

**BEFORE SHRI PANKAJ GARG, SOLE ARBITRATOR, AT  
NEW DELHI**

**COMPLAINT NO. INDRP  
CASE NO. 1362/2021**

**JINDAL STAINLESS LIMITED & ANR  
.....COMPLAINANTS**

**VERSUS**

**PANDIT PRADEEP CHATURVEDI  
.....RESPONDENT**

**CORAM:**

**HON'BLE MR. PANKAJ GARG**

**ORDER**

**28.04.2021**

The matter is taken up today by this Tribunal from its residential office due to Covid-19 pandemic situation for passing an award in terms of the notice issued by this Tribunal on 18.03.2021.



The service of the hard copy as well as the soft copy of the Complaint and the Notice of this Tribunal upon the Respondent has already been completed.

Despite the service, the Respondent failed to file any reply/counter on the Complaint of the Complainant. The matter was listed for 15.04.2021 for passing an award, but no reply/counter is filed by the Respondent, despite the sufficient opportunity.

This Tribunal to meet out the ends of the justice waited till 27.04.2021 for the reply/counter of the Respondent but no reply/counter is filed by the Respondents till 27.04.2021.

Considering the circumstances that the award has to be passed in time bound manner, within 60 days from the date of initiation of the Arbitral Proceedings, an ex-parte order on merits is passed today on 28.04.2021.

Separately an award of even date is also passed which shall be shortly delivered.

### **CONCLUSION FOR ORDER**

As per the material placed on record and the averments made in the complaint and also in the annexed evidences and documents,

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which have been proved in evidence since unrebutted, it is evident that the domain name www.jindalstainless.in is a well known domain name. The same is known to most of the people of the entire world. No one is entitled and can be authorized to use the same either as a domain name or as a trademark in relation to the similar or dissimilar business, as the said domain name/trade mark has got a unique goodwill and reputation.

The impugned domain name consists of "JINDALSTAINLESS", which is already a registered trademark of the Complainants. Henceforth, it is immaterial whether the impugned domain name was registered prior to or after the registration of the "JINDALSTAINLESS" trademark. The impugned domain name pertains to the territory of India and the Complainant's trademark "JINDALSTAINLESS" has not only cosmopolitan recognition but also a registered trademark in India, therefore, only the Complainants can be the legitimate owner of the trademark "JINDALSTAINLESS" and impugned domain name and not the Respondent.

In the opinion of this Tribunal, the impugned domain name is a trademark backed domain name and it not only violates the provisions of the TM Act, 1999 but also violates Clause 4 of the

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INDRP policy issued by the NIXI. The impugned domain name conflicts with the legitimate rights and interests of the Complainants on the following premises:-

- a) The impugned domain name is identical and confusingly similar to a named trademark as well as a service mark, in which the Complainants has a right;
- b) Respondent has no right or legitimate interest in respect of the impugned domain name;
- c) The Respondent impugned domain name has been registered and is being used in bad faith by using the registered trademark of the Complainants and giving a pecuniary loss to the Complainants by using the name and trademark of the Complainants.

The evidences filed by the Complainants have gone un rebutted as well as proved by the Complainants, therefore, the statements and documents filed by the Complainants are accepted as correct deposition. In view of the facts and settled law, with the deposition and documents of the Complainants placed before this Tribunal, the Complaint deserves to allowed for an Award on merits in

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favour of the Complainants, as prayed in the Complaint by the Complainants.

### **DECISION**

a) In view thereof, it is directed that the domain name www.jindalstainless.in be transferred in favour of the Complainants by the Registry. As a result, the Respondent, his agents, servants, dealers, distributors and any other person(s) acting for and on its behalf are permanently restrained from using the domain name www.jindalstainless.in or any other deceptively similar trademark, which may amount to infringement of Complainants registered trademark and also from doing any other thing, which is likely to create confusion and deception with the goods/services of the Respondent for any connection with the Complainants.

b) The Complaint is allowed in the above terms.

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c) Respondent is hereby directed to pay to the Complainants a sum of Rs 75,000/- (Rupees Seventy Five Thousand only) towards cost of the proceedings.

d) National Internet Exchange of India (NIXI) is advised to take incidental or ancillary action involved in the transfer of the domain name, as directed.



**(PANKAJ GARG)**

**SOLE ARBITRATOR**

**Place: New Delhi**

**Date: 28<sup>th</sup> April, 2021**