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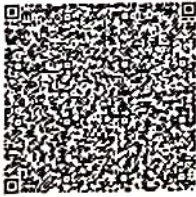
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Government of National Capital Territory of Delhi

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Description of Document	: Article 12 Award
Property Description	: Not Applicable
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First Party	: ABHINAV S RAGHVANSHI
Second Party	: Not Applicable
Stamp Duty Paid By	: ABHINAV S RAGHVANSHI
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 1956
IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULE OF PROCEDURE
AND THE ARBITRATION AND CONCILIATION ACT, 1996

FINAL AWARD

AB

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**IN THE MATTER OF THE ARBITRATION ACT 1996 as Amended by
Arbitration & Conciliation (Amendment) Act, 2015
and
INDRP Rules of Procedure;
and
.IN Domain Name Dispute Resolution Policy (INDRP)
and
In the matter of arbitration between**

Khadi & Village Industries Commission

"Gramodaya", 3, Irla Road, Vile

Parle (West), Mumbai, Maharashtra, India

Pin Code- 400056

....Complainant

Vs

Daksh Sardana,

26/84 West Patel Nagar,

New Delhi, Delhi, India

Pin Code- 110008

....Respondent

in respect of Disputed Domain Name(s):

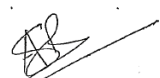
[thekhadi.in]

INDRP Case No; 1956

FINAL AWARD

Date: 21.07.2025

Venue: New Delhi, India


ABHINAV S. RAGHUVANSHI
SOLE ARBITRATOR

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A. THE PARTIES AND THEIR REPRESENTATIVE

1. Claimant

Khadi & Village Industries Commission
"Gramodaya", 3, Irla Road,
Vile Parle (West), Mumbai,
Maharashtra, India
Pin code- 40056

Legal Representative

Astha Negi & Umang
Fidus Law Chambers LLP
F-12, Sector 8, Noida- 201301
Telephone: 91-120-4847550
Fax: 91-120-4847551
Email: astha@fiduslawchambers.com
umang@fiduslawchambers.com

2. Respondent

Daksh Sardana
26/84 West Patel Nagar
New Delhi, Delhi- 110008, India
Phone: 91.99685569
Email: daksh.niyama@gmail.com

B. THE DOMAIN NAMES AND REGISTRAR

The disputed domain name <thekhadi.in> is registered through the Registrar GoDaddy. LLC is accredited with the .IN Registry and is listed on the website of the .IN Registry having its Contact Address:

GoDaddyLLC

26/84 West Patel Nagar
New Delhi, Delhi, 110008
India
Tel: 91.99685569
Email: daksh.niyama@gmail.com



C. PROCEDURAL HISTORY:

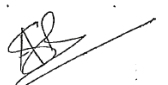
- i. Sh. Abhinav S. Raghuvanshi was appointed as the sole Arbitrator on 28th March 2025 by the NIXI to act as an Arbitrator in the INDRP case no. 1956 regarding the complaint dated 23rd December 2024 filed under the INDRP by the Complainant.
- ii. That the Tribunal upon the receipt of Complainant, issued the Notice of Arbitration on 24th April 2025, and further directed the Complainant to effect the service into the Respondent and file an Affidavit of Service to the effect. The Respondent was given an opportunity to file a response in writing in opposition to the complaint, if any, along with evidence in support of its stand or contention on or within 15 (fifteen) days.
- iii. The Respondent did not respond to the notice issued on 24th April 2025.
- iv. That Service of the Notice of Arbitration dated 24th April 2025 was affected by the counsel for the complainant, and the same was intimated to the Tribunal by Astha Negi/ Umang, representative of the complainant. The complaint (with annexures) was sent to the email address of the Respondent shown in the WHOIS details. Consequently, the service of the Notice of Arbitration on the Respondent was completed in accordance with Rule (2) of the INDRP Rules.
- v. That in the interest of Justice, the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure directed the Complainant to once again affect service of this Notice of Arbitration along with copy of Complaint and Annexure, complete in all respects and Complainant and Annexures, complete in all respects by email on 7th May 2025 to the Respondent.
- vi. Even after the Service of Notice of Arbitration twice, upon the Respondent, they failed to respond.
- vii. Subsequently, the Complainant, in compliance of directions issued by this Tribunal, filed Evidence Affidavit on dated 21st May 2025 the case of in the INDRP Case No. 1956.
- viii. There was a delay of 28 (twenty-eight) days in passing the present award, primarily due to the Arbitrator's unavailability, as he was unwell owing to a high blood sugar episode and other health-related issues.



