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Property Description : 12 - AWARD
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Stamp Duty Amount(Rs.) : 100
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**BEFORE MS. ANUPAM SANGHI, ADVOCATE
SOLE ARBITRATOR
INDRP Case no 2124**

**Cause title -
GITHUB, INC.
88 Colin P. Kelly Street
San Francisco, California
94107, United States of America**

... Complainant

Statutory Alert:

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-v-

Disputed Domain Name:

**Momin Pasha
9 Marine Drive
Mumbai
Maharashtra
400078
India**

**<github.org.in>
(the "disputed domain name")**

... Respondent

AWARD

I. PARTIES TO THE ARBITRATION

1. The Complainant is:

**GITHUB, INC. 88 Colin P. Kelly Street, San Francisco,
California, United States of America- 94107**

The Complainant's authorized representative in this
administrative proceeding is:

**Markmonitor Limited, 28 Little Russell Street, London
WC1A 2HN, United Kingdom
Telephone: +44 131 2260660
E-mail: adr@comlaude.com**

2. The Respondent is:

**Momin Pasha, 9, Marine Drive, Mumbai, Maharashtra,
India- 400078**

**Telephone: +91.8595450725
E-mail: postmaster@github.org.in, merchantpay25@gmail.com**

II. APPLICABLE LAWS AND JURISDICTION

The .IN Domain Name Dispute Resolution Policy

1. The present arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (the Policy) which was adopted by the 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 'GITHUB.ORG.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 Name Dispute Resolution Rules of Procedure posted 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

III. FILING OF THE COMPLAINT AND CONSTITUTION OF THE ARBITRAL TRIBUNAL

1. The Complainant filed the Complaint under the IN-Domain Name Dispute Resolution Policy against the Respondents, seeking transfer of the Domain Name 'GITHUB.ORG.IN' to the Complainant. Following which, the IN Registry sought the consent of MS. ANUPAM SANGHI (the undersigned), who is a listed IN Dispute Resolution Arbitrator under 5 (a) of the Rules, to act as Arbitrator in the said matter.
2. On 25th May 2026, the Arbitral Tribunal consisting of the said MS. ANUPAM SANGHI as Sole Arbitrator was constituted under 5(b)

of the Rules in respect of the Complaint filed by the Complainant herein.

3. Immediately after, this Tribunal issued the Notice of Arbitration under 5(c) of the Rules to the parties for commencement of Arbitral Proceedings on 25th May 2026 and directed the parties file pleading along with the Authorization letter. Complainant was required to serve the said Notice to the Respondent both Online and Offline to the address mentioned therein and the service on the Respondent was done in accordance with Rule 2(a) of the Rule. The Respondent was given an opportunity to file a response in writing in opposition to the Complaint, if any along with evidence in support of its stand or contention on or before seven working days from the date of receipt of the said Notice. No reply has been submitted by the Respondent till date.
4. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT

The details of the Respondent have been **REDACTED FOR PRIVACY**. The particulars of the registration of the domain name '**GITHUB.ORG.IN**' as found in the .IN Registry database are set out below:

Domain Name: github.org.in

Registry Domain ID:

DB0CC97D89A2B4CC2BFE02677C65C735B-IN

Registrar WHOIS Server: whois.godaddy.com

Registrar URL: www.godaddy.com

Updated Date: 2026-06-21T08:40:18.866Z

Creation Date: 2025-05-07T08:35:35.986Z

Registry Expiry Date: 2027-05-07T08:35:35.986Z

Registrar: GoDaddy

Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com

Registrar Abuse Contact Phone: +1.4806242505

Registrant State/Province: Maharashtra

Registrant Country: (India) IN

V. PROCEDURAL HISTORY

1. The Sole Arbitrator, MS. ANUPAM SANGHI was appointed on 25th May 2026 for the present INDRP case no. 2105.
5. Immediately thereafter, this Tribunal issued the Notice of Arbitration under 5(c) of the Rules to the parties for commencement of Arbitral Proceedings on 4th June 2026 and directed the parties file pleading along with the Authorisation letter. Complainant was required to serve the said Notice to the Respondent both Online and Offline to the address mentioned

therein and the service on the Respondent was done in accordance with Rule 2(a) of the Rule. The Respondent was given an opportunity to file a response in writing in opposition to the Complaint, if any along with evidence in support of its stand or contention on or before Ten working days from the date of receipt of the said Notice. No reply was submitted by the Respondent despite several modes of service.

