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.IN REGISTRY OF INDIA

INDRP CASE No. 2112

IN THE MATTER OF AN ARBITRATION UNDER THE
.IN DOMAIN NAME DISTPUTE RESOLUTION POLICY

THE INDRP RULES OF PROCEDURE AND THE ARBITRATION
AND CONCILIATION ACT- 1996

HYDRAFACIAL LLC

2165 E, SPRING STREET, LONG Beach

California United states of America

Tel;1 5623912087

Email : KFerrin@hydrafacial.com

(Complainant)

V/S.

Monika Battul

102A 47 Bhawani peth ,Solarpur

Maharastra 413002

Tel .No.91. 9850397355

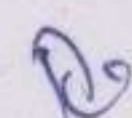
Email

:

monika.shrisis@gmail.com

(Respondent)

A Dispute Relating to the domain name : <hydrafacial.in>



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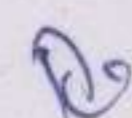


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A- PARTIES TO THE ARBITRATION

1- The complainant is HYDRAFACIAL LLC 2165 SPRING STREET ,LONG BEACH, CALIFORNIA UNITED STATES OF AMERICA, TEL 15623912087

EMAIL: kferrin@hydrafacial.com represented by ADVOCATE RIVA SHAH(Ms)

Advocate & Solicitor, Krishna and Ssaurastri Associates LLP

Email: riva@krishnaandsaurastri.com

info@krishnaandsaurastri.com

2- The Respondent is Mrs. Monika Battul

102 A 47 Bhawani peth Solarpur

Maharashtra 413002

Tel: 91 9850397355

Email: monika.shrisis@gmail.com

B- APPLICABLE LAW AND JURISDICTION

The .IN Domain Name Dispute Resolution Policy

1. The present arbitration policy proceeding is under and in accordance with the

.IN Domain Name Dispute Resolution Policy which was adopted by National Internet Exchange of India(NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a complainant arising out of the registration and use of an .IN Domain name. By registering the domain name www.hydrafacial.in with the NIXI accredited Registrar ,the Respondent has agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The policy

and the .IN domain dispute resolution procedure 2020(the Rules) were approved by NIXI in accordance with Arbitration and Conciliation Act ,1996.

Filing of the Complaint and Constitution of the Arbitral Tribunal.

2. The complainant filed the complaint under the .IN domain name dispute resolution policy against the respondent, seeking transfer of domain name www.hydrafacial.in into the complainant, following which, the .In Registry sought the consent Of Mr. Rajendra Kumar (The under signed), Who is a listed .IN dispute resolution arbitrator under 5 (a) of the rules, to act as arbitrator in the said matter.
3. On 20-04-2026, handing over note of INDRP domain dispute in the matter of www.hydrafacial.in by NIXI.
4. Thereafter the arbitral Tribunal issued the notice of arbitration under 5 (c) of the rules.

C- THE DOMAIN NAME, REGISTRAR AND REGISTRANT

The particulars of the registration of the domain name www.hydrafacial.in

as-

found in the .IN registry database

Domain name : www.hydrafacial.in

This dispute concerns the following domain name: hydrafacial.in

Created on	2025-09-23
Expiration date	2026-09-02
Registrar	Spaceship, Inc
Registrant name	Monika Battul
Registrant state	Maharashtra

Registrant Postal Code 413002
Registrant Country IN
Registrant Phone +91.9850397355

D- Procedural History

- 1- The Sole arbitrator Rajendra kumar was appointed for the INDRP case no. 2112 regarding the complaint instituted against the op under the INDRP on 20-04-2026
- 2- The Service of the notice of arbitration on the respondent was done in accordance the Rule 2(a) of INDRP Rules.
- 3- The respondent was informed through notice and the Respondent replied.

E- COMPLAINANT CONTENTIONS

- 1- THE complainant authorized representative in this arbitration proceeding is KRISHNA & SURASTRI ASSOCIATESS LLP.

Email : riva@krishnaandsaurastri.com

info@krishnaandsaurastri.com

The complainant is hydrafacial LLC of which address is 2165 E, spring street, long

beach, California 90806, United states of America

Email : kferrin@hydrafacial.com

- 2- **This dispute concerns the following name: hydrafacial.in**

Created on: 2025-09-23

Expiration date: 2026-09-02

Registrar: Spaceship. Inc.

Registrant name: Monika Battul

Registrant State: Maharashtra
Registrant postal code: 413002
Registrant country : IN
Registrant phone : +919850397355

The complainant is a limited liability company organized existing and carrying on a well establish business of developing, manufacturing, marketing and selling skin health and aesthetic technologies and products and proving associated services.