D. COMPLAINANT CONTENTION:

It is contended by the Complainant that:

- i. The Complainant is a statutory body formed in April 1957 by the Government of India, under the Act of Parliament, 'Khadi and Village Industries Commission Act of 1956'. A copy of the Act is enclosed as **Annexure B.**
- ii. The Complainant, in April 1957, took over the work of former All India Khadi and Village Industries Board. The Complainant plays an important role in Indian economy as it generates employment in about 2.48 lakh villages throughout the country. The Complainant has a widespread presence across the country and has implemented various programs in all the states.
- iii. The programs offered by the Complainant are to promote products under the trademark **KHADI**. The Complainant also implements the Prime Minister's Employment Generation Program (PMEGP) for the upliftment and improvement of artisans, weavers and other members of small-scale village and rural industries.
- iv. The Complainant adopted the trademark **KHADI** (which forms a part of its tradename, corporate name and trading style) on 25th September 1956 the same has been in use continuously till date. By virtue of its adoption more than sixty years ago, and extensive use thereof, the trademark **KHADI** has become exclusively and globally associated with the Complainant in the eyes of consumers.
- v. The Complainant is engaged in the promotion and development of the **KHADI** brand and the products under the **KHADI** trademark through the institutions certified by the Complainant.
- vi. The Complainant authorizes various retail sellers, organizations, societies and institutions to sell products under its **KHADI** trademarks. In order to be listed as an authorized user of the **KHADI** trademarks for the purpose of sales and promotions of **KHADI**-certified products and services, each



organization has to apply for recognition through the Khadi Institutions Registration & Certification Sewa (KIRCS). A screenshot of the KIRCS page from the Complainant's website is enclosed as **Annexure E**.

- vii. That the Complainant's trademark **KHADI** has also been declared as a well-known trademark in the judicial as well as quasi-judicial proceedings. In orders dated 26th July 2022, the Hon'ble Delhi High Court in *Khadi and Village Industries Commission v. Khadi Design Council of India and Others*, CS (COMM) 244/2021 and *Khadi & Village Industries Commission vs Raman Gupta & Ors.*, CS (COMM) 133 of 2022, has declared the trademark **KHADI** as the well-known trademark. Further, the Registrar of Trademarks has also notified the Complainant's trademark **KHADI** as a well-known trademark bearing well-known application no. 816482 vide notification dated 15th August 2022. Pursuant to the said notification, the Complainant's trademark **KHADI** has also been added to the list of well-known trademarks by the Trademarks Registry of India. Copies of the said orders along with the aforesaid notification and relevant extracts from the list of well-known trademarks have been annexed by the Complainant as **Annexure F**.
- viii. The NIXI has also recognized and upheld the Complainant's rights in the **KHADI** trademarks in a number of favourable decisions. Few of them are as follows:

Disputed Domain Name	INDRP case number
<iwearkhadi.in>	INDRP/1241
<khadi.co.in>	INDRP/1248
<justkhadi.zepo.in>	INDRP/1285
<khadi.in>	INDRP/1346
<khadination.co.in>	INDRP/1424

E. RESPONDENT CONTENTION:

Despite service of Arbitration Notice dated 24th April 2025, Respondent have failed to file their response- Reply in Opposition to the Complaint. Affidavit of service filed on behalf of the complaint establishes that service has been affected



onto the Respondent validly. However, the Tribunal firmly believes that Even in the uncontested matter the petitioners case must stand on its own legs and it cannot derive any advantage by absence of the respondents therefore, the complainant must still establish each of the three elements as mentioned in clause 4 of the INDRP policy. Tribunal also notes decision of Hon'ble Supreme Court of India in Sudha Agarwal vs Xth Additionl District Judge & Ors (1996) 6 SCC 332. The disputed domain name was registered on 11th July 2024. The disputed domain name is parked and there is no bona fide use of the disputed domain name by the Respondent. An extract of the landing page of the disputed domain name <thekhadi.in> is enclosed herewith as **Annexure H**.

