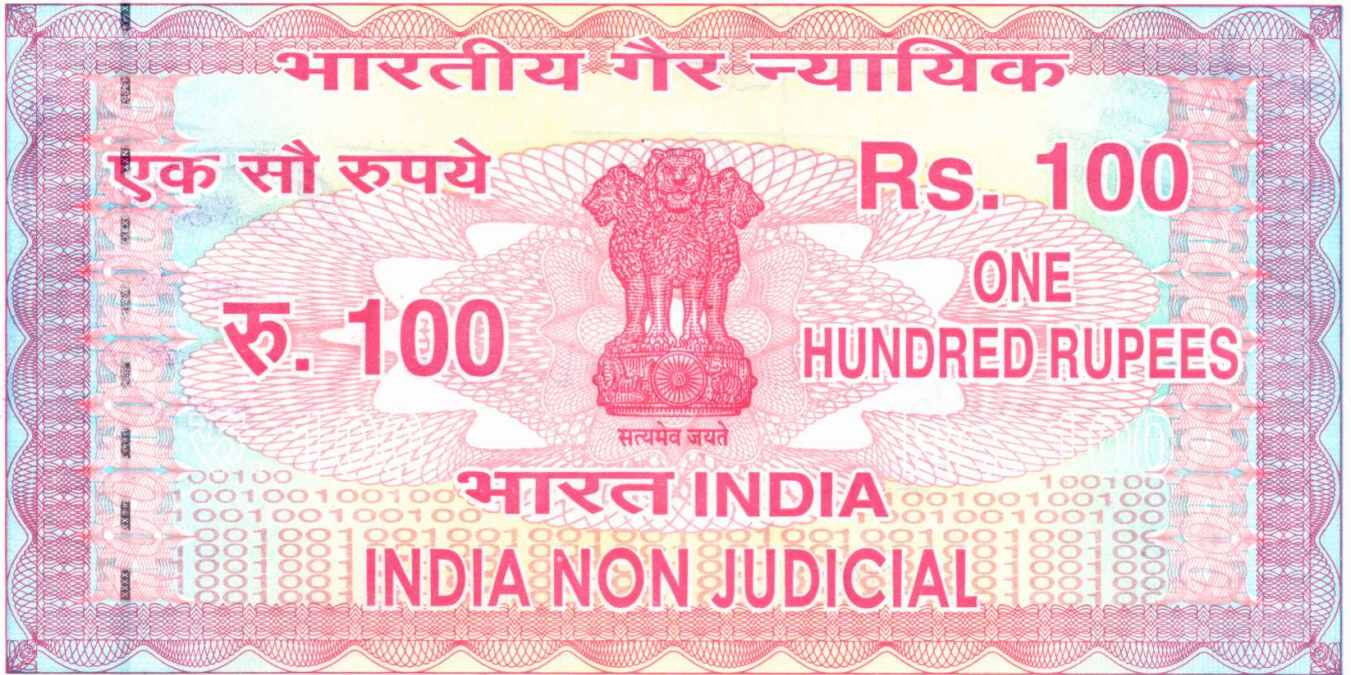




मध्य प्रदेश MADHYA PRADESH

CG 029083

BEFORE THE ARBITRATOR RAJESH BISARIA
UNDER THE
.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)
[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

CORRECTED ARBITRAL AWARD

Date-07.06.2025

Disputed Domain Name: hanes.in

INDRP Case no -1985

THE PARTIES

(1) The Complainant is Hanesbrands Inc., Address: 1000 East Hanes Mill Road, Winston-Salem, North Carolina 27105, United States, Telephone: +1 302-636-5401x 60555

The Respondent is Petar Ivanov, Address: Vtora 59, Gom?artsi 3772, BG, Telephone: (359).884632528



THE DOMAIN NAME AND REGISTRAR**(2)**

- (a) This dispute concerns the domain name **hanes.in**
- (b) The Registrar with whom the disputed domain name is registered is indicated as:
 Hosting Concepts B.V. d/b/a Openprovider with address: Kipstraat 3c-5c,
 Rotterdam 3011 RR, Netherlands and the e-mail: sales@openprovider.com
 This was registered on 19.12.2024

