



सत्यमेव जयते

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### ARBITRATION AWARD .IN REGISTRY

(C/O NATIONAL INTERNET EXCHANGE OF India)

Before the Sole Arbitrator, Binny Kalra

Disputed domain name <[www.jungleerummyindia.in](http://www.jungleerummyindia.in)>

**INDRP Case No: 1363**

*Binny Kalra*

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**ARBITRATION AWARD  
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(C/O NATIONAL INTERNET EXCHANGE OF India)

Before the Sole Arbitrator, Binny Kalra

Disputed domain name < [www.jungleerummyindia.in](http://www.jungleerummyindia.in) >

In the matter of:

Junglee Games India Private Limited  
55, 2nd Floor  
Lane-2, Westend Marg  
Saidullajab, Near Saket Metro,  
New Delhi - 110030, India

**Complainant**

vs

Vikramaditya Ashtikar  
trading as Manas Kapadia Limited  
157, Shyamla Hills Rd  
Shyamla Hills  
Bhopal-462013  
Madhya Pradesh, India

**Respondent**

**INDRP Case No: 1363**

**1. The Parties:**

The Complainant is Junglee Games India Private Limited which is represented by Krida Legal, D 969, Lower Ground Floor, New Friends Colony, New Delhi-110025. The Respondent is Vikramaditya Ashtikar trading as Manas Kapadia Limited. The Respondent is not represented in person or through counsel in these proceedings.



## 2. The domain name, Registrar, and Policy

The disputed domain name is <[www.jungleerummyindia.in](http://www.jungleerummyindia.in)> (hereinafter referred to as the "**Disputed Domain Name**"). The Registrar for the Disputed Domain Name is TLD Registrar Solutions Ltd. The present arbitration is being conducted in accordance with the Arbitration and Conciliation Act, 1996, the .IN Domain Name Dispute Resolution Policy ("**Policy**") and the INDRP Rules of Procedure ("**Rules**").

## 3. Procedural history:

27 March 2021:	Statement of acceptance along with a declaration of impartiality and independence was sent to the .IN Registry
30 March 2021:	The .IN Registry transmitted information of appointment of the arbitrator and circulated the complaint and its annexures to the parties, while also informing the Complainant about the deficiencies to be rectified in the complaint i.e. missing details of the Respondent in the complaint main body and the incomplete WHOIS details annexure.
1 April 2021:	Notice of commencement of arbitration proceedings was sent to the Parties* and a period of 21 days, until April 22, 2021 was given to the Respondent to submit a statement of defense.
3 April 2021:	The Complainant submitted the updated complaint and annexure with complete WHOIS details.
5 April 2021:	The Complainant provided certain clarifications requested by the Panel in respect of the amendments made in the complaint.
5 April 2021:	The Panel sent a communication to the Parties* and gave time to the Respondent 3 weeks' time until 26 April 2021 to file its statement of defense in view of the fact that the final complaint was circulated on 5 April 2021.



27 April 2021:	The matter was reserved for passing an award as the Respondent did not file a statement of defense or send any communication to the Panel to seek an extension of time.
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- \* The following report was received for email communications sent to the Respondent's known email address [postmaster@jungleerummyindia.in](mailto:postmaster@jungleerummyindia.in):

*Delivery has failed to these recipients or groups:*

*postmaster@jungleerummyindia.in (postmaster@jungleerummyindia.in)*

*Your message wasn't delivered. Despite repeated attempts to deliver your message, the recipient's email system refused to accept a connection from your email system.*

*Contact the recipient by some other means (by phone, for example) and ask them to tell their email admin that it appears that their email system is refusing connections from your email server. Give them the error details shown below. It's likely that the recipient's email admin is the only one who can fix this problem.*

#### **4. Complainant's case:**

The Complainant has made the following claims and submissions, which the Panel has paraphrased for brevity:

- The Complainant claims to be India's pioneering and leading gaming company, which develops cutting-edge gaming technology and customized licensing solutions for desktop and mobile platforms.
- Some of its best-known games and online fantasy sports include "Junglee Games", "Junglee Rummy", "Junglee Teen Patti", "Rummy Premier League" and "Howzat".
- It claims to be one of the fastest growing skill games company in South East Asia, and the first to launch skill games with prizes.
- The trademark JUNGLEE RUMMY was conceived, coined and adopted by the Complainant in 2011. The Complainant has continuously and extensively used the JUNGLEE house mark since a decade.



