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INDIA NON JUDICIAL

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Certificate No.	: IN-DL73171600792705T
Certificate Issued Date	: 15-Apr-2021 01:17 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ TIS HAZARI/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP1746999398543025T
Purchased by	: R K KASHYAP
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: R K KASHYAP
Second Party	: Not Applicable
Stamp Duty Paid By	: R K KASHYAP
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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NATIONAL INTERNET EXCHANGE OF INDIA

B Wing, 9th Floor, Statesman House Building,
148, Barakhamba Road,
New Delhi-110001.

Lawson.co.in

V/s

Ding RiGuo

Pauli

Statutory Alert

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AWARD

1. THE PARTIES

The Complainant is Kabushiki Kaisha Lawson, a corporation duly organized and existing under the laws of Japan and trading as Lawson. Inc. and having its registered office at 11-2, Osaki 1-Chome, Shinagawa-Ku, Tokyo – 141-8643, Japan (The entire detail are available in Annexure C-1).

The Respondent is **Ding RiGuo**, having its office at 8F, No. 199, Shifu Road, Taizhou, Zhejiang 318000, China.

2. THE DOMAIN NAME AND REGISTRAR:

This Arbitration pertains to a dispute regarding the Domain name **Lawson.co.in**.

The disputed Domain name is **Lawson.co.in**. The complete are provided in Annexure C-2.

Registrar Name : Endurance Domains Technology LLP.

Registrant Registrar IANA id : 801217

Assigned Nameservers: jucq271073.mars.orderbox-dns.com

jucq271073.earth.orderbox-dns.com

jucq271073.mercury.orderbox-dns.com

jucq271073.venus.orderbox-dns.com

ROID : D5266069-IN

Date of creation : 26/08/2011

Date of Expiry : 26/08/2021

Registrant Client id: TS_11908599

Registrant ROID: C2591384-IN

Registrant Create Date: 29/06/2010

Email: juc@qq.com

Phone: +86. 13819669399

3. PROCEDURAL HISTORY

- (a) The Complainant has filed a complaint dated December 03, 2020 with the NATIONAL INTERNET EXCHANGE OF

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INDIA. The Complainant made the registrar verification in connection with the Domain name at issue. The annexures received with the complaint are **Annexure C -1 to C-7**. The exchange verified the complaint, satisfied the formal requirements of the Indian Domain Name Dispute Resolution Policy (INDRP) (the 'Policy') and the Rules framed there under.

- (b) The Exchange has appointed Sh. R.K.Kashyap, Advocate as the Sole Arbitrator in this matter vide letter dated 02/03/2021. The Arbitrator finds that he has been properly appointed. The Arbitrator has submitted his Statement of acceptance and Declaration of Impartiality and Independence as required by the Exchange.
- (c) The Arbitrator, as per the INDRP Policy and the Rules, has duly issued the notice on 04/03/2021 and directed the complainant to serve the Respondent with a copy of the Complaint alongwith annexures on the given e-mail as well as on physical address. In the Notice it has also been mentioned that the respondent to file the reply/response within 15 days from the receipt of notice. The direction of the arbitrator to serve the respondent has duly been complied with; through email dated 19/03/2021 at the correct e-mail address of the respondent mentioned in the complaint has been placed on record, which establishes that the respondent has been duly served.

The Respondent has failed /neglected to file its reply to the specific allegations made in the complaint within the stipulated time despite receipt of copy of the Complaint with Annexures. I feel that enough opportunity has been given to the Respondent and genuine efforts have been made to make it a part of the proceedings. Since, no response has been received. Hence, the present proceedings have to be ex-parte.

4. **Factual Background:**

The following information has been derived from the Complaint and the various supporting annexure to it, the Arbitrator has found the following facts:

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Complainant's Brief History and Background

The Complainant, Kabushiki Kaisha Lawson, a corporation duly organized and existing under the laws of Japan and trading as Lawson. Inc. and having its registered office at 11-2, Osaki 1-Chome, Shinagawa-Ku, Tokyo – 141-8643, Japan (The entire detail are available in Annexure C-1), include its predecessors, predecessors in title, licenses, franchises affiliates, associates and subsidiary companies.

The Complainant is operating a leading chain of convenience store under its corporate and trade mark **Lawson**, retailing and dealing in providing inter-alia range of product of mass consumptions and in-store services such as ticket booking, event reservation, as well as provider of other diverse services in the field of entertainment, internet and tele-communication. The complainant using the word **Lawson** since 1939, when Mr. J. J. Lawson, owner of a dairy plant in Cuyahoga falls, Ohio, started the Lawson's Milk Company became an instant success and soon went on to have stores all over Akron, Ohio, United States and surrounding areas providing and selling inter-alia orange juice, milk, deli counter, chipped style ham & sour cream potato chip dips. In the year 1975, the complainant entered into the international market by commencing their commercial operations in Japan, through launch of its first Lawson Convenience store in Osaka Prefecture, Japan.

Brief History of the complainant since its inception in 1939 is tabulated below:-

Year	Event
1939	Mr. J.J. Lawson, the owner of a dairy plant in Cuyahoga Falls, Ohio, United States, began operating a dairy store, which marked the birth of LAWSON'S MILK COMPANY . Between 1940-1960 , the LAWSON MILK CO. had stores all over Akron, Ohio and surrounding areas providing/selling inter alia orange juice, milk, deli

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	counter 'chipped' style ham and sour cream potato chip dips.
1959	The LAWSON'S MILK COMPANY was bought out by an American consumer-goods company, CONSOLIDATED FOODS (which post 1985, came to be known as the SARA LEE CORPORATION)
1974	CONSOLIDATED FOODS entered into an agreement DAIEI, INC. (a retail company) to establish DAIEI LAWSON CO., LTD.(on April 15,1975) for operations of LAWSON convenience stores in Japan.
June,1975	The First LAWSON convenience store in Japan opened at Sakurazuka, Toyonka, Osaka Prefecture.
March, 1989	DAIEI LAWSON CO., LTD. MERGED with SUN CHAIN CORPORATION, creating DAIEI CONVENIENCE SYSTEMS CO., LTD.
June, 1996	DAIEI CONVENIENCE SYSTEMS, CO. LTD. changed its name to LAWSON,INC.

