



सत्यमेव जयते

INDIA NON JUDICIAL  
Government of Tamil Nadu

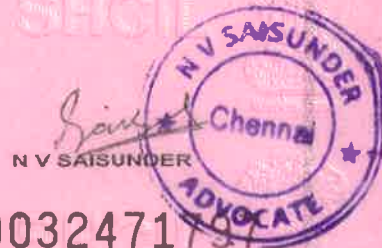
e-Stamp

Certificate No. : IN-TN64957966289574X  
Certificate Issued Date : 19-Feb-2025 05:16 PM  
Account Reference : SHCIL (FI)/ Inshcil01/ Saidapet-SRO/ TN-CS  
Unique Doc. Reference : SUBIN-TNTNSHCIL0103652656453325X  
Purchased by : SAISUNDER N V  
Description of Document : Article 12 Award  
Property Description : NA  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : SAISUNDER N V  
Second Party : SAISUNDER N V  
Stamp Duty Paid By : SAISUNDER N V  
Stamp Duty Amount(Rs.) : 200  
(Two Hundred only)



Please write or type below this line

**NV SAISUNDER - SOLE ARBITRATOR**  
**.IN REGISTRY- INTERNET EXCHANGE OF INDIA**  
**INDRP CASE NUMBER: 1951**  
**DISPUTED DOMAIN NAME: <ziprecruiterindia.in>**



EIF 0032471

Statutory Alerts

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2. Any discrepancy in the details on this Certificate and as available on the Website / Mobile App renders it invalid.
3. This duty of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

**IN THE MATTER OF ARBITRATION BETWEEN:**

**ZipRecruiter, Inc.**

604 Arizona Avenue,  
Santa Monica,  
CA 90401  
United States

..... **Complainant**

Versus

**Zip Recruiter India**

Zip Recruiter  
C57/271 Tamilnadu  
Hyderabad  
Tamil nadu- 600001  
India

..... **Respondent**

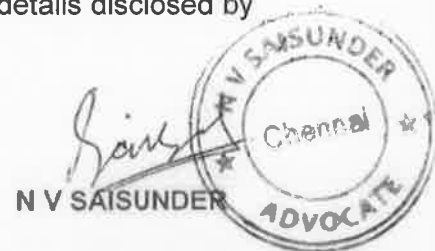
**ARBITRATION AWARD**

**DATED: 25/02/2025**

**1. PARTIES:**

The Complainant in this proceeding is ZipRecruiter, Inc, company incorporated under the laws of the United States of America, having its registered office of 604 Arizona Avenue, Santa Monica, CA 90401 United States of America. The Complainant is represented by Safenames Ltd, Safenames House, Sunrise Parkway, Linford Wood, Milton Keynes, MK14 6LS, United Kingdom.

The Respondent in this proceeding is Zip Recruiter India, Zip Recruiter, C57/271 Tamilnadu Hyderabad Tamil nadu- 600001, India as per the WHOIS details disclosed by NIXI.



**2. DOMAIN NAME AND REGISTRAR:**

The disputed domain name <ziprecruiterindia.in> is registered with GoDaddy, LLC.

**3. PROCEDURAL HISTORY:**

The Statement of Acceptance and Declaration of Impartiality was submitted by me on 20<sup>th</sup> January 2025, as required by NIXI and the copy of amended complaint along with Annexures were served to Arbitrator on 24<sup>th</sup> January 2025. In accordance with Rules 3 and 5(b), NIXI appointed me as the sole arbitrator for deciding on the complaint filed in respect of the disputed domain name on 24<sup>th</sup> January 2025 to arbitrate the dispute between the Parties in accordance with the Arbitration and Conciliation Act 1996 and accordingly notified the Parties of the appointment of the Arbitrator on 24<sup>th</sup> January 2025. In accordance with Rule 5(c), the notice to the Respondent was issued on 24<sup>th</sup> January 2025 by the Arbitrator and the Respondent was called upon to submit their response, if any within 10 (ten) days from the date of issue of the notice, which ended on 3<sup>rd</sup> February 2025. The Respondent did not file any response within the said date and nor has this panel received any response even as on the date of this award viz., 25<sup>th</sup> February 2025. Further, the Arbitrator did not receive any delivery failure notification from the Respondent's email id and hence the complaint is deemed to be served. Therefore the complaint is decided *ex-parte* solely based on the materials and evidence placed before the Arbitrator.

