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Hemini Narayanswamy
CH-41

AZ 675056
M. SADIQ BASHA
STAMP VENDOR
L No 12144/81/96
71, EAST JONES ROAD
CHENNAI-600 015

BEFORE THE NATIONAL INTERNET EXCHANGE OF
INDIA

ARBITRATION AWARD

In The Matter of

DELL INC.,
One Dell Way,
Round Rock
Texas
78682
United States of America

Complainant

Versus.

ABHISHEK SINGH
Laptop Service Center

Respondent 1

Hemini Narayanswamy

**L2B11, Mohan Garden, Uttam Nagar
Satsang bhavan road
Delhi -11059 India**

**Also at C1 /20 , 1st Floor Mohan Garden
Nawada Metro Station Pillar
No.744, Uttam Nagar 110059**

**Also at L-2B /11C, Mohan Garden
Uttam Nagar
Delhi 110059
India**

Email: abhishekchauhan9716@gmail.com

**Mr. Ranjeet Singh Rana
Proprietor of NCR Sytems Solution
C1/C2 , 1st Floor , Mohan Garden
Nawada Metro Station Pillar
No- 744 , Uttam Nagar -110059
Email : nrcsystemsolution@gmail.com**

Respondent 2

1. The Parties

The Complainant is, Dell Inc. of Texas, United States of America represented in these proceedings by Akhilesh Kumar Rai of AZB & Partners of India. The Respondents are Abhishek Singh and Ranjeet Singh Rana of India, and are self represented.

2. The Domain name, Registrar and Policy

The present Arbitration proceeding pertains to a dispute regarding the domain name <delllaptopservicecenters.in> (hereinafter referred to as disputed domain name). The registrar for the disputed domain name is Go Daddy.com LLC. The disputed domain name was registered on December 25, 2015. The Arbitration proceedings are conducted in accordance with the Arbitration and Conciliation

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Act of 1996 (India), the .IN Domain Name Dispute Resolution Policy (the “INDRP Policy” or “Policy”), and the INDRP Rules of Procedure (the “Rules”).

3. Procedural History

The sole arbitrator appointed in the case is Mrs. Harini Narayanswamy. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, in compliance with the Rules. The Arbitrator received the Complaint from the .IN registry on February 12, 2017. The first Respondent sent an email on February 13, 2017 stating willingness to transfer the disputed domain name to the Complainant. The Arbitrator sought clarification by an email dated February 27, 2017, whether both the Respondents were willing to transfer the disputed domain name to the Complainant. The Respondents replied on the same day, and stated that both the Respondents had no objection to the transfer of the disputed domain name.

4. Discussion

The Complainant is the registered proprietor of the DELL trademark. The Complainant has filed evidence of its extensive use of the DELL trademark and of registration of its marks in numerous countries including India. The Complainant states that it was established in the year 1984.

The Complainant contends that it is the world’s largest direct seller of computer systems. The Complainant states that it offers a vast array of products and services under the said mark, that *inter alia* include: supplying computer hardware, software, peripherals, computer oriented products such as phones, tablet computers, computer related consulting, installations and maintenance, leasing, warranty and technical support services. The Complainant states that it

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is a leading provider of computer systems to large enterprises around the world and it does business with ninety-eight percent of the Fortune 500 corporations. The Complainant states that it sells more than 100,000 systems every day to customers in 180 countries including India. The Complainant further states that it has a team of 100,000 members across the world that caters to more than 5.4 million customers every day. The Complainant states that due to continuous use of the trademark on a world wide basis, its mark is a well known mark.

The Complainant states that its products have been widely available in India since 1993 and are marketed in India by its subsidiaries and its channel partners such as its authorized distributors and resellers. The Complainant adds that its products are sold through a wide network of 'DELL Exclusive Stores' and other stores in 200 cities across India. The Complainant asserts that by virtue of its use, the public associate the DELL trademark with the Complainant.

The Complainant states that it has a very strong Internet presence with the website "www.dell.com". The website can be accessed from anywhere in the world including India and it provides extensive information on the activities of the Complainant. The Complainant states that it has country specific domain names such as <dell.co.in>.

The Complainant states that the first use of the DELL mark can be traced back to 1988 and it has expanded its business to various countries and has extensively used the DELL mark around the globe. Further, it has registered the mark and several DELL formative marks such as DELL PRECISION, DELL CHAMPS, DELL PROSUPPORT, DELL PREMIUM CARE etc.

The Complainant states that it has been using the DELL trademark for the last thirty years. Due to its extensive use and reputation the mark is well recognized

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by the consuming public. The Complainant states that it has taken action against several domain name squatters in the past and has provided a list of such cases where it has prevailed.

The Complainant has requested for the remedy of transfer of the disputed domain name on the grounds that: (i) that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name and (ii) The disputed domain name has been registered or used in bad faith by the Respondent.


The first Respondent by email dated February 13, 2017 and second Respondent by email dated February 27, 2017 stating willingness to transfer the disputed domain name. In view of the Respondent's clearly stating that they have no intention of contesting or challenging the Complaint, but were agreeable to transfer the disputed domain name to the Complainant, there remains no dispute between the parties concerning the transfer of the disputed domain name to the Complainant.

In previous policy decisions, such as INDRP Case 769, February 2, 2016, *Dell Inc. v. Nagedran Kathirvel*, (<dellaptopadapterprice.in>) and INDRP Case 766, February 15, 2016, *Dell Inc. v. Nagedran Kathirvel*, (<dellexclusivestore.in>), involving the same Complainant, transfer of the disputed domain name was awarded on the basis of the Respondent's unilateral statement of agreeing to transfer the disputed domain name to the Complainant and without delving into the merits of the case. Accordingly, the Arbitrator issues the Award based on the parties' representations and without going into the merits of case, as both Respondent have agreed to comply with the relief sought for by the Complainant.

Hansi Narayana

Decision

It is ordered that the disputed domain name < delllaptopservicecenters.in> be transferred to the Complainant.



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(Arbitrator)

Date: April 7, 2017