

मध्य प्रदेश MADHYA PRADESH

BN 668736

BEFORE THE ARBITRATOR RAJESH BISARIA
UNDER THE
.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)
[NATIONAL INTERNET EXCHANGE OF INDIA (NIXI)]

ARBITRAL AWARD

Date-09.09.2021

Disputed Domain Name: www.azcloud.in

INDRP Case no -1400

THE PARTIES

(1)

The **Complainant** is E-Plenish Limited, Centurion House, Barnes Wallis Road,
Fareham, Hampshire, England PO15 5TT

The **Respondent** is Ajay Bramhe
AZ Cloud Technologies Pvt Ltd., Sai Sharnam, Noida,
Uttar Pradesh 201301



THE DOMAIN NAME AND REGISTRAR

(2)

The disputed domain name: **www.azcloud.in** and it is registered with Registrar Endurance Domains Technology LLP. The Registrar's contact information is as under:

Name: Endurance Domains

Technology LLP

Address: Unit No.501, 5th Floor, IT Building 3, Nesco
IT Park, Necso Complex,
Western Express Highway,
Goregaon East, Mumbai,
Maharashtra 400063 India

Email:

apactldadmin@endurance.com

Phone:+91-022-62310218

PROCEDURAL HISTORY

(3)

Initially Shri V.P.Pathak was appointed as Arbitrator to adjudicate this case , as per NIXI mail dated 02.07.2021. The proceedings of this case during his tenure are as follows:	
Arbitral proceedings were commenced by sending notice to Respondent through e-mail as per paragraph 4(c) of INDRP Rules of Procedure, marking a copy of the same to Complainant's authorized representative and NIXI .	02.07.2021
Due date of submission of Statement of Claim by Complainant (instructed by mail dated 02.07.2021) as per Rule 3(d)	as per Rule 3(d)
Complainant's response by submitting their Statement of Claim. Soft copy	02.07.2021
Due date of submission of Statement of Defense by Respondent (instructed by mail dated 02.07.2021)	18.07.2021
Extended due date of submission of Statement of Defense by Respondent	----



Respondent's response by submitting their Statement of Defense against the due date of submission as 18.07.2021	Not submitted
Complainant's response by submitting their Rejoinder. (Statement of Defense not submitted by Respondent)	Not required
Complainant's response by submitting proof of delivery of complaint along with all annexures to Respondent- Soft copy	09.07.2021,
.IN Registry/NIXI informed by mail to all concerning that Mr. V.P. Pathak has resigned from NIXI Empanelment as an Arbitrator vide his email dated 19 August 2021. Hence, he will not be taking up the arbitration proceedings as a sole arbitrator.	23.08.2021
The NIXI appointed RAJESH BISARIA as Arbitrator from its panel as per paragraph 5(b) of INDRP Rules of procedure vide their mail dated 23.08.2021 and this case was handed over to me along with all the soft documents of the proceeding by previous Arbitrator Shri V.P.Pathak. The proceeding of this case by me are as follows-	
Keeping in view the interest of justice, a further last opportunity was provided to the Respondent to submit the reply of complaint by 03.09.2021.	27.08.2021
Complainant's response by submitting Complaint & proof of delivery of complaint along with all annexures to Respondent- Soft copy Hard copy	09.07.2021 02.09.2021
Mail sent to all mentioning that the Respondent was given enough opportunity to submit Reply of Complaint (Statement of Defense) from 18.07.2021 to 03.09.2021(almost 1.5 months), but Respondent failed to submit the same within said time limit , therefore proceeding of this case is kept closed and the matter would be decided ex-parte on the basis of the material on record with this tribunal as per INDRP policy.	08.09.2021
The language of the proceedings.	English

FACTUAL BACKGROUND

(4) The Complainant :

The **Complainant** is E-Plenish Limited, Centurion House ,Barnes Wallis Road, Fareham, Hampshire, England PO15 5TT

(5) Authorized Representative of the Complainant:

- a. Mr. Srijoy Das, C-9/9624, Vasant Kunj
New Delhi-110070, India
Email: srijoydas@gnwlegal.com



b. Ms. Vidhi Singh, C-9/9624, Vasant Kunj
New Delhi-110070, India
Email: vidhi@gnwlegal.com

(6) The Respondent

The Respondent is Ajay Bramhe , AZ Cloud Technologies Pvt Ltd.,
Sai Sharnam, Noida, Uttar Pradesh-201301