**4. FACTUAL BACKGROUND:**

The Complainant Claims to be a well-known American online recruitment company, providing services for both individuals and commercial entities and that it attracts more than seven million active job seekers and 10,000 new companies each month, and has over 40 million job alert email subscribers. Since its inception in 2010, the Complainant states that it has served more than one million employers and 120 million job seekers. The Complainant has been recognised in its industry and has received various awards and accolades in this regard.

The Complainant is the registered proprietor of the mark "ZIPRECRUITER" across numerous jurisdictions and, by way of example, includes the following registrations in



India, the United States, European Union, United Kingdom, and Canada, details of which are given below:

Trademark	Country	Registration Number	Registration Date	Classes Covered
ZIPRECRUITER	India	4441120	14-02-2020	42
ZIPRECRUITER	United States	3934310	22-03-2011	42
ZIPRECRUITER	European Union	015070873	13-06-2016	9,36,41,42
ZIPRECRUITER	United Kingdom	UK00915070873	13-06-2016	9,36,41,42
ZIPRECRUITER	United Kingdom	UK00915070881	13-06-2016	9,36,41,42
ZIPRECRUITER	United Kingdom	UK00915644041	04-11-2016	9,36,41,42
ZIPRECRUITER	Canada	TMA979480	28-08-2017	9,41,42

The Complainant claims to have been using the trademark continuously and extensively and from the evidences of various trademark certificates and application details it can be gathered that the earliest usage claim of the mark "ziprecruiter" is from 2010.

The Complainant claims to have significant international presence in India and is the owner of the domain "ziprecruiter.in" which has received an average of 172.8 thousand visits per month between July and September 2024. The Complainant claims to be advertising more than 97,000 job opportunities to its India-based customers and on behalf of its India-based recruiters. The Complainant also is the holder of various domains including <ziprecruiter.com>, <ziprecruiter.co.uk>, <ziprecruiter.co.nz>, <ziprecruiter.us> etc. The Complainant also claims to offer mobile application, available on both Google Play that has been downloaded more than five million times on Google Play.

The disputed domain name was registered on 03<sup>rd</sup> September 2024 and resolves to an active site. The Complainant's trademark registrations predate the registration of the disputed domain name. The Complainant submits that the Respondent has not used, nor prepared to use, the Disputed Domain Name in connection with a *bona fide* offering of goods or services.



From the whois details disclosed, the Respondent appears to be Ziprecruiter India.

5. PARTIES CONTENTIONS:

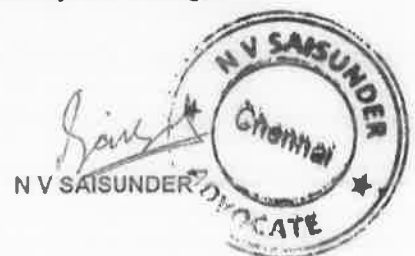
A. Complainant:

The Complainant has contended that all three elements of the INDRP is applicable to the present case.

The Complainant holds proprietary rights over the trademark "ZIPRECRUITER" over numerous jurisdictions, including India. The Complainant submits that it satisfies the identity/confusing similarity requirement of the first INDRP element. The Disputed Domain Name incorporates the Complainant's ZIPRECRUITER mark in its entirety, with the addition of the geographical identifier 'India'. The Complainant has relied on other '.in' arbitrator decisions, like *Zippo Manufacturing Company Inc. v. Zhaxia, Case No. INDRP/840*, to substantiate that the full incorporation of a complainant's trademark in a disputed domain name is sufficient for a finding of identity/confusing similarity.