F. DISCUSSIONS AND FINDINGS:

The complainant seeks to rely upon paragraph 4 of the .IN Policy, which reads as :

"Any Person who considers that a registered domain name conflicts with his legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- a) the Registrant has no rights or legitimate interests in respect of the domain name; and
 - b) the Respondent has no rights or legitimate interests in respect of the domain name:
 - c) the Registrant's domain name has been registered or is being used in bad faith."
- And the Complainant seeks to assert that each of the aforementioned factors.

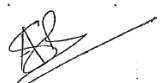
A. Whether the Respondent's domain name is identical to a name, trademark/ trade name in which the Complainant has rights?

- i. It is case of the Complainant that the disputed domain name <thekhadi.in> subsumes the Complainant's subject trademark **KHADI** in its entirety. The mere addition of article 'the' in the disputed domain name used by the respondent does not help in distinguishing the disputed domain name from



the Complainant's well established and wider known trademark and therefore, the disputed domain name is confusingly similar to the Complainant's trademark.

- ii. From the Contentions of the Complainant as recorded at Para D hereinabove, The Complainant has established that it has statutory and common law rights in the trademark **KHADI** and such rights clearly predates the registration of the disputed domain name.
- iii. In support of its contention, the Complainant has also cited, past INDRP decisions, wherein it has been clearly held that the fact that a domain name wholly incorporates a Complainant's registered trademark is sufficient to establish identity or confusing similarity for the purpose of INDRP, *ITC Limited v. Travel India* (INDRP Case No. 065), *Allied DOMEQ Spirits and Wine Limited v. Roberto Ferrari* (INDRP Case No. 071), *International Business Machines Corporation v. Zhu Xumei* (INDRP Case No. 646) and *Jaguar Land Rover v. Yitao* (INDRP Case No. 641).
- iv. The Complainant also relies on past decision of the Panel in *Khadi & Village Industries Commission v. Ravish Kapila*, Case No. D2022-3816. The Panel held that the domain name <khadimart.com> is confusingly similar to the Complainant's trademark **KHADI**, and the addition of the term "mart" is not in contrast to find confusing similarity.
- v. Additionally, the Hon'ble High Court of Delhi in order dated 22nd August 2023 in *Khadi and Village Industries Commission v. Yogesh Kharb and Anr.*, CS(COMM) 584/2023; in the suit for trademark infringement and passing off filed by the Complainant observed that *"Firstly, the plaintiff holds registrations for the mark KHADI per se. As such, any mark which uses KHADI as a prominent part thereof would ipso facto be infringing the plaintiff's registered trademark. Secondly, as the plaintiff's mark stand declared as a well-known mark by this Court, it is entitled to enhanced decree of protection under Section 29(4) of the Trade Marks Act. As such, no party can be permitted to use a mark which involves KHADI as a part thereof, as would infringe the plaintiff's registrations or confuse a customer into believing an association between the said marks."*
- vi. The use of the article 'the' with the Complainant's trademark **KHADI** does not, in any manner, assist in differentiating the well-known trademark **KHADI** from the domain name <thekhadi.in>. The trademark **KHADI** is

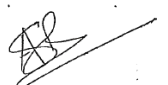


the dominant and recognizable portion of the disputed domain name. Thus, the disputed domain name is confusingly similar to the Complainant's trademark **KHADI**. The Complainant relies on past Panel decision in *LEGO Juris A/S v. Immanuel Robert* (INDRP Case No. 810).

- vii. Further, it is a settled principle that ccTLDs such as ".in" need not be taken into consideration when comparing the mark to the disputed domain name under the first element. The Complainant also relies on past INDRP decisions in *Nike Inc. v. Nike Innovative CV Zhaxia* (INDRP Case No. 804).
- viii. Hence, the Complainant has succeeded in establishing that the disputed domain name is identical to the Complainant's trademark **KHADI** and the Complainant has successfully meet with the first requirement set out in clause 4(a) of the INDRP.

