



தமிழ்நாடு தமில்நாடு TAMILNADU 29093/4.1.16

Sridharan, Chennai

BE 363794

R. RAGUPATHI

STAMP VENDOR, L/No. C3/4839/83
No. 37, VILLAGE ROAD, NOW KNOWN AS
No. 79/91, VALLUVARKOTTAM HIGH ROAD
NUNGAMBAKKAM, CHENNAI-600 034
PHONE: 9445114347

BEFORE S SRIDHARAN, SOLE ARBITRATOR
OF NATIONAL INTERNET EXCHANGE OF INDIA

ARBITRATION AWARD

DATED: 23rd January 2016

Dell Inc, USA

Versus

Complainant

Nagendran Kathirvel
Managing Director
GBS Systems & Services P Ltd
Chennai

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Respondent

Sridharan

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1. The Parties

- 1.1 The Complainant, Dell Inc, is a Delaware Corporation, having its registered office at One Dell Way, Round Rock, Texas 78682-2244, USA. The Complainant is represented by Safir Anand, Madhu Riwari, advocates of M/s Anand and Anand, Advocates at First Channel, Plot No.17-A, Sector – 16A, Film City, Noida 201301, Uttar Pradesh, India.
- 1.2 Respondent is Mr.Nagendran Kathirvel, Managing Director of GBS Systems & Services P Ltd at No.1070A, Munusamy Salai, K K Nagar, Chennai – 600078.

The Domain Name and Registrar

- 1.3 The disputed domain name <www.delllaptopbatteryprice.in> created on 08.05.2012 is registered with the registrar, Good Domain Registry Private Limited (R141-AFIN).

2. Procedural History

- 2.1 On 14th January 2016, NIXI asked me about my availability and consent to take up the Complaint for arbitration.
- 2.2 On 14th January 2016, I informed my availability and consent. I also informed NIXI that I had no conflict of interest with either of the parties and could act independently and impartially. I sent signed declaration of independency and impartiality to NIXI.
- 2.3 On 21st January 2016, NIXI by email informed the parties about the appointment of me as the arbitrator in the above dispute. In the same email, NIXI has also provided the contact details of the arbitrator.
- 2.4 On 22nd January 2016, one Mr.K.Sridher sent me an email stating that he was ready to surrender the domain name and asked me about the procedure for the same. I spoke to him. I also sent a mail to him to confirm my understanding that he was ready to transfer the domain name to the Complainant.
- 2.5 On 22nd January 2016, the above said Mr.K.Sridher of the Respondent sent me a mail confirming my understanding. In his mail, he stated that he has no intention to retain the disputed domain name with him. He was ready and willing to transfer the disputed domain name to the Complainant. He also requested the arbitrator not to impose any cost on him.

Sridharan

- 2.6 On 23rd January 2016, I received hard copy of the Complaint from NIXI.
- 2.7 After going through the complaint, on 23rd January 2016, I spoke to Mr.Sridher again. I understand from the discussion that Mr.Nagendran Kathirvel is the Managing Director of GBS Systems & Services P Ltd. The said Mr.K.Sridher is working there as Manager-IT services and is looking after all online promotions, website & domain registrations of GBS systems & Services Pvt Ltd.
- 2.8 On 23rd January 2016, the Respondent has again confirmed by email that he has no intention to retain the disputed domain name with him. He is ready and willing to transfer the disputed domain name to the Complainant and has requested the arbitrator not impose any cost on him.
- 2.9 All email exchanges with Mr.K.Sridher are through the email ID for the registrant mentioned in the who-is data for the disputed domain name.
- 2.10 Email is the medium of communication of this arbitration and each email is copied to all, Complainant, Respondent and NIXI.
- 2.11 I have returned to NIXI by courier all pleadings / documents that I received from it. I have not received any pleadings / documents by courier/post from the Parties.

3. Decision

- 3.1 The Respondent has agreed and consented to transfer the disputed domain name to the Complainant. On the basis of the Respondent's agreement and consent to transfer the disputed domain name to the Complainant, I order as below.
- 3.2 It is hereby ordered that the disputed domain name <www.delllaptopbatteryprice.in> be transferred to the Complainant.
- 3.3 There is no order as to costs.



S.Sridharan
Arbitrator