Date	Proceedings
25.05.2026	Ms. Anupam Sanghi appointed as the Sole Arbitrator. Notice of Arbitration was issued under Rule 5(c).
04.06.2026	Arbitration Notice issued, granting time to file reply/other pleadings.
15.06.2026	The Respondent was initially granted 10 days time to file its reply, with the deadline of June 15th.
25.06.2026	The Complainant informed the Arbitrator via email that they have not yet received a read receipt on email from the Respondent. However, since the email had not bounced back and no error message was received, it appeared to have been successfully delivered.
03.07.2026	The Complainant also sent a hard copy of the Complaint to the Respondent by post.
13.07.2026 -	Complainant informed the Arbitrator that the local

Date	Proceedings
21.07.2026	delivery service attempted to deliver the hard copies four times at the address of the Respondent without success. The Complainant has attached the tracking report of the Indian Postal service dated 13.07.2026. The Complainant has also attached evidence of multiple email communications to the Respondent.
31.08.2026	Award given to parties.

VI. ABOUT THE COMPLAINANT

1. The Complainant is a United States corporation, founded in 2007, that operates a globally used online platform for hosting and managing software related projects. The Complainant has been a wholly owned subsidiary of Microsoft Corporation since 2018 with its principal offices in San Francisco, California, United States of America.
2. The Complainant's platform (eponymously named as the Complainant, GITHUB) functions as a central repository where individuals, companies, and public bodies maintain and develop software based work. The Complainant provides the organizational framework and is widely recognized as the primary platform used by the international software and open-source community for coordinating and publishing their work.
3. As of 2026, GITHUB is used by more than 180 million developers and over 4 million organizations worldwide, including a

significant majority of Fortune 100 companies. The Complainant operates its main website from the URL [HTTPS://GITHUB.COM/](https://github.com/). The Complainant's Human Resources (HR) and career website is located at the URL [HTTPS://WWW.GITHUB.CAREERS/CAREERS-HOMEN](https://www.github.careers/careers-homen).

The Complainant further notes that it owns the domain name "GITHUB.IN", among others.

4. Regarding the Complainant's activities in India, the Complainant notes that India is the Complainant's second largest developer community, with more than 10 million developers. The Complainant operates a dedicated website located at [GITHUBINDIA.COM](https://githubindia.com).

VII. ABOUT THE RESPONDENT

1. The Respondent has caused or allowed its details to be redacted from the public WhoIs and little is known about the Respondent by the Complainant. (A copy of the WhoIs database extract for the disputed domain name is exhibited at **Annex 02**), the disputed domain name was created on May 07, 2025. Upon disclosure of the Registrant information, the Complainant observes that the Respondent appears to be an individual named Momin Pasha located in India.
2. Multiple users reported on the Complainant's community discussion portal that they had been contacted as prospective candidates for roles at GITHUB through an email address associated with the disputed domain name. These emails were signed as "GITHUB USA HR" and sent via

“nutan.ohja@github.org.in”. The signature also referenced the Complainant’s official website, GITHUB.COM. (Screenshot of Complainant’s Official Website has been exhibited by the Complainant at **Annex 03**)

3. The Complainant states that the disputed domain name (GITHUB.ORG.IN) does not resolve to an active website nor is its DNS zone file configured with any DNS records. (Domain name has been exhibited by the Complainant at **Annex 06**; Screenshot of the DNS lookup has been exhibited by the Complainant at **Annex 07**)

VIII. THE COMPLAINANT HAS PLACED ON RECORD THE FOLLOWING DOCUMENTS: -

- A. Copy of the Power of Attorney (Annexure-01) in favour of Markmonitor Limited to act on behalf of GITHUB INC in the matter of the domain name “GITHUB.ORG.IN”,
- B. Screenshots of WHOIS record showing the registration of the of domain name GITHUB.ORG.IN (Annex-02) further showing that all the related information stands redacted,
- C. Screenshots of the Complainants official website (Annex-03),
- D. Screenshots of the Complainants Indian website (Annex-04),
- E. Screenshots of the Complaints and emails received by the Complainants (Annex-05),
- F. Screenshots of the website of the disputed domain name (Annex-06),

- G. Screenshots of the DNS lookup (Annex-07),
- H. Complainants registered rights & Trademark Database (Annex-08).