The Complainant claimed that today is one of the leading convenience store franchises, operating convenience stores under its corporate name/ brand/ trademark **LAWSON** and other **LAWSON-formative marks** in various jurisdictions of the world, including United States, Japan, China and the Philippines. The Complainant, through its **LAWSON** convenience stores, retails/ deals in convenience goods and goods of mass consumption, *inter alia*, processed and unprocessed foods (such as coffee, rice balls, chicken nuggets, smoothies, bread, soft drinks, bakery and dairy items etc.) magazines, video games, garments, cosmetics etc. Apart from offering for sale/ selling/ supplying the aforesaid goods, the Complainant also offers many critical in-store services to its customers at its **LAWSON** stores.

COMPLAINANT'S TRADEMARK REGISTRATIONS

The Complainant also mentioned that they are registered proprietor of the trade mark **LAWSON** as well as various device marks/ original artistic/ formatives works incorporating the textual and (and variations thereof) in various jurisdictions of the world

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in various classes. A non-exhaustive list of some of the said registrations, whereof details are available in **Annexure C-4**.

The Complainant is also the registered proprietor of the trade mark **LAWSON** in **India** in various classes. Details of the same are as under:

Trade Mark	Registration/ application No.	Registration/ Application Date	Class
LAWSON	1503799	November 13, 2006	30, 35
LAWSON	2002522	August 02, 2010	29, 30, 31, 35, 36, 41, 43
LAWSON	2002523	August 02, 2010	29, 31, 35, 36, 41, 43
LAWSON STATION	1503801	November 13, 2006	29, 30, 31, 35, 36, 41, 43

The aforesaid registrations are renewed, valid and subsisting. By virtue of such registrations, the Complainant has exclusive statutory right to use the said trade marks in respect of the goods/services for which they are registered.

COMPLAINANT'S WEBSITES AND DOMAIN REGISTRATIONS

With the advent of satellite television and the internet, the world is fast becoming a global village. The Complainant's success, fame and recognition in its field are also attributed to its globally accessible websites being hosted on the .JP Japanese ccTLD domains <lawson.co.jp> and <lawson.jp>, which were registered on **October 16, 1996** and **May 30, 2008** respectively by the Complainant.

The Complainant has been consistently expanding its online presence across the globe and has launched websites on various other generic top-level domain names, including <lawson108.com>, <cqlawson.com.cn>, <bjlawson.com.cn>, <dllawson.com.cn> and <www.lawson.com.cn>. The said

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websites have also been accessible globally from anywhere in the world (including in India and China) since their launch and provide *inter alia* a direct access to the Complainant's online store and product ordering carts in various jurisdictions in which the Complainant operates its **LAWSON** convenience stores.

Furthermore, the Complainant has also obtained various other top level domain names, including, wherein the Complainant's trade mark **LAWSON** (and variations thereof) form a prominent part. A non-exhaustive list of some such domains is given as under:

Sr. No.	Domain Name	Creation Date
1.	lawson-gift.jp	25-04-2006
2.	lawson.jp	30-05-2008
3.	lawson-seminar.jp	09-12-2011
4.	hawaiilawson.com	15-03-2013
5.	lawsonkishakurabu.jp	13-02-2015
6.	lawson-inc.com	16-01-2017
7.	lawson.com.cn	14-03-2003
8.	cqlawson.com.cn	26-07-2011
9.	dllawson.com.cn	17-01-2013

Copies of the WHOIS results of some of the aforementioned domain name, the detail are available in **Annexure C-5**.

COMPLAINANT'S GLOBAL OPERATIONS AND MILESTONES

Over the course of the last few decades, the Complainant's **LAWSON** convenience stores have become widely recognised amongst the Japanese consumer base as well as internationally. In light of the widespread acclaim and popularity, the Complainant's

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LAWSON franchise has experienced exponential growth in the retail industry and has constantly achieved new heights *inter alia* by diversifying into business areas outside of retail/ convenience stores (for instance- entertainment), as well as by expanding its business operations into various international markets. Details of some of the year wise milestones of the Complainant since 1975 are tabulated below:

Year	Event
1975	The Complainant launched its in-house dairy product-" LAWSON PLAIN MILK "
1977	The Complainant transitioned to a 24-hour/7-day operations of its LAWSON convenience stores in light of the growing customer needs and consumer base.
1992	The Complainant established " LAWSON GREEN COMMUNITY FUND " (now known as " LAWSON GREENFUND "), a CSR initiative aimed at promoting afforestation.
2005	The Complainant launched its chain of LAWSON STORE 100(Fresh Food Type Convenience Store) , operated by its subsidiary Ninety-Nine Plus, Inc.
2007	The Complainant launched a welfare program under its name/ mark LAWSON , by operating a store titled " HAPPY LAWSON YAMASHITA-KOEN STORE " for supporting and raising children.
2010	The Complainant launched its in-house brand of household products for housewives and senior citizens under its brand LAWSON SELECT .
May, 2011	The Complainant opened its 10,000 th LAWSON convenience store in Japan.
July, 2011	In view of continuous success enjoyed over the past decades in the United States and Australia, the Complainant ventured into another international market by opening its first LAWSON store in Indonesia .
August, 2011	The Complainant launched its social welfare program titled " LAWSON JINSEKIKOGENCHO STORE ", for the purpose of supporting marginal villages based on the

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	small compact city.
September, 2011	For the purpose of venturing into the Entertainment industry, the Complainant founded LAWSON HMV ENTERTAINMENT, INC. , its subsidiary company.
November, 2011	The Complainant further expanded its international operations and opened its first LAWSON store in Dalian, China.
April, 2012	The Complainant diversified/ expended its business into the telecommunication and internet industry by launching its " LAWSON WI-FI " wireless LAN service for smart phones.
July, 2012	The Complainant opened its first LAWSON store in Hawaii(United States)
March, 2013	The Complainant launched its business operations in Thailand by opening its first convenience store in the said country under the name LAWSON 108
March, 2015	The Complainant marked its entry into the Philippines market by opening its first LAWSON store in Santa Ana, Manila.