PROCEDURAL HISTORY**(3)**

The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure	09.04.2025
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI.	10.04.2025
Due date of submission of Statement of Claim by Complainant (instructed by mail dated 10.04.2025)	20.04.2025
Complainant 's response by submitting their Statement of Claim to AT-	
Soft copy	14.04.2025
Hard copy	05.05.2025
Complainant 's response by submitting their Statement of Claim along with all annexures to Respondent- Soft copy - Complainant sent the copy of complaint along with all annexures to Respondent vide their mail dated 14.04.2025	14.04.2025



Hard copy – Complainant vide their mail dated 14.04.2025 intimated that - *'A hard copy of the Complaint and Annexures has also been couriered to you via FedEx courier, the tracking number is 880525210768.'*

Complainant vide their mail dated 02.05.2025 intimated that –
 “We have just received word from FedEx that you have rejected to receive the physical copy documents, please see screenshot of notification from FedEx below:

Subject: [FedEx Delay Notification - Unable to Deliver] - AWB 880525210768 / C-188825662

Dear valued customer,

Thank you for shipping with FedEx however your shipment under **AWB 880525210768** is now delayed due to the following under case ID : C-188825662:

AWB	Shipper	Consignee	Origin	Destination	Reason	Deadline
880525210768	4/30/25 5:00 PM		188024		refused by the recipient, recipient feedback already received the document via email, please provide disposition.	Monday, May 5, 2025

Please provide the required information before the deadline, as the shipment may possibly be returned at your expense or abandoned at the destination based on destination local regulation

Reminder, deadline : **Monday, May 5, 2025**.

Thank you

AT observed that the Respondent has acknowledged the receipt of complaint via email.

Due date of submission of Statement of Defense by Respondent as instructed by AT mail dated 10.04.2025 and as instructed by AT mail dated 13.05.2025

01.05.2025

18.05.2025

Respondent's response by submitting their Statement of Defense against the due date of submission as 01.05.2025 and thereafter 18.05.2025

Not submitted

Complainant's response by submitting their Rejoinder

Not required

As per AT's mail dated 10.04.2025 respondent was directed to file the SOD by 01.05.2025, and thereafter vide AT's mail dated 13.05.2025 intimated that – *“Respondent was directed to file the Soft copy (PDF & Editable) and the Hard copy of 'Reply of the said complaint (Statement of Defense)' along with complete set of annexure' on or before 01.05.2025. But Respondent failed to submit the said documents within said time limit ie 01.05.2025 and even by today ie 13.05.2025. Respondent has also not filed*

13.05.2025



any application for the grant of extension of time for this submission.

Respondent is given one more opportunity to submit the soft copy (PDF & Editable) and the hard copy of 'Reply of the said complaint (Statement of Defense) along with complete set of annexure' on or before 18.05.2025. In case the Respondent fails to file the said documents within above stipulated time, their right to submit the same shall stand forfeited and no further opportunity shall be granted in this regard and the Award will be published on merit."

The language of the proceedings

English

FACTUAL BACKGROUND

(4) The Complainant:

The Complainant is Hanesbrands Inc., Address: 1000 East Hanes Mill Road, Winston-Salem, North Carolina 27105, United States, Telephone: c/o +1 302-636-5401x 60555 and Email: c/o udrp@cscglobal.com

The Complainant's authorized representative in this administrative proceeding is:

Yinka Babarinde, CSC Digital Brand Services Group AB , Address: Drottningatan, 92-94, 111 36 Stockholm, Sweden, Telephone: +1 302-636-5401x 60555 and Email: udrp@cscglobal.com

The Complainant's preferred method of communication directed to the Complainant in this administrative proceeding is:

Electronic only: – udrp@cscglobal.com Contact: Yinka Babarinde

Material including hardcopy: Fax Number: +1 302-636-5454 Contact: Yinka Babarinde



(5) The Respondent:

The Respondent is Petar Ivanov Address: Vtora 59, Gom?tartsi 3772, BG
Telephone: (359).884632528, Email: domains@tool-domains.com

