



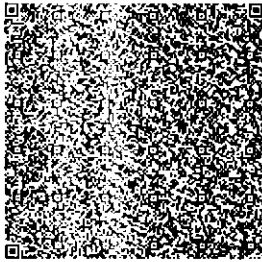
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL29951914171351N
Certificate Issued Date : 17-Jul-2015 12:03 PM
Account Reference : IMPACC (IV)/ dl856503/ DELHI/ DL-DLH
Unique Doc. Reference : SUBIN-DL85650357323921172415N
Purchased by : LUCY RANA
Description of Document : Article Others
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : LUCY RANA
Second Party : Not Applicable
Stamp Duty Paid By : LUCY RANA
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



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**BEFORE THE SOLE ARBITRATOR UNDER .IN DISPUTE RESOLUTION POLICY
(Appointed by .IN Registry - National Internet Exchange of India)**

ARBITRATION AWARD

Disputed Domain Name: <euronews.in>

**IN THE MATTER OF:
EURONEWS SA.
60, Chemin des Mouilles
69131 Ecully
France**

Complainant

Versus

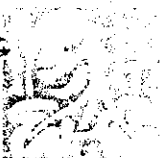
**WAPITAL
16 rue de la Ville- 1 Eveque
75008 Paris
France**

Respondent

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.

L. Rana



1. **The Parties:**

The Complainant in this arbitration proceeding is Euronews SA of the address 60, Chemin des Mouilles, 69131 Ecully, France.

The Respondent in this arbitration proceeding is Wapital of the address 16 rue de la Ville- 1 Eveque, 750008 Paris, France.

2. **The Domain Name, Registrar and Registrant:**

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <euronews.in> with the .IN Registry. The Registrant in the present matter is Wapital and the Registrar is Netlynx Technologies Pvt. Ltd.

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).

NIXI vide its email dated June 08, 2015 appointed Mrs. Lucy Rana as the Sole Arbitrator in the matter. The Arbitrator submitted the statement of acceptance and declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure on the same date.

The Arbitrator received the Complaint dated May 12, 2015, from NIXI on June 15, 2015.

In accordance with Rules 2(a) and 4(a), NIXI vide email dated June 15, 2015, notified the Respondent of the filing of the Complaint and the appointment of the Arbitrator for adjudicating upon the disputed domain name <euronews.in>, thereby granting the Respondent a time period of **14 days (Fourteen Days)** from the receipt of the notice to file its response to the Complaint in both hard as well as soft copy.

In the meantime, the Arbitrator received an intimation from NIXI on June 19, 2015, informing about the delivery failure of the hard copy of the complaint as sent to the Respondent vide courier due to incorrect mailing address.

Therefore, the Arbitrator vide email dated June 22, 2015, directed the Complainant to provide the correct address of the Respondent as well as forward a copy of the complaint along with annexures to the Respondent vide email to avoid any further delay. Also the Arbitrator vide the aforesaid email dated June 22, 2015, directed the Respondent to file its reply to complaint within 10 days either from the date of receipt of the said email or the soft copy of the complaint, whichever is later.

Lucy Rana

On the same date a reply was received from the Complainant stating that contact details set out in the complaint are exactly those provided to NIXI by the Respondent. Further an email was also sent to NIXI forwarding the contact details provided by the Complainant. It was notified that the Respondent is granted ten (10) days' time to file its reply either from the date of receipt of the Arbitrator's email dated June 22, 2015, or receipt of the soft copy of the complaint along with annexures.

The Complainant forwarded the soft copy of the complaint along with annexures vide email dated June 22, 2015, to the Respondent, with a copy marked to NIXI and the Arbitrator. Therefore, the time period given to the Respondent to file a reply to the complaint was extended till July 02, 2015 i.e., period of 10 days from June 22, 2015.

The Arbitrator vide email dated June 25, 2015, acknowledged that the Complainant as directed has duly serviced the soft copy of the complaint along with annexures upon the Respondent and thereby stated that the reason for delivery failure of the hard copy of the complaint is due to the incorrect details provided by the Registry in the WHOIS details. The Arbitrator thereby directed the Respondent to provide its contact details. Thereafter, the Respondent vide email dated June 25, 2015 acknowledged receipt of all emails regarding <euronews.in> dispute and that the address given in the WHOIS database is correct.

