



उत्तर प्रदेश UTTAR PRADESH

CS 080855

INARA ARBITRATION
NATIONAL INTERNET EXCHANGE OF INDIA

EQUITAS HOLDINGS LIMITED

v.

SIVADAS K A

ARBITRATION AWARDS

**INDRP ARBITRATION
THE NATIONAL INTERNET EXCHANGE OF INDIA [NIXI]**

**ADMINISTRATIVE PANEL DECISION
SOLE ARBITRATOR: RODNEY D. RYDER**

EQUITAS HOLDINGS LIMITED v. SIVADAS K P

ARBITRATION AWARD

Disputed Domain Name: www.equitasmallfinancebank.in

A handwritten signature in black ink, appearing to be "Rodney D. Ryder", with a horizontal line underneath it.

The Parties

The Complainant in this arbitration proceeding is Equitas Holdings Limited, a company incorporated under the Companies Act, 1956 having its registered office at Phase II, 4th Floor, Spencer Plaza, No. 769, Anna Salai, Chennai, India; represented by its Company Secretary Ms. Jayashree Iyer.

The Respondent in this arbitration proceeding is SIVADAS K P, Chaitanya Sheel, Thane, Maharashtra – 421202 as per the details given by the Whois database maintained by the National Internet Exchange of India [NIXI].

The Domain Name and Registrar

The disputed domain name is www.equitasmallfinancebank.in. The said domain name is registered with GoDaddy.com, LLC [R101-AFIN].

Details of the disputed domain name

The dispute concerns the domain name www.equitasmallfinancebank.in. The said domain name was registered on November 30, 2014. The particulars of the said domain name are as follows:

Registrant: Sivadas K P
Registrant Address: Chaitanya Sheel, Thane, Maharashtra – 421202
Registrant Phone: +91.9323225906
Registrant Email: sivadas.kpsivadas@gmail.com

Procedural History [Arbitration Proceedings]

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy [INDRP], adopted by the National Internet Exchange of India ["NIXI"]. The INDRP Rules of Procedure [the Rules] were approved by NIXI on 28th June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the IN Dispute Resolution Policy and Rules framed thereunder.

According to the information provided by the National Internet Exchange of India ["NIXI"], the history of this proceeding is as follows:

In accordance with the Rules, 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint, and appointed Rodney D. Ryder as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI.

The Complainant, based on various Indian trademark registrations across various classes of the trademark 'EQUITAS', and based on the use of the said trademark[s] in India submitted that it is the sole proprietor of and has sole and exclusive rights to use the said trademark[s] 'EQUITAS'.



On November 10, 2015, the Respondent wrote to the Arbitrator with a request to transfer the domain name to the Complainant.

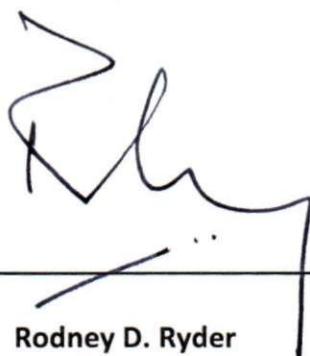
Discussion and Findings

In line with previous decisions, e.g., *Williams-Sonoma, Inc. v. EZ-Port*, WIPO Case No. D2000-0207, *Amgen Inc. v. Texas International Property Associates*, WIPO Case No. D2007-0155, *Valero Energy Corporation, Valero Refining and Marketing Company v. RareNames, WebReg*, WIPO Case No. D2006-1336, *Levantur, S.A. v. Rarenames, WebReg*, WIPO Case No. D2007-0857, *Instituto del Fondo Nacional de la Vivienda para los Trabajadores v. Whois Privacy Protection Service Inc., Demand Domains, Inc.* WIPO Case No. D2007-0917, since the Respondent has consented to the transfer of the disputed domain name to the Complainant, the Panel finds that in this case there is no need to assess the facts supporting the claim.

The Respondent in this proceeding has expressly agreed in the Response to transfer – without admitting to the elements of paragraph 4 of the Policy – the disputed domain name to the Complainant upon order of the Panel. Therefore, as held in *Amgen Inc. v. Texas International Property Associates, supra*, “given Respondent’s consent to transfer, this Panel deems it appropriate to grant the request to transfer. No further consideration or discussion of the elements of the Policy is deemed necessary”.

Decision

For all the foregoing reasons, in accordance with Paragraphs 4(i) of the Policy and 14 of the Rules, the Panel orders that the domain name, <www.equitasmallfinancebank.in> be transferred to the Complainant. The National Internet Exchange of India [NIXI] is directed to monitor the transfer of the domain name to the Complainant.



Rodney D. Ryder
Sole Arbitrator

Date: November 19, 2015