IX. CONTENTIONS OF THE COMPLAINANT

1. The Disputed Domain Name Is Identical And/Or Confusingly Similar To A Trademark In Which The Complainant Has Rights

The Complainant is the owner of a large portfolio of registered trademarks for the term “GITHUB”. The Complainant notes that the oldest of its examples pre-dates the registration of the disputed domain name by more than 10 years. The disputed domain name incorporates the Complainant's GITHUB’s mark in its entirety, without adornment. The Complainant further avers that the top-level domain name <.org.in> is required for technical reasons and that the same can be ignored for the purposes of comparison. The Complainant therefore contends that the disputed domain name is identical, at least confusingly similar, to registered GITHUB trademarks in which Complainant has Rights in terms of the Policy. (Relevant trademark databases have been exhibited by the Complainant at **Annex 08**)

2. The Respondent Has No Rights Or Legitimate Interests In Respect Of The Domain Name

2.1 No evidence that the Respondent is commonly known by the disputed domain name, and no prior use

The Complainant has found no evidence that the Respondent has been commonly known as GITHUB prior

to or after the registration of the domain name. The Complainant has found no evidence that points to the Respondent owning any trademarks that incorporate the term GITHUB in addition to the fact that no evidence has been found that the Respondent has ever legitimately traded under the business name GITHUB.

2.2 No license, authorization, or consent

The Respondent is not a licensee of the Complainant and has not received any permission, consent, or acquiescence from the Complainant to use its marks in connection with the disputed domain name, or in connection with any domain name, service, product, or hiring related matter.

2.3 No Conceivable Use

The Complainant contends that owing to the confusingly similar disputed name there is no conceivable use to which the disputed domain name could be put now, or in the future, that would confer any legitimate interest upon the Respondent.

2.4 Use of the disputed domain name for phishing and impersonation

The Respondent used the disputed domain name to send phishing emails, impersonating the Complainant and creating the false impression that the messages originated from the Complainant's HR team in the United States of America (Screenshot of complaints and emails received has been exhibited by the Complainant at **Annex 05**). The

Complainant contends that such use for email phishing and impersonation or passing off cannot amount to bona fide use of the disputed domain name (GITHUB.ORG.IN), and thus the Respondent has accordingly failed to use it in connection with a bona fide offering of goods or services.

The Complainant further contends that the Respondent is not making any legitimate non-commercial or fair use of the disputed domain name, having instead deployed it as part of a phishing scheme designed to mislead and divert individuals for its own benefit, an act demonstrating intent to obtain commercial gain through deception, thereby misleadingly diverting consumers and tarnishing the Complainant's trademark.

2.5 Passive holding of the disputed domain name

At the time of this submission, the disputed domain name (GITHUB.ORG.IN) does not resolve to any active website. The Complainant contends that the non-use of the disputed domain name (GITHUB.ORG.IN) does not amount to use in connection with a bona fide offering of goods and services. The Complainant further contends that, given the disputed domain name's prior association with deceptive activity as set out above, its continued non-use reinforces the conclusion that it was registered and is being used in bad faith. In all these circumstances, taken cumulatively or individually, the Complainant asserts that it has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name.

3. The Disputed Domain Name Was Registered And Is Being Used In Bad Faith

3.1 Creating a likelihood of confusion

The Complainant contends that it is well-established under the Policy that in most circumstances where a registrant has “intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location” is sufficient to find that the disputed domain name (GITHUB.ORG.IN) was registered and is being used in bad faith.

The Complainant asserts that the disputed domain name is, in and of itself, confusing to Internet users, given the disputed name is confusingly similar, if not identical, to the Complainant's GITHUB mark, and that “initial interest confusion” is inevitable. Internet users encountering the disputed domain name in search results, or receiving an email sent from it, would assume it was operated by, connected with, or endorsed by the Complainant.

3.2 Fraudulent emails

The Complainant further contends that the Respondent's use of the disputed domain name (GITHUB.ORG.IN) to send deceptive emails seeking sensitive or confidential personal information from prospective job applicants demonstrates

that the disputed domain name was registered and used to attract Internet users by creating a likelihood of confusion with the Complainant's mark. The Complainant states it has received several complaints from users confused by emails sent through the disputed domain name, and contends that this confusion, arising directly from the Respondent's fraudulent email activity, confirms that no conceivable good faith use of the disputed domain name exists.