(7) Complainant's Activities:

- (a) The Complainant, established in 2006, provides IT support services for different kinds of businesses. The Complainant started as an online business supplying an unrivalled range of competitively priced IT equipment from a portfolio of leading manufacturers and distribution partners. In the process of development, the Complainant's range of services has expanded to include scalable support packages, consultancy services and the implementation of technologies to meet the high expectations placed on modern IT infrastructure.
- (b) As the Complainant evolved, it has tailored its organizational structure to retain the responsiveness of its offering and provide its customers with a high level of agile services and solutions. The Complainant is known across the globe for equipping business with high quality, business centric and tailor-made IT, business and consultancy services and packages, which help and assist business to cope up with dynamic socio-economic changes, due to the technological advancements.



(8) Complainant's Trade Marks And Domain Names :

Complainant submitted that their Trade mark 'AZCLOUD', application no. IRDI3745626 , with application date as 17.11.2017 and the class & Specification of Goods/Services mentioned therein are as follows-

[CLASS : 9]

Computer hardware; computer software; data communications apparatus; computer software platforms; computer operating system software; computer interface software; computer software for use as an application programming interface (API); software for creating and operating a graphic user interface; computer application software for mobile phones, tablet computers and other portable electronic devices; downloadable computer application software; computer software for controlling and managing access server applications; software for telecommunication and communication via local or global communications networks, including via the internet; software for robotic process automation; computer software to assist in handling requests for IT technical support; computer software for recordal, compilation, analysis and retrieval of information regarding the handling of requests for IT technical support; computer software for the automatic resetting of passwords; word processing computer programs; computer software for electronic document management and capture and for form processing; computer software for the design, creation and maintenance of, and access to, document management, authoring, storage and retrieval systems; computer software for the categorisation, research and retrieval of documents and data on computer networks; computer software for managing stock control systems; computer software for business operational and process efficiency, business organisation, risk management, financial control, supply chain optimisation, and cash flow; computer software for managing personal contact information, diary programs, and calculating programs; computer software for handwriting identification; computer software for the identification and verification of persons based on one or more biometric characteristics; computer software for



access to sites on customised intranets and sites on global communications networks; computer software for the manufacture, processing and provision of text and graphics information, locally or by means of remote transmission; computer software for security and encryption programs and data synchronisation programs; computer software for the analysis and reporting of firewall log data; computer software for detecting, blocking and intercepting malware and other threats to computer hardware and software; computer software for identity security; computer software for authentication and identity management information security; computer software for data exchange using wireless communications technologies and for use with personal digital assistants; computer software for the linking, networking and central management of mobile terminals; computer software for the safeguarding of digital files; computer software for use in database management, namely for managing personal and business information; computer programs; computer firmware; apparatus for networking of computers; computer servers; computer peripheral equipment; computer printers; modems; handheld electronic devices with wireless e-mail and wireless access to electronic communications networks; pointing devices for use with computers, mobile phones and other portable electronic devices; computer games software; software for the infrastructure and operation of computer games via the internet; tablet computers; computer scanners; data processing apparatus and instruments for use with computers; screens and keyboards for computers; data processing apparatus and instruments; telecommunications apparatus and instruments; mobile phones; smart phones; telecommunications network apparatus; audio, visual and audio visual apparatus and instruments; apparatus for storage, recordal, retrieval and transmission of data; downloadable electronic publications; magnetic data carriers; audio recordings; visual recordings; audio-visual recordings; instruction manuals and other printed publications in electronic form relating to the aforesaid goods.



[CLASS : 35]

Business management consultancy services; businessmanagement consultancy services in relation to the handling of customer services for IT technical support; business project management services; project management methodology; provision of information via, and retrieval of, documentation products, document templates, models and reports relating to project management, project management methodology, and management of customer service regarding IT technical support; assisting businesses in the monitoring of adoption of IT systems by their staff; assisting businesses in the rating of employees' IT skills and motivating staff to improve their IT skills; assisting businesses in conducting customer satisfaction surveys and analysing information obtained from them; assisting businesses in analysing user feedback regarding IT systems; management of call centres on behalf of others for IT technical support; management of customer service relations; assisting and advising businesses in the sharing of knowledge regarding organisational efficiency; business management consultancy in relation to environmental policy and energy efficiency policy; data processing services; database management services; business appraisals; business organization consulting; advisory services and provision of business information relating to information technology; information technology procurement services; assisting and advising businesses in acquiring information technology systems and in the use of outsourcing services for information technology; provision of strategic business assistance in relation to the development of information technology and electronic commerce operations; business control and business monitoring of information technology suppliers; provision of business information relating to electronic commerce and interactive technologies; personnel management consulting; business advice relating to marketing; office function services; business process outsourcing, namely, clerical/organisational operations for others relating to the operation of computer network infrastructure; advertising the goods and services of others; retail store services, electronic retail and mail order retail services all connected with computers, data processing equipment, data communications