(6) Complainant's Activities:

- (a) Complainant ("Hanes") is an American clothing company based in Winston-Salem, North Carolina, and is well-known as the socially responsible manufacturer and marketer of leading everyday basic apparel brands in the Americas, Europe and Asia, as well as in Australia and South Africa. Founded in 1901, Hanes has a long history of innovation, product excellence, and brand recognition.
- (b) HANES is the leading basic apparel brand in the United States and offers a wide range of products in conjunction with hosiery, clothing, apparel, swimwear, sleepwear, bags, and related goods. HANES is a distinctive and well-known mark used by Hanes in connection with women's apparel since 1967. Hanes' Bonds brand is setting new standards for design and sustainability, its Maidenform brand being America's number one shapewear brand and its Bali brand being America's number one national bra brand. The company employs 48,000 associates in approximately 30 countries (see Annexure H-1).
- (c) Hanes (NYSE: HBI) reported net sales of over \$6 billion in 2020 and is ranked no. 432 on Fortune 500 List. As the world's largest marketer of basic apparel, Hanes takes great pride in their strong reputation for ethical business practices and the success of the Hanes for Good corporate responsibility program for workplace practices and community and environmental improvement. Unlike most apparel companies, more than 70% of the company's apparel is manufactured in-house or in dedicated contractors' facilities so as to optimize cost, scale and flexibility as well as be able to adhere to best-in-class workplace and sustainability practices. Hanes earned a peer-leading A-score in both the 2023 CDP Climate Change



Report and the 2023 CDP Water Security Report, placing the company at the top of a list of nearly 15,000 companies rated. Hanes has also received either the U.S. Environmental Protection Agency Energy Star Sustained Excellence Award or Partner of the Year Award for 14 consecutive years. See Annexure H-2.

(d) Further to the Complainant's presence in India, WIPRO Limited, a leading technology services and consulting company based in Bengaluru, India has been chosen by Hanesbrands Inc. to further drive its digital transformation, business growth, and enhance long term profitability. WIPRO is responsible for defining the client's cloud roadmap and supporting the integration of business functions to help Hanesbrands optimize operations. See Annexure H-4.

(e) Hanes has a strong Internet presence and owns over 200 domains containing its HANES trademark. Complainant promotes the HANES brand through its website at its primary domain name <hanes.com>. The website at <hanes.com> is the 7,657th most popular website in the United States and ranked 39,145 globally and has received over 1.2 million visitors in December 2024 alone. See Annexure C for WHOIS information of Complainant's primary domain name. See also Annexure G for screenshot of Complainant's website at <hanes.com>. See also Annexure H-3 for list of HANES domain names. See also Annexure I for website analytics of Complainant's primary domain name.

(f) In summary, the HANES brand is well recognized and respected worldwide and in its industry. The Complainant has spent substantial time, effort, and money marketing and promoting HANES and has thus developed substantial goodwill in the HANES brand. As such, HANES has become distinctive and uniquely associated with Complainant and its products and services.



(7) Complainant's Trade Marks and Domain Names:

(a) Hanesbrands Inc. ("Complainant"), along with its subsidiaries HBI Branded Apparel Limited, Inc. and HBI Branded Apparel Enterprises, LLC, is the owner of trademark registrations across various jurisdictions. Prior to September 5, 2006, Complainant was previously a wholly owned subsidiary of the Sara Lee Corporation and was a trademark licensee of the HANES brand and trademarks. As of September 6, 2006, the Complainant and its "HANES" brand was spun off by the Sara Lee Corporation, creating the separate independent Company Hanesbrand Inc. As part of this process, the Sara Lee Corporation has assigned and transferred the title and interests in trademark applications and registrations to the Complainant. Attached hereto as Annexure E are printouts from the trademark databases of Controller General of Patents Design & Trade Marks of the Government of India ("CGPDTM"), the Patent Office of the Republic of Bulgaria ("BPO"), the European Union Intellectual Property Office ("EUIPO") and the United States Patents & Trademarks Office ("USPTO") for these registrations, which demonstrate that the Complainant has spent a considerable amount of time and money protecting its intellectual property rights. These registrations are referred to hereafter as the "Complainant's Marks." The trademarks relevant to this instant matter are:

a. REGISTRATIONS IN INDIA

Trade Mark	Application / Registration No.	Date of Application / Registration (DD.MM.YYY Y)	Country	Class(es)	Goods
HANES	2892503	29.01.2015	IN	20, 24, 27	Pillows, bedding and rugs
	2892504	29.01.2015	IN	20, 24, 27	Pillows, bedding and rugs