B. Whether the Respondent has no rights or legitimate interests in respect of the domain name?

- i. Clause 6 of the IN-Domain Dispute Resolution Policy (INDRP), spells out that in the following circumstances, Respondent's rights or legitimate interests in a disputed domain name:
 - a. Before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
 - b. The Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
 - c. The Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
- ii. It is case of the Complainant that the Respondent is not commonly known under the name "KHADI", nor has the Respondent acquired any trademark or service rights. Secondly, the Respondent is not affiliated with the Complainant and the Complainant has not licensed or otherwise permitted the Respondent to register a domain name incorporating the subject trademark **KHADI**. In addition to this, the Respondent cannot claim prior rights or legitimate interest in the disputed domain name.
- iii. The Complainant asserts that the Respondent has merely parked the




disputed domain name. There is no demonstrable preparation to use or actual use of the disputed domain name in connection with any *bona fide* offering of goods or services.

- iv. The Complainant further submits that without prejudice to the above, any offering under the said domain name will be violating the Complainant's rights in the trademark **KHADI**.
- v. The Complainant has therefore succeeded in establishing a *prima facie* case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby the burden of proof shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Domain Name. However, the respondent despite being properly served has failed to file its appearance and opposition to the Complainant.
- vi. The Complainant further relies on the decisions in Eurocopter, an EADS Company v. Bruno Kerrien (*Case No. INDRP Case No. 116*), Voltas Ltd. v. Sergi Avaliani (*INDRP Case No. 1257*), Hitachi Ltd v. Kuldeep Kumar (*INDRP Case No. 1092*), Do The Hustle, LLC v. Tropic Web, (*WIPO Case No. D2000-0624*); and Payoneer, Inc. / Payoneer Europe Limited v. Korchia Thibault, Quinv S.A. (*WIPO Case No. DEU2019-0013*), to prove that:
 - a. In view of the above, the Complainant has satisfied the requirements set out in paragraph 4(a)(ii) of the Policy.

C. Whether the Registrant's domain name has been registered or is being used in bad faith?"

- i. Clause 3(d) of the INDRP does not require a registrant to knowingly use the domain name in violation or abuse of any applicable laws or regulations. The obligations imposed by clause 3(d) are an integral part of the INDRP applicable to all registrants and cannot be ignored and same was observed by the Ld. Arbitrator in Momondo A/S v. Ijorghe Ghenrimopuzulu, (*INDRP Case No. 882*). A search in the online database of Indian Trademarks Office or WIPO would reveal the Complainant's rights in its trademark **KHADI**. Hence, the Respondent had an onus to ensure that the registration of the disputed domain name did not violate the Complainant's subject trademark rights in **KHADI**.



- ii. The Complainant's trademark **KHADI** is a well-known and widely recognized trademark. The trademark **KHADI** has immense goodwill and reputation. The trademark **KHADI** has been used continuously and extensively globally for several years. Further, the registration of the disputed domain name with an India-specific ccTLD “.in” shows that the Respondent wishes to target the Indian audience, where the Complainant's trademark already stands declared well-known. Hence, the Respondent is bound to have knowledge of the Complainant's subject trademark **KHADI**. The Respondent registered the disputed domain name in full knowledge of the Complainant's trademark rights and, on balance, with the intention of taking advantage of such rights. Even constructive knowledge of a well-known trademark like **KHADI** is sufficient to establish registration in bad faith.
- iii. The same overwhelmingly supports the conclusion that the Respondent registered the disputed domain name in bad faith. The fame and unique qualities of the **KHADI** trademarks, which was adopted and applied for by the Complainant prior to the registration of the disputed domain name, make it extremely unlikely that Respondent created the disputed domain name independently without any knowledge of the Complainant's trademark.
- iv. Further, there is a great likelihood that actual or potential visitors to the landing page of the Respondent will be induced to:
 - i) Believe that the Complainant has licensed its trademark **KHADI** to the Respondent or authorized the Respondent to register the disputed domain name; and
 - ii) Believe that the Respondent has some connection with the Complainant in terms of a direct nexus or affiliation with the Complainant.


From the discussions as held in the preceding para this tribunal is of the opinion that the respondents registration of domain name has been done in bad faith and is being used in bad faith.



G. DECISION:

In the light of foregoing findings, namely, that the domain name is confusingly similar to a mark in which the complainant have rights, that the respondent has no rights or legitimate interests in respect of disputed domain name and that the disputed domain name was registered in bad faith and being used in bad faith in accordance with the policy and rules, the arbitrator orders that domain name <thekhadi.in> be transferred to the complaint.

Place: New Delhi
Date: 21.07.2025


(Abhinav S. Raghuvanshi)
Sole Arbitrator