In 2005, the complainant adopted the trademark "hydrafacial" with a view extend its presence virtually, the complainant secured registration of the domain name <Hydrfacial.com> on 28-02-2005. Over the years the complainant has adopted several marks comprising the said trademark as the essential feature thereof.

The complainant has secured registrations / statement of grant of protection in respect of the said trademark.

Hydrafcial domain name has been registered vide application no. 5881147 on 05.04.2023. The complainant was vigilant protecting the said name and trade mark from being used or misused in any manner by others without any authority and the consent of the complainant over the years.

Complainant is the legal proprietor of all rights, title and interest in and to the said name and trade mark "Hydrafacial" and is entitled to protect and enforce the proprietary rights vested in it in respect of the same.

3- Grounds of complaint

The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has the rights. The respondent has no right or legitimate interest in respect of the domain name which is the subject of the complaint. The domain name in question is registered and being used in bad faith. The

Complainant submits that a prima facie case has been made out against the respondent and the balance of convenience in favour of the complainant since the respondent has no right or interest in the disputed domain name and the same has been adopted by the Respondent in bad faith.

F- Respondent contentions :

- 1- As per contention of the respondent the domain was registered in good faith, unaware of any trademark. She admitted that she is a housewife and a part time domain investor. I do not run a business selling trademark-goods. I did not conduct a trade mark search before registration because I assume that if a domain is available for public registration, it does not violate any active legal right. Neither I have used ever this domain for any commercial website nor I attempt to sell it to the complainant.
- 2- She voluntarily offered to transfer the domain before receiving INDRP complaint. The complainant claims that she is holding the domain in bad faith, this is false. On 10th April- 2026, I replied to their initial dispute E-mail and provided the domain transfer authorization code- Proving my immediate willingness to give them the domain at no profit to myself. I sent a second follow up E-mail reconfirming the same. Despite my voluntary cooperation, the complainant choose to file t his arbitration. I have never targeted the complainant or their business. I am not a competitor of hydrafacial LLC. I have never the domain to sale competing products. I did an error of ignorance, not bad faith. I humbly request to immediate transfer of hydrafacial. into complainant. I do not wish to keep a domain that infringes a valid trademark.
This is a gesture of good faith request.

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G- DISCUSSION AND FINDINGS

1- The complainant who alleges that the disputed domain name conflicts with its' legitimate rights or interest must establish the following three elements required by paragraph 4 of the INDRP policy namely

- a- The respondent's domain name is identically and confusingly similar to the trademark for service mark in which the complainant has rights.
- b- The Respondent has no rights or legitimate interests in respect of the domain name;
- c- The responding domain name has been registered or is being used in bad faith.

2- Accordingly, the Arbitral Tribunal shall deal with each of the elements as under:

- a- Whether the Respondent domain name www.hydrafacial.in is identical and/or deceptively similar to domain name and trademark of Complainant?
 - i- The Complainant provided evidence to establish that the Disputed Domain name is identical or confusingly similar to Complainant's registered and distinctive trademark since the disputed domain name by Respondent was required long after the hydrafacial trademark was recognized.
 - ii- The Complainant holds 'hydrafacial' trademark registrations in India and because of the extensive use and promotion of the 'hydrafacial' trademark, the brand has gained recognition. A perusal of the trademark registration certificates and WHOIS recognition records shows Complainant is the owner of the trademark registration in India.

The Arbitral Tribunal notes the decision of Fendi S.r.l.v Ndiaye Therese. WIPO Case no. D2018-0179 Birdies, Ince v/s Registration Private, Domains By Proxy

LLC but a FuLi, WIPO case no. D2019-2134 which states that through a catena of order by this panel and WIPO (under the UDRP), that domain extensions such as “.com” and “.in” are to be ignored while assessing whether a domain name is identical or confusingly similar to a trade mark, the disputed domain name is regarded confusingly similar to that mark for the purposes of UDRP standing. iv. The Arbitral Tribunal notes the decision of WIPO Panel's in *Whatsapp Inc. v. Warrick Mulder*, INDRP Case No. 1233, dated July 22, 2020; *Havells India Limited v. Jojo Alappat*, INDRP Case No. 1025, dated October 4, 2018; *Voltas Limited v. Sergi Avaliani*, INDRP Case No. 1257, dated September 22, 2020; and *beIN Media Group L.L.C v. Rina Muliawati* WIPO Case No. D2021-1076 stating that the Respondent is not commonly known by 'hydrfacial', nor does it conduct any legitimate business under such a name, thereby proving that the Respondent has no rights or legitimate interest in the Disputed Domain Name. It is submitted that the Complainant has necessarily built a prima facie case and has proved the illegitimate interest and unlawful rights of the Respondent over the Disputed Domain Name. The burden of proof to establish any legitimate interest over the Disputed Domain Name now falls upon the Respondent.