apparatus, magnetic data carriers, computer networking apparatus, computer systems, telecommunications apparatus and instruments, electronic publications (downloadable) provided on-line from databases or the internet and printed matter; information and advisory services relating to all the aforesaid services.

[CLASS : 38]

Communication services; communication services via computer networks, internet portals, and computer terminals; electronic transmission of data and information via computer networks and internet portals; telecommunication services; rental of telecommunication apparatus and instruments; provision of telecommunication access and links to computer databases and networks; arranging and leasing access time to computer databases; provision of access to electronic online networks for information retrieval; network implementation services, namely implementation of data communications over infrastructures supplied by third parties; rental of data communication apparatus; hire, rental and leasing of data communications apparatus, and their parts and fittings; information and advisory services relating to all the aforesaid services.

[CLASS : 42]

Computer consultancy services; advisory and consultancy services relating to information technology, computers, computer networking, computer programs and computer systems; computer programming services; design of application software; design of computer operating system software; design of computer interface software; design of computer software for use as an application programming interface (API); design of software for creating and operating a graphic user interface; design of computer application software for mobile phones, tablet computers and other portable electronic devices; design of downloadable computer application software; design of software for robotic process automation; design of computer software to assist in handling requests for IT technical support; design of computer software for recordal, compilation,



analysis and retrieval of information relating to requests for IT technical support, IT troubleshooting, and incident handling; computer programming services for the automated installation and configuration of computer hardware, computer programs and computer software; design, development, updating, modification, testing, installation and maintenance of computer software; hire, rental and leasing of computers, printers, computer firmware, computer programs, computer peripheral equipment, data processing equipment, computer networking apparatus and instruments, and parts and fittings for all these goods; cloud computing services; creation and structuring of computer databases; creation and maintaining of databases to hold information regarding compliance with licences for the use of computer software programs; provision of helpdesk services for the provision of advice in relation to issues with computer hardware, computer networks, data processing equipment and computer software; operating and hosting a website for the provision of technical information and advice on IT matters and enabling the downloading of application software; technical support services; provision of IT technical support by way of web chat conversations; design, research, development, testing and rental of computer hardware, computer peripherals and computer networking systems; computer systems analysis; monitoring, recording and/or controlling access to sites and locations on a global computer network; computer network management services; computer outsourcing services; computer operations support services, being central processors with multiple users, taking on all aspects of computer housekeeping and data back-ups; network monitoring services; systems migration and integration services; applications management; applications support services; operation of computer network infrastructure, including by means of internet portals and mobile application software; recovery of computer data; data security services (firewalls); computer environmental control services; encryption of information maintained on computers; electronic storage of documentation products, document templates, models and reports relating to project management, project management methodology, and management of customer service regarding IT technical support; web site design services;



hosting the web sites of others; creating, developing, designing and maintaining the websites of others; rental of computers for data processing; server management services; server hosting; advisory and consultancy services, including by means of blogs, articles, and messages on socialmedia, relating to the aforesaid services, including information technology, computers, computer programs and computer systems.

(9) Respondent's Identity and activities :

(a) According to the WhoIs database of the concerned registrar Endurance DomainsTechnology LLP, Respondent is Ajay Bramhe of AZ Cloud Technologies Pvt Ltd. A copy of the printout of the Whois details as retrieved from NIXI on May 12, 2021, was submitted as Annexure 2.

(b) All information known to the Complainant about the Respondent's contact information is as follows:

Name: Ajay Bramhe
Organization: AZ Cloud
Technologies Pvt Ltd.Street
Line 1: Sai Sharnam
Postal City: Noida,
Postal State –Uttar Pradesh,
PIN-201301, India
E mail: bramhe@gmail.com
Telephone : +91 9818215303

(c) The identity and other activities of the Respondent are not known as, they failed to submit Statement of Defense or any of the documents, within the given time schedule.