The Respondent sent an email dated July 02, 2015, informing that sufficient time has not been granted to file a reply to the complaint and that the Complainant has tried to influence the Arbitrator's decision. The Respondent answered the complaint. It was also stated that the Complainant does not have any registered trademark in India and even if there is a registration then the same can be challenged. The domain <euronews.in> was registered in September 2008 and there was neither absence of legitimate interest nor any bad faith. It was requested that the Arbitrator decline the transfer of domain name. The Arbitrator vide its email dated July 03, 2015, confirmed receipt of the email and granted a time period of **10 (ten) days** to the Complainant to file a rejoinder to the reply of the Respondent (if any).

Thereafter, the Complainant vide its email dated July 13, 2015, informed that the original submissions made by them in their complaint dated May 12, 2015, be regarded as sufficient.

4. Factual Background

- i. The Complainant has submitted in its complaint that **EURONEWS** is one of the worlds most widely broadcasted and international news channel. Since its creation in 1992, it has acquired and constantly developed goodwill and notoriety worldwide in the term **EURONEWS** which corresponds to its company name, its brand, its logo and its trademarks. The Complainant's






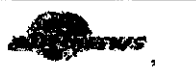
channel **EURONEWS** is available via cable, digital satellite and terrestrial channel, in 422 households and 158 countries worldwide. Further the Complainant's news channel which is multilingual and broadcasted in 13 languages has acquired a considerable goodwill and renown worldwide.

- ii. The Complainant has submitted that its website www.euronews.com, attracts very substantial traffic (for instance, 5.7 million unique browsers in January 2014).
- iii. The Complainant further submitted that **EURONEWS** enjoys explosive popularity worldwide, including in France, where its headquarters are based and its channel is well known and available to over 27.6 million households in France. The Complainant has annexed copies of sample news articles from major French, Indian and international newspapers reporting on **EURONEWS'** launch and its presence in India. The Complainant claims that it has developed a strong presence in India and has acquired considerable reputation and goodwill, with 1.5 million webpage views in 2014 alone.
- iv. It is alleged that the Complainant has made substantial investments to develop a strong presence online by being active on the different social media forums. The trademark **EURONEWS** is famous around the world. The Complainant also devotes significant resources to the protection of its **EURONEWS** trademarks in different forums.
- v. The Complainant has provided a list of domain names consisting of the term **EURONEWS**, since 1996 and has also attached copies of WHOIS records of the domain names such as <euronews.com>, <euronews.aisa>, <euronews.ae>, <euronews.fr>, <euronews.co.in>, <euronews.co.uk>, <euronews.tv> etc.
- vi. The Complainant also has a strong presence online on social media forums available, such as Google+, Facebook, Twitter, YouTube and LinkedIn, through dedicated **EURONEWS** pages and has also annexed screen captures of **EURONEWS** social media websites.
- vii. The Complainant submits that it has secured ownership of numerous trademark rights in the term **EURONEWS** in various jurisdictions in the world including in France, the Country where the Respondent is based and has also attached copies of trademark registrations, vide Annexure 14, (copied below) all of which predate the registration date of the domain name <euronews.in>.

viii.

French Trademark				
S. No.	Trademark	Trademark No.	Registration Date	Class

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1.		1483353	August 17, 1988	16, 41
2.		98729455	April 21, 1998	9, 16, 35, 38, 41
3.	EURONEWS	3077279	January 18, 2001	9, 16, 35, 38, 41
International Trademark				
4.		534139	January 23, 1989	16, 41
5.		688672	November 6, 1997	16, 38,, 41
6.	EURONEWS	767011	July 17, 2001	9, 16, 35, 38, 41
U.S. Trademark				
7.	EURONEWS	2758033	September 02, 2003	35, 38, 41

- ix. The Complainant has further referred to the domain dispute case i.e., *Euronews SA v. Domain Manager, WIPO Case No. D2011-1422 <euronewsradio.com>*, wherein the Complainant's **EURONEWS** trademarks, company name and website are acknowledged as globally famous.
- x. The Complainant was alerted to the fact that its trademark and company name **EURONEWS** is registered under the .IN country code Top Level Domain (ccTLD) by Respondent (Wapital owned by Antoine and Mathieu Samakh) on September 04, 2008. However, the domain has been retained passively and abusively, and is not pointing to any website.
- xi. The Complainant also alleges that the Respondent is the Registrant of almost 3,000 domain names, including domain names clearly infringing well known third party brands, mainly French trademarks such as <blacklabel.fr>, <Carrefour.fr> etc. WHOIS records of the domain names have also been attached. The Respondent was also registrant of several other well-known domain names such as <muse-du-louvre>, <20-minutes.fr>, <bank-of-china.in> etc.
- xii. The Complainant has further submitted that on August 27, 2014, their lawyer sent a cease and desist letter in French by registered post and email to the Respondent requesting to, inter alia, immediately cease all use of the Complainant's **EURONEWS** trademark, in the domain name or otherwise and to transfer the domain name to the Complainant.
- xiii. On September 05, 2014 the Respondent replied to the Complainant's letter refusing to transfer the domain <euronews.in>.

