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## INDIA NON JUDICIAL

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Account Reference : SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH  
Unique Doc. Reference : SUBIN-DLDL-SELF08462741227091T  
Purchased by : IRA LAW PREETIKA KASHYAP  
Description of Document : Article 12 Award  
Property Description : ARBITRATION AWARD  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : BINNY KALRA  
Second Party : BINNY KALRA  
Stamp Duty Paid By : BINNY KALRA  
Stamp Duty Amount(Rs.) : 100  
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#### ARBITRATION AWARD .IN REGISTRY

(C/O National Internet Exchange of India)  
Before the Sole Arbitrator, Binny Kalra  
Disputed domain name <STEELCASE.IN>

INDRP Case No: 1386

In the matter of:

Steelcase, Inc.

vs

Felfei  
Doublefist Limited

Complainant

Respondent

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**ARBITRATION AWARD  
.IN REGISTRY**

(C/O NATIONAL INTERNET EXCHANGE OF India)

Before the Sole Arbitrator, Binny Kalra

Disputed domain name <**STEELCASE.IN**>

In the matter of:

**Steelcase, Inc.**

901, 44th Street SE,  
Grand Rapids, Michigan, 49508,  
United States of America

**Complainant**

Versus

**Feifei**

Doublefist Limited  
A3, JiaZhaoYe, JiangBei.  
Huicheng District, HuiZhou City,  
GuangDong Province, China

**Respondent**

INDRP Case No: 1386

**1. The Parties:**

The Complainant Steelcase, Inc. is a company organised and existing under the laws of the State of Michigan, who is represented in these proceedings by an attorney, Mr. Rahul Chaudhary c/o RCY House, C-235, Defence Colony, New Delhi-110024. The Respondent is Feifei. The Respondent is not represented in these proceedings.

**2. The domain name, Registrar, and Policy:**

The disputed domain name is [www.steelcase.in](http://www.steelcase.in) (hereinafter referred to as the "**Disputed Domain Name**"). The Registrar for the Disputed Domain Name is Dynadot LLC, having its address at 210 S Ellsworth Ave #345 San Mateo, CA 94401, USA. 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:**

- 11 June 2021: Statement of acceptance along with a declaration of impartiality and independence was sent by the arbitrator to the .IN Registry
- 14 June 2021: The .IN Registry transmitted information of appointment of the arbitrator and circulated the complaint and its annexures to the parties
- 14 June 2021: Notice of commencement of arbitration proceedings was sent by the Panel to the parties and a period of 21 days, until 5 July 2021, was given to the Respondent to submit a statement of defense
- 6 July 2021: The Panel wrote to the Parties and NIXI to record that no statement of defense or other communication was forthcoming from the Respondent by the due date therefore its right to file the statement of defense stood forfeited. The award was accordingly reserved.

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

The Complainant's submissions in the complaint are recapitulated here in brief:

- i. The Complainant is the registered proprietor of the mark STEELCASE in India since 1995 and has been using it in connection with its on-going business of office furniture. The Complainant has given details of its trademark registrations in India (Annexure B).
- ii. The Complainant traces its history to 1912 when it started as a 'Metal Office Furniture Company' in Michigan, USA.

- iii. The Complainant is a global, industry-leading company and is one of the largest office furniture manufacturers in the world. The trademark STEELCASE was adopted by the Complainant in 1920 and the Complainant officially changed its name to 'Steelcase Inc' in 1954.
- iv. The Complainant has offices and factories in 80 locations around the world including in America, Europe, Asia, the Middle East and Australia and Asia. The Complainant has approximately 12,000 employees worldwide and approximately 200 of those employed in India with over 800 dealers as official partners (Annexure A).
- v. The Complainant holds over 200 trademark registrations all over the globe for the mark STEELCASE in various jurisdictions including but not limited to India, United States, European Union, Australia, Brazil, etc.
- vi. The Complainant owns a subsidiary named M/s Steelcase Asia Pacific Holdings India Private Limited registered with the Indian Registrar of Companies since 2004 (Annexure C).
- vii. The Complainant has received various awards and accolades over the years (Annexure D).
- viii. The Complainant is the owner of the domain name [www.steelcase.com](http://www.steelcase.com), registered on February 13, 1995. The Complainant also owns more than 350 domain names worldwide incorporating the mark Steelcase (Annexure E).
- ix. The Disputed Domain Name [www.steelcase.in](http://www.steelcase.in) wholly incorporates the Complainant's registered trademark STEELCASE (Annexure F).
- x. The Disputed Domain Name resolves to a page stating that it is available for sale, where users are invited to fill a form and submit an offer for purchase of the Disputed Domain Name (Annexure G).

xi. The Disputed Domain Name was registered in favour of the Respondent in the year 2013, however, no website has been developed by the Respondent till date.

