX trademarks preceded the registration of the disputed domain name for years. Moreover, since the domain name in dispute is virtually identical to the Complainant's MATRIX trademark and the official domain name <matrixprofessional.in>, the Respondent cannot reasonably pretend it was intending to develop a legitimate activity through the disputed domain name. In the present case, the composition of the domain name constitutes clear evidence that the Respondent wishes to give an overall impression that the disputed domain name is related to Complainant and misleadingly divert consumers for fraud or commercial gain, therefore, such composition cannot constitute fair use, further demonstrating a lack of legitimate interests regarding said domain name.
- (c) The Respondent has failed to demonstrate use of, or demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services. Indeed, the disputed domain name resolves to a parking page displaying commercial links relating to cosmetic products directly targeting Complainant's field of activity. Consequently, Respondent fails to show that the non-commercial intention or the fair use of the disputed domain name. It is most likely to be believed that Respondent has no legitimate interest or rights in the disputed domain name. Furthermore, the domain name in dispute directs Internet users to a parking page with pay-per-clicks which are likely to generate revenues. Hence, as a matter of fact, it cannot be inferred that Respondent is making a legitimate non-commercial or fair use of disputed domain name (WIPO Case No. D2009-1529, *Société nationale*



des télécommunications: Tunisie Telecom v. Ismael Leviste, INDRP Case No. INDRP/167 <lazard.in> decided on November 30, 2010,).

- (d) The Respondent has configured email server on the disputed domain name <matrixprofessional.in> and thus, there might be a risk that Respondent is engaged in a phishing scheme. This is to confirm that the disputed domain name is not used in any type of legitimate business or services. Moreover, since the Respondent has failed to respond to the Complainant's letter (despite various reminders), it can be assumed that Respondents have no rights or legitimate interest in the disputed domain name (WIPO Case No. D2010-1017, *AREVA v. St James Robyn*; WIPO Case No. D2003-0269, *Nordstrom, Inc. and NIHC, Inc. v. Inkyu Kim*).

III. Whether the domain name <matrixprofessional.in> was registered or is being used in bad faith?

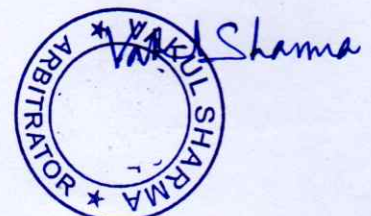
The Complainant submits that:

- (a) It is implausible that Respondent was unaware of Complainant when he registered the disputed domain name. Bad faith can be found where respondent "*knew or should have known*" of Complainant's trademark rights and, nevertheless registered a domain name in which he had no rights or legitimate interests (WIPO Case No. D2009-0320, *Research In Motion Limited v. Privacy Locked LLC/Nat Collicot*; WIPO Case No. D2009-0113, *The Gap, Inc. v. Deng Youqian*).
- (b) It is impossible that Respondent was not aware of Complainant's trademarks and activities at the time of the registration of the disputed domain name. Even more so, considering the fact that the disputed domain name is virtually identical to Complainant's official domain name <matrixprofessional.in> differing only in one letter, which makes potential typing error by Internet users more likely to



happen, and as result diverting the traffic from Complainant's site to the Respondent's. This difference does not significantly affect the appearance or pronunciation of the domain name. This practice is commonly referred to as "typosquatting" and creates virtually identical and/or confusingly similar marks to the Complainant's trademark (WIPO Case No. D2011-0692, *Mapfre S.A. y Fundación Mapfre v. Josep Sitjar*; WIPO Case No. D2009-1050, *Compagnie Gervais Danone of Paris v. Jose Gregorio Hernandez Quintero*)

- (c) Bad faith has already been found where a domain name is so obviously connected with a well-known trademark that its very use by someone with no connection to the trademark suggests opportunistic bad faith (WIPO Case No. D2010-0494, *LEGO Juris A/S v. Reiner Stotte*, WIPO Case No. D2006-0303 *Sanofi-Aventis v. Nevis Domains LLC*). Thus, given the reputation of the MATRIX trademarks, registration in bad faith can be inferred.
- (d) The Respondent could have undertaken a quick MATRIX trademark search (or even a google search), which would have revealed to the Respondent about the existence of Complainant and its trademarks. Respondent's failure to do so is a contributory factor to its bad faith (WIPO Case No. D2008-0226, *Lancôme Parfums et Beauté & Cie, L'Oréal v. 10 Selling*).
- (e) It is hard to believe that Respondent was unaware of the existence of Complainant and its trademarks at the time of registration of the disputed domain name.
- (f) It can be presumed that many Internet users attempting to visit Complainant's website may have ended up on the site of Respondent. As the disputed domain name is confusingly similar to Complainant's trademarks, previous Panels have ruled that "a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from Complainant's site to Respondent's site" (WIPO Case No. D2012-1765, *MasterCard International*



Incorporated ("MasterCard") v. Wavepass AS; WIPO Case No. D2006-1095, Edmunds.com, Inc. v. Triple E Holdings Limited).