The Complainant avers that the use of the disputed domain name to send emails purporting to originate from the Complainant's official channels constitute bad faith within the meaning of the policy.

3.3 No active website

The Complainant notes that, at the time of submission, the website associated with the disputed domain name is passively held (Annexes 06 and 07, *supra*) and contends that this passive holding itself constitutes bad faith. The Complainant states that its GITHUB mark had been in use for many years including in India, prior to registration of the disputed domain name and that the disputed domain name had been used to send fraudulent emails impersonating the Complainant's HR team further stating that a legitimate business would not typically redact its contact details entirely from the WHOIS record, as the Respondent has done (Screenshot of the WHOIS record has been exhibited by the Complainant at **Annex 02**). The Complainant avers that the present non-use of the disputed domain name does

not preclude a finding of bad faith and contends that it is inconceivable the Respondent could have registered the disputed domain name without the Complainant's mark in mind or with good faith.

4. Additional Bad Faith Considerations

The Complainant refers to Paragraph 7 of the Policy, which makes clear that the examples of bad faith listed therein are non-exhaustive.

4.1 Nature of the disputed domain name

The Complainant submits that the characteristics of the disputed domain name further support a finding of registration and use in bad faith. The disputed domain name consists entirely of the Complainant's GITHUB name and trademark, without any additional terms, effectively a direct brand match. As outlined above, the Complainant operates extensively in India, where it has millions of developers and maintains registered trademarks (Screenshots of the Complainant's Indian website have been exhibited at **Annex 04** and Screenshots of the Complainant's Registered rights and Trademarks have been exhibited at **Annex 08**). The Complainant contends that registration of this domain name within the .IN namespace further reinforces, in the public eye, an association between the disputed domain name and the Complainant. Accordingly, the Complainant avers that the nature of the domain name itself constitutes registration of the disputed domain name in bad faith.

4.2 Constructive knowledge of the Complainant's mark

The Complainant avers that the Respondent had constructive knowledge of the Complainant's mark at the time of registering the disputed domain name. This is supported, first, by the fact that the disputed domain name is identical, or at least confusingly similar, to the Complainant's GITHUB trademark. Second, the Respondent has used the disputed domain name to send fraudulent emails impersonating the Complainant (Annex 05, *supra*). The Complainant contends that it is accordingly more likely than not that the Respondent knew, or should have known of, the Complainant when registering GITHUB.ORG.IN. The Complainant concludes that, in all these circumstances, taken singly or cumulatively, that it is more likely than not that the disputed domain name was registered and used in bad faith within the meaning of the Policy.

X. CONTENTIONS OF THE RESPONDENT

The Respondent has not filed any response to the Notice of Arbitration dated 4th June, 2026. The Respondent has not replied to the contentions of the Complainant even though the Respondent has been served the Notice of Arbitration as required by the INDRP Rules. After giving the opportunity twice, the Respondent failed to file the response/ reply in writing in opposition to the Complaint, if any, along with evidence in support of its stand or contention.

Supreme Court of India in *Sudha Agrawal v. Xth Additional District Judge and Others* (1996) 6 SCC 332 in para 5 held that even in an uncontested matter the petitioner's case must stand on its own legs and it cannot derive any advantage by the absence of the defendants. Therefore, the Complainant must still establish each of the three elements by Paragraph 4 of the Policy.

XI. DISCUSSIONS AND FINDINGS

A 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 identical and confusingly similar to the trademark or service mark in which the Complainant has rights;
- B. The respondent has no rights or legitimate interest in respect of the domain name;
- C. The respondent domain name has been registered or is being used in bad faith.

Accordingly, the arbitrator shall deal with each of the elements as under –

- A. Whether the Respondent's domain name is identical and/or deceptively similar to the domain name and trademark or service mark of the Complainant?*
 - 1. The Complainant has alleged that the Registrant's domain name is identical and/ or confusingly similar to a Name, Trademark or

Service Mark in which the Complainant has rights. The Complainant alleges that the disputed domain name incorporates the Complainant's GITHUB's marks entirely, with no adornments. On this point, the Complainant refers to *Accenture Global Services Limited v. Tech Narayana Software Pvt Ltd. [INDRP/1250]*, relating to the domain name <accenture.org.in>, and in which the panel held:

“Undoubtedly, the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, as the disputed domain includes the Complainant's mark in its entirety. It has been long held that the trademark registration constitutes prima facie evidence of the validity of trademark rights. Therefore, the Arbitrator concludes that the disputed domain name is confusingly similar to Complainant's mark.”