In light of the aforementioned continued success and growth, the Complainant, today, has become a \$6.7 billion company headquartered in Tokyo, Japan, having international presence in multiple countries (including the United States, Japan, Thailand, Philippines and China) engaged in *inter alia* operation and management of convenience stores under its brand/ trade mark **LAWSON** and other **LAWSON-formative marks**, namely, **NATURAL LAWSON** and **LAWSON STORE 100**, as well as handling/ managing/ providing online ticket booking and managing HMV stores through its subsidiary **LAWSON ENTERTAINMENT, INC.** The Complainant today is operating more than 14,000 **LAWSON** convenience stores across various jurisdictions of the world, including the United States, Japan, China and Indonesia. It is notable that the Complainant is operating more than 2,500 **LAWSON** convenience stores in China alone, across five major cities: **Beijing, Chongqing, Dalian, Shanghai and Wuhan.** Around 8 million customers visit **LAWSON** stores

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throughout the world today, which is a testament to the popularity and recognition enjoyed by the Complainant.

The Complainant's worldwide annual net sales figures accounted from all its **LAWSON** stores thereof run into billions of U.S. dollars. The Complainant's annual net sales between years 2007-2011 are as under:

Financial Year	Yen (Millions)	(in USD*(approx. values in billions)
2006-2007	13,86,630	13.13
2007-2008	14,15,106	13.40
2008-2009	15,58,781	14.76
2009-2010	16,66,136	15.78
2010-2011	16,82,812	15.94

COMPLAINANT'S LIST OF "LAWSON" SUBSIDIARIES

The Complainant has incorporated various subsidiaries/ affiliate companies under its corporate name/ trade mark **LAWSON** across multiple jurisdictions for the purpose of conducting its business in diverse industries. Details of the said companies are as below:

Sr.No.	Company Name	Established	Business Area
1.	LAWSON STORE 100, INC. (East Tower, Gate City Osaki 11-2, Osaki 1-chome, Shinagawa-ku, Tokyo 141-0032 Japan)	November 14, 2013	Operation of company-operated stores and franchise Chain management of LAWSON STORE 100 and its merchandise

Review

			related businesses.
2.	LAWSON ENTERTAINMENT, INC(<i>East Tower, Gate City Osaki 11-2, Osaki 1-chome, Shinagawa- ku, Tokyo 141-0032 Japan</i>)	July 23, 1992	Development of a entertainment general enterprise operation of integrated the entertainment mall "LAWSON HOTSTATION PACA"
3.	SHANGHAI LAWSON CONVENIENCE CO., LTD	February 26, 1996	Chain development of convenience store "LAWSON" in Shanghai, China and its surrounding areas.
4	LAWSON OKINAWA, INC. (1-5, Uchima 4-chome, Urasoe City, 901-2224)	January 13, 2009	Development of the Lawson chain-stores in Okinawa prefecture
5.	LAWSON USA HAWAII, INC. 1600 Kapiolani Blvd. Suite 815 Honolulu, HI 96814	January 13, 2012	Operations and management of retails stores in Hawaii
6.	LAWSON (CHINA) INVESTMENT CO., LTD. Room 2703-08, 27th Floor, South Tower, Hong Kong Plaza, 283 Huaihai Middle Road, Huangpu District, Shanghai	May 3, 2012	Operations and management of retails stores
7.	LAWSON	May 17,	Convenience

Review

	MINAMIKYUSHU CO., LTD.	2013	store business in Kagoshima prefecture
8.	LAWSON PHILIPPINES INC. 11th Floor, Times Plaza Building, U.N. Avenue corner Taft Avenue, Ermita Manila	June 02, 2014	Operations and management of convenience and retail store operations in Philippines
9.	SAHA LAWSON CO LTD (2170, 3rd Floor, Bangkok Tower Building, New Petchburi Road, Bang Kapi, Huay Kwang District, Bangkok, Thailand)	November 08, 2012	Operation of Convenience stores/Minimarts and retail sale in non- specialized stores with food, beverages or tobacco.
10.	CHONGQING LAWSON CONVENIENCE STORE CO., LTD	April 29, 2010	Chain development of convenience store "LAWSON" in Chongqing, China
11.	DALIAN LAWSON CONVENIENCE STORE CO., LTD.	September 15, 2011	Chain development of convenience store "LAWSON" in Dalian, China

COMPLAINANT'S SOCIAL MEDIA AND ONLINE PRESENCE

In November, 2011, the Complainant launched its official **Youtube** channel (available at <https://www.youtube.com/user/lawsonnews/about>), which has since then been used to promote, advertise and provide information regarding the Complainant's **LAWSON** stores and its products/services offered under the **LAWSON-formative** marks.

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Additionally, the Complainant has been actively promoting, advertising and furthering its business via various social media platforms for many years i.e. since at least October 15, 2010, including on **Facebook**, **Instagram** and **Twitter**. The Complainant's said social media handles are accessible globally, including in India, and have achieved an enviable followership. Number of followers of the Complainant's social media handles(as on October 05, 2020) are as below:

Sr. No	Platform	No. of Followers	URL
1	Twitter	5.2 Million	https://twitter.com/akiko_lawson
2	Instagram	695K	https://www.instagram.com/akiko_lawson/
3	Facebook	627K	https://www.facebook.com/lawson.fanpage

COMPLAINANT'S ADVERTISEMENT AND PROMOTION

The Complainant's goodwill and reputation in the trade mark **LAWSON** and variations thereof, have not come from sales alone. Millions of U.S. dollars are spent each year for promoting its trade marks by means of national and trans-national advertising. The Complainant also spends a substantial amount each year on advertisements and sales promotion of the Complainant's services under its trade mark/ trade name **LAWSON** and variations thereof.

In particular, the Complainant's entry and expansion of its business into various international markets, including in China, has been widely reported and publicized in journals all over the world, including by several Chinese journals. A non-exhaustive list of some such news articles along with details of a few television commercials/ broadcasts reporting/ publicizing the Complainant's business operations in various countries under its name/ mark **LAWSON**, the details whereof are provided in **Annexure C-6**.

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COMPLAINANT'S REPUTATION AND RECOGNITION

Furthermore, a large number of foreigners from U.S.A., Japan, China and other countries of the world where the Complainant's has business operations under its brand/ corporate name/ trade mark **LAWSON** (and formatives thereof), visit India every year and such persons bring to India, reputation and their familiarity with the Complainant's said trade mark/ brand. A large number of Indian nationals and residents ordinarily travel every year to the U.S.A., Japan, China and other countries, where the Complainant is operating its **LAWSON** convenience stores and is offering services under its mark **LAWSON**. On their return to India, they bring back with them the reputation and goodwill attached to the Complainant and its well-known trade mark **LAWSON**.

