



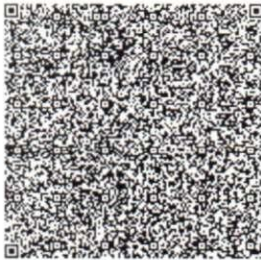
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL82928241030795N
Certificate Issued Date	: 18-Nov-2015 10:46 AM
Account Reference	: IMPACC (IV)/ dl888403/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL88840363779096654512N
Purchased by	: V SHRIVASTAV
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: V SHRIVASTAV
Second Party	: Not Applicable
Stamp Duty Paid By	: V SHRIVASTAV
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



.....Please write or type below this line.....

VISHESHWAR SHRIVASTAV

SOLE ARBITRATOR

IN

ARBITRATION PROCEEDINGS OF DOMAIN NAME

www.clarins.in

between

M/s CLARINS

...COMPLAINANT

AND

Mr. DING RIGUO

...RESPONDENT

AWARD

1

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website 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.

1. This Arbitral Tribunal was constituted by nomination of undersigned as the Arbitrator in the aforesaid proceeding vide communication by NIXI and accordingly this Tribunal issued notice to the parties on 27/10/2015. However, while checking the records of the proceedings, this Tribunal found that there is nothing on record which shows that the copy of the complaint has been supplied to the Respondents. Accordingly vide the aforesaid communication this Tribunal directed the Complainants to either supply proof of dispatch of the hard copy of the complaint to the respondent or send a copy of their complaint to the Respondents vide Courier .
2. That the Complainants vide their email dated 27/10/2015 complied with the directions of this Tribunal.
3. This Tribunal received an email dated 27/10/2015 from NIXI stating that they have sent the complaint by courier to the Respondents and are awaiting the delivery. However, NIXI vide email on 02/11/2015 informed this Tribunal that the courier sent by NIXI is undelivered due to "Incorrect Contact Details".




4. That vide its order dated 03/11/2015 this Tribunal directed the Respondent to send their correct postal address by the return email within next three days as the emails sent by this Tribunal have been received by him as the same have not bounced back. Hence this Tribunal noticed that it is not the case that the Respondent is not aware of the present proceedings and it was apparent that the Respondent was evading service.
5. It was notified that in case no response is received from the Respondent this Tribunal will be constrained to move further and pass its award based on the material placed before it. Hence this Tribunal vide its order dated 16/11/2015 reserved its award clarifying that incase the respondents send their response /evidence in support thereof the same will be taken into consideration by this Tribunal at the time of making the award.



CLAIM

6. The claim as put forward by the complainant is briefly as under:

- A. It is claimed that the Complainant is a privately held French cosmetics company established in 1954. The Complainant company claims that it is engaged in manufacturing premium skincare, makeup, and fragrances products, which are sold in retail stores in 150 countries under the Trademark CLARINS and their products are well known in France, Europe, and globally. It is also claimed that the Trademark CLARINS was adopted in 1970 and is continuous in use since then. It is claimed that the complainant is the Registered Proprietor of the Trademark CLARINS in India dates back of 08.05.1995 vide Registration No 664914 which is renewed and is in subsistence. Reliance is placed on **Annexure-3 (Collectively)**.
- 

B. It is also claimed that the Complainant is the Registered Proprietor of the Trademark CLARINS in various countries and the Complainant has given the details by placing reliance on **Annexure-4(Collectively)**. It is claimed that the Trademark CLARINS is also Trading name of the complainant which is also a valuable intellectual property asset. It is also claimed that the Trademark CLARINS is a coined/invented word hence highly distinctive and that the said mark has acquired a global reputation and goodwill and intending purchaser identify and recognize products of the complainant by the Trademark CLARINS with the products of the CLARINS. To buttress the allegations the Complainant relies upon **Annexure-5 (Collectively)**.

C. It is further claimed that the Complainant has registered several domain names having component/word/Trademark CLARINS including domain name/website www.clarins.com

as follows :-



“Quote

	Clarins.pl
Boutiquesclarins.com	Clarins.be
Clarins.biz	Clarins.co.uk
Clarins.info	Clarins.dk
Clarins.net	Clarins.eu
Clarinsbeautyflash.com	Clarins.fr
Clarins-bodylift.com	Clarins.it
Clarinsboutique.com	Clarins.london
Clarinsboutiques.com	Clarins.nl
Clarinsbv.com	Clarins.tel
Clarinsclub.com	Clarinsbeautyflash.co.uk
Clarinscn.org	Clarinsepro.be
Clarins-coaching.com	Clarinsepro.fr
Clarinscontact.com	Clarinse-pro.fr
Clarinscontact.net	Clarinsepro.it
Clarinscosmetic.com	Clarinsepro.nl
Clarinsepro.com	Clarinsepro.us
Clarinse-pro.com	Clarinsetmoi.fr
Clarinsetmoi.com	Clarinsgroup.fr
Clarinsetmoi.net	Clarinsgroupe.fr
Clarins-experience.com	Clarins-groupe.fr
Clarins-finances.com	Clarinsmen.eu
Clarins-financials.com	Clarinspa.eu
Clarinsgroup.com	Clarinspro.be
Clarins-group.com	Clarinspro.fr
Clarinsgroup.net	Clarinspro.it
Clarinsgroupe.com	Clarinspro.nl
Clarins-groupe.com	Clarinstouch.fr
Clarinsinstantbeauty.com	Clubclarins.co.uk
Clarinsintouch.com	Clubclarins.de
Clarins-me.com	Clubclarins.fr
Clarinsmen.com	Clubclarins.it
Clarins-men.com	Groupclarins.fr
Clarinsmen.net	Groupeclarins.fr