The Complainant avers that similar facts as seen in *INDRP/1250* apply to the present matter.

- B. Whether the Respondent has no rights or legitimate interest in respect of the domain name;*
1. The Complainant alleges that the Registrant has no rights or legitimate interests in respect of the domain name. The Complainant cites that no evidence has been found as to the Respondents being commonly known as GITHUB and equally no evidence has been found that the Respondent has ever traded

legitimately under the business name GITHUB. The Complainant states that the Respondent is not a licensee of the Complainant and has received no permission, consent, or acquiescence from the Complainant to use its marks with regards to any domain name, service, product or hiring. On this point, the Complainant refers to *Google LLC v Google India*[INDRP/1131], in which was noted that:

“The Complainant has not authorized or licensed the Respondent to use any of its trademarks in any way. Such unlicensed, unauthorized use of the impugned domain incorporating the Complainant’s trademark shows that Respondent has no rights or legitimate interest in the disputed domain name.”

The Complainant avers that similar circumstances as seen in *INDRP/1131* apply to the present matter.

2. The Complainant Alleges the disputed domain name does not resolve in any active website since the submission of the dispute to Arbitration, which the Complainant submits constitutes “Passive Holding”. On this point, the Complainant refers to *Google LLC v Google India* [INDRP/1131, *supra*], in which was noted that:

“The disputed domain has been merely parked since its registration and no actual website has been hosted on this domain name since this date. The Respondent has neither used nor made any

demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods and services.”

The Complainant avers that similar circumstances as seen in *INDRP/1131* apply to the present matter.

C. *Whether the Respondent’s domain name has been registered or is being used in bad faith;*

1. The Complainant contends that it is well-established under the Policy that in most circumstances where a registrant has *“intentionally attempted to attract Internet users to the Registrant’s website or other on-line location, by creating a likelihood of confusion with the Complainant’s name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant’s website or location or of a product or service on the Registrant’s website or location”* is sufficient to find that the disputed domain name was registered and is being used in bad faith.

2. The Complainant further notes that the Respondent’s use of the disputed domain name to send deceptive emails aimed at obtaining sensitive or confidential personal information from prospective job applicants clearly indicates that the disputed domain name was registered and used to attract Internet users by creating a likelihood of confusion with the Complainant’s mark. Several fake job offering emails were received from users who were confused by the emails sent through the disputed name.

Alleging that such confusion arises directly from the Respondents' fraudulent email activity. Underscoring no conceivable good faith use. In support of this contention, the Complainant refers to *Google LLC v Google India [INDRP/1131, supra]*, in which was noted:

“The Respondent’s domain www.googleindia.org.in wholly incorporates the Complainant’s trademark GOOGLE. Further, the Respondent is misusing the same as an email server to scam the general public by offering employment opportunities with the Complainant. The registrant has used the address of the Complainant’s India office in Bangalore as his address, in order to misinterpret himself to be a member of the Complainant organization.[....]Based on the documents filed by the Complainant, it can be concluded that the domain name/mark Google is identified with the Complainant’s name, mark and goods/services, therefore its adoption by the Respondent shows “opportunistic bad faith”.

The Complainant asserts that similar facts as seen in *INDRP/1131* apply to the present matter.

3. The Complainant contends that it is inconceivable that the Respondent could have registered the disputed domain name without the Complainant’s mark in mind or with good faith intentions. The Complainant refers to *Colgate-Palmolive*

Company, Colgate Palmolive (India) Ltd v Samvad Group [INDRP/2030, <colgate.in] in which was noted:

“Thirdly, the domain name is only registered with no apparent legitimate purpose and holding on to the same with absolutely no justification except to make wrongful profit therefrom. Non-use, registration of domain soon after acquisition and passive holding are evidence of bad faith.”

The Complainant submits that the circumstances of this case are comparable to those in *INDRP/2030*.