SUBMISSIONS BY COMPLAINANT

- (10) Complainant submitted Domain name complaint with pages 1 to 15 and annexure from pages from 16 to 83 As per the INDRP Rules of Procedure, Clause 4(a) – *The (maximum) word limit shall be 5000 words for all pleadings individually (excluding annexure). Annexure shall not be more than 100 pages in total. Parties shall observe this rule strictly subject to Arbitrator's discretion.*

The Complainant submitted Pleadings of more or less 5000 words and annexures with 68 pages. The complainant submitted their application as per INDRP Rules of Procedure.

- (11) Complainant was directed to submit proof of delivery of complaint along with all annexure (to Respondent) to the AT. Complainant vide their mails dated 09.07.2021, submitted that-
'soft copy of the INDRP Complaint along with all Annexures was forwarded on behalf of the Complainant to the Respondent – Mr Ajay Bramhe, via email on July 05, 2021(15.09 Hrs). While service of the soft copy seems to have been successful because we did not receive any delivery failure response.
Further, a hard copy of the entire set of the Complainant and Annexures was also sent to the Respondent's address via DTDC Courier (under original AWB No. –Z64713181). However, the the delivery attempt of the physical copy of the complaint to the address provided in the WHOIS details of the domain failed on account of the address being 'incomplete / incorrect'. As proof of the same, copy of the tracking details was attached.



THE CONTENTIONS OF THE COMPLAINANT

(12) The domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights:

- (a) The Complainant honestly adopted the trademark AZCLOUD in 2017. In order to protect its intellectual property rights in the trademark AZCLOUD, it has obtained registration in many countries with major markets such as Australia, European Union, New Zealand, Singapore, United Kingdom and United States of America. With reference to India, the Complainant had filed for the registration of the trademark AZCLOUD on November 17, 2017, which was duly accepted, published and registered by the Registrar of Trademarks. Submitted as Annexure 4 are true and correct copies of the Registration certificates, from across the world as well as India, for the said trademark in favor of the Complainant.
- (b) It is submitted that the Respondent's domain name <azcloud.in> is identical and confusingly similar to Complainant's trademark AZCLOUD.
- (c) Respondent's domain name <azcloud.in> incorporates Complainant's AZCLOUD mark in its entirety. "In cases where a domain name incorporates the entirety of a trademark . . . the domain name will normally be considered identical or confusingly similar to that mark for purposes of the Policy." *Vertex Pharmaceuticals Inc. v. Private Data Domains Ltd./AnonymousSpeech, Anonymous Speech, Michael Weber*, Case No.D2019-1259 (WIPO July 25, 2019); *Reliance Industries Ltd. et al. v. jiomartfranchise.in et al.*, Case No. INDRP/1264 (NIXI



Oct. 7, 2020) (domain name identical and confusingly similar where complainant's registered trademark "entirely contained in the disputed domain name of the Respondent"); *Merryvale Ltd. v. Vikramaditya Ashtikar*, Case No. INDRP/1258 (NIXI Sept. 10, 2020) ("As regards the first element, the Arbitrator notes that the dominant part of the disputed domain name is BETWAY which is identical to Complainant's trademark. ...The Arbitrator finds that the first element is satisfied.").

- (d) Respondent used Complainant's entire AZCLOUD mark without changing a single letter. *See, e.g., Singapore Airlines Ltd. v. Wang Liqun*, Case No. INDRP/1227 (NIXI 29, 2020) (finding <singaporeair.in> confusingly similar to complainant's SINGAPOREAIR trademark because "[t]he disputed domain bears the complainant's trademark and domain SINGAPOREAIR in its entirety without there being even a oneletter difference. The word/mark SINGAPOREAIR is the essential, dominant and distinguishing feature of the disputed domain."); *Incase Designs Corp. v. Stavros Fernandes*, Case No. INDRP/1209 (NIXI March 27, 2020) (finding <incase.in> confusingly similar to complainant's INCASE trademark because "[t]he disputed domain name is identical to the trade mark/trade name INCASE of the Complainant")
- (e) The Country Code Top-Level Domain ".in" does not reduce the virtual identity between Complainant's AZCLOUD mark and Respondent's domain name <azcloud.in>. *See, e.g., Incase Designs Corp. v. Stavros Fernandes*, Case No. INDRP/1209 (NIXI March 27, 2020) (finding <incase.in> confusingly similar to complainant's trademark INCASE because "the mere addition of the Country Code Top Level Domain '.in' does not add any distinctive or distinguishing element, so in essence, the disputed domain name is identical to the Complainant's INCASE mark").