The Complainant has the exclusive statutory and common law rights to use its trade mark **LAWSON** and any variations thereof, in respect of the goods for which they are registered in India. By virtue of worldwide and Indian registrations, long-standing use, publicity and high quality products/ services offered by the Complainant through *inter alia* its convenience stores under the brand **LAWSON** (and formatives thereof), the name/ mark **LAWSON** has gained recognition, valuable goodwill and reputation not only internationally but also in India. Further, the said trade mark has become distinctive of and is exclusively identified with the Complainant and its services/ products; and is well-known within the meaning of Article 6bis of the Paris Convention and Sections 2 (1) (zg) of the Indian Trade Marks Act, 1999.

DISPUTED DOMAIN NAME

It was recently brought to the Complainant's notice that a domain name, namely <LAWSON.CO.IN> which is registered by the Respondent. An Internet search revealed that the said domain is listed for sale and the Respondent is inviting third party offers/ cost quotes for its purchase. Relevant snapshot of the impugned webpage has been available in **annexure-C-7**.

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As the said domain name is phonetically, visually, deceptively and confusingly identical to the Complainant's registered trade mark **LAWSON** and the Complainant has not authorised the registration of the same by the Respondent in any manner.

As required by the **.IN Domain Name Dispute Resolution Policy**, the three legal grounds to be established, which are substantiated as follows:

I. The domain name is identical and/or confusingly similar to the trade mark LAWSON and formatives thereof in which the Complainant has rights (Paragraph 4(a) of the .IN Policy)

The Complainant is the registered proprietor of the trade mark **LAWSON** and formatives thereof, including **LAWSON STATION**, in several jurisdictions across the world, including in India, and has been continuously and exclusively using its trade mark **LAWSON** in relation to its business since at least as early as **1939**, i.e. nearly **seventy (70) years** prior to the date on which the Respondent registered the domain <lawson.co.in>. By virtue of long standing use, registration, recognition and extensive promotion globally, including in India, the Complainant's trade mark **LAWSON** and its formatives thereof, qualify to be well-known marks.

The impugned domain name <lawson.co.in> comprises of the Complainant's registered trade mark **LAWSON** in toto and is therefore identical to the Complainant's trade mark and corporate name **LAWSON** and **KABUSHIKI KAISHA LAWSON** trading as: **LAWSON, INC./LAWSON, INC.**, as well as to the Complainant's domain names incorporating the mark **LAWSON**, including <lawson.jp> and <lawson.co.jp>, wherein the Complainant's is and has already been hosting its active websites for many years.

The factum of domain name entirely incorporates the Complainant's mark **LAWSON** is sufficient to establish the confusing similarity of the disputed domain name with the mark and the same is a well settled jurisprudence under the INDRP and UDRP, as has been held and reiterated in various cases by the respective panels under this forum, including in *Akshaya Pvt. Ltd. v. Mr. Prabhakar Jeyapathy*, (INDRP/ 277),

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G.A. Modefine S.A. v. Naveen Tiwari, (INDRP/ 082) and L'Oreal v. Zeng Wei <loreal-paris.in>, (INDRP/ 342).

The Complainant has produced copies of its trade mark registrations for the mark **LAWSON** and various formatives thereof, in various jurisdictions of the world, including in India. It is a well-settled principle, through various decisions under the UDRP and the INDRP, that submitting proof of trade mark registrations is considered prima facie evidence of enforceable rights in a mark. (See: *TransferWise Ltd. vs. Li, Chenggong INDRP/1122*, *Perfetti Van Melle Benelux BV vs. Lopuhin Ivan, IPHOSTER, WIPO Case No. D2010-0858*, *Backstreet Productions, Inc. vs. John Zuccarini, WIPO Case No. D2001-0654*).

It is further submitted by the Complainant that the (Indian country-specific) generic top level domain name **“.co.in”** is an essential part of the domain name and cannot be said to distinguish the disputed domain name **<lawson.co.in>** from the Complainant's prior registered trademark **LAWSON** or from the Complainant's corporate name **KABUSHIKI KAISHA LAWSON** trading as: **LAWSON, INC./ LAWSON, INC.** or from its existing domain names (wherein active websites are being hosted), such as **<lawson.jp>** and **<lawson.co.jp>**. In this regard, it has been held and reiterated by various panels incorporated under the INDRP and UDRP that the suffixing of a top level domain (such as **“.co.in”**), being an essential constituent of a domain name, can be disregarded for the purpose of assessing similarity of the disputed domain name to a trade mark, as held in *LEGO Juris A/S vs. Robert Martin (INDRP/125)*; *Starbucks Corporation d.b.a Starbucks Coffee Company vs. Mohanraj (INDRP/118)*; *AB Electrolux v. GaoGou of Yerec, (INDRP/ 630)*; and *Dell Inc. v. Mani Soniya (INDRP/753)*.

In view of the foregoing paragraphs, it has been suitably established that the disputed domain name **<lawson.co.in>** is identical and confusingly similar to the Complainant's trade marks, corporate name and prior registered domain names incorporating the name/ mark **LAWSON**, in which the Complainant has rights.

Therefore, the conditions under INDRP Paragraph 4(a) stand suitably established.

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II. The Respondent has no rights or legitimate interests in respect of the domain name.

It is submitted by the Complainant that the Respondent has no rights or legitimate interests in the impugned domain name <lawson.co.in>. Complainant has not authorized, licensed or otherwise allowed the Respondent to make any use of its registered trade mark, trade name or corporate name **LAWSON** and the Respondent does not have any affiliation or connection with the Complainant nor to the Complainant's products/ services/ products under the name/mark **LAWSON** (including formatives and variations thereof); and the same constitutes prima facie proof in favour of the Complainant under Paragraph 4(b)– that the Respondent does not have any rights or legitimate interests in the domain name. (Refer *CareerBuilder, LLC v. Stephen Baker*, Case No. D2005-0251). Further, the Respondent cannot assert that it is using the domain name in connection with a bona fide offering of goods and services in accordance with Paragraph 6(a) of the INDRP, as it is not operating any website from the impugned domain and has in fact listed the same for sale and is actively inviting/ soliciting third party offers/ quotes for purchase of the said domain. Copy of the webpage <lawson.co.in>, evidencing it as being listed for sale and inviting third party offers/ cost quotes, which is clearly established from the bare reading of **Annexure C-7**.

