



### **1. The Parties**

The **Complainant** in this arbitration proceeding is **Google LLC**, of the address:

*1600 Amphitheatre Parkway, Mountain View, CA 94043, United States of America.*

The **Respondent/Registrant** in this arbitration proceeding is **Mr. Arun kumar**, of the address: *Aru Infotech, 59 1<sup>st</sup> Floor, Near Kabab Mirchi Hotel, Marathalli, Bangalore, Karnataka-560037.*

### **2. The Domain Name, Registrar and Registrant**

The present arbitration proceeding pertains to a dispute concerning the registration of domain name <**GOOGLEPIXEL.CO.IN**> with the .IN Registry. The Registrant in the present matter is **Arun kumar**, and the Registrar is **GoDaddy.com, LLC**.

### **3. Procedural History**

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI).

NIXI vide its email dated December 08, 2021, had sought consent of Mr. Vikrant Rana to act as the Sole Arbitrator in the matter. The Arbitrator informed of his availability and gave his consent vide Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure vide email on the same day. Thereafter the Arbitrator received soft copies of the Domain Complaint as filed by Complainant and the annexures thereto from NIXI on December 09, 2021. The counsel for the Complainant in the instant matter further forwarded an amended copy of the domain complaint as filed, along with requisite annexures. Arbitrator confirmed receipt of both sets vide email on December 15, 2021.

Further, vide the said email, the Arbitrator sought the Complainant's confirmation regarding service of the Domain Complaint as well as the annexures thereto upon the Respondent by post and email. Consequently, Arbitrator received satisfactory proof of service from counsel for the Complainant of the soft copy of the domain complaint as filed, along with requisite annexures, upon the Respondent on December 20, 2021, and also proof that service of hard copy of the same had been attempted, but had been returned undelivered to Complainant's counsel as 'Consignee Not Available'. Accordingly, Arbitrator was pleased to commence arbitral proceedings in respect of the matter and Respondent herein was granted a period of fourteen (14) days, till January 05, 2022 to reply to the domain complaint.

Arbitrator received an email from the Respondent on January 04, 2022, inter alia briefly stating that they had deleted the disputed domain name on December 09, 2021. Arbitrator took note of the Respondent's brief reply and further allowed both parties seven (7) days, till January 12, 2022, to submit any additional submissions.

*Vikrant Rana*

On January 12, 2022, Arbitrator received communication from Complainant's counsel that they are in talks with Respondent towards settling the matter amicably and the Respondent has agreed to transfer the disputed domain to the Complainant. Accordingly, Complainant requested Arbitrator for an additional fifteen (15) days to reach and execute a formal settlement agreement, which the Arbitrator was happy to grant. At the conclusion of the allowed period, i.e. on January 27, Arbitrator was once again intimated by Complainant's counsel that the parties require an extra ten (10) days to finalize the settlement agreement. Arbitrator granted them a final extension of ten (10) days in this regard, till February 07, 2022.

Complainant's counsel then sent Arbitrator a copy of the final settlement agreement dated January 26, 2022, as executed by both parties, vide email dated February 07, 2022. The settlement agreement encapsulates the Respondent's undertaking to transfer the disputed domain <GOOGLEPIXEL.CO.IN> to the Complainant and further to never adopt any domain names in future containing any of the Complainant's trademarks, including but not limited to GOOGLE and PIXEL.

In view thereof, Arbitrator was pleased to reserve the award to be passed on the basis of the settlement reached mutually between both parties vide email on February 07, 2022.

#### **4. Decision**

In light of the mutual settlement, as reached by both parties, and as encapsulated in the agreement dated January 26, 2022, which states, in relevant part that in their mutual interest to avoid further disputes and escalation, the two parties have agreed to settle the matter towards which the Respondent has agreed to transfer the disputed domain, <googlepixel.co.in> to the Complainant and has further undertaken to not adopt any domain name comprising of any of the Complainant's trademarks, including **GOOGLE** and/or **PIXEL**.

I am not going into deliberations of the facts and/or contentions, arguments or averments made in the matter, and am pleased to pass this award on the basis of the afore-mentioned settlement agreement.

In compliance with the above-mentioned settlement agreement, the Respondent may transfer the disputed domain <GOOGLEPIXEL.CO.IN> to the Complainant herein, and the .IN Registry is directed to assist as required towards the same.

The Award is accordingly passed and the parties are directed to bear their own costs.

  
**Vikrant Rana, Sole Arbitrator**

**Date: February 11, 2022.**

**Place: New Delhi, India.**