



सत्यमेव जयते

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Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
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ARBITRATION AWARD

BEFORE SH. SAJAL KOSER, SOLE ARBITRATOR, CHANDIGARH

INDRP CASE NO. 1476 OF 2021

DISPUTED DOMAIN NAME: <CROWNRELO.IN>

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Crown Worldwide Holdings Ltd, Suite 2001 China Evergrande Centre, 38
Gloucester Road, Wanchai, Hong Kong.

...Complainant

Versus

Avishek Sharma, Leo Packers and Movers, Shourie Complex, Near Bombay
Bazar, J.P. Road, Andheri West, Mumbai, Maharashtra, 400058 India.

...Respondent

1. INTRODUCTION:

The above titled complaint was submitted to the undersigned for Arbitration in accordance with the .IN Domain name Dispute Resolution Policy (the INDRP), adopted by the National Internet Exchange of India (the NIXI), and the INDRP rules and Procedure (the Rules of Procedure).

2. THE PARTIES:

In the Complaint, as per the documents placed on record as Annexure A and B, the Complainant has submitted the following information regarding disputed domain name, details of the parties, Registrant etc.

a) Disputed Domain Name:

<CROWNRELO.IN>

b) The Registrar with which the domain name is registered and its full Contact details:

Registrar Name: Endurance Domains Technology LLP

Address: Shourie Complex, Near Bombay Bazar, J.P. Road, