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IN-DL32998761938306X

BEFORE THE SOLE ARBITRATOR UNDER THE Please write or type below this line .IN DOMAIN NAME DISPUTE RESOLUTION POLICY

(Appointed by the National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name: <TECHCRUNCH.COM.IN >

IN THE MATTER OF

Yahoo Assets LLC
11955 Democracy Dr., 14th Floor, Reston,
Virginia 20190-5662,
United States of America

..... Complainant

----versus----

Ahmed Raza
A-2403, Gulshan-E-Hadeed Phase 2,
Karachi, Sindh-75010, Pakistan
Email: ahmedr@techcrunch.com

..... Respondent

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1. The Parties

The **Complainant** in this arbitration proceeding is **Yahoo Assets LLC**, a company duly organized and existing under the laws of the United States of America, having its address at 11955 Democracy Dr., 14th Floor, Reston, Virginia, 20190-5662, United States of America.

The **Respondent** in this arbitration proceeding is **Mr. Ahmed Raza** of the address **A-2403, Gulshan-E-Hadeed Phase 2, Karachi, Sindh-75010, Pakistan**, as per the WHOIS records.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**TECHCRUNCH.COM.IN**> with the .IN Registry. The Registrant in the present matter is **Dynadot LLC**.

3. 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 consent of Mr. Vikrant Rana to act as the sole arbitrator of the matter. |
| January 02, 2025 | The Arbitrator informed of his availability and gave his consent vide email. |
| January 17, 2025 | The Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure. |
| January 24, 2025 | NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator. |

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|-------------------|---|
| January 28, 2025 | The Arbitrator directed the Complainant's Counsel to furnish the revised power of attorney mentioning the name and designation/title of the authorized signatory within ten (10) days. |
| January 30, 2025 | The Complainant Counsel provided the revised power of attorney. |
| January 30, 2025 | The Arbitrator directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon 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. |
| February 04, 2025 | The Complainant's Counsel confirmed having served the documents upon the Respondent via email and also having dispatched the same via courier and provided proof of service. 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 18, 2025. |
| February 19, 2025 | As no response received, the Arbitrator granted a final and non-extendable period of three (03) days i.e., February 22, 2025 to the Respondent submit a response. |
| February 24, 2025 | No response received from the Respondent within the stipulated time period. Arbitrator concluded proceedings and reserved the present award. |

4. Factual Background – Complainant

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

- i. That the Complainant is a leading global technology and media company with a substantial worldwide audience and a suite of digital brands, products and services that are offered to consumers, advertisers, publishers and subscribers. That the Complainant provides consumers with owned and operated and third-party search properties as well as mail, news, finance, sports and entertainment offerings, and provides other

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businesses and partners' access to consumers through digital advertising, content delivery and video streaming platform.

- ii. That the Complainant uses the trademark **TECHCRUNCH** (the "TECHCRUNCH Mark") as well as the domain name **TECHCRUNCH.COM** in connection with a wide variety of goods and services, including an annual tech conference and the operation of an online publication dedicated to all things tech, including technology news, opinions, and analysis on tech companies from around the world, since at least as early as 2005. The Complainant's goods and services under the **TECHCRUNCH** Mark include, but are not limited to, providing information, news, analysis, and commentary in the field of current events relating to technology, technology innovation, consumer products, electronics, the internet, social media, computers, entrepreneurship, startup companies, and business. In this regard, the Complainant has annexed excerpts from their websites as **Annexure B**.
- iii. That by virtue of the Complainant's longstanding, continuous, extensive use and advertisement of the **TECHCRUNCH** mark for almost two decades, the same has become widely and favourably known by the consuming public as a symbol of the substantial goodwill established exclusively by the Complainant. The Complainant's Techcrunch website has been visited over million times and has been ranked number 1-3 as top tech news websites by various magazines (Technology Magazine, Techworm, Feedspot among others). In this regard, Complainant has annexed printouts from the websites as **Annexure C**.
- iv. That the Complainant has used the **TECHCRUNCH** mark as part of their official domain name <<https://techcrunch.com/>> since 2005 and the mark **TECHCRUNCH** is featured throughout the website on the aforementioned domain. In this regard, the Complainant has provided the WHOIS details of the mentioned domain and printouts from the Wayback Machine archives for the said domain as **Annexure D** and **Annexure E**.
- v. That, the Complainant is the registered proprietor of the **TECHCRUNCH** trademark in India in Classes 35, 41 and 42 and have exclusive rights to use the said marks. In this

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regard, the Complainant has provided registration certificates of the trademark registrations as **Annexure F**.

- vi. That the Complainant has also attained registrations for the **TECHCRUNCH** trademark in several jurisdictions of the world including but not limited to Argentina, Australia, Brazil, Canada, China, European Union, Hong Kong, Indonesia, Israel, Japan, Mexico, New Zealand, Norway, Republic of Korea (South), Russia, Singapore, Switzerland, Taiwan, United Kingdom and the United States of America. In this regard, the Complainant has provided few of the aforementioned registrations and status of the applications as **Annexure G**.
- vii. That the Complainant's **TECHCRUNCH** mark has extensive presence on social media platforms like Facebook, X, Instagram, LinkedIn and YouTube. In this regard, the Complainant has provided screenshots of their pages from the aforementioned websites as **Annexure H**.

5. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

- A. **The domain name 'TECHCRUNCH.COM.IN' is identical and/or confusingly similar to a name or trademark or service mark in which the Complainant has rights for the following reasons:**
 - i. The Respondent registered the disputed domain name which is identical to the **TECHCRUNCH** mark on May 18, 2024.
 - ii. The domain name '**TECHCRUNCH.COM.IN**' uses the Complainant's registered trademark **TECHCRUNCH** in entirety and is identical to the Complainant's **TECHCRUNCH** mark.
 - iii. The use of the ccTLD 'com.in' as part of the disputed domain does not create a meaningful distinction from the Complainant's **TECHCRUNCH** mark.



- iv. The Complainant has registered the **TECHCRUNCH** trademark with the Trade Marks Registry in India and other intellectual property offices around the world which serve to establish the Complainant's rights in its **TECHCRUNCH** Mark and provide constructive notice of its trademark rights to third parties.
- v. The Complainant had been using the **TECHCRUNCH** trademark at the time the Respondent registered the domain name. The Respondent cannot claim or show any rights to the disputed domain name that are superior to the Complainant's rights, goodwill and reputation as established by way of documentary evidence.

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

- i. The Complainant's **TECHCRUNCH** Mark is a highly distinctive and well-known trade mark. There can be no plausible justification for the adoption of the disputed domain name and the Respondent can demonstrate no legitimate interest in the disputed domain name. The Respondent registered the disputed domain name after Complainant had established rights in the **TECHCRUNCH** Mark through extensive use and registration in various countries.
- ii. The Complainant's trade mark is so well known and recognized, there can be no legitimate use by the Respondent. There exists no relationship between the Complainant and the Respondent that would give rise to any license, permission, or authorization by virtue of which the Respondent could own or use the disputed domain name, which is identical to the Complainant's **TECHCRUNCH** Mark.
- iii. The Respondent is not commonly known by the disputed domain name and is not making legitimate non-commercial or fair use of the disputed domain name. The Respondent is clearly trying to associate itself with the Complainant with the mala fide intention to ride upon the immense goodwill and reputation of the Complainant's **TECHCRUNCH** Mark to gain undue benefits which is against the Indian Domain Name Dispute Resolution Policy. Therefore, the Respondent does not have and /or cannot be permitted to own or even be considered to have any legitimate right or interest

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in the disputed domain name as the same has been registered only to make unlawful monetary gains.

- iv. The adoption and use of the disputed domain name is likely to confuse the members of trade and public that services under the domain are being provided by the Complainant, which is not the case. Such adoption and use of the disputed domain name is likely to dilute the brand equity of the Complainant's **TECHCRUNCH** mark.
- v. The Respondent has not made any legitimate or fair use of the disputed domain name and their only interest is to earn undue monetary gains by such illegal adoption and use of the Complainant's **TECHCRUNCH** Mark and to create an impression in the minds of members of trade and public that the Respondent is in some way affiliated or associated with the Complainant, when such is not the case.
- vi. The Respondent by such illegal adoption and use of the disputed domain name, is trying to create an impression to the customers of the Complainant that the services from the disputed domain name originate from the Complainant. Therefore, the Respondent has no rights or legitimate interest in the disputed domain name which contains the Complainant's **TECHCRUNCH** Mark in its entirety.
- vii. That given the fame of the Complainant's mark as a trade mark, trade name and domain, it is not possible to conceive any use by the Respondent of the disputed domain name that would not constitute infringement of the Complainant's mark. The Complainant has placed reliance on *Veuve Clicquot Ponsardin v. The Polygenix Group Co., WIPO Case No. D2000-0163*.
- viii. That there is no evidence that Respondent (i) is using the Disputed Domain Name for a bona fide offering of goods or services, (ii) is known by the trade mark **TECHCRUNCH** or (iii) is making any legitimate non-commercial or fair use. The website associated with the disputed domain name features content that includes information about technology related news, that is identical to the content provided under the Complainant's **TECHCRUNCH** Mark, thereby infringing the Complainant's rights.

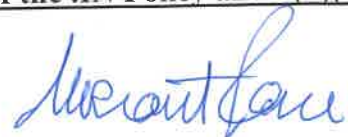


- ix. That the Respondent cannot establish any rights or legitimate interests in the disputed domain name as using another's mark to resolve to a website that offers products or services in competition with a Complainant's business is not using the domain name in connection with a bona fide offering of goods or services or a legitimate non-commercial or fair use.