- On 1 February 2010, the Complainant purchased a domain name <[www.jungleegames.com](http://www.jungleegames.com)> and launched its website. In the year 2011, the Complainant also purchased the domain name [www.junglerummy.com](http://www.junglerummy.com).
- The Complainant's wide range of products and services branded under the trademark JUNGLEE RUMMY are immensely popular amongst customers and have acquired impeccable reputation, goodwill and brand loyalty.
- The Complainant claims to be the prior, continuous and extensive user of its trademark, JUNGLEE, which is the most essential and prominent part of its branding, trading name, trading style, domain name etc.
- The Complainant has a user base of over 30 million players and its flagship game JUNGLEE RUMMY has more than 5 million players.
- The fact that JUNGLEE RUMMY has around 300,000 followers on Facebook evidences the popularity and reputation of the games offered by the Complainant. Reliance is placed on printouts from the social media pages of the Complainant at **Annexure-D** to the complaint.
- The Complainant has expended enormous sums on the promotion and marketing of its products and services offered under the brand and mark JUNGLEE RUMMY. Its goods and services are endorsed by reputed Indian celebrities such as Mr. Prakash Raj, Mr. Rana Duggabati, Mr. Saurabh Shukla, and Mr. Rajpal Yadav. Reliance is placed on printouts of news articles at **Annexure-E** to the complaint.
- The consumers, people in trade and public at large recognize and associate goods and service bearing the mark JUNGLEE RUMMY solely with the Complainant.
- The Complainant has obtained trademark registrations in India for JUNGLEE RUMMY to protect its rights, interest and goodwill associated with the same. Reliance is placed on a list of registrations at **Annexure-F** to the complaint.
- The Disputed Domain Name <[www.junglerummyindia.in](http://www.junglerummyindia.in)> wholly uses the Complainant's registered trademark JUNGLEE RUMMY with respect to identical

*Biny Kalia*

services. Reliance is placed on WHOIS details of the Disputed Domain Name at **Annexure-A** to the complaint.

- The Respondent is also prominently using the Complainant's registered proprietary tagline 'Junglee Rummy The Most Trusted Rummy Site' as well as

**JUNGLEE**

the Complainant's registered label  .

- The Respondent is using original photographs, images and other endorsement and marketing material of the Complainant including the images of JUNGLEE RUMMY App, thereby infringing upon the Complainant's copyrights as well.
- The Disputed Domain Name uses the Complainant's trademark JUNGLEE RUMMY in its entirety to show an association or affiliation with the Complainant which does not exist.
- The Respondent's use of the Complainant's trademarks, personal details and advertising material, images of brand ambassador and the photos of JUNGLEE RUMMY app shows that the Respondent is posing itself to be the Complainant. Reliance is placed on printouts from the infringing website hosted on the Disputed Domain Name at **Annexure-G** to the complaint.
- The intention of the Respondent is to leverage the strength and reputation of the Complainant's trademark to divert traffic to the former's website by causing confusion with a view to make illegal commercial gains.

## 5. Legal grounds:

Under Paragraph 4 of the Policy, the Complainant must establish the following three elements to succeed:

- (a) the Disputed Domain Name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and
- (b) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and



(c) the Disputed Domain Name has been registered or is being used in bad faith.

## **6. Discussion and findings:**

The Respondent has not participated in the present proceedings after communications sent as per INDRP Rules and has not filed a statement of defense. Therefore, the factual claims made by the Complainant as summarized in paragraph 4 above shall be accepted by the Panel as *prima facie* valid and the discussion will proceed on this basis.