v. The Arbitral Tribunal also notes the decision of *HSBC Holdings plc v. Hooman Esmail Zadeh*, INDRP Case no 032, dated March 20, 2007; *Visteon Corporation v. Prahlad S.*, INDRP Case No. 1535, dated May 6, 2022, *Solidium Oy v. Privacy Service Provided by Withheld for Privacy ehf / Estormh Elornhosting, Estorm Programming*, WIPO Case No. D2022-3139; *LPL Financial LLC v. Privacy Service Provided by Withheld for Privacy ehf / Steffen Hain*, WIPO Case No. D2022-0542, that the Respondent is attempting to interfere with the business operations of the Complainant. Past UDRP Panels have consistently found that the mere registration of an identical domain name by an unaffiliated entity can by itself create a presumption of bad faith.

The respondent has been using the domain name which is identical and similar to the trade mark which has been registered already in favour of the complainant. The complainant has very huge business in different countries. The complainant is very rightful for this domain name.

vi. After taking into consideration the facts of the present case and the settled law on the issue, it can be said that the disputed domain name registered by the Respondent establishes a likelihood of confusion with the Complainant's trademark and this would mislead the internet users as it is confusingly identical. Accordingly, the Arbitral Tribunal holds that the requirement of the first element in



the INDRP Policy Paragraph 4(a) is satisfied as the domain name is confusingly similar to Complainant's registered and distinctive 'hydracial' trademark.

b) Whether the Respondent has no rights or legitimate interests in respect of the domain name?

i) To pass muster under Paragraph 4(b) of the INDRP Policy, the Complainant has to show that the Respondent has no rights and legitimate interests in the disputed domain name under Paragraph 6 of the Policy.

ii) The Respondent is not affiliated with Complainant in any way and has never been authorised or licensed by Complainant to use or register its trademarks, or to seek registration of any domain name incorporating the trademark in question. Furthermore, the Respondent is not commonly known by the Disputed Domain Name or the name 'hydracial' and nor does the Respondent operate a legitimate business or other organisation under the 'hydracial' trademark. Additionally, the 'hydracial' trademark was registered years before the disputed domain name was registered.

iii) Evidence was provided by the Complainant to show that the Respondent actions are most certainly not a bona fide offering of goods and services under Policy Paragraph 6 (a), and therefore domain name impersonates the Complainant's trademark. Reference has been made to the Complainant's trade mark 'hydracial' and Respondent No disputed domain name <WWW.HYDRACIAL.IN>. A careful perusal of the above shows that the Respondent domain name impersonates the Complainant's and the same is not bonafide.

iv) Accordingly, the Arbitral Tribunal finds that the Complainant has made out a prima facie case that the Respondent has no rights and legitimate interests in respect of the disputed domain name <WWW.HYDRACIAL.IN> as Complainant has never assigned, granted, licensed, sold, transferred, or otherwise authorised Respondent to register or use the Disputed Domain Name or the hydracial trademark and the same is also not used for making legitimate non-commercial use. Thus, it satisfies the second element under Paragraph 4 (b) of the Policy.

The respondent has no right regarding the domain name which has been registered to the complainant already. So the respondent has no legitimate interest or right in regard of the disputed domain name.

c) Whether the Respondent domain name was registered or is being used in absolute bad faith?

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i. The respondent replied that she is a house wife and a part time domain investor but it is very much clear that she has used the trade mark or domain name despite the registered in the name of the complainant. So the respondent has being using the domain name in bad faith.

The Complainant provided the following reasons to show that the Respondent acquired the disputed domain name in bad faith-

1. Firstly, the Respondent used the hydrafacial trademark without consent from the Complainant.
2. Secondly, Respondent was aware of Complainant's rights in its well-known trademark as a consequence of Complainant's substantial use of the trademark which predates before the Respondent acquired the domain name.
3. The domain name is only registered with no apparent legitimate purpose and holding on to the same with absolute no justification except to make wrongful profit there from. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith registration. In fact, the registrant does not properly configured the domain <WWW.HYDRAFACIAL.IN>
4. The Respondent impersonated the Complainant's domain name <WWW.HYDRAFACIAL.IN> which demonstrates his purpose to deceive users for commercial benefit and to harm Complainant's business by redirecting people to the infringing domain name and also making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

ii. On careful consideration of the above findings, the Arbitral Tribunal holds that the Respondent domain name <WWW.HYDRAFACIAL.IN> has been registered with an opportunistic intention and is being used in bad faith. Therefore, the third element in paragraph 4(c) of the Policy has been satisfied.