Clarins-paris.com	Myclarins.fr
Clarinspro.com	Clarins.at
Clarinsproduct.com	Clarins.bh
Clarins-recrutement.com	Clarins.ca
Clarins-slimming.com	Clarins.ch
Clarinstouch.com	Clarins.cl
Clarinsuk.com	Clarins.co.kr
Clarinsusa.com	Clarins.co.th
Clarinsusaepro.com	Clarins.com.br
Clarinsusapro.com	Clarins.com.kw
Clubclarins.com	Clarins.com.my
Eclarins.com	Clarins.com.om
e-clarins.com	Clarins.com.sg
Groupclarins.com	Clarins.fi
Groupeclarins.com	Clarins.hk
Groupe-clarins.com	Clarins.me
Groupeclarins-rh.com	Clarins.jp
Institutclarins.com	Clarins.qa
Instituteclarins.com	Clarins.sa
Myclarins.net	Clarins.se
Clarins.asia	Clarins.tw
Clarins.discount	Clarinsepro.ca
Clarins.jobs	Clarinse-pro.ca
Clarins.xxx	Clarinsepro.ch
Clarinsaustralia.com	Clarinsepro.es
Wwwclarins.com	Clarinsepro.ru
Clarinslondon.com	Clarinsgroup.cl
Clubclarinsusa.com	Clarinsmen.jp
Clarinschemistry.com	Clarinspro.ca
Clarinsparis.com	Clarinspro.es
Clarinssa.com	Clarins-skincare.jp
Clarinsua.com	Clubclarins .ca
Clarins.org	Clubclarins.ch
Clarinsfoudation.com	Clubclarins.co.kr
Clarinsmakeup.com	Clubclarins.com.cn
Clarinsskinspa.com	Clubclarins.com.hk

<i>Clarins.mobi</i>	<i>Clubclarins.com.my</i>
<i>Clarinsdirect.com</i>	<i>Clubclarins.com.sg</i>
	<i>Clubclarins.com.tw</i>
	<i>Clubclarins.es</i>
	<i>Clubclarins.jp</i>
	<i>Clubclarins.ru</i>

Unquote”

D. It is claimed that domain name www.clarins.com was registered on 16th March, 1997 and that the Complainant is also running website www.clarins.com. It is claimed that the Complainant's company advertises and provides information of its products on its website www.clarins.com. Reliance is placed on **Annexure-6(Collectively)**.

E. It is claimed that information related to the products of Complainant company under the Trademark CLARINS are also available and connected on various social websites including :

- i. Facebook
- ii. Twitter

iii. Instagram

iv. YouTube

F. It is claimed that a large amount of money have also been spent by the Complainants for developing and maintaining the website www.clarins.com. Reliance is placed on **Annexure-7 (Collectively)**.

G. It is claimed that the Complainant is a well known trademark within the meaning of section 2(1)(z)(g) and is having a reputation in India within the meaning of Section 29(4) of the Trade Marks act 1999. Reliance is placed on **Annexures-8 (Collectively)**

H. Besides the above by Relying on **Annexure-9** the Complainants have shown some of the orders passed by Arbitral Tribunals to buttress their contentions.

- I. It is claimed that the disputed Domain Name **Clarins.in** is identical to the registered Trade Mark as well as Trading Name CLARINS belonging to the Complainant and the Respondent have no legitimate interest on the same and that the Respondent has adopted the impugned Domain Name with dishonesty and bad faith with mala-fide intention to trade upon the goodwill and reputation associated with the Trademark **CLARINS** and thereby earn undue profits. By placing reliance on **Annexure-10 (collectively)** it is also alleged that the disputed domain name has been put up for sale by the Respondent.

ORDER

7. This Tribunal has perused the complaint and the documents relied upon by the complainants which has not been controverted by the Respondents despite opportunity being given to them by this Tribunal. Hence, in view of the unrebutted evidence of the Complainants this Tribunal holds



that the respondents did not have any claim on the domain name www.clarins.in hence this Tribunal directs the Registry to transfer the domain name www.clarins.in to the complainants.

8. The Complainants too are free to approach the Registry and get the same transferred in their name.
9. There is no order as to the cost as no details of the cost / damages have been specified / detailed in the complaint.
10. The original copy of the Award is being sent along with the records of this proceedings to National Internet Exchange of India (NIXI) for their record and a copy of the Award is being sent to both the parties for their records.

Signed this 18th day of November, 2015.

NEW DELHI
18/11/2015



V. SHRIVASTAV
ARBITRATOR