- (g) The clear inference to be drawn from the Respondent's activities is that its intention to abusively benefit from Complainant's reputation and particularly from the latter's trademark MATRIX to obtain commercial gains.

8. Respondent's Contentions

Despite given adequate opportunities, Respondent has failed to submit any Reply.

9. Discussion and Findings

The Respondent has not filed any Reply to the Complaint. However, the Respondent's default does not automatically result in a decision in favour of the Complainant. The Complainant has to still establish each of the three elements required by Paragraph 4 of the Policy:

Under the Paragraph 4 clauses (a) – (c) of the Policy, the Complainant must prove that:

- (a) the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights;
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) the Registrant's domain name has been registered or is being used in bad faith.



The Complaint has to be decided on the basis of the provisions of INDRP, pleadings, including documentary evidence presented before me. The Complainant in order to succeed must satisfy the conditions laid down in Paragraph 4, clauses (a) – (c) of the Policy.

I have considered the Complainant's pleadings, documentary evidence and conditions as laid down in the aforesaid Policy. My opinion is as follows:

(a) Whether the Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights?

The Complainant has placed on record details of its 'MATRIX' under different classes of trademark worldwide, including India [Annexure 4] as documentary evidence to highlight that 'MATRIX' name, as a trade name, corporate name, and domain name is distinct identifying the Complainant, its products and services across multiple jurisdictions. Its portfolio of domain names include <matrix.com>, <matrixprofessional.com> and <matrixprofessional.in> suggests that its interest in the disputed domain name is legitimate and is necessary to maintain and protect its exclusive and proprietary hold over its mark.

I consider that there is a force in the arguments of the Complainant that the disputed domain name <matrixprofessinal.in> is almost identical to Complainant's domain name <matrixprofessional.in> differing only in one letter, which makes potential typing error by Internet users more likely to happen, and as result diverting the traffic from Complainant's



site to the Respondent's. The omission of the letter "o" does not significantly affect the appearance or pronunciation of the domain name. This practice is commonly referred to as "typosquatting" and creates virtually identical and/or confusingly similar marks to the Complainant's trademark. It is quite evident that the Respondent's has used the words <PROFESSINAL> intentionally to confuse users seeking or expecting the complainant and thereby diverting the web traffic from the complainant owned domain names. This can further be corroborated by landing web-page of <MATRIXPROFESSINAL.IN> which displays competing products. I am of the view that .IN element of a domain name has no distinguishing capability and should be disregarded while considering whether a domain name is identical or confusingly similar to a trademark. In fact, it is a well-established principle that the ccTLD suffix in a domain name (".IN") should be disregarded for the purpose of comparison and similarity since it is a technical requirement of registration of domain names.

Also, I found use of misspelling <MATRIXPROFESSINAL.IN> while registering the disputed domain name is without any justification. It is a devious plan on the part of the Respondent to sow seeds of confusion in the minds of consumers about the Complainant's product and service offerings.

Furthermore, the Respondent has failed to observe the legal obligations as laid down in Paragraph 3 [Registrant's Representations] of the INDRP, which provides:

By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

(a) the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;



(b) to the knowledge of registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;

(c) the Registrant is not registering the domain name for an unlawful and malafide purpose; and

(d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations.

In my opinion, the Respondent has knowingly registered the Complainant's mark in the form of virtual identical name <MATRIXPROFESSINAL>, which is followed by a suffix, .IN [ccTLD] to complete the domain name string <MATRIXPROFESSINAL.IN>. I am inclined to accept the Complainant's submission that the Respondent's registration of an identical domain name <MATRIXPROFESSINAL.IN> identical to the Complainant's mark with the sole purpose of unlawful gains. It only suggests that the Respondent was aware of the brand value of disputed domain name when it registered the disputed domain name <MATRIXPROFESSINAL.IN>. I believe that it is not an attempt to attract consumers to a web-page but to confuse the loyal customers of the Complainant. I suspect that this could be a well-thought attempt on the part of the Respondent to dilute the Complainant's brand value in the eyes of its consumers. It is to be noted that the Respondent has failed to deny the said evidence relied upon by the Complainant despite being given ample opportunities. I am of the opinion that the benefit under the circumstances lies with the Complainant. It is thus very clear that the Respondent violated the conditions as laid down in the Paragraph 3(a) – (d) of the policy as mentioned above. In view of the above, the requirement of the Policy as stated in Paragraph 4(a) is satisfied.



(b) Whether the Registrant has no rights or legitimate interests in respect of the domain name?

There is nothing on record to suggest that Respondent is either affiliated with Complainant in any way or has he been authorised or licensed by Complainant to use and register its trademarks, or to seek registration of any domain name incorporating the previously mentioned trademark. In other words, the Respondent has no legal right or legitimate interests in the disputed domain name. I am of the view that the Complainant has been able to demonstrate clearly that the composition of the domain name constitutes clear evidence that the Respondent wishes to give an overall impression that the disputed domain name is related to Complainant and misleadingly divert consumers for fraud or commercial gain, therefore, such composition cannot constitute fair use, further demonstrating a lack of legitimate interests regarding said domain name.