The Respondent is not commonly known by the name **LAWSON** within the meaning of Paragraph 6(b) of the Policy nor does it appear to have been known as such prior to the date on which the Respondent registered the impugned domain name. Accordingly, the Respondent is not making any legitimate, non-commercial, or fair use of the disputed domain name. As per the relevant WHOIS records, the Respondent in the present matter is known by the name **Ding RiGuo** (based in **Zhejiang, China**) and does not appear to have any rights or legitimate rights interests in the disputed domain name. Therefore, it appears that the Respondent has deliberately chosen to use the domain name <lawson.co.in>, which is phonetically, visually, conceptually identical and confusingly similar to the Complainant's aforesaid trade mark/ domain name/ corporate name **LAWSON**, so as to suggest a direct connection or affiliation with the Complainant and to create a direct affiliation with Complainant and its business, when in fact there is none.

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Hence, registration of the disputed domain by the Respondent appears to be a blatant attempt to encash upon the Complainant's goodwill and reputation under its aforesaid well-known trade marks/ corporate name/ domain names incorporating its corporate name/ mark **LAWSON**.

The Respondent cannot assert that it has made or that it is currently making any legitimate non-commercial or fair use of the domain name, in accordance with Paragraph 6(c) of the INDRP. The Respondent has instead listed the same for sale, and is using the same as a trading platform for selling/ transferring the said domain by inviting quotations/ offers and/ or any other domain(s) from third party(ies). In view of the Respondent's opportunistic behaviour, it is evident that it is not making any legitimate or fair use of the impugned domain name so as to fall within the ambit of Paragraph 7 (iii) of the INDRP. Further, any use of the domain name <lawson.co.in> in the future by the Respondent is likely to create a false association and affiliation with the Complainant and its well-known trade mark **LAWSON** (including its formatives and variations thereof) as well as its already operational websites being hosted on various domains, including but not limited to <lawson.jp> and <lawson.co.jp>. Therefore, it is submitted that the Respondent has no rights or legitimate interests in respect of the impugned domain name and is incapable of making a legitimate, non-commercial or fair use of the domain name in accordance with Paragraph 6(c) of the INDRP.

It is noteworthy that the Respondent herein registered the impugned domain <lawson.co.in> more than **seventy (70) years/ 7 decades** after the Complainant launched its business under the trade mark **LAWSON** in the year 1939. It is further submitted that the disputed domain <lawson.co.in>, which is listed for sale, actively solicits offers for purchase of the said domain and/ or any other domain. Therefore, the Respondent cannot assert that it is making any use of the disputed domain with any *bona fide* offering of goods or services, when it is in fact not currently hosting any active website therein and appears to be blatantly using the domain for malicious and opportunistic purposes. In the circumstances of this case, the Respondent's use of the disputed domain name is not "*bona fide*" within the meaning of Paragraph 7 (iii) of the INDRP. There is no plausible, legitimate justification for the Respondent's registration of the domain name <lawson.co.in>, which is

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identical to the Complainants' aforesaid trade name, corporate name and domain names (incorporating its mark **LAWSON**).

From the forgoing facts that the Respondent has no rights or legitimate interests in respect of the impugned domain name, and therefore, the conditions under the INDRP Paragraph 4(b) read with Paragraph 6 stand established beyond doubt.

III. The domain name was registered or is being used in bad faith (Paragraph 4(c) and Paragraph 7 of the INDRP).

As per Paragraph 7(a) of the INDRP Policy, it is stipulated that a "bad faith" registration and use of a domain name can be established *inter alia* by showing circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the trademark or service mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name.

The Respondent has listed the domain name <lawson.co.in> for sale and is actively inviting/ soliciting offers for its purchase, which prima facie reflects the Respondent's intention to gain/ earn illegal profits/ monetary amount (in excess out-of-pocket charges for registration and administration of the said domain) by selling/ transferring the registration of the domain. Such conduct falls squarely within the purview of Paragraph 7(a) of the INDRP.

It is a well settled principal under the UDRP and the INDRP that where the Respondent had registered or acquired the domain name for the purpose of selling or renting the domain name, the same qualifies as envisioned bad faith (*Refer: FDC Limited v. Terra Preta GmbH; INDRP/913 and Bharti Airtel Limited vs. Registration Private, Domains By Proxy, LLC, WIPO Case No. D2018-2950.*)

In consideration of the fact that the Complainant operates its business globally and has been carrying out active commercial use of its trade mark **LAWSON** and variations thereof *inter alia* through

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operations of its chain of **LAWSON** branded convenience stores, as well as by hosting its ubiquitous and active websites on the domains <lawson.jp>, <lawson.co.jp>, <lawson108.com>, <bjlawson.com.cn>, <dllawson.com.cn>, <lawson.com.cn>, <cqlawson.com.cn> and <lawson-philippines.com>, it is submitted that the Respondent had constructive notice of the Complainant's aforesaid trade marks/ corporate name and domain names.

It is also submitted that the Complainant's marked its entry into China, where the Respondent is based at (as per the WHOIS information available in NIXI's records), in **July, 1996**, by opening its first **LAWSON** convenience store in mainland China in the *Gubei New District, Changning District, Shanghai* at the time. The Complainant's commencement of its operations in China, was highly publicized there and around the world. Thereafter, on **March 14, 2003**, the Complainant acquired the domain <lawson.com.cn> for the purpose of launching its website for the purpose of promoting and further operations/ management of its **LAWSON** stores in China. Over the past two (2) decades, the Complainant's brand **LAWSON** has grown tremendously in China and today, the Complainant is operating more than 2,500 **LAWSON** convenience stores in China across major cities such as Shanghai, Beijing and Wuhan.

It is thus pertinent to mention here that the Complainant's commencement of use of its mark **LAWSON** in China is more than a decade prior to the Respondent's registration of the impugned domain. Therefore, the Respondent (also being based in China), cannot assert that it has no knowledge of the Complainant's operations under its trade mark/ corporate name **LAWSON**. It is a settled principle under the INDRP and UDRP that a deliberate use of a well-recognized mark to attract unsuspecting users to the Respondent's site, based on awareness of the trade mark, is indicative of bad faith registration. (Refer: *Lego Juris v. Robert Martin*, INDRP/ 125; *Caesars World, Inc. v. Forum LLC* (WIPO Case No. D2005-0517); *HUGO BOSS Trade Mark Management GmbH & Co. KG, HUGO BOSS AG v. Dzianis Zakharenka*, (WIPO Case No. D2015-0640).