Annexed hereto and marked as Annexure E-1 are the photocopies of the Certified Copy of the entry of the trademarks.



b. REGISTRATIONS IN OTHER COUNTRIES:

Trade Mark	Application / Registration No.	Date of Application / Registration (DD.MM.YYYY)	Country	Class(es)
HANES	00018479	29.02.1992	BG	25
HANES	000122515	03.01.1998	EM	25
HANES	013679162	04.09.2015	EM	20, 24, 27
HANES	0847649	16.04.1968	US	25

Annexed hereto and marked as Annexure E-2 are the photocopies of the Registration Certificates / Online Status in respect of the aforementioned jurisdictions.

c. DOMAIN NAME REGISTRATIONS:

DOMAIN NAME	REGISTRATION DATE
hanes.com	04.02.1996
hanes.co.in	15.06.2004

Attached herewith and marked as Annexure C and Annexure G are the print outs of the WHOIS Records and screenshot of the Complainant's Primary Domain Names and its website.

(8) Respondent's Identity and activities:

Respondent failed to submit their Statement of Defense, so his identity and activities are not clear.

(9) Response by Respondent:

No Response.

(10) Rejoinder by Complainant:

Since the Respondent failed to submit their reply to the Complaint of Complainant, so Rejoinder was not required to be submitted by Complainant.



(11) Submissions of Documents by Complainant:

Complainant submitted Domain name complaint with pages 1 to 10 (words 4809) and annexure from A to M with pages 89.

As per the INDRP Rules of Procedure, Clause 4(a) – *The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator's discretion.*

The Complainant submission of pleadings individually and annexures is as per the above norms of the INDRP Rules.

THE CONTENTIONS OF COMPLAINANT**(12) The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights:****Submission by Complainant**

- (a) By virtue of its trademark and service mark registrations as shown in Annexure E, Complainant is the owner of HANES trademark(s). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0") at 1.2.1: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case."
- (b) The Complainant submits that although one of their India trademarks is figurative (see Annexure E-1), it is clear that the distinctive element of the trademark is the term "HANES", which is capable of representation in the Disputed Domain Name. As per WIPO Jurisprudential Overview 3.0, Guideline 1.10: "trademark registrations which design element would prima facie satisfy the requirement that the Complainant show "rights in a mark" for further assessment as to confusing similarity." The design elements present in the Complainant's registered trademark clearly does not detract from the textual



elements. See *Sanofi Biotechnology v. Domain Administrator*, See [PrivacyGuardian.org / Home of Domains, Domain Admin / This Domain is For Sale, D2018-2420](https://www.privacyguardian.org/home-of-domains/domain-admin/this-domain-is-for-sale/D2018-2420) (WIPO Jan. 22, 2019): "The textual element LIBTAYO SURROUND is clearly the dominant representation in the mark and the figurative element constitutes a mere embellishment that does not detract in any way from the prominence of the textual element."

- (c) It is standard practice when comparing a Disputed Domain Name to Complainant's trademarks, to not take the extension into account. See WIPO Jurisprudential Overview 3.0 at 1.11.1: "The applicable Top Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test".
- (d) The Second Level Domain of the Disputed domain Name consists solely of Complainant's HANES trademark registered in India and other countries, including in Bulgaria where Respondent is based. This results in a domain name that is identical to the Complainant's HANES trademark and confusingly similar to Complainant's primary domain names <hanes.com> and <hanes.co.in> and thus meeting the requirements under Policy ¶4(a). See *PepsiCo, Inc vs. Bijon Chatterji*, INDRP/014 (Jun. 24, 2006) (Panel finding the disputed domain <pepsico.in> confusingly similar to complainant's PEPSICO trademark). See also *Singapore Airlines Limited v. Wang Liquan*, INDRP/1227 (Jun. 29, 2020) (Panel finding the disputed domain name <singaporeair.in> confusingly similar to complainant's SINGAPOREAIR trademark). See Annexure E.
- (e) Based on the foregoing, the Disputed Domain Name is clearly identical or confusingly similar to Complainant's HANES trademark.