The Complainant also relies on the recognition it has acquired through its use of the ZIPRECRUITER mark prior to the Disputed Domain Name's registration date. The Complainant claims that the Respondent is capitalising on the goodwill of the ZIPRECRUITER mark by attracting India-based Internet users to its own site for the purposes of deriving commercial gains which does not amount to bonafide offering of goods and services.

The use of a Disputed Domain Name that comprises the Complainant's trademark with the addition of the geographical indicator where the Complainant operates, in order to host a site that passes off as the Complainant, for a period, its logo and offerings identical services is inherently bad faith behaviour. The Complainant submits that the Respondent has clearly registered and used the Disputed Domain Name in order to target and commercially capitalise on the renown attached to the Complainant's distinctive and protected ZIPRECRUITER mark, thereby indicating bad faith registration and use.



**B. Respondent:**

The Respondent did not file any response to the submissions of the Complainant.

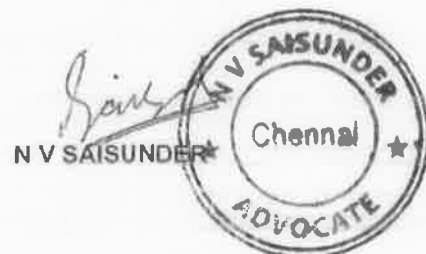
**6. DISCUSSION AND FINDINGS:**

Under the INDRP, the following three elements are required to be established by the complainant in order to obtain the remedy of transfer of the disputed domain name to the complainant:

- (i) The disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and,
- (ii) The Respondent lacks rights or legitimate interests in respect of the disputed domain name; and
- (iii) The disputed domain name has been registered or is being used in bad faith.

**A. Identical or confusingly similar:**

The Disputed Domain Name incorporates the Complainant's "ziprecruiter" mark in its entirety. It is well accepted principle that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Disputed Domain Name. The Complainant has submitted evidence of its trademark registrations that establish that the Complainant has statutory rights in the mark for the purpose of policy and specifically also holds registration in India, the country where the Respondent is operating out of. The well-known trade mark of the Complainant has been reproduced within the Disputed Domain Name "ziprecruiterindia.in". The disputed domain name plainly contains the Complainant's ZIPRECRUITER trademark, in addition to the word "India" and this addition of geographical location (and the ccTLD extension ".in") does absolutely nothing to preclude a finding of confusing similarity. In support of these findings the Panel relies on *Advanced Magazine Publishers Inc. d/b/a Conde Nast Publications v. MSA, Inc. and Moniker Privacy Services*, WIPO Case No. D2007-1743 and also *Advanced Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen* (Case No. D2014-0657).



The Disputed Domain Name is accordingly found to be identical or confusingly similar to the Complainant's mark. The Complainant has successfully fulfilled the first element under paragraph 4(a) of the Policy, that the Disputed Domain Name is identical or confusingly similar to a mark in which the Complainant has rights.

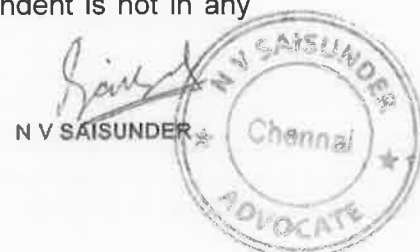
**B. Rights or Legitimate interest**

Paragraph 6 of the Policy provides a list of circumstances in which the registrant of a domain name may demonstrate rights or legitimate interests in a disputed domain name. While the overall burden of proof in the proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production 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 Panel finds the following from the records before it:

- a. The Respondent does not appear to engage in any legitimate non-commercial or fair use of the Disputed Domain Name, nor any use in connection with a *bona fide* offering of goods or services. In fact the Panel has reasonable grounds to believe that the Respondent has made a commercial use of the Disputed Domain Name, with the intent for commercial gain to misleadingly divert consumers and to unlawfully enrich itself.
- b. the Respondent has not been commonly known by the Disputed Domain Name.
- c. the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Disputed Domain Name.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Complainant has confirmed that the Respondent is not in any





way affiliated with the Complainant or otherwise authorized or licensed to use the ZIPRECRUITER trade mark or to seek registration of any domain name incorporating the ZIPRECRUITER trade mark. The Complainant has established that when the Complainant issued a cease and desist notification on 25th September 2024 for the second time, the Disputed Domain Name had resolved to an impersonation website that purports to offer services identical to the Complainant's job recruitment services under the Complainant's guise whereby ZIPRECRUITER mark and logo were used as is. It is clear from the composition of the Disputed Domain Name that the Respondent is capitalising on the goodwill of the ZIPRECRUITER mark by attracting India-based Internet users to its own site for the purposes of deriving commercial gain and thereby the same cannot be construed as legitimate interest in the Disputed Domain.

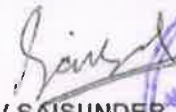

The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name.

In the light of the facts and circumstances discussed, it is accordingly found that the Complainant has made out a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name. The second element under paragraph 4(b) of the Policy has been met by the Complainant.

**C. Registered and/or used in bad faith:**

The Panel notes that, for the purposes of paragraph 4(c) of the Policy, paragraph 7 of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The trademark registrations of the Complainant pre-date the creation date of the disputed domain name and that the trademark ZIPRECRUITER of the Complainant has acquired substantial recognition through the various publicity and marketing efforts of the Complainant which is also evidenced through the awards and recognition of the Complainant. The Panel is of the opinion that the Respondent ought to have been

  
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aware of the Complainant's trademark registrations and rights to the ZIPRECRUITER mark when it registered the Disputed Domain Name. Accordingly, in Panel's view the bad faith is evidently established and hence its very use by the Respondent with no connection to the trademark suggests opportunistic bad faith.

The Panel accepts that the Complainant and its ZIPRECRUITER trade mark has gained sufficient fame and social media presence since its inception. The Respondent's knowledge of the ZIPRECRUITER mark is particularly obvious, given its publicity, the number of users it has gathered since the launch of the company in 2010, the footfalls on the official webpage and the Respondent's use of the Disputed Domain Name to offer similar services giving the false impression that the Respondent is affiliated with the Complainant.

The fact that the Respondent not only chose to ignore the Cease and Desist letter notifications submitted by the Complainant's representatives on the 18th and 25th September 2024 but proceeded to use the Disputed Domain Name to host an impersonation website offering services identical to the Complainant containing the ZIPRECRUITER trademark and logo exacerbates the finding of bad faith. The Panel also takes note of the Respondent's attempts to collect sensitive information to an alleged "*Application Form*", as well as in the login, registration, and consultation processes and QR codes appearing to be scanned for pay for their services. The Panel believes that the Disputed Domain Name which contains the Complainant's registered mark in entirety, could deceive the general public to believe that the Disputed Domain Name belongs to the Complainant and that this would, in turn, mislead consumers, divert them to the Disputed Domain Name that does not belong to the Complainant, thereby leading to severe customer grievances and financial losses and this would also consequently tarnish the Complainant's reputation and goodwill garnered in the market. This indeed is a valid concern that cannot be brushed aside, more so owing to the fact that in the recent times there has been an increasing trend of online recruitment, financial scams and frauds where innocent internet users are being duped of their monies, which needs to be nipped in the bud by discouraging blatant cases of cybersquatting being indulged in by third parties as is the case in the instant dispute.

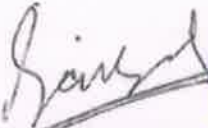

  
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Accordingly, in Panel's view the bad faith is evidently established and hence its very use by the Respondent with no connection to the trademarks suggests opportunistic bad faith.

**7. DECISION:**

In view of the above findings it is ordered that:

- a. The Disputed Domain Name <ziprecruiterindia.in> be transferred to the Complainant.
- b. The Respondent pay the Complainant a sum of INR 2,00,000/- (Indian Rupees Two Lakhs only) towards costs of these proceedings.

  
**N V SAISUNDER** 

**Arbitrator**

**Date: 25<sup>th</sup> February 2025**