



सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

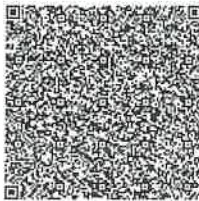
₹100

e-Stamp

Certificate No. : IN-DL32934812552311X
 Certificate Issued Date : 10-Feb-2025 04:50 PM
 Account Reference : SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH
 Unique Doc. Reference : SUBIN-DL DL-SELF09603539236031X
 Purchased by : S S RANA AND CO
 Description of Document : Article 12 Award
 Property Description : AWARD
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : VIKRANT RANA
 Second Party : VIKRANT RANA
 Stamp Duty Paid By : VIKRANT RANA
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)

₹100 ₹100 ₹100 ₹100

₹100



SELF PRINTED CERTIFICATE TO BE
VERIFIED BY THE RECIPIENT AT
WWW.SHCILESTAMP.COM

IN-DL32934812552311X

Please write or type below this line

BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY
(Appointed by the National Internet Exchange of India)
ARBITRATION AWARD

Disputed Domain Name: <CAREERSAINT-GOBAIN.CO.IN>

IN THE MATTER OF
COMPAGNIE DE SAINT-GOBAIN
Tour SAINT-GOBAIN
12 place de l'Iris, 92400 Courbevoie
FRANCE

..... Complainant

-----versus-----

CATERPILLAR INDIA PVT LTD
Daimler India Commercial vehicles Private Limited
2, 4th North Car Street, North Car Street,
Chennai Tamil Nadu 600058, INDIA

..... Respondent

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.

The Parties

The **Complainant** in this arbitration proceeding is **COMPAGNIE DE SAINT-GOBAIN**, a French company of the address Tour SAINT-GOBAIN, 12 place de l'Iris, 92400 Courbevoie, FRANCE.

The **Respondent** in this arbitration proceeding is 'CATERPILLAR INDIA PVT LTD'/ 'Daimler India Commercial vehicles Private Limited' of the address 2, 4th North Car Street, North Car Street, Chennai Tamil Nadu 600058, INDIA, as per the WHOIS records.

1. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <CAREERSAINT-GOBAIN.CO.IN> with the .IN Registry. The Registrant in the present matter is 'CATERPILLAR INDIA PVT LTD'/ 'Daimler India Commercial vehicles Private Limited' as per the WHOIS records, and the Registrar is **GoDaddy.com, LLC**.

2. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
January 01, 2025	NIXI sought my consent of Mr. Vikrant Rana to act as the Sole Arbitrator in the matter.
January 02, 2025	The Arbitrator informed of his availability.
January 13, 2025	Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
January 21, 2025	<ul style="list-style-type: none"> ➤ NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator. ➤ Arbitrator then directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon

Mervant Sane

	<p>the Respondent by email as well as physical mode (in case Complaint had already not done so) and provide proof of service within seven (7) days.</p>
January 22, 2025	<ul style="list-style-type: none">➤ Complainant's Counsel confirmed having sent a physical copy of the complaint to the Respondent.➤ Arbitrator then asked Complainant's Counsel to confirm if the documents have been served upon the Respondent via email also and to share proof-of-delivery of the same.➤ Complainant then served the domain complaint and annexures upon the Respondent via email, keeping the Arbitrator in CC.
January 28, 2025	<ul style="list-style-type: none">➤ Arbitrator directed Complainant's Counsel to provide the below within three (3) days:<ul style="list-style-type: none">a. Proof of service via physical mode; andb. Proof of service via email.➤ Complainant's Counsel then informed that while they have sent physical copies of the complaint to the Respondent, they did not receive any proof of service till date. Regarding proof of service by email, Complainant's Counsel only forwarded copy of the email dated January 22 as sent by them to the Respondent, but no delivery receipts as proof of service.➤ Thus, Arbitrator then directed the Complainant's Counsel to provide email delivery receipt/ report/ notification in respect of the service of documents effectuated upon the Respondent by email and that if the option of delivery receipts was not enabled during the original attempt to service on January 22, then the Complainant's Counsel may again serve via email with delivery report/ receipts enabled.

Murant Law

	<p>➤ Complainant's Counsel then again sent the documents to the Respondent via email (keeping the Arbitrator in CC) and thereafter informed that they did not receive any proof of delivery.</p>
January 29, 2025	<p>➤ Arbitrator then directed the Complainant's Counsel to share the below information/ documents/ confirmation within three (3) days:</p> <ol style="list-style-type: none"> a. The latest online tracking result/ page in respect of the documents sent to the Respondent via physical mode; b. Confirm if the Complainant's Counsel's emails were successfully delivered to the Respondent or if any bounce message was received for the same; and c. Serve the domain complaint and annexures upon the Respondent on the 'postmaster' email ID of the disputed domain name. <p>➤ Complainant's Counsel then provided the online tracking result in respect of the service of documents effectuated by post (with the status therein being "<i>Your shipment is on its distribution site. We prepare it for delivery.</i>"). Complainant's Counsel further confirmed that emails were successfully delivered to the Respondent, however, the email sent to the ID "postmaster@careersaint-gobain.co.in" was not delivered.</p> <p>➤ Arbitrator then directed Complainant's Counsel to again update this Panel regarding the status of service via physical mode, by January 31, 2025.</p>
January 30, 2025	<p>Complainant's Counsel confirmed successful service of documents upon the Respondent by physical mode, and shared proof of delivery.</p>