#### **5. Respondent's case:**

The Respondent, though duly served on its email address [ymgroup@msn.com](mailto:ymgroup@msn.com) as provided in the WhoIs database, has not filed a statement of defense or participated in any manner in these domain name dispute proceedings.

#### **6. 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.

#### **7. Discussion and findings:**

The Panel has gone through the complaint and annexures submitted by the Complainant. Since the Respondent has not submitted a statement of defence in these proceedings, the Panel must proceed on the basis of the Complainant's uncontroverted submissions in the complaint and an unbiased appreciation of the documents placed on record by the Complainant. The below discussion analyzes whether the Complainant has established the presence of the aforesaid three elements in this case so as to succeed in the Domain Name Dispute.

**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 <STEELCASE.IN>. The Complainant has shown that it has rights in the trademark STEELCASE by virtue of:

- i. registrations in India for the STEELCASE trademark under Nos. 672782, 672781, 2114899, 2114900, 2114901 (Annexure B); the earliest of these registrations i.e., registration No. 672782 in class 11 is dated 11 July 1995;
- ii. registration of the domain name <steelcase.com> on 13 February 1995 as per the WhoIs records (Annexure E);
- iii. the operation of a website at [www.steelcase.com](http://www.steelcase.com) which is accessible in India and confirms the online presence of the Complainant's products.
- iv. The incorporation of a company in India in 2004 by the name Steelcase Asia Pacific Holdings India Private Limited in which STEELCASE is the key, essential and dominant feature of the company name.

The statutory protection granted to the Complainant's trademark STEELCASE in India confirms that it has strong and enforceable rights in the said mark.

The trademark STEELCASE is replicated in entirety in the Disputed Domain Name.

For the above reasons, the Panel finds that the Disputed Domain Name is identical to the trademark STEELCASE in which the Complainant clearly has an exclusive right.

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

The Panel assesses the claims made by the Complainant to be tenable and as the result of independent analysis of its documents, the Panel finds that the Disputed Domain Name is identical to the mark STEELCASE, for the following reasons:

- i. The Disputed Domain Name <www.steelcase.in> wholly contains the word 'Steelcase' which forms the entirety of the mark STEELCASE in which the Complainant has rights.
- ii. The mark STEELCASE has been accepted by the Arbitrator to be exclusively associated with the Complainant. 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.

Therefore, the Panel 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**

Section 3 of the INDRP clearly stipulates that by applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant thereby represents and warrants that:

- i. the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;
- ii. to the knowledge of registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;
- iii. the Registrant is not registering the domain name for an unlawful and malafide purpose; and
- iv. the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations.

The Respondent has a duty of care which is clearly stipulated in the INDRP and it clearly did not exercise this when it applied to register the Disputed Domain Name. In the opinion of the Panel, the Respondent did not comply with any part of Section 3

and has also failed to furnish complete and accurate credentials for registration of the Disputed Domain Name. The Panel notes that the Respondent has not made any bonafide or legitimate use of the Disputed Domain Name as the same is available for sale. The Panel also notes that there have been earlier awards in different domain name dispute proceedings that involved the same registrant having the email address [ymgroup@msn.com](mailto:ymgroup@msn.com) albeit with different aliases.

In this background, the Panel cannot find any mitigating factor in the Respondent's favour and the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.

**Decision:**

In the facts and circumstances, and 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.STEELCASE.IN> be transferred to the Complainant.

Decidedly the Respondent's conduct merits imposition of costs, although it is a different matter that the Complainant may practically not be able to recover these costs. The Panel deems it a fit case to order the Respondent to compensate the Complainant its official filing costs of Rs. 30,000.

Signed:



(Binny Kalra)

Arbitrator

Date: 2 August 2021