(13) The Respondent has no rights or legitimate interests in respect of the domain name:

Submission by Complainant

- (a) The granting of registrations by CGPDTM, BPO, EUIPO and USPTO to Complainant for the HANES trademark is prima facie evidence of the validity of the term “hanes” as a trademark, of Complainant’s ownership of this trademark, and of Complainant’s exclusive right to use the HANES trademark in commerce on or in connection with the goods and/or services specified in the registration certificates. See Annexure E.
- (b) Respondent is not sponsored by or affiliated with Complainant in any way and Complainant has not given Respondent permission to use Complainant’s trademarks in any manner, including in domain names. “In the absence of any license or permission from the Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the Disputed Domain Name could reasonably be claimed.” See Sportswear Company S.P.A. v. Tang Hong, D2014-1875 (WIPO December 10, 2014).
- (c) Respondent is not commonly known by the Disputed Domain Name, which evinces a lack of rights or legitimate interests. See Policy, ¶ 6(b); see Whois data for the Disputed Domain Name set forth in Annexure B. In the instant case, the pertinent Whois information identifies the Registrant as “REDACTED FOR PRIVACY”, which does not resemble the Disputed Domain Name in any manner. Further, NIXI sent an email to provide the actual Whois details which identifies the Respondent as “Petar Ivanov”, which also does not resemble the Disputed Domain Name in any manner. Thus, where no evidence, including the Whois record for the Disputed Domain Name, suggests that Respondent is commonly known by the Disputed Domain Name, then Respondent cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Name within the meaning of Policy ¶ 6(b). See Instagram, LLC v. Li, Chenggong, INDRP/1194 (Mar. 6, 2020) (Panel finding a respondent was not known by the domain



name where “[the] WHOIS does not show any connection to the word INSTAGRAM in any manner”).

- (d) The Respondent is using the Disputed Domain Name to redirect internet users to a website featuring links to third-party websites, some of which directly reference Complainant’s HANES brand. See Annexure F. Presumably, Respondent receives pay-per-click fees from the linked websites that are listed at the Disputed Domain Name’s website. Prior UDRP decisions have consistently held that respondents that monetize domain names using pay-per-click links have not made a bona fide offering of goods or services that would give rise to rights or legitimate interests in a disputed domain name. As such, the Respondent is not using the Disputed Domain Name to provide a bona fide offering of goods or services as allowed under Policy ¶ 6(a), nor a legitimate noncommercial or fair use as allowed under Policy ¶ 6(c). See WIPO Jurisprudential Overview 3.0 at 2.9 (“Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users.”).
- (e) Respondent has demonstrated a lack of legitimate rights and interests in the Disputed Domain Name through offering the Disputed Domain Name for sale and soliciting an offer on the Disputed Domain Name’s website. See Annexure K. By exhibiting a willingness to accept solicitations to purchase the Disputed Domain Name strongly suggests that Respondent does not have any rights or legitimate interests in the Disputed Domain Name. See INDRP case No.1228, ByteDance Ltd v Jing Ren, noting “the only use of the domain name is an offer to sell. This is evidence of the Respondent’s lack of rights and legitimate interests”.
- (f) The Disputed Domain Name was registered on December 19, 2024, which is significantly after Complainant filed for registration of its HANES trademark with the CGPDTM, BPO, the EUIPO and USPTO, and also significantly after Complainant’s first registered its HANES trademark in



1968. Moreover, this date also falls significantly after the Complainant's registration of its <hanes.com> domain name in 1996. See Annexures B, C and E.