In light of the continuous and exclusive use of its trade mark **LAWSON** by the Complainant dating back to as early as 1939 across

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multiple jurisdictions, including in the Registrant's country i.e. China, and prior registration/ bona fide use of various domain names (discussed hereinbefore) incorporating the mark **LAWSON**, these marks/ domain names have become exclusive identifiers of the Complainant and its products/ services and online stores. Hence, the Respondent has no reason to adopt an identical name/ mark **LAWSON** with respect to the disputed domain name, except to create a deliberate and false impression in the minds of consumers that the Respondent is somehow associated with or endorsed by the Complainant, and to thereby intentionally ride on the massive goodwill and reputation associated with the Complainant and to unjustly gain enrichment from the same.

It is a well-settled principle under the INDRP that registration of a domain name that incorporates a well-known mark by an entity that has no relationship to the mark is evidence of bad faith (Refer: *The Ritz Carlton Hotel Company LLC vs. Nelton! Brands Inc.*, INDRP/ 250, *Make-up Art Cosmetics Inc. vs. Doublefist Limited*, INDRP/1094, *Wells Fargo & Co. and Anr. vs. Krishna Reddy*, INDRP 5810060; *QRG Enterprises Limited & Anr. vs. Zhang Mi*, INDRP/852).

It is further submitted that based on a reverse WHOIS search, the Respondent appears to be a serial domain squatter and has a history of registering domain names similar to or comprising of various notable trade marks/ corporate names including but not limited <hellokitty.in> and <eveonline.in>. In this regard, a **reverse WHOIS search report** for the Respondent, inter alia listing the various domain names registered by the Respondent, can be accessed at the URL <https://viewdns.info/reversewhois/?q=Ding+Riguo>.

Furthermore, many of the domains registered by the Respondent herein have been subject matter of prior domain dispute cases under the INDRP and have accordingly been duly dealt with by prior Panels in favour of the Complainants. A non-exhaustive list of domain dispute cases wherein the domain names registered by the Respondent herein i.e. **Ding Riguo/ Riguo, Ding**, have been directed to be transferred to the Complainant is tabulated below:

S.No.	Case	Domain name	Panel decision
1	EH Europe	<enersys.in>	The Panel directed

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	GMBH vs. Ding Riguo (INDRP/814)		that the disputed domain name be transferred to the Complainant.
2	Brooks Sports, Inc., vs. Ding Riguo (INDRP/1087)	<brooksrnning.in>	The Panel directed that the disputed domain name be transferred to the Complainant
3	Societe Anonyme Des Galeries Lafayette vs. Ding Riguo (INDRP/ 1185)	<galerieslafayette.co.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
4	Ben Sherman Group Ltd. Vs. Riguo Ding (INDRP/168)	<bensherman.co.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
5	E. Remy Martin vs. Riguo Ding (INDRP/186)	<remy-martin.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
6	Volvo Trademark Holding AB vs. Riguo Ding (INDRP/225)	<volvoce.co.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
7	Tenaris Connections BV vs. Riguo Ding (Zhejiang, China) (INDRP/257)	<tenaris.co.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
8	Morgan Stanley vs. Ding RiGuo (INDRP/ 370)	<morgan-stanley.co.in>	The Panel directed that the disputed domain name be

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			transferred to the Complainant.
9	Biotronik SE Co. KG. vs. Ding RiGuo (INDRP/395)	<biotronik.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
10	Booz Allen Hamilton vs. Ding RiGuo (INDRP/417)	<boozallenhamilton.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
11	Carl Karcher Enterprises (Carpinteria, USA) vs. Ding RiGuo (INDRP/419)	<carlsjr.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
12	E. Remy Martin vs. Riguo Ding (INDRP/421)	<remy-martin.co.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
13	E. Remy Martin vs. Riguo Ding (INDRP/423)	<louis-xiii.co.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
14	Crabtree and Evelyn Holdings Limited vs. Ding RiGuo (INDRP/612)	<crabtree-evelyn.in>	The Panel directed that the disputed domain name be transferred to the Complainant.
15	Clarins vs. Ding RiGuo (INDRP/728)	<clarins.in>	The Panel directed that the disputed domain name be transferred to the Complainant.

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In view of the above, it is evident that the Respondent is a serial infringer who is in a habit of registering domains incorporating third party trademarks in bad faith and with the intention of cashing upon goodwill and reputation of third party(ies)/ IP right holders for illegal and unlawful profits.

In view of the above, Complainant has established that the mark **LAWSON** is distinctive and well-known, and the Respondent cannot assert that it had no prior knowledge of the Complainant's aforesaid mark/ corporate name. Owing to the fame attached to the Complainant's mark **LAWSON** (and formatives thereof), which is a result of extensive use and promotion in relation to its world-renowned services and further in view of the fact that the Complainant's services are available all over the world, including in China, where the Respondent is based at, it is implausible for the Respondent to have registered the domain name for any reason other than to trade off the reputation and goodwill of the Complainant's name/ mark **LAWSON**.

The facts and contentions enumerated above establish that Respondent's domain name registration for <lawson.co.in> is clearly contrary to the provisions of paragraph 4(c) of the INDRP.

TRADE MARK REGISTRATIONS AND COMPLAINANT:

The Complainant has statutory protection of its trade mark "LAWSON.CO.IN" in several jurisdictions.

THE COMPLAINANT'S AUTHORIZED REPRESENTATIVE IN PRESENT PROCEEDINGS ARE AS UNDER:-

Vikrant Rana
S.S. Rana & Company, Advocates
Registered office:-
317, Lawyers Chambers,
High Court of Delhi,
New Delhi-110003
Fax No. +91 11-40123010
e-mail: inf@ssrana.com



RESPONDENT'S IDENTITY AND ACTIVITIES :

The Respondent registered the disputed domain name, LAWSON.CO.IN (offending domain) is registered in the name of Ding RiGuo. Therefore he has been impleaded as respondent, as per the Whois records, refer Annexure-C-2, the complete Registrant details are as under:-

- Name: Ding RiGuo
- Registrar Name: Endurance Domains Technology LLP
- Registrant Registrar Name: Transecute Solutions Pvt. Ltd.
- Address: 8F, No.199 Shifu Road, Taizhou, Zhejiang, China, 318000
- Contact Number: +86.13819669399
- E-mail: juc@qq.com

THE DOMAIN NAME AND REGISTRAR

This dispute concerns the domain name LAWSON.CO.IN. As per the Whois record, the accredited Registrar of the offending domain is Endurance Domains Technology LLP, situated at Unit No.501, Fifth Floor, IT Building-3, Nesco IT Park, Nesco Complex, Western Express Highway, Goregaon (E), Mumbai-400063, Maharashtra, India.

e-mail address: customer@endurance.com, finacctind@endurance.com, apac-tldadmin@endurance.com.