Arbitrator

January 31, 2025	The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days to submit a response, i.e. by February 14, 2025.
February 14, 2025	As no response was received from the Respondent within the stipulated time period, in the interest of justice, the Arbitrator granted a final extension of three (3) days to respond to the complaint.
February 17, 2025	As no response was received from the Respondent, Arbitrator concluded proceedings and reserved the present award.

3. Factual Background – Complainant

Counsel for the Complainant, on behalf of the Complainant in the present matter, has submitted as follows:

- That the Complainant is a French company specializing in the production, processing and distribution of materials for the construction and industrial markets.
- That the Complainant is a worldwide reference in sustainable habitat and construction markets.
- That for over 350 years, the Complainant has consistently demonstrated its ability to invent products that improve quality of life. It is now one of the top industrial groups in the world with around 47.9 billion euros in turnover in 2023 and 160,000 employees. In this regard, Complainant has provided relevant excerpts from its website as Annex 2.
- That the Complainant operates in India since 1996. With 77 manufacturing sites, Saint-Gobain employs over 8,300 employees in India. In this regard, Complainant has provided relevant excerpts from its website as Annex 3.
- That the Complainant owns a large portfolio of trademarks including over the term “SAINT-GOBAIN” in several countries, including the trademark SAINT-GOBAIN in India vide registration no. 921541 dated April 28, 2000. In this regard, Complainant has provided copies of online status pages of a few registrations worldwide, including the aforementioned Indian registration.

Marcant Gane

- That the Complainant owns multiple domain names consisting of the term “SAINT-GOBAIN”, such as <saint-gobain.com> registered since December 29, 1995 and <saint-gobain.in>, registered since February 16, 2005. In this regard, Complainant has provided copies of WHOIS records for the domain names as Annex 5.

- That the disputed domain name <careersaint-gobain.co.in> was registered on October 1st, 2024 and it resolves to a parking page with commercial links and that MX servers are configured. In this regard, Complainant has provided a copy of the webpage visible on the disputed domain name as Annex 6 and the DNS query result for the domain name as Annex 7.

4. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the provisions of the INDRP, the Complainant has submitted that:

A. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

- That the disputed domain name <CAREERSAINT-GOBAIN.CO.IN> is confusingly similar to its trademark SAINT-GOBAIN, as it is identically contained.

- That the addition of the generic term “CAREER” is not sufficient to escape the finding that the domain name is confusingly similar to the trademark SAINT-GOBAIN. It does not change the overall impression of the designation as being connected to the Complainant’s trademark SAINT-GOBAIN. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant’s trademark. In this regard, Complainant has placed reliance on the UDRP decision in *Dr. Ing. h.c. F. Porsche AG v. Vasily Terkin [WIPO Case No. D2003-0888]*.

- That the addition of the ccTLD “.CO.IN” is not sufficient to escape the finding that the domain is confusingly similar to its trademark and does not change the overall impression of the designation as being connected to the trademark of the Complainant.

Arantxa

B. The Respondent has no rights or legitimate interests in respect of the Domain Name.

- That the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4 (II) of the INDRP Policy. In this regard, Complainant has placed reliance on *Amundi v. GaoGou [INDRP/776]*.
- That as per the WHOIS records, the Respondent is known as Daimler India Commercial vehicles Private Limited. That past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. In this regard, Complainant has placed reliance on *Accenture Global Services Limited v. Vishal Singh [INDRP/999]*.
- That the Respondent has no rights or legitimate interests in respect of the domain name and is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the trademark, or apply for registration of the disputed domain name by the Complainant.
- That the disputed domain name resolves to a parking page with commercial links and that past panels have found it is not a bona fide offering of goods or services or legitimate non-commercial or fair use. In this regard, Complainant has placed reliance on *Mayflower Transit LLC v. Domains by Proxy Inc./Yariv Moshe [WIPO Case No. D2007-1695]*.

C. The Domain Name was registered or is being used in bad faith.

- That the disputed domain name is confusingly similar to its well-known trademark SAINT-GOBAIN (reliance placed on *Compagnie de Saint-Gobain v. On behalf of saint-gobain-recherche.net owner [WIPO Case No. D2020-3549]*).