4. The Complainant provided evidence with annexures, to establish that the disputed domain name, “GITHUB.ORG.IN” is identical or confusingly similar to the Complainant’s registered and distinctive trademark. The Complainant has pleaded that they have been continuously and extensively using the registered trademark GITHUB and owns and operates the website using the domain name “GITHUB.COM” which is registered with the CGDPTM in the Complainant’s name since 26.12.2013 and thus, the Complainant’s rights in the said trademark and trading style with the domain name are well established.
5. It is pertinent to examine whether the contentions of the Complainant along with supporting documents show that all the three elements specified in paragraph number 4 of the INDRP are being satisfied.

Applying the aforesaid settled position of law to the facts of the present case, the Arbitrator has seen the documents filed by the

parties-

- A. Screenshots of the Complainant's website have been exhibited by the Complainant at **Annex 02**, Screenshots of the Respondent's website (Disputed Domain Name) have been exhibited by the Complainant at **Annex 06** and Screenshots of the Complaints and emails received have been exhibited by the Complainant at **Annex 05** all of this evidence purportedly points towards misrepresentation by the Respondent.
- B. Screenshots of the Complainant's registered rights have been exhibited by the Complainant at **Annex 08** (*EUTM-REGISTRATION DATE- 14/05/2014, CGDPTM-REGISTRATION DATE-26/12/ 2013, (USED SINCE-24/08/2008), USPTO- 06/01/2015*), thereby attempting to prove legitimate rights/ interest. Further Screenshots of DNS Lookup has been exhibited by the Complainant at **Annex 07** intended to evidence passive holding and non active website.
- C. The Respondent relies on **Annex 07**, *Supra* to establish that the passive holding of the disputed domain name amounts to the same being held in bad faith along with **Annex 05**, *Supra* seeking to establish that email phishing/ misrepresentation constitutes bad faith.

A. The disputed domain name is identical and/or confusingly similar to the Complainant's domain name

6. According to WIPO literature - if a Complainant owns a trademark registration, then it generally satisfies the threshold requirement of trademark rights and as “.IN/ ORG.IN” is a country code and non-distinctive, “ORG.IN” part of the impugned domain name does not distinguish the impugned domain name from the Complainants trademark and trading style GITHUB, and in particular, the Complainant’s registered domain name “GITHUB.COM”
7. The Arbitrator also notes that “it is established under the .IN policy that the ccTLD “.IN / ORG.IN” may be disregarded, when assessing whether a domain name is identical or confusingly similar to a Complainant trademark and hence holds that the domain name is confusingly similar to the Complainant trademark. Also, it has been held that if a disputed domain name completely incorporates the trademark of the Complainant, then the mere addition of the domain codes, such as “.IN” and/ or “ORG.IN” will not distinguish the respondent disputed domain name. (*Ref - AB Electrolux Electrolux VS. GAOGOU of YERECT, INDRP/630 (Does not differentiate between .in or .com) (<zanussi.in>); Nike Inc V. Nike innovative CV Zhaxia, INDRP case no. 804; Lego JurisA/S v. Robert Martin, INDRP case no. 125). As decided in Motorola, Inc. v. NewGate Internet, Inc. (WIPO Case D2000-0079); Cosrx Inc v. Tejas Taori (INDRP/1805) and Radisson Hospitality Belgium BV/SRL v. Maim (INDRP/1818) where a domain name incorporates the entirety of a trade mark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to*

that mark. Additionally, the complainant has been in continuous use and possession of their respective registered trademarks in several jurisdictions, including India with respect to various goods and services.

8. The Arbitrator has looked into the case law presented by the Complainant and similar decisions in *Fendi Sr.I. v. Ndiaye Therese*, WIPO Case No. D2018-0179, which through a catena of Orders passed by WIPO (under the UDRP), states that domain extensions such as “ORG.IN”, “.COM” and “.IN” are to be ignored while assessing whether a domain name is identical or confusing similar to a trade mark, the disputed domain name is regarded confusingly similar to that mark for the purposes of UDRP/INDRP standing.
9. Accordingly, it is established that the Respondent’s domain name is identical and/ or deceptively similar to the domain name and trademark or service mark of the Complainant.
10. Applying the above stated established dicta to the facts and circumstances of the present case along with the evidence placed before me, the Arbitrator finds that the subject domain name GITHUB.IN.ORG is not only identical but deceptively similar to the trademark/ trading style GITHUB.COM of the Complainant. Accordingly, the arbitrator holds that the requirements of the first element of the INDRP policy, paragraph 4(a) is satisfied.