Phone numbers: +91 2262310218

5. PARTIES CONTENTIONS:

A: COMPLAINANT:

The Complainant contents that each of the elements specified in the policy are applicable to this dispute.

The Complainant Company LAWSON.CO.IN, the complete details have already been provided hereinabove. It is evident that the complainant has a long and extensive use of the mark LAWSON and the same can be termed as well known / renowned trademark. In order to protect their trademark from third party

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adoption, the complainant undertakes various periodical searches and actions against such adoptions. Upon conducting one search for cyber squatters, the complainant became aware of the registration of the domain name LAWSON.CO.IN in the name of respondent.

The offending domain host the impugned website, wherein the respondent offers for sale various products of the LAWSON, the complete detail are provided in Annexure-7.

As such, the respondents misrepresents to the relevant section of the public that it is associated with the complainant, whereas no such relation exist ever. Hence, the respondent cheats innocent consumers in the name of the complainant and may be provided below par products which may not be genuine.

B: RESPONDENT:

The Respondent did not submit any evidence or argument indicating his relation with the disputed domain name LAWSON.CO.IN or any Trademark right, Domain name right or contractual right.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTEREST IN THE DOMAIN NAME:-

The respondent has no right to use / register the mark LAWSON of the complainant in any manner, as it is the sole property of the complainant. The complainant has statutory and common law right on the mark LAWSON. The adoption and use of the mark LAWSON by the respondent is not licensed / permitted, thus adoption and use of the mark LAWSON, is part of offending domain name in any manner whatsoever, results in infringement and passing off the rights of the complainant of trade mark LAWSON.

The respondent is taking advantage of innocent customers who may or may not enquire about the authenticity of the respondent or its relations with the complainant. Every if the respondent informs the purchasing customers that it is not related with the complainant, the same does not bestow any right to use the word trade mark LAWSON of the

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complainant.

The respondent has developed the offending domain name compressing of the well known mark LAWSON of the complainant with sole aim to make illegal benefits from the goodwill and reputation of the mark LAWSON built by the complainant.

The respondent is a habitual offender, which clearly evident from the registrations of the other domains, therefore, they have no legitimate interest in the offending domain.

The respondent has no legitimate reasons for the adoption of the word LAWSON in the offending domain. The word LAWSON connotes and denotes the goods and services of the complainant. Hence, the adoption of the said mark by the respondent in the offending domain only reeks of dishonesty at the first instance. The respondent has no right whatsoever to use or adopt the well known trade mark LAWSON of the complainant.

Therefore, the Complainant contends that the disputed Domain name is identical and/or confusingly/deceptively similar to their Registered Trademark "LAWSON".

In relation to element (ii), the Complainant contends that the Respondent (as an individual, business, or other organization) has not been commonly known by the mark "LAWSON". The Respondent does not own any Trademark registration as "LAWSON" or a mark that incorporates the expression "LAWSON". The Respondent has no license or authorization or permission from the Complainant to either use the designation "LAWSON" or to register the disputed Domain name. The Respondent does not have any *bona fide* reasons to adopt the Domain name which is identical to the Trademark of the Complainant.

Further, the Respondent is not making a legitimate or fair use of the said Domain name for offering Goods and Services. The Respondent Registered the Domain name for the sole purpose of creating confusion and misleading the general public at large.

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Therefore, the Respondent has no legitimate Justification or interest in the disputed Domain name.

Regarding the element at (iii), the Complainant contends that the Respondent has registered the disputed Domain name in bad faith and for its actual use in bad faith. The main object of registering the Domain name " LAWSON " by the Respondent is to mislead / misrepresents the customers of the Complainant and internet users and the general public. The Respondent has registered the disputed Domain name; but has not demonstrated any preparations to use the Domain name or a name corresponding to the Domain name in connection with any bona fide offering of goods or Services.

This clearly demonstrates that the respondent has registered the Domain name solely with an intention to derive undue pecuniary benefit from the Complainant trade name and not for any genuine or legitimate use.

The Complainant has stated that the use of a Domain name that appropriates a well-known Trademark to promote competing or infringing products cannot be considered a "*bona fide offering of Goods and Services*".

The disputed domain name clearly incorporates the famous trademark "Dell" of the Complainant in its entirety. Such use of the disputed domain name is considered evidence of bad faith registration and use under the INDRP.

The disputed domain name wholly incorporate, the prior registered trademark of the complainant, the disputed domain name is identical or confusingly similar to the trademark for the purpose of INDRP.

6. DISCUSSION AND FINDINGS:

The Rules instructs this Arbitrator as to the Principles to be used in rendering its decision. It says that, "a panel shall decide a Complaint on the basis of the statements and documents submitted by the parties in accordance with the Policy, the Arbitration and Conciliation Act, 1996, the Rules and any Rules and Principles of

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Law that it deems applicable”.

According to the Policy, the Complainant must prove that:-

- (i) The Registrant's Domain name is identical or confusingly similar to a name, Trademark or Service mark in which the Complainant has rights;
- (ii) The Registrant's has no rights or legitimate interests in respect of the Domain name that is the subject of Complaint; and
- (iii) The Registrant's Domain name has been Registered or is being used in bad faith.

A. Identical or Confusingly Similar:

The disputed Domain name < LAWSON.CO.IN.> was Registered by the Respondent on **26/08/2011**. The registration of the said disputed Domain name is due to expire on 26/08/2021. It is pertinent to note that the Complainant has not taken swift action and filed complaint on 03/12/2020.