### **A. Whether the Disputed Domain Name is identical and/or confusingly similar to a name, trademark or service mark in which the Complainant has rights**

The Disputed Domain Name is <[www.jungleerummyindia.in](http://www.jungleerummyindia.in)>. The Complainant has claimed rights in the mark JUNGLEE RUMMY. The evaluation of Issue A shall therefore be twofold:

#### **a. Whether the Complainant has rights in the mark JUNGLEE RUMMY**

The Panel notes the following claims made by the Complainant to be factual and sufficient to establish its rights in the trademark JUNGLEE RUMMY:

- On February 01, 2010, the Complainant purchased a domain name <[www.jungleegames.com](http://www.jungleegames.com)> and launched its website. In the year 2011, the Complainant also purchased the domain name <[www.jungleerummy.com](http://www.jungleerummy.com)>.
- The mark JUNGLEE RUMMY was adopted by the Complainant in the year 2011. The Complainant has extensively, consistently and continuously used the said mark in relation to its goods and services.
- The Panel has seen the certificates of registration at **Annexure-F** to the complaint and is satisfied that the Complainant is the registered proprietor of the trademark JUNGLEE RUMMY under Nos. 4104369, 4104370, 4104371 and 4104372, respectively, in classes 9, 28, 41, 42. The Complainant also



has several registrations in similar classes for the trademark

The logo for 'JUNGLEE RUMMY' features the word 'JUNGLEE' in a bold, black, sans-serif font. Below it, the word 'RUMMY' is written in a stylized font where each letter is contained within a small, red-bordered square. The letters are white with a red dot in the center. The entire logo is centered above the text 'jungleerummy.com, the label mark and the tagline "Junglee Rummy The Most Trusted Rummy Site".' data-bbox="525 110 635 150"/>  
jungleerummy.com, the label mark  and the tagline "Junglee Rummy The Most Trusted Rummy Site".

- The Complainant has around 300,000 followers on Facebook as seen in Annexure D. As per the Complainant's submission in para 4 (iv) of the complaint it "has a user base of over 30 million players and its flagship game '**JUNGLEE RUMMY**' has more than 5 million players". Although there is no corroborative material on record for this claim, the Panel notes that the Complainant's website claims that it has 25 million+ players. Based on the declared size of its customer base on its website and the social media presence of the Complainant, the Panel is satisfied that the trademark JUNGLEE RUMMY is identifiable with the Complainant and enjoys popularity among the relevant class of consumers.
- Further, the Complainant is presumed to have a protectable goodwill and reputation in the trademark JUNGLEE RUMMY by virtue of its registrations and use of the trademark.

The Panel accepts the Complainant's claims to be *prima facie* valid based on the statements made in the complaint and the trademark registration numbers at Annexure F. Given that these claims have been found to be valid, the Panel finds that the Complainant enjoys both statutory rights and common law in the mark JUNGLEE RUMMY in India.

**b. Whether the Disputed Domain Name is identical and/or confusingly similar to the mark JUNGLEE RUMMY**

The Disputed Domain Name is **jungleerummyindia.in**. It is undeniable that **jungleerummyindia.in** is identical to the Complainant's trademark **JUNGLEE RUMMY** in all respects. More specifically:

A handwritten signature in blue ink, appearing to read 'Binay Kataria', is located at the bottom right of the page.