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- xiv. Due to the blatant abusive registration made by the Respondent of the Domain Name, who was well aware of the Complainant's rights at the time of registration, the Complainant had no choice but to file the present complaint in order to request the transfer of the Domain Name under the .IN Policy to protect its legitimate business, interests and rights and importantly to protect consumers from being misled as to the source of the website to which the Domain Name points.

5. **Parties Contentions:**

I. **Submissions on behalf of the Complainant:**

(a) **The disputed Domain Name is identical or confusingly similar to the marks of the Complainant (Paragraph 4(i) of the .IN Policy)**

The Complainant has submitted that they have established their rights in the term **EURONEWS**. The domain name <euronews.in> is identical to and incorporates the Complainant's trademark **EURONEWS** in its entirety. The Complainant has referred to decisions of prior panels under the INDRP such as *AB Electrolux v. Gaogau of Yerec, INDRP/630 <Zanussi.in>*, *Wal-mart Store, Inc. v. Ambra Berthiaume, INDRP/491, <Walmart.in>* etc., wherein it was held that if the disputed domain name wholly incorporates a complainant's trademark it leads to confusion amongst general public.

The Complainant has also submitted that as per Paragraph 4 (i) of the .IN Policy a Complainant is only required to prove trademark rights in a name that is identical or confusingly similar to the disputed domain name and there is no specific requirement to have a registered trademark in India. The Complainant has also cited various *INDRP cases such as INDRP/574 (starcirclips.in>*; *INDRP/601, <anthropologie.in>*; *INDRP/616, <parajumpers.in>* wherein the panels have found that a Complainant can succeed without trademark registrations in India, especially when the trademark at issue is used in India, globally well-known and registered in many jurisdictions. The Complainant has also referred to cases such as *LEGO Juris A/S v. Robert Martin INDRP/125*; *AB Electrolux v. Gaogau of Yerec, INDRP/630*, wherein it has been discussed that a suffix, such as .IN, is immaterial when assessing whether a domain name is identical or confusingly similar to a Complainant's trademark.

(b) **The Respondent has no rights or legitimate interests in respect of the Domain Name (Paragraph 4 (ii) and Paragraph 7 of the .IN Policy)**

The Complainant submits that the Respondent has no rights or legitimate interests in the Domain Name and further goes on to submit that numerous

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panels have found under the .IN Policy and the UDRP that “once the Complainant makes a prima facie showing that the Registrant does not have rights or legitimate interests in the domain name, the evidentiary burden shifts to the Registrant to rebut the showing by providing evidence of its rights or interests in the domain and has referred to decisions passed by WIPO in *The Vanguard Group, Inc. v. Lorna Kang Wipo Case No. D2002-1064* and *HSBC Holdings plc v. Hooman Esmail Zadeh INDRP/032*.

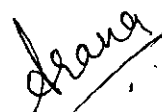
The Complainant asserts that:

- Respondent is unable to invoke any of the circumstances set out in Paragraph 7 of the .IN Policy, in order to demonstrate rights or legitimate interests in the Domain Name.
- Respondent is not authorized, licensed or otherwise allowed to make any use of its **EURONEWS** trademark.
- Respondent is not using the Domain Name in connection with a bonafide offering of goods or services in accordance with Paragraph 7 (i) of the .IN Policy, as the domain name is not pointing and appears to have been inactive since it was registered.
- Respondent cannot conceivably assert that it is commonly known by the term **EURONEWS** in accordance with Paragraph 7(ii) of the .IN Policy, and has not secured or even sought to secure any trademark rights in the term.
- Respondent is currently not making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain or misleadingly divert consumers or to tarnish the trademark or service mark at issue, in accordance with paragraph 7(iii) of the .IN Policy.
- Respondent seeks to somehow profit from the Complainant’s goodwill in the term Euronews and misappropriate what is the unique and only domain name corresponding to the Complainant’s well known trademark under the .IN ccTLD.