(13) The Respondent has no rights or legitimate interests in respect of the domain name:

- (a) Respondent has no rights or legitimate interests in <azcloud.in>.
- (b) Complainant has not authorized Respondent to register or use Complainant's AZCLOUD mark. Complainant and Respondent are not affiliated, connected or associated with one another. *See, e.g., Aditya Birla Management Corp. v. Chinmay*, Case No. INDRP/1197 (NIXI Feb. 18, 2020) (no bona fide use where the complainant had "not licensed or otherwise authorized the Respondent" to use Complainant's trademark).
- (c) Complainant independently coined the mark AZCLOUD and the same has no direct meaning or relation to the goods and services provided.
- (d) Further, the Complainant applied for the registration of the mark AZCLOUD on November 17, 2017 which is much prior to the date on which the Respondent registered the domain <azcloud.in> on December 17, 2018 – well over a year since the Complainant had secure international statutory rights. Thus, <azcloud.in> is not a domain that Respondent "would legitimately choose unless seeking to create an impression of an association with Complainant." *Sbarro Franchise Co., LLC v. Domain Admin Domain Admin whoisprotection.biz/Burc Caglayan*, Case No. D2016-1837 (WIPO Nov. 3, 2016); *Vertex Pharmaceuticals Inc. v. Private Data Domains Ltd./AnonymousSpeech, Anonymous Speech, Michael Weber*, Case No. D2019-1259 (WIPO July 25, 2019).
- (e) The Respondent through its corresponding website www.azcloud.in provides information and details regarding similar set of business and services such as IT, consultancy and cloud solution services which are similar and allied to the services for which the Complainant's Mark AZCLOUD is registered internationally. A true and correct copy of a printout of Respondent's website at www.azcloud.in was submitted as

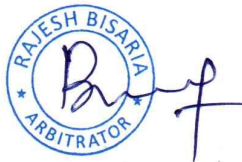


Annexure 5. The Respondent is in violation of Trade Mark laws and the registration of the disputed domain name is an undeniable attempt at passing-off of the Complainant's AZCLOUD mark.

- (f) Respondent registered and is using the domain name <azcloud.in> in bad faith (as described in Section C below), meaning that it lacks rights or legitimate interests in the domain. *See N.C.P. Marketing Group, Inc. v. Entredomains*, Case No. D2000-0387 (WIPO July 5, 2000) ("Bad faith registration and use of domains does not establish rights or legitimate interests in the names.").

(14) The domain name was registered and is being used in bad faith:

- (a) Complainant owns several trademark registrations throughout the world for the mark AZCLOUD, including in India. The mark was registered much prior to when the Respondent registered <azcloud.in>. *See Annexure 4.*
- (b) Given Complainant's (i) substantially exclusive honest and *bona fide* adoption of the mark AZCLOUD, (ii) ownership of several trademark registrations for AZCLOUD in Australia, European Union, New Zealand, Singapore, United Kingdom and United States of America, including in India, as well as (iii) the substantial identity of Respondent's domain <azcloud.in> to Complainant's trademark AZCLOUD, it is "not plausible to conceive of a circumstance in which the Respondent would have been unaware of [these facts]" at the time Respondent registered <azcloud.in>.
- (c) Respondent registered the domain name <azcloud.in> in bad faith. Respondent's domain name incorporates Complainant's trademark AZCLOUD in full and is virtually identical to Complainant's AZCLOUD mark. *See, e.g., Johnson & Johnson v. Daniel Wistbacka*, Case No. D2017-0709 (WIPO May 24, 2017) (finding bad faith registration where "the integral reproduction of [complainant's trademark] within the disputed domain name can



hardly be the result of coincidence”). *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. D2000-0003 (WIPO Feb. 18, 2000); *Reliance Industries Ltd. et al. v. jiomartfranchise.in et al.*, Case No. INDRP/1264 (NIXI Oct. 7, 2020) (finding bad faith registration where the respondent registered <jiomartfranchise.in>, which included the complainant’s registered trademark JIO in full).

(d) Respondent has registered and used <azcloud.in> in bad faith in violation of Paragraph 4(b)(vi) of the Rules, and Paragraph 4(c) of the Policy.

(15) Remedy Sought:

In light of the preceding, it is respectfully put forth that the Complainant has adequately satisfied the three conditions provided in Paragraph 4 of the INDRP. Therefore, the Complainant requests the arbitrator / panel appointed in these proceedings to issue the necessary directive for the Disputed Domain Name to be transferred to Complainant.