B. Whether the respondent has no rights or legitimate interest in respect of the domain name?

11. According to paragraph 4(b) of the INDRP policy, the Complainant has to show that the respondent has no rights and legitimate interest in the disputed domain name under paragraph 6 of the policy. The rights or legitimate interest in a domain name in accordance with policy 6 (a-c) may be found where the registrant uses the domain name registration with a bona fide offering of goods and services; if the registrant has been commonly known by the domain name registration; or if the registrant is using the domain name registration in a legitimate, non-commercial manner, without intent for commercial gain to mislead / divert consumers or tarnish, the trademark in issue.
12. The Complainant asserts that the respondent has not fulfilled any of the afore-mentioned conditions for it to have demonstrable rights or legitimate interest in the disputed domain name and there is every likelihood that the potential or unwary persons in the future could be misled into using the services of the respondent under the impression that the same are being offered by the Complainant; the Complainant has not approved, assigned, granted, licensed, sold, transferred, or in any way authorise the respondent, the right to use its GITHUB marks in connection with any domain name. Hence, the respondent is not making a legitimate/fair use of the dispute domain name. Accordingly, the respondent has no rights or legitimate interest in the disputed domain name. The impugned domain name fully incorporates the Complainant's trademark and trading style, GITHUB and is confusingly similar to the Complainant's domain name GITHUB.COM. The Respondent is using the impugned domain name, without any authorisation or license

from the Complainant, to advertise fraudulent employment opportunities and solicit sensitive personal information from unsuspecting job seekers, thereby misleading consumers into believing they are engaging with the Complainant's genuine recruitment process.

13. To establish that Respondent has no legitimate interest, the Complainant has filed screenshots of the inconvenience being caused to the users as the Respondent allegedly misrepresents themselves as the Complainant's business to commercially exploit the Complainant's trademark and trading style for the sole purpose of causing irreparable damage and injury to the Complainant's goodwill and reputation, resulting in dilution of the Complainant's trademark and trading style. The Complainant has demonstrated the same with screenshots of consumer messages/complaints evidencing that consumers were unable to ascertain the genuineness of the emails received from the impugned domain name, with several consumers raising complaints alleging the said communications to be phishing emails and mistakenly associating them with the Complainant.

Since the name is distinctive, coined or unique, the lack of an explanation from the respondent results in a transfer or cancellation of the domain.

Accordingly, the arbitrator will now decide the third test on bad faith.

C. The respondent domain name has been registered or is being used in bad faith.

14. The Complainant has alleged that the impugned domain name unauthorizedly contains the Complainant's registered and well-known trade mark "GITHUB". The Complainant has alleged that the Respondent's use of the disputed domain name to send deceptive emails aimed at obtaining sensitive or confidential personal information from prospective job applicants clearly indicates that the disputed domain name was registered and used to attract Internet users by creating a likelihood of confusion with the Complainant's mark. Several complaints were received from users who were confused by the emails sent through the disputed name. Alleging that such confusion arises directly from the Respondents' fraudulent email activity. Underscoring no conceivable good faith use. In support of this contention, the Complainant relies upon *Google LLC v Google India (INDRP/1131, supra)*, where it was held that wholly incorporating a registered trademark further misusing the same to scam the general public by offering employment opportunities shows opportunistic bad faith.
15. The Complainant further alleges that it is inconceivable that the Respondent could have registered the disputed domain name without the Complainant's mark in mind or with good faith intentions. The Complainant relies upon *Colgate-Palmolive Company, Colgate Palmolive (India) Ltd v Samvad Group (INDRP/2030, <colgate.in>)* wherein it was held that the non-use and passive holding of a registered domain are evidence of bad faith.
16. Based on such other precedents, the Complainant's case is that