- (g) The Complainant has presented a prima facie case that the Respondent lacks rights or legitimate interest in the Disputed Domain Name for the purposes of the Policy. The burden of proof now shifts to the Respondent to show that they have a right or legitimate interest in the Disputed Domain Name.

(14) The domain name was registered and is being used in bad faith:

Submission by Complainant

- (a) The Complainant and its HANES trademark are known internationally, with trademark registrations across numerous countries including India and Bulgaria where the Respondent is based. The Complainant has marketed and sold its goods and services using this trademark since 1968, which is well before Respondent's registration of the Disputed Domain Name on December 19, 2024.
- (b) By registering a domain name that is solely comprised of Complainant's HANES trademark, Respondent has created a domain name that is identical to Complainant's trademark, and confusingly similar to its <hanes.com> and <hanes.co.in> domains. See Annexure C. As such, Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business. Further, the composition of the domain makes it illogical to believe that Respondent registered the domain without specifically targeting Complainant. In light of the facts set forth within this Complaint, it is "not possible to conceive of a plausible situation in which the Respondent would have been unaware of" the Complainant's brands at the time the Disputed Domain Name was registered. See *Telstra Corp. Ltd. v. Nuclear Marshmallows*, D2000-0003 (WIPO Feb. 18, 2000). Stated differently, HANES is so closely linked and associated



with Complainant that Respondent's use of this mark, or any minor variation of it, strongly implies bad faith – where a domain name is “so obviously connected with such a well-known name and products, [...] its very use by someone with no connection with the products suggests opportunistic bad faith.” See *Parfums Christian Dior v. Javier Garcia Quintas*, D2000-0226 (WIPO May 17, 2000). Further, where the Disputed Domain Name is identical to Complainant's HANES trademark and almost identical to Complainant's <hanes.co.in> primary domain name, “it defies common sense to believe that Respondent coincidentally selected the precise domain without any knowledge of Complainant and its trademarks.” See *Asian World of Martial Arts Inc. v. Texas International Property Associates*, D2007-1415 (WIPO Dec. 10, 2007).

- (c) At the time of registration of the Disputed Domain Name, the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks and that registration of domain names containing well-known trademarks constitutes bad faith per se. In addition to the numerous trademarks filed in connection with Complainant's business prior to Respondent's registration of the Disputed Domain Name, Complainant was founded since 1901 and its HANES brand is a distinctive and well-known mark used by Hanes in connection with women's apparel since 1967. Complainant employs 48,000 associates in approximately 30 countries, all of which demonstrates Complainant's fame and reputation. Further, performing searches on Google India, Yahoo! India and Bing for “hanes” returns multiple links referencing Complainant and its business See Annexure J. See also *Caesar World, Inc. v. Forum LLC*, D2005-0517 (WIPO Aug. 1, 2005) (“given the Complainant's worldwide reputation and presence on the Internet, indicates that Respondent was or should have been aware of the marks prior to registering the disputed Domain Name”).



(d) INDRP policy dictates that bad faith can be established by evidence demonstrating that the Respondent has “intentionally attempted to attract Internet users to the Registrant’s website...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 of a product or service on the Registrant’s website or location.” See Policy ¶ 7(c). Here, Respondent creates a likelihood of confusion with Complainant and its trademarks by registering a domain that consists solely of Complainant’s HANES trademark, which demonstrates that Respondent is using the Disputed Domain Name to confuse unsuspecting internet users looking for Complainant’s services, and to mislead internet users as to the source of the domain name and website. By creating this likelihood of confusion between the Complainant’s trademarks and the Disputed Domain Name, leading to misperceptions as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name, the Respondent has demonstrated a nefarious intent to capitalize on the fame and goodwill of the Complainant’s trademarks in order to increase traffic to the Disputed Domain Name’s website for Respondent’s own pecuniary gain, as evidenced by the presence of multiple pay-per-click links posted to Respondent’s website. See Annexure F. Previous Panels have found bad faith under Policy ¶ 7(c) where a respondent uses a confusingly similar domain name to resolve to a website featuring links to third-party websites that create revenue for the respondent. See WIPO Jurisprudential Overview 3.0 at 3.5 (“Particularly with respect to “automatically” generated pay-per-click links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links ipso facto vest the respondent with rights or legitimate interests). Neither the fact that such links are



generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith.”). See also PRL USA Holdings, Inc. v. LucasCobb, D2006-0162 (WIPO Mar. 30, 2006) (“Respondent’s use of the Domain Name to earn referral fees by linking to other websites attracts Internet users to Respondent’s site by creating confusion as to source and results in commercial gain to Respondent. Accordingly, the Panel finds that the Domain Name was registered in bad faith.”).