- The Disputed Domain Name <[www.jungleerummyindia.in](http://www.jungleerummyindia.in)> wholly incorporates the Complainant's registered trademark JUNGLEE RUMMY with respect to identical services as those offered by the Complainant.
- The mark JUNGLEE RUMMY has been accepted by the Panel to be exclusively associated with the Complainant.
- The addition of the word "India" at the end of the Disputed Domain Name by the Respondent does nothing to distinguish the same from the Complainant's trademarks and / or domain names. In the Panel's view, adding a geographical name to a known trademark especially in a domain name can fuel more confusion as this may suggest to a user that the "India" formative domain targets users from India. This is different from the use of the .IN extension in a ccTLD which may be a natural choice for a registrant based in India or an alternative to an unavailable TLD.
- It is highly likely that consumers who access the website corresponding to the Disputed Domain Name will associate it with the Complainant believing it to be that of or related to the Complainant. Similar reasoning has been upheld by several courts, including by the Hon'ble High Court of Delhi in *Citigroup Inc. v. Citicorp Business & Financial Pvt. Ltd.*, (2015) 216 DLT 359.

It bears pointing out that the Complainant's claim insofar as it pertains to the Respondent's use of original photographs, images and other endorsement and marketing material of the Complainant including the images of JUNGLEE RUMMY App on the Complainant's website <[www.jungleerummyindia.in](http://www.jungleerummyindia.in)> is irrelevant to the analysis of whether the Disputed Domain Name itself is identical or confusingly similar to the trademark JUNGLEE RUMMY. However, this claim is relevant for the purpose of analysing whether the Disputed Domain Name has been registered or is being used in bad faith by the Respondent, as discussed in Section B below.



For the above reasons, the Panel holds in favour of the Complainant in respect of Issue A and finds that the Disputed Domain Name is confusingly similar to the mark JUNGLEE RUMMY in which the Complainant has rights.

**B. Whether the Respondent has any rights or legitimate interests in respect of the Disputed Domain Name**

The Complainant's statements in the complaint are accepted by the Panel taken together with the document placed on record at Annexure F to the complaint and absent any rebuttal thereof by the Respondent. Prima facie, it appears that the Respondent does not have any rights or legitimate interest in the Disputed Domain Name.


Therefore, the Panel holds in favour of the Complainant in respect of Issue B and finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

**C. Whether the Disputed Domain Name has been registered or is being used in bad faith**

A perusal of Annexure-G to the complaint, consisting of webpage extracts from the website corresponding to the Disputed Domain Name, unequivocally demonstrates that the Disputed Domain Name resolves to a website which:

- Wholly incorporates and uses the Complainant's registered trademarks

**JUNGLEE**


JUNGLEE RUMMY and  with respect to identical services as those offered by the Complainant;

- Uses a deceptively similar tagline to the Complainant's trademark "

**JUNGLEE**

 The Most Trusted Rummy Site" by reproducing the stylized

**JUNGLEE**

mark  in a single line instead of the stacked form shown here, followed by the words "India's Most Trusted Rummy Site";

- Uses photographs, images and other endorsement and marketing material of the Complainant including the images of JUNGLEE RUMMY App.

In the Panel's view these factors demonstrate that the Respondent is not making use of the Disputed Domain Name for any commercial or *bonafide* purpose since the Respondent is not only using the Complainant's registered trademark but also the latter's photographs, images and other endorsement and marketing material in which the Complaint claims proprietary rights. and appears to have elements that are deceptively similar to those of the Complainant's website <[www.jungleerummyindia.in](http://www.jungleerummyindia.in)>.

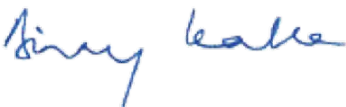
Therefore, based on this conclusion and considering the confusing similarity between the Complainant's JUNGLEE RUMMY trademark and the Disputed Domain Name, the Panel holds in favour of the Complainant in respect of Issue C and finds that the Disputed Domain Name has been registered in bad faith.

## **7. Decision:**

For the reasons discussed above, the Panel finds that the Complainant has satisfied all three elements required under Paragraph 4 of the Policy to obtain the remedy of transfer of the Disputed Domain Name.

Therefore, the Arbitrator directs that the Disputed Domain Name <[www.jungleerummyindia.in](http://www.jungleerummyindia.in)> be transferred to the Complainant.

Signed:



Ms. Binny Kalra

Arbitrator

Date: 26 May 2021