(16) Other Legal Proceedings:

Complainant is unaware of any other legal proceedings that have been commenced, are continuing or have been terminated in connection with or relating to <azcloud.in>.

RESPONSE BY THE RESPONDENT

(17) As per AT mail dated 02.07.2021 & 27.08.2021, Respondent was directed to submit their Reply of Complaint (Statement of Defense) by 18.07.2021 & 03.09.2021 respectively. It was intimated to all concerning by AT mail dated 08.09.2021 that ‘ Respondent was given enough opportunity to submit Reply of Complaint (Statement of



Defense) from 18.07.2021 to 03.09.2021(almost 1.5 months), but Respondent failed to submit the same within said time limit , therefore the Respondent has lost their right to entertain it. The proceeding of this case is kept closed for award and the matter would be decided ex-parte on the basis of the material on record with this tribunal as per INDRP policy.’.

REJOINDER BY THE COMPLAINANT

- (18) Since Respondent failed to file the Statement of Defense , so there is no question of submitting the Rejoinder by the Complainant.

DISCUSSION AND FINDINGS

- (19) After going through the correspondence, this AT comes to the conclusion that the Arbitral Tribunal was properly constituted and appointed as per Clause 5 of the INDRP Rules of Procedure by NIXI and Respondent has been notified of the complaint of the Complainant.
- (20) Respondent was given enough opportunity to submit Reply of Complaint (Statement of Defense) from 18.07.2021 to 03.09.2021(almost 1.5 months), but Respondent failed to submit the same within said time limit , therefore the Respondent has lost their right to entertain it. The proceeding of this case is kept closed for award and the matter would be decided ex-parte on the basis of the material on record with this tribunal as per INDRP policy.’.



- (21) Under Clause 4, of the .IN Domain Name Dispute Resolutions policy (INDRP), the Complainant must prove each of the following three elements of its case:
- (a) The Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
 - (b) The Respondent has no rights or legitimate interest in respect of the domain name; and
 - (c) The Respondent's domain name has been registered or is being used in bad faith.
- (22) **The Respondent's domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights:**

Facts & Findings

- (i) On the basis of the submitted facts and referred Awards of various INDRP and WIPO cases by Complainant and due to non submission of Statement of Defense , the Arbitral Tribunal concludes that the Complainant has established 4(a) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.
- (23) **The Respondent has no rights or legitimate interest in respect of the domain name:**

Facts & Findings

- (i) On the basis of submitted facts and referred Awards of INDRP and WIPO cases by Complainant and due to non submission of Statement of Defense , the Arbitral Tribunal concludes that the Complainant has established Clause 4(b) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.



- (24) The Respondent's domain name has been registered or is being used in bad faith:

Facts & Findings

- (i) On the basis of submitted facts and referred Awards of INDRP and WIPO cases by Complainant and due to non submission of Statement of Defense, the Arbitral Tribunal concludes that the Complainant has established Clause 4(c) of the .IN Domain Name Dispute Resolution Policy (INDRP) and accordingly satisfies the said Clause of policy.

ARBITRAL AWARD

Now I, Rajesh Bisaria, Arbitrator, after examining and considering the statements of both the parties and documentary evidence produced before and having applied mind and considering the facts, documents and other evidence with care, do hereby publish award in accordance with Clause 12 & 13 of the INDRP Rules of Procedure and Clause 10 of .IN Domain Name Dispute Resolution Policy (INDRP), as follows:

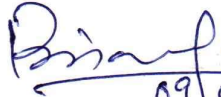
Arbitral Tribunal orders that the disputed domain name [www. azcloud.in](http://www.azcloud.in) be forthwith TRANSFERRED from Respondent to Complainant.

Further AT takes an adverse view on the bad faith registration of impugned domain by the Respondent and to restrict the act for future misuse, fine of Rs 10000/- (Rs Ten thousand only) is being imposed on the Respondent, as per the provision in clause 10 of .IN Domain Name Dispute Resolution Policy (INDRP) to be paid to .IN Registry for putting the administration unnecessary work.

AT has made and signed this Award at Bhopal (India) on 09.09.2021 (Ninth Day of September, Two Thousand Twenty One).

Place: Bhopal (India)

Date: 09.09.2021


09/09/2021
(RAJESH BISARIA)

Arbitrator