(e) Previous Panels have concluded that evidence of prior Panel decisions in which domain names have been transferred away from the Respondent to complaining parties supports a finding that Respondent has engaged in a bad faith pattern of “cybersquatting.” See DIRECTV, LLC v. michal restl c/o Dynadot, FA 1788826 (FORUM July 5, 2018) (“The record contains evidence of Respondents previous eleven UDRP actions, all of which resulted in the transfer of the domain names, thus establishing bad faith per Policy ¶ 4(b)(ii).”). The Respondent and his organization Tool Domains Ltd, which uses the same registrant email address, have previously been involved in the below-listed cases, which provides evidence of the pattern of cybersquatting in which Respondent is engaging:

- a. DEKRA SE v. Tool Domains Ltd, DES2024-0029 (OMPI Sep. 26, 2024)
- b. Bulgari S.p.A. v. Tool Domains Ltd, DRO2019-0012 (WIPO Dec. 13, 2019)
- c. bioMérieux v. Tool Domains Ltd, DNU2019-0009 (WIPO Feb. 6, 2020)
- d. Carrefour v. Tool Domains Ltd, DGE2018-0002 (WIPO Dec. 27, 2018)

(f) In addition to the Disputed Domain Name, the Respondent and his organization Tool Domains Ltd (using the same registrant email



address) currently hold registrations for several other domain names that misappropriate the trademarks of well-known brands and businesses. This fact demonstrates that the Respondent is engaging in a pattern of cybersquatting/typosquatting, which is evidence of bad faith registration and use of the Disputed Domain Name. See BHP Billiton Innovation Pty Ltd v. Cameron David Jackson / PrivacyDotLink Customer 2415391 / PrivacyDotLink Customer 2463008, D2016-2020 (WIPO, Nov. 21, 2016) (“The litany of calculated, bad faith behaviour sustained over a long period of time, the weight of the numerous UDRP decisions against him, the sheer number of specific findings that he engaged in a pattern of bad faith conduct and the fact that this serial cybersquatter has not placed any explanation before this Panel as to his bad faith conduct can lead to no other conclusion.”). The below represent further examples of cybersquatting/typosquatting by Respondent, thus establishing a pattern of such conduct and bad faith registration and use (see Annexure M for Whois information):

- a. baidu.tw (Baidu Inc. – BAIDU)
 - b. disneyland-planet.fr (Disney Enterprises, Inc. – DISNEY)
 - c. facebook.mk (Facebook Inc. – FACEBOOK)
 - d. mitsubishi-motors.lt (MITSUBISHI ELECTRIC CORPORATION (Japan) – MITSUBISHI)
 - e. snoopyrun.com.tw (Peanuts Worldwide LLC – SNOOPY)
- (g) Respondent is currently offering to sell the Disputed Domain Name, which constitutes bad faith under Policy ¶ 7(a) because Respondent has demonstrated an intent to sell, rent, or otherwise transfer the Disputed Domain Name for valuable consideration in excess of his out-of-pocket expenses. See Annexure K. It is well established that seeking to profit from the sale of a confusingly similar domain name that incorporates a third party’s trademark demonstrates bad faith. See INDRP case No. 1008, Solvay (Societe Anonyme) Vs. Lina,



Doublefist Limited, noting “the fact that the respondent is offering the domain name for sale clearly indicates that it has no legitimate interest in the contested domain name.” See also *Groupe Auchan v. Bui Tan Dat / Domain ID Shield Service Co., Limited*, D2014-1935 (WIPO, Jan. 4, 2015) (“The Panel cannot find any justification for the registration and use of the disputed domain name in such circumstances except to find that the Respondent registered and is using the disputed domain name for the purpose of selling the disputed domain name for valuable consideration in excess of the Respondent's documented out-of-pocket costs and/or to disrupt the Complainant's business.”).