Also, Paragraph 6 of the INDRP provides:

6. Registrant's Rights and Legitimate Interests in the Domain Name

Any of the following circumstances, in particular but without limitation, if found by the Arbitrator to be proved based on its evaluation of all evidence presented, shall demonstrate the Registrant's rights to or legitimate interests in the domain name for the purposes of Clause 4 (b) :

(a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;

(b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights; or

(c) the Registrant is making a legitimate non-commercial or fair use of the domain



name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

I have evaluated the evidence on record and came to a conclusion that none of the aforesaid limbs as highlighted in the Paragraph 6 of the Policy above have been present to give the Respondent/Registrant any rights and legitimate interests in the disputed domain name. The Complainant has never authorized or licensed the Respondent to use the MATRIX or MATRIXPROFESSIONAL or MATRIXPROFESSIONAL Mark in any way or for any purpose. The Respondent does not have any association or affiliation with the Complainant and neither the Complainant has any past dealing or commercial understanding with the Respondent. I accept the Complainant's contention that the registration of the disputed domain name by the Respondent lacks bonafide. Complainant has been able to establish a *prime facie* case of Respondent's lack of legitimate rights and interests in the domain name thus shifting the burden on the Respondent to show rights or legitimate interests [Emirates of Emirates Group v. Zhan Yun . INDRP/606]. There is not an *iota of evidence* to show that MATRIX or MATRIXPROFESSIONAL or MATRIXPROFESSIONAL Mark is exclusive and proprietary to the Respondent. It is to be noted that the Respondent has failed to counter or deny assertion made by the Complainant. I am of the opinion that the *malafide* intent of the Respondent is quite evident from parking webpage hosted by the Respondent displaying commercial links relating to cosmetic products directly targeting Complainant's field of activity and thus clearly establishing the fact that the Respondent actions are neither *bonafide* nor fall in the category of legitimate non-commercial or fair use of domain name. The volume or quantity of illicit revenue generated by the Respondent by creating rogue webpage is not important, what is important is the existence of such rogue webpage which



Vaishali Sharma

may never be called a legitimate activity on the part of the Respondent. In view of the above, the requirement of the Policy as stated in Paragraph 4 (b) is satisfied.

(c) Whether the Registrant's domain name has been registered or is being used in bad faith?

Use of the disputed domain name by the Respondent, when it has no legal rights to register the disputed domain name in the absence of any legal arrangement with the Complainant – only proves *malafide* intent on the part of the Respondent.

Further, Paragraph 7 of the policy provides:

7. Evidence of Registration and use of Domain Name in Bad Faith

For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the registration and use of a domain name in bad faith:

(a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the trademark or service mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or

(b) the Registrant 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, provided that the Registrant has engaged in a pattern of such conduct; or



(c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

The documentary evidence placed on record by the Complainant clearly shows that the Respondent has indeed taken advantage of the Complainant's reputation and goodwill by registering the disputed domain name <MATRIXPROFESSIONAL.IN>. The *malafide* intent is clear from the webpage supporting <MATRIXPROFESSIONAL.IN> resolving into competitive product offerings in the form of links: "Hair Care Products", "Hair Growth Products" and "Pro Hair Styling Tools". The evidence [Annex 1] in the form of screenshots/webpages placed on record exhibits the Respondent's attempt to build a counter narrative stacked against the Complainant's reputation and goodwill. There is no denial of said webpages [Annex 1] on the part of the Respondent. I agree with the assertion made by the Complainant that the webpage resolving into clickable links underlines the Respondent's intention to abusively benefit from Complainant's reputation and particularly from the latter's trademark MATRIX to obtain commercial gains. The Respondent is taking unfair advantage of the Complainant's rights. The Complainant has been able to demonstrate that the said mark is only associated with the Complainant. Therefore, adoption of the said mark by the Respondent is dishonest and in bad faith. I have also noted to my dismay that the Respondent has been manufacturing domain names by indulging in typosquatting by registering various misspelling variations of the Complainant's domain name <MATRIXPROFESSIONAL.IN>



Accordingly, having regard to the circumstances of this particular case, I hold that the Complainant has been able to prove that the Registrant's registered the disputed domain name in bad faith. In view of the above, the requirement of the Policy as stated in Paragraph 4 (c) is satisfied.

10. Decision

For the foregoing reasons, in accordance with the Policy and Rules, I direct NIXI to transfer the disputed domain name <MATRIXPROFESSIONAL.IN> to the Complainant.

There is no order as to costs.

The original copy of the Award is being sent alongwith the records of the proceedings to the National Internet Exchange of India (NIXI) for its record and a copy of the Award are being sent to both the parties thru email for their information and record.

Vakul Sharma

(Sole Arbitrator) ★



Dated: August 16, 2022

Post Script:

It would be prudent if .IN Registry and accredited Registrars deploy Artificial Intelligence and Block chain tools to protect domain name registration from rogue elements. Typo-squatters are menace to the domain name ecosystem and have the potential to bring disrepute to the domain name registration process.