VIII. DISPOSITIONS

The Arbitral Tribunal holds that the Respondent domain name <WWW.HYDRAFACIAL.IN> is identical and confusingly similar to the name, trademark and brand name "HYDRAFACIAL" owned by the Complainant. The Respondent has no rights or legitimate interests in the domain name <WWW.HYDRAFACIAL.IN> and the same has been registered in bad faith. The three elements set out in paragraph 4 of the INDRP Policy have been established by the Complainant.

The Arbitral Tribunal directs that:

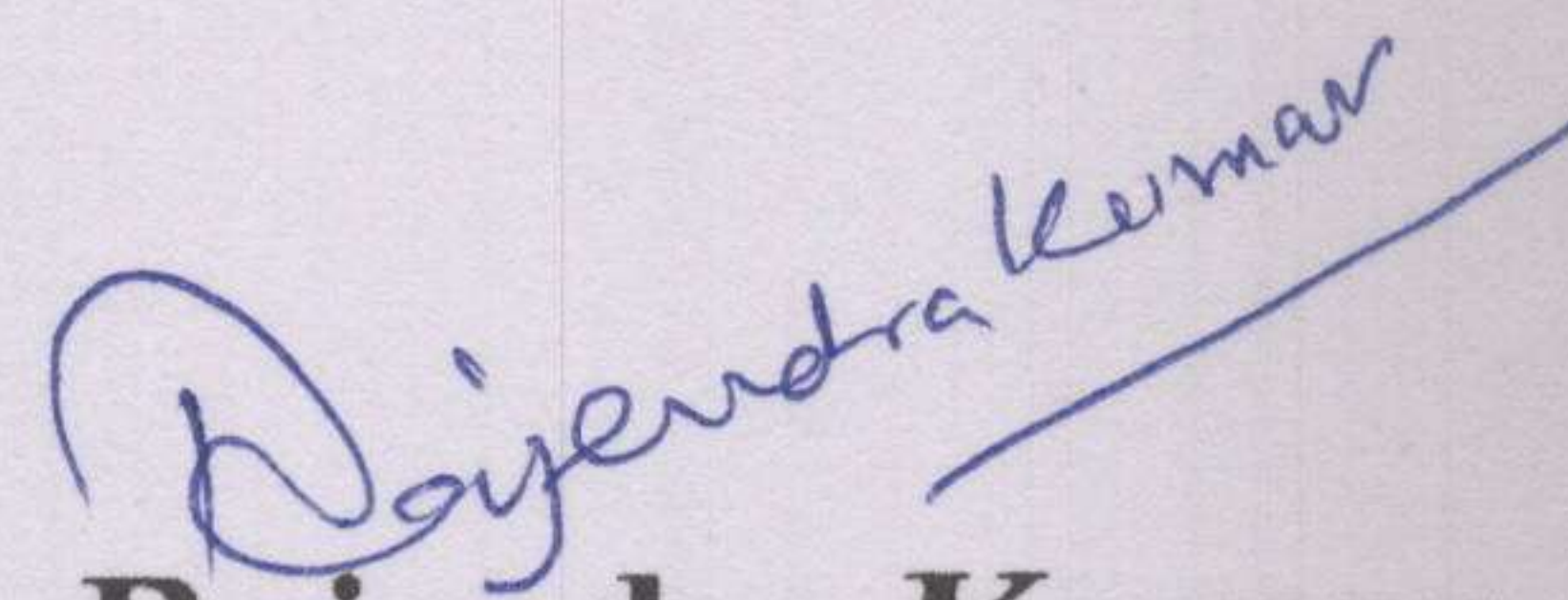
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The disputed domain name <hydrifacial.in> be transferred forthwith to the Complainant, HYDRIFACIAL LLC 2165 E SPRING STREET, LONG BEACH CALIFORNIA UNITED STATE OF AMERICA

The parties shall bear their own costs.

Place- Ghaziabad

Dated- 10-06-2026



Rajendra Kumar

(Sole Arbitrator)

The Arbitral Tribunal