- (h) Additionally, although the Disputed Domain Name is currently used to host a pay-per-click advertising page, the Complainant notes that it has also been set up with mail exchange (MX) records. See Annexure L. This shows that the Disputed Domain Name may be actively used for email purposes. Emails emanating from the Disputed Domain Name could not reasonably be used for any good faith purpose given the close similarity to the Complainant's trademark. Instead, it is likely that the Domain Name may be actively used to facilitate fraudulent activities such as phishing, impersonating or passing off as the Complainant. Previous Panel decisions have considered the presence of MX records to be indicative of bad faith registration and use. See *Alain Afflelou Franchiseur v. Lihongbo*, Lihongbo D2020-2075 (WIPO Oct. 14, 2020), where the Panel noted: “the disputed domain names indicate that the Respondent has connected the disputed domain names to email servers, which creates a serious risk that the Respondent may be using the disputed domain names, which are confusingly similar to the Complainant's trademark, for misrepresentations and/or phishing and spamming activities”.
- (i) Finally, on balance of the facts set forth above, it is more likely than not that the Respondent knew of and targeted Complainant's



trademark, and Respondent should be found to have registered and used the Disputed Domain Name in bad faith. See *Tudor Games, Inc. v. Domain Hostmaster*, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc., D2014-1754 (WIPO Jan 12, 2014) (“the Panel makes its finding regarding bad faith registration by asking whether it is more likely than not from the record of the evidence in the proceeding that Respondent had the ELECTRIC FOOTBALL trademark in mind when registering the Domain Name.”)

OTHER LEGAL PROCEEDINGS:

(15) Submission of Complainant

No other legal proceedings have been commenced or terminated in connection with or relating to the disputed domain name that is the subject of the present Complaint.

REMEDY SOUGHT:

(16) Submission of Complainant

In accordance with Para 10 of the INDRP and Paragraph 3(b) (vii) of the Rules the Complainant requests the Hon’ble Tribunal to transfer the disputed domain name to Complainant.

DISCUSSION AND FINDINGS:

- (17)** After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure and Respondent has been notified of the complaint of the Complainant.
- (18)** Respondent was given enough opportunity to submit Reply of Complaint (Statement of Defense) latest by 01.05.2025 and thereafter latest by 18.05.2025. But Respondent failed to submit the same within said time limit; therefore, the



Respondent right to submit the SOD was forfeited and the award was published on merits.

(19) Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant has filed a complaint to .IN Registry on the following premises:

- (a) the Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights; and
- (b) the Registrant's has no rights or legitimate interest in respect of the domain name; and
- (c) The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.

(20) The Registrant's domain name is identical or confusingly similar to a Name, Trademark or Service Mark in which the Complainant has rights:

Facts & Findings

On the basis of the referred Award of WIPO case, above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(21) The Registrant's has no rights or legitimate interest in respect of the domain name:

Facts & Findings

On the basis of the referred Award of WIPO case, above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.



(22) The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose:

Facts & Findings

On the basis of the referred Award of WIPO case, above mentioned facts by Complainant, non-submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

(23) ARBITRAL AWARD

I, **Rajesh Bisaria**, Arbitrator, after examining and considering the pleadings and documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 5, 17 and 18 of the INDRP Rules of Procedure and Clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP), as follows:

Arbitral Tribunal orders that the disputed domain name "hanes.in"

be forthwith TRANSFERRED from Respondent to Complainant.

Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs. 10000/- (Rs. Ten thousand only) is being imposed on the Respondent, as per the provision in clause 11 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to .IN Registry for putting the administration unnecessary work.

AT has made and signed this Award at Bhopal (India) on 07.06.2025 (Seventh Day of June, Two Thousand Twenty-Five).

Place: Bhopal (India)

Date: 07.06.2025



(RAJESH BISARIA)

Arbitrator