- That given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered and used the domain name with full knowledge of the Complainant's trademark.
- That the disputed domain name resolves to a parking page with commercial links.
- That the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademarks for its own commercial gain, which is evidence of bad faith. In this regard, reliance has been placed on *StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC [WIPO Case No. D2018-0497]*.
- That the disputed domain name has been set up with MX records which suggests that it may be actively used for email purposes, which is also indicative of bad faith registration and use because any email emanating from the disputed domain name could not be used for any good faith purpose. In this regard, reliance has been placed on *JCDECAUX SA v. Handi Hariyono [CAC Case No. 102827]*.

5. Reliefs claimed by the Complainant


The Complainant has requested that the domain name <CAREERSAINT-GOBAIN.CO.IN> be transferred to them.

6. Respondent's Contentions

As already mentioned in the Procedural History of the matter, despite having been duly served with a copy of the Domain Complaint as filed, and thereafter granted adequate time to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to the Arbitrator during pendency of arbitral proceedings in the matter.

7. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, a Complainant is required to satisfy the below three conditions in a domain complaint:



- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
 - ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
 - iii. The Registrant's domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.
- i. **The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights.**
(Paragraph 4(a) of the INDRP)

Complainant herein has furnished information about their trade mark rights over the mark **SAINT-GOBAIN**, including registration over the said mark in India, namely the Indian registration no. 921541 dated April 28, 2000 for the **SAINT-GOBAIN** mark.

Complainant has also provided details of various domain names, comprising its **SAINT-GOBAIN** trade mark, including the .IN domain name <saint-gobain.in>, registered since February 16, 2005.

Complainant has also contended that the presence of the word 'CAREER' in the disputed domain name does not sufficiently differentiate the domain name from Complainant's trade mark, and neither does the ccTLD herein, i.e. ".CO.IN".

In this regard, it is pertinent to point out that it has been held by numerous prior INDRP panels that there exists confusing similarity wherein the disputed name incorporates the Complainant's trade mark, including but not limited to in the decisions in *Kenneth Cole Productions v. Viswas Infomedia INDRP/093*, *Indian Hotel Companies Limited v. Mr. Sanjay Jha, INDRP/148 <Gingerhotels.co.in>*, *Carrier Corporation, USA v. Prakash K.R. INDRP/238 <Carrier.net.in>*, *M/s Merck KGaA v. Zeng Wei INDRP/323 <Merckchemicals.in>*, *Colgate-Palmolive Company & Anr. v. Zhaxia INDRP/887 <Colgate.in>*, *The Singer Company Limited v. Novation In Limited INDRP/905*

Merant Jones

<singer.co.in>, Tata Digital Private Limited & Tata Sons Pvt Limited v. Miiraj Miiraj INDRP/1876, Radisson Hospitality Belgium BV/SRL v. NAJIM INDRP/1818, etc.

More recently, as held by the INDRP Panel in the matter of *Tata Communications Limited v. Chandan [INDRP/1880]* on August 29, 2024 – “*It is well established that the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identical or confusing similarity*”.

In view of the aforementioned, the Arbitrator finds that Complainant has been successful in establishing their rights in the trademark **SAINT-GOBAIN** and that the disputed domain name is confusingly similar to the Complainant's **SAINT-GOBAIN** trade mark, and incorporates the same in entirety.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the INDRP)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name, by demonstrating any of the following circumstances:

- (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 the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.*

In this regard, in the absence of any rebuttal from the Respondent, and in light of the below assertions of the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

Mirant Kane

- That the Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the trademark, or apply for registration of the disputed domain name by the Complainant.
- That the disputed domain name resolves to a parking page with commercial links.
- That the disputed domain name may be actively used for email purposes, which is also indicative of bad faith registration and use because any email emanating from the disputed domain name could not be used for any good faith purpose.

In this regard, as held in the prior panel in *Amundi v. GaoGou (INDRP/776)* and as pointed out by the Complainant also, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests, and once such case is established, then it is the Respondent upon whom there is the burden of proof, to demonstrate rights or legitimate interests in the disputed domain name. In this regard, if the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(b) of the Policy.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not come forward with any assertion or evidence to show any bonafides. Thus, as mentioned above, in view of the lack of assertions on part of the Respondent, coupled with the other contentions put forth by the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. **The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) and Paragraph 7 of the INDRP)**

In view of the consolidated submissions of the Complainant, including the above, specifically that the disputed domain name resolves to a parking page with commercial links and that the domain name may be actively used for email purposes, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(c) of the Policy, namely "(c) by



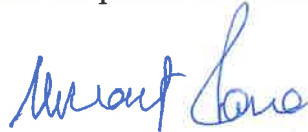
using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website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

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

8. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <CAREERSAINT-GOBAIN.CO.IN> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



Vikrant Rana, Sole Arbitrator

Date: February 19, 2025.

Place: New Delhi, India.