The Complainant has submitted that failure to use the Domain name can only be interpreted in the circumstances of this case as strong indication of the Respondents lack of rights or legitimate interest in the domain name and of the fact that the Respondent is simply retaining the domain name passively and abusively as it is well aware of the Complainant and its globally famous trademark **EURONEWS**.

(c) **The Domain Name was registered or is being used in bad-faith. (Paragraph 4 (iii) and Paragraph 6 of the .IN Policy)**

The Complainant’s trademark **EURONEWS** is highly distinctive and has acquired considerable renown and goodwill, therefore, it is inconceivable for

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the Respondent who is also based in France, to argue that it was unaware of the Complainant and its rights at the time of registration of the domain name in 2008.

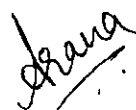
The Complainant states that the Respondent registered the domain in India in bad faith seeking to somehow profit from the Complainant's goodwill and renown. The Respondent is preventing the Complainant from reflecting its well-known trademark **EURONEWS** in the corresponding .IN country code extension for India. The Complainant reiterates that the Respondent is the Registrant of almost 3000 domain names, including domain names infringing well known third party brands, such as <blacklabel.fr>, <Carrefour.fr>, <muse-du-louvre.com>, <20-minutes.fr>, <bank-of-china.in> etc. The Complainant states that the Respondent has registered the domain <euronews.in> with the intention of selling the domain name to the Complainant.

The Complainant submits that by using the domain name the Respondent is intentionally attempting to attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the websites, in accordance with paragraph 6(iii) of the .IN Policy.

The Complainant states that the domain name does not resolve to an active website but rather is being passively held by the Respondent does not prevent the finding of a bad faith and refers to the decision in the case *Telstra Corporation Ltd v. Nuclear Marshmallows*, WIPO Case No. D2000-0003 wherein it has been held that the concept of domain name being used in 'bad faith' is not limited to positive action; inaction is within the concept.

The Complainant further states that the domain name is merely being retained passively and abusively by the Respondent and the Complainant has no control over the future content of the website which could be used to deceive, mislead or otherwise abuse the trust of internet users. Further it is simply not possible to conceive of any plausible actual or contemplated use of the domain name by the Respondent that would be in good faith, as it would inevitably create a false association with the Complainant and would result in taking an unfair advantage of the Complainant's rights.

The Complainant states that the Respondent has provided partially incorrect WHOIS data as the telephone number provided therein is not valid and has referred to *The Prudential Assurance Company Limited v. Osaro Godwin*, WIPO case no. D2005-0934 wherein it has been held that "a further indication of the Respondent's bad faith is that the WHOIS details, including his address and telephone number, that he provided to the Registrar are false. The use of

A handwritten signature in black ink, appearing to read "Arava", is located at the bottom right of the page.

false contact information in the Respondent's initial registration application is evidence that the Respondent registered the domain name in bad faith.

Laches

The Complainant states that the domain name was registered in 2008 and refers to WIPO Overview 2.0, which provides that such delay does not prevent a complaint from succeeding under the UDRP Policy and has also referred to cases decided by NIXI and WIPO such as *Google Inc. v. Trillion Pay Ltd.*, INDRP/142; *The Hebrew University of Jerusalem v. Alberta Hot Rods*, WIPO Case No. D2002-0616, wherein it has been held INDRP Policy or UDRP Policy does not prescribe any time limit for making complaint in the case of infringement of domain name.

The Complainant has filed the present Complaint stating that registration of domain name <euronews.in> be cancelled and the domain be transferred to the Complainant. The Complainant has further requested that the costs of the present proceeding be awarded to them.

II. Submissions on behalf of the Respondent:

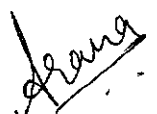
The Respondent in his reply dated July 02, 2015, has alleged that the Complainant tried to claim the domain in France and after receiving the reply from them stating that the trademark and applicable law invoked by Euronews is French which does not apply to a domain name targeting Indian public, the Complainant decided to file a complaint under the rules of INDRP.

The Respondent has further submitted that the Complainant do not have any registered trademark in India that would justify a prior right to the registration of the domain <euronews.in> which targets the public in India.

The Respondent has also questioned the validity of the trademark "EURONEWS" (if any) by virtue of it being generic and has also quoted article 16 of the Agreement on Trade-Related Intellectual Property Rights which discusses that in absence of any 'use', there cannot be any confusion between the trademarks that are identical and similar to each other.