the disputed domain name is likely to create confusion in the minds of internet users and attempt to use such a domain name to attract internet traffic based on the reputation associated with the mark, is considered bad faith registration and use under the INDRP Policy. Reliance is placed upon *Cosrx Inc v. Tejas Taori* (INDRP/1805, *supra*), *M/s Merck KGaA v. Zeng Wai* INDRP/323, *Dell Inc. v. ASTDomains*, Case No. D2007-1819 (WIPO 2007), *Etechaces Marketing and Consulting Private Limited v. Dan Mahoney*, INDRP/658 (May 18, 2015), *Zurich American Insurance Company v. Administrator, Domain*, WIPO Case No. D2007-0481 (May 18, 2007) and *Société Air France v. Ebills Online Services* (WIPO Case No. D2018-2421). In support of their contention, there are emails offering fake jobs showing Complainants association with the Respondent - To show actual confusion and deception among the public at large. These Communications are placed on record along with the filing of the Complaint.

Therefore, the Complainant has established a prima facie case for the impugned domain name, registered in bad faith by the Respondent, to be transferred to the Complainant.

A bare reading of INDRP makes it evident that it constitutes the governing legal framework for the adjudication of disputes concerning abusive or unauthorized registration and use of specified domain names. The policy not only provides the procedural mechanism for the resolution of such disputes, but also prescribes substantive jurisdictional conditions that must necessarily be fulfilled by a Complainant before any relief can

be grounded. Consequently, compliance with the requirements embodied there is mandatory.

17. On careful consideration of the above findings, the arbitrator accepts the contention of the Complainant and holds that the respondent domain name GITHUB.ORG.IN has been registered with an intention to be an opportunist for using the domain in bad faith. Therefore, the third element in paragraph 4(c) of the policy has been satisfied.

XII. CONCLUSION

From the documentary evidence on record, placed before the Arbitrator, the allegations supported / unsupported or corroborated with documents are as under –

The Respondent has failed to provide any credible evidence to counter the bad faith allegations and documents filed.

In absence of any material on record to support their stance, the arbitrator is inclined to assume there is "No Legitimate Interest"

Since the respondent has failed to offer a plausible explanation, the arbitrator concludes that the respondent has no rights or legitimate interests under Paragraph 6 of the Policy.

Prior Registration Negates "Coincidence"

The Complainant's digital market presence of the domain name and trade mark existed (since 2011) long before the Respondent's. In INDRP precedents, registering a domain identical to a pre-existing internet identifier without explanation is routinely flagged as

opportunistic bad faith. The Arbitrator will infer that the Respondent targeted the Complainant's established brand identity.

On considering the facts placed before me to objectively look into the conditions prescribed under the policy duly established before I am inclined to direct cancellation or transfer of a domain name.

From the evidence placed before this Tribunal it is evident that:

- A. Firstly, the Respondent used the "GITHUB" trademark without consent from the Complainant.
- B. 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.
- C. Thirdly, the domain name is registered with no apparent legitimate purpose of an independent business in India but to deceptively misrepresent / pass off as the Complainant's trade mark and trade name, riding on their prior reputation.
- D. Fourthly, the Respondent impersonated Complainant's Trademark "GITHUB" which demonstrates its purpose to deceive users for commercial benefit and to harm Complainant's business making illegitimate commercial gains by banking on the hard-earned goodwill and reputation of the Complainant which is done in bad faith.

Therefore, the Complainant has established a prima facie case for the impugned domain name, registered in bad faith by the Respondent, to be transferred to the Complainant.

On careful consideration of the above findings, the arbitrator accepts the contention of the Complainant and holds that the Respondent domain name **GITHUB.ORG.IN** has been registered with an intention to be an opportunist for using the domain in bad faith. Therefore, the third element in paragraph 4 (c) of the policy has been satisfied.

XIII. DISPOSITION

The arbitral tribunal holds that the three elements set in the Para 4 of INDRP policy that: -

- A. Respondent domain name “GITHUB.ORG.IN” is identical and confusingly similar to Complainant’s domain name – “GITHUB.COM”
- B. Respondent has no right and legitimate interest in Complainant trademark “GITHUB”.
- C. Disputed domain name has been registered in bad faith.

have been established by the complaint and hence he is entitled for the relief sort forth.

For the foregoing reasons stated above, the arbitrator directs that:

The disputed domain name “**GITHUB.ORG.IN**” is transferred to Complainant as prayed forth and hence the result complaint allowed as prayed forth. No costs.

Anupam Sanghi
Sole Arbitrator

Place: New Delhi
Date: 31st August 2026