The Complainant is an owner of the Registered Trademark LAWSON.INC. The Complainant is also the owner of a large number of domains with the Trademark LAWSON.INC as stated above, referred by the Complaint, which duly mentioned hereinabove in detail. Most of these Domain names and the Trademarks have been created by the Complainant much before the date of creation of the disputed Domain name by the Respondent. The disputed Domain name is Trademark LAWSON.CO.IN. Thus, the disputed Domain name is very much similar to the name and the Trademark of the Complainant.

The Hon'ble Supreme Court of India has recently held that the Domain name has become a business identifier. A Domain name helps identity the subject of trade or Service that an entity seeks to provide to its potential customers. Further that, there is a strong likelihood that a web browser looking for LAWSON would mistake the disputed Domain name as of the Complainant.

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Furthermore, it appears that the impugned domain is owned by Mr. Ding RiGuo. Upon checking the official website of the respondent, which is crystal clear from the Annexure-C-7 that the Respondent, being in the same field of business as of the Complainant and cognizant of the reputation and goodwill associated with the trademark / domain "LAWSON.INC", registered the domain name LAWSON.INC to disingenuously exploit the Complainant's stellar reputation and goodwill.

Therefore, I hold that the Domain name LAWSON.CO.IN is phonetically, visually and conceptually identical or confusingly/deceptively similar to the Trademark of the Complainant.

B. Rights or Legitimate Interests :

The Respondent may demonstrate its rights to or legitimate interest in the Domain name by proving any of the following circumstances:

- i) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use, the Domain name or a name corresponding to the Domain name in connection with a *bona fide* offering of goods or Services; or
- (ii) the Registrant (as an individual, business or other organization) has been commonly known by the Domain name, even if the Registrant has acquired no Trademark or Service mark rights; or
- (iii) The Registrant is making a legitimate non-commercial or fair use of the Domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Trademark or Service mark at issue.

The Respondent's response is not available in this case. There is no evidence to suggest that the Respondent has become known by the disputed Domain name anywhere in the World. Based on the evidence adduced by the Complainant, it is concluded

David A. Wu

that the above circumstances do not exist in this case and as such the Respondent has no rights or legitimate interests in the disputed Domain name.

Further, the Complainant has not consented, licensed or otherwise permitted the Respondent to use its name or Trademark LAWSON.INC or to apply for or use the Domain name incorporating said mark. The Domain name bears no relationship with the Registrant. Further that, the Registrant has nothing to do remotely with the business of the Complainant.

Contention of Complainant is squarely covered in a decided Case number **INDRP/776 Amundi versus GoaGou**, the Complainant is required to make out a prima facie case that Respondent lacks right or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating right or legitimate interests in the Domain name. If Respondent fails to do so, the Complainant is deemed to have satisfied para 4(II) of the INDRP policy.

I, therefore, find that the Respondent has no rights or legitimate interests in the Domain name under INDRP Policy, Paragraph 4(ii).

C. Registered and Used in Bad Faith:

Any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration or use of the Domain name in bad faith:-

- i) circumstances indicating that the Registrant has Registered or acquired the Domain name primarily for the purpose of selling, renting, or otherwise transferring the Domain name registration to the Complainant who bears the name or is the owner of the Trademark or Service mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out of pocket costs directly related to the Domain name; or

Prashant

- ii) The Registrant has Registered the Domain name in order to prevent the owner of The Trademark or Service mark from reflecting the mark in corresponding Domain name, provided that the Registrant has engaged in a pattern of such conduct; or
- iii) by using the Domain name the Registrant has intentionally attempted to attract the internet user to the Registrants website or other online 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 of a product or Service on the Registrant's website or location.

The contention of the Complainant is that the present case is covered by the circumstances mentioned herein above. There are circumstances indicating that the Respondent has intentionally attempted to attract, for commercial gain, internet users to its web site, by creating a likelihood of confusion with the Complainant's mark. It may also lead to deceiving and confusing the trade and the public.

Further, as has been mentioned above if there are circumstances indicating that the Registrant has Registered or acquired the Domain name primarily for the purpose of selling, renting or otherwise transferring the Domain name registration to the Complainant who bears the name or is the owner of the Trademark or Service mark or to a competitor of that Complainant for valuable consideration in excess of the Registrant's documented out of pocket cost directly related to the Domain name, it will amount to the registration or use of the main name in bad faith.

The very use of a domain name by someone with no connection with the Complaint suggests opportunistic bad faith as stated **INDRP Case No 934 between Mozilla Foundation and Mozilla Corporation Vs LINA Double fist Limited.**

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The respondent has no right or legitimate interest in the disputed domain name. The complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the respondent to register or used the Dell trademark in any manner. The respondent is neither a licensee of the complainant nor has it otherwise obtained authorization of any kind whatsoever to use the trademark of the complainant. In this regard the reliance can be placed in the following decision:-

NIXI Case No.INDRP/027.
NIXI Case No.INDRP/999.
NIXI Case No.INDRP/442.
NIXI Case No.INDRP/725.

By using the disputed Domain name in connection with a monetized parking page, as well as advertising the disputed Domain name for sale, refer annexure-C-7, respondent actions are clearly commercial and therefore respondent cannot establish rights or legitimate interest pursuant to para 7 (iii) of the INDRP. Reliance can be placed on the following decisions in this regard:-

NIXI Case No.INDRP/258.
NIXI Case No.INDRP/127.
NIXI Case No.INDRP/725.

In addition, respondent's attempt to sale the disputed Domain name (refer annexure-C-7) is additional evidence of bad faith, the reliance can be placed on the following decision:-

NIXI Case No.INDRP/481.
NIXI Case No.INDRP/457.
NIXI Case No.INDRP/917.

Accordingly, the respondents has no rights or legitimate interests in respect of the disputed Domain name.

The foregoing circumstances lead to the presumption that the

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Domain name in dispute was Registered and used by the Respondent in bad faith.

7. **DECISION**

In light of the foregoing findings, namely, that the Domain name is confusingly/deceptively similar to Complainant's well known brand "LAWSON.INC", a mark in which the Complainant has rights, that the Respondent has no claims, rights or legitimate interests in respect of the disputed Domain name, and that the disputed Domain name was Registered in bad faith and is being used in bad faith, in accordance with the policy and the rules, the Arbitrator orders that the Domain name "LAWSON.CO.IN" be transferred to the Complainant.

This award is passed at New Delhi on this 28th day of April, 2021.

Prashant
28/4/2021

R. K. KASHYAP
SOLE ARBITRATOR