The Respondent has further alleged that the domain <euronews.in> was registered on September 04, 2008, without any complaint from the Complainant which shows his poor interest in the Indian market as well as the domain name <euronews.in>.

The Respondent has alleged that the various INDRP and UDRP decisions cited in the complaint do not apply to the present case and has asserted that several decisions may be referred to that support the Respondent's case.



The Respondent has further submitted that WAPITAL is a web and communication agency that manages domains for customers and the domain names registered by WAPITAL are generic terms that do not constitute trademarks infringement.

The Respondent has also clarified that the WHOIS contact details as provided for the domain <euronews.in> are correct except for the telephone no. which is incorrect in order to prevent the spammers and companies from disturbing the Respondent.

In conclusion, the Respondent has stated that the Complainant has neither proved any ground of confusion, nor proved the absence of legitimate interest of the Respondent nor any bad faith on his part.

The Respondent has requested that the Arbitrator decline the transfer of the domain name <euronews.in> to the Complainant.

6. Discussion and Findings:

In the present circumstances, the decision of the Arbitrator is based upon the Complainant's contentions and evidence adduced as well as conclusion drawn from the Respondent's reply.

Having gone through the Complaint and annexures filed along with, the Arbitrator is of the view that the Complainant has satisfied all three conditions as outlined in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, i.e.:-

- i. The Registrant's domain name is identical and confusingly similar to a name, trademark or service mark in which the Complainant has rights;
- ii. The Registrant has no rights and legitimate interests in respect of the domain name;
- iii. The Registrant's domain name has been registered or is being used in bad faith.

i. The Domain Name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights (paragraph 4 (i) of .IN Domain Name Dispute Resolution Policy)

The Complainant has secured ownership of numerous trademarks for EURONEWS and has annexed copies of trademark registrations for the name/mark EURONEWS along with the Complaint. All the trademark registrations predate the registration date of the domain name <euronews.in>.

The Complainant has referred to decisions of arbitrators in domain dispute cases before NIXI namely *LEGO Juris A/S v. Robert Martin INDRP/125; AB*

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Electrolux v. Gaogau of Yerec, INDRP/630, wherein it has been held that the fact that the mark has been registered in several other countries across the world, and is internationally renowned is sufficient to prove that Complainants have trademark and common law usage in the mark.

The Respondent's domain name <euronews.in> is identical to the Complainant's **EURONEWS** trademark in which the Complainant has rights.


Based on the facts stated by the Complainant and decisions of the various panels in INDRP cases such as *Sony Ericsson Mobile Communications AB v. Chen Shenglu <sonyericsson.co.in> INDRP/015*, *McAfee Inc. v. Chen Shenglu <mcafee.co.in>, INDRP/029* the Arbitrator is of the view that the proprietary interests in a trademark/service mark, are not acquired merely on account of registration in India but on account of priority of adoption, use and even on account of trans border reputation spilling over to India. There is sufficient material on record to establish the rights of the Complainant in the trademark EURONEWS.

Therefore, the disputed domain name <euronews.in> is identical/confusingly similar to the trademark of the Complainant. The Complainant has satisfied the requirement paragraph 4(i) of the .IN Domain Name Dispute Resolution Policy.

ii. **The Registrant has no rights and legitimate interests in respect of the domain name (Paragraph 4 (ii); paragraph 7 of .IN Domain Name Dispute Resolution Policy)**

The Complainant asserts that the Respondent has no rights or legitimate interests in the impugned domain name. The Complainant has not authorized, licensed or otherwise allowed the Respondent to make any use of its **EURONEWS** trademark. The Respondent is not operating any website on the domain www.euronews.in. Therefore, it cannot be asserted that it has made any non-commercial or fair use of the domain name <euronews.in>. The Respondent also cannot possibly assert that they are commonly known by the term **EURONEWS** and has not secured or even sought to secure any trademark rights in the term as also held in *Six Continents Hotels, Inc. v. The Hotel Crown, INDRP/151, <crowneplaza.in>*

Once a complainant makes a prima facie case showing that a Respondent lacks rights to the domain name at issue, the Respondent must come forward with the proof that it has some legitimate interest in the domain name to rebut this presumption. Therefore, the evidentiary burden has shifted on the Respondent to rebut the contentions of the Complainant by providing evidence of its rights or interests in the domain name as also held in *Luxoticca Holdings Corp v. Lokesh Morade, INDRP/139 <sunglasshut.in>*. The Respondent has not provided



sufficient evidence in its reply to establish its rights or interests in the disputed domain name <euronews.in>.

