



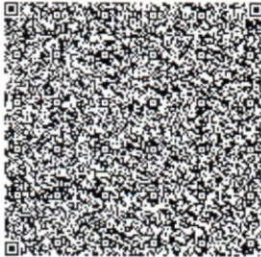
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL054613302621460
Certificate Issued Date	: 18-Jan-2016 03:08 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP17093039827201310
Purchased by	: NIKILESH RAMACHANDRAN
Description of Document	: Article Others
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: NIKILESH RAMACHANDRAN
Second Party	: Not Applicable
Stamp Duty Paid By	: NIKILESH RAMACHANDRAN
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



ARBITRATION CASE NO 3 OF 2015

IN THE ARBITRATION MATTER OF:-

ESPN Inc.

COMPLAINANT

VERSUS

RICKSON RODRICKS

RESPONDENT

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Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

AWARD:

The present dispute relates to the registration of the domain name www.espn.in in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name < www.espn.in > in favour of the Respondent. Pursuant to the In Domain Name Dispute Resolution Policy (INDRP) and the rules framed there-under, the Complainant has preferred this arbitration for raising this dispute for reprisal of its grievances.

In its complaint, the complainant has stated that it is one of the renowned and leading sports news providers in India in the business of entertainment services relating to sports and sports news programs, through television and internet since 1994. The complainant further stated that it has conceived and adopted mark **ESPN**, the logo and all other variants in India. The complainant has stated that it has obtained registrations for its trademark ESPN under various classes in India, for which it has placed relevant trademark registration certificates issued by the Trade Marks Registry in India, more particularly in Classes 9, 25, 34, 41 & 99. In addition thereto, the complainant states that it is the owner and has registered of several domain names, which has been listed by it. Complainant submits that it has commenced operations and have acquired reputation and goodwill in India and globally and that it has spent huge sums of money for its popularity and promotion of its trademark ESPN. Complainant has given details of its yearwise increase in the number of its users. Also it given details of the awards and accolades received for the several years.

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The complainant's grievance in the complaint has been stated to be that disputed domain < www.espn.in > has been registered by the respondent which has caused confusion and deception, and that the Respondent is not making legitimate or fair use of the said domain name. On learning about the registration of the disputed domain name by the Complainant, it sent a cease and desist letter through its attorney on 08.09.2015 to the Respondent requesting it to refrain from using the domain name and to transfer the domain name to it. However, the complainant states that notices were returned with the endorsement "NOT KNOWN" and the notice by e-mail was probably received by the Respondent. Hence, the Complainant has filed the present complaint.

I entered upon reference regarding the instant dispute on 3.12.2015 and notices were sent on 11.12.2015 to the Respondent calling for its response. However, even after granting considerable time to the Respondent, there has been no response. Accordingly, the Respondent is proceeded ex-parte.

I have perused the records and have gone through the contents of the complaint. Although there has been no reply on behalf of the Respondent to the complaint, I shall deal with the complaint on the basis of its merits. Several grounds have been raised by the Complainant regarding the transfer of the domain name < www.espn.in > in its favour.

Firstly I shall deal with the ground regarding the rights of the Complainant vis-à-vis that of Respondent's over the domain name < www.espn.in >. The domain has the mark **ESPN**, which according to the complainant is the sole, exclusive and rightful owner and also the registered proprietor. Due to its prior and extensive use by the Complainant, "ESPN" is a unique and distinct word and has acquired distinctiveness and is known to be a trademark owned by the complainant. It has been shown by the complainant that the use of the said mark has been for quite some time and that too for world over. The Complainant has registered domain names

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incorporating the **ESPN** trademark in numerous countries across the world. The complainant has shown the various trademark registration details world over. Although the Respondent has not appeared in these proceeding to present their case, but it is borne out from the records that Respondent has no bonafide or legitimate right over the mark "**ESPN**". Hence the Respondent's action to register the said domain name is not bonafide as he has no right over the mark "ESPN".

Secondly, as the Respondent's action to register the said domain name is not bonafide, therefore the said registration is done in bad faith. Neither the Respondent is associated as an individual, business or organization with the name "**ESPN**" nor the complainant has authorized in any way the use of the trademark "**ESPN**". Therefore the Respondent has no legitimate right over the said domain name.

Considering the facts and circumstances of the present matter and taking view of the precedents in this context, I am of the view that the complainant has proprietary right over the mark "**ESPN**". Under the facts and circumstances and on perusal of the records, I deem it fit and proper to allow the prayer of the Complainant in its favour and direct the Registry to transfer the said domain name i.e. < www.espn.in > in favour of the complainant.

Parties to bear their costs.


(NIKILESH RAMACHANDRAN)
ARBITRATOR

Dated: 21st JANUARY 2015.