C. The domain name(s) has been registered or is being used in bad faith

- i. The bad faith of the Respondent in registering the disputed domain name can be simply established from the fact that the Respondent has registered the disputed domain name by adopting the Complainant's **TECHCRUNCH** mark.
- ii. The Respondent has registered the disputed domain name for the sole purpose of designing the website to mislead consumers and has intentionally attempted to create a likelihood of confusion with the Complainant's registered **TECHCRUNCH** Mark as to the source, sponsorship, affiliation, or endorsement of the disputed domain name.
- iii. The Respondent's website features content that includes information about technology-related news, that is identical to the content provided under the Complainant's **TECHCRUNCH** Mark which clearly evidences the fact that the Respondent is using the disputed domain name in "bad faith" with the intention of diverting traffic by attracting internet users for commercial gain to its website by creating a likelihood of confusion with the Complainant's **TECHCRUNCH** Mark as to the source, sponsorship, affiliation or endorsement of its website and the services on them. In this regard the Complainant has annexed screenshots, which allegedly illustrates the above, as **Annexure I**.
- iv. The activities of Respondent rise to the level of a bad faith usurpation of the recognition and fame of Complainant's Mark to improperly benefit financially and is thus in violation of applicable trademark and unfair competition laws. The Complainant has also placed reliance on few orders and annexed the same as **Annexure J**.

6. Reliefs claimed by the Complainant (Paragraphs 11 of the .IN Policy and 4(b)(vi) of the .IN Rules)



The Complainant has requested that the domain name <TECHCRUNCH.COM.IN> be transferred to them and that costs be awarded to them.

7. **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.

8. **Discussion and Findings**

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, the 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 .IN Domain Name Dispute Resolution Policy)

- In the present domain dispute, the Complainant has furnished information about their trade mark rights over the mark **TECHCRUNCH** including registration over the said mark in India.
- The Complainant has also provided details of their domain comprising of the trademark **TECHCRUNCH**.
- It is a well settled principle in domain dispute matters, that trade mark registration is recognized as prima facie evidence of rights in a mark.



- In view of the documents and evidence placed on record by the Complainant, the Arbitrator finds that the Complainant has suitably demonstrated its rights in the mark **TECHCRUNCH**. Further, the Arbitrator accepts the Complainant's submission that mere use of the ccTLD <com.in> does nothing to create a meaningful distinction from the Complainant's mark.
- 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 <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 the disputed domain name <**TECHCRUNCH.COM.IN**> is confusingly similar to the Complainant's rights in its trademark as well as domain names.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

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.

- The Respondent's registration of the disputed domain name is much subsequent to the Complainant's adoption of the **TECHCRUNCH** mark.
- The Complainant does not carry out any activity for, nor has any business with the Respondent.
- The Complainant has not authorized, licensed or otherwise allowed the Respondent to make any use of its **TECHCRUNCH** trademark, in a domain name or otherwise.
- The Respondent is not commonly known by the disputed domain name in accordance with the paragraph 6(b) of the .IN Policy.
- The Respondent's use of the disputed domain name incorporating the Complainant's registered trade mark to resolve to website which offers products or services in competition with the Complainant's business is not using the disputed domain name in connection with a bona fide offering of goods or services.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not coming forward with any assertion or evidence to show any bonafides has failed to satisfy the conditions enshrined in paragraph 6 of the INDR Policy. As held by numerous prior panels, including recently in Case No. INDRP/1891 for <stanleyco.in>, *"the Complainant has to make out a prima facie case that the respondent lacks rights or legitimate interests,*



whereafter, the burden of proof on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”.

The Complainant has established a prima facie case of its rights in the mark **TECHCRUNCH**, and has referred to several Panel decisions as well as WIPO decisions in favor of its contentions and arguments. Therefore, in accordance with the holding of previous panels under the INDRP, the evidentiary burden shifted to the Registrant (Respondent) to rebut the showing by providing evidence of its rights or interests in the domain name, which it has failed to do in the current proceedings.

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) of the .IN Domain Name Dispute Resolution Policy)

The Complainant has contented the below points, with substantiating arguments, regarding the Respondent's registration and/or use of the disputed domain name in bad faith:

- The Respondent has registered the domain name for the sole purpose of designing the website to mislead customers;
- The Respondent is using the disputed domain name with the sole intention of diverting traffic by attracting internet users for commercial gains to its website by creating a likelihood of confusion with the **TECHCRUNCH** mark;
- The Respondent had both constructive and actual notice of the **TECHCRUNCH** trademarks by virtue of its registrations in India and internationally.

In view of the above submissions, specifically the similarity/identicalness in the content hosted on the website on the disputed domain name previously and the usage of identical trademarks, Arbitrator finds that the Respondent's registration and use of the disputed domain name,

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therefore, prima facie does not appear to be bona fide and appears intended to deceive the lay public and trade off on the Complainant's reputation. It is pertinent to mention, also, that the Respondent has not submitted any reply nor rebuttal to the Complainant's contentions, or evidence in support of its bona fide registration or use of the disputed domain name.


Based on the submissions and documents placed on record, it prima facie appears that the Respondent is engaged in conduct enumerated in paragraph 7(c) of the Policy, namely "*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.

9. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <TECHCRUNCH.COM.IN> to the Complainant.

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


Vikrant Rana, Sole Arbitrator

Date: March 13, 2025.

Place: New Delhi, India.