In view of the aforesaid, the Arbitrator accepts the Complainant's claim that the Respondent is not authorized, licensed or permitted to use its trademark **EURONEWS** and therefore, the Respondent has no rights or legitimate interests in the domain name <euronews.in> and the conditions under paragraph 4 (ii) and paragraph 7 of the .IN Domain Name Dispute Resolution Policy, have been satisfied.

iii. The Domain Name was registered or is being used in bad faith (Paragraph 4 (iii) and paragraph 6 of the .IN Policy)

The Respondent is not operating any website on the domain <euronews.in> and therefore, cannot claim that he is making fair and non-commercial use of the domain. Respondent's registration of the domain <euronews.in> is likely to confuse consumers and mislead internet users, which is prima facie preferred format of cyber squatters, in order to sell or otherwise transfer the domain name registration to the Complainant, (for valuable consideration) who is the owner and proprietor of the trademark.

The Arbitrator finds that the Respondent by registering the domain <euronews.in> is preventing the Complainant from reflecting its well-known **EURONEWS** trademark in the corresponding .IN country code extension in India. The Complainant has already proved that its trademark **EURONEWS** is well-known, therefore, subsequent registration of the domain name <euronews.in> by the Respondent is in bad faith, with full knowledge of the Complainant's trademark and with the deliberate intention of taking advantage of the Complainant's rights in the term **EURONEWS**.

Further as per the WhoIs records submitted by the Complainant of some of the domain names registered by the Respondent, it has been noted that the Respondent has indeed registered several domain names, including domain names clearly infringing well known third party brands, mainly French trademarks such as <blacklabel.fr>, <Carrefour.tv>, <muse-du-louvre.com>, <20-minutes.fr>, <bank-of-china.in>. Therefore, it seems that the Respondent has engaged in a pattern of conduct of registering domain names reproducing trademarks of third parties, thus evidencing bad faith as also held in *L'OREAL v. Yerect International* <kerastase.co.in> INDRP/481)

In view thereof, the Arbitrator concludes the Complainant has proved the requirements under Paragraph 4 (iii) and paragraph 6 of the .IN Dispute Resolution Policy).

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Laches

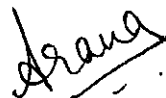
The preliminary objection raised by the Respondent in its reply dated July 02, 2015, is that the domain name <euronews.in> was registered in September 2008 i.e., 7 years ago, without any complaint from the Complainant. The Complainant has not given any explanation on why he didn't act before, to show his interest in the India market and the domain <euronews.in>.

The Arbitrator comes to the conclusion that mere passage of time does not give to the Respondent a right over any trademark. A mere delay in filing a complaint before INDRP or any other dispute resolution body does not lead to forfeiture of rights that the Complainant would otherwise have which has been upheld by a plethora of cases such as *3 M Company v. Mr. Gopinath Goswami <tegarderm.in>*, INDRP/563; *3 M Company v. Mr. Gopinath Goswami <ioban.in>* INDRP/566, *Wockhardt Limited v. Koshire Tarachandani <wockhardt.in>*, INDRP/382. If all the requirements of a valid complaint under INDRP have been established then it is unnecessary to delve into the question of delay or laches. Further, there is no evidence to show that the Complainant unreasonably delayed filing of complaint after the date of first knowledge about the disputed domain name. In the present case, the Complainant sent the cease and desist letter to the Respondent in August 2014 and the complaint was filed in May 2015. Hence, neither delay nor laches can be attributed to the Complainant.

7. Decision:

Considering the facts and circumstances and further relying on the documents as annexed with the complaint, the Arbitrator is of the view that Complainant has proprietary rights over the trademark **EURONEWS**. The disputed domain name <euronews.in> is identical and confusingly similar to the trademark of the Complainant. The Complainant has proved to the satisfaction of the Arbitrator that the Respondent has no right or legitimate interest to use the aforesaid domain name and the said domain name has been registered and used in bad faith.

The Arbitrator therefore allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <euronews.in> to the Complainant. The Award is accordingly passed and the parties are directed to bear their own costs.



Lucy Rana
Sole Arbitrator

Date: July 31, 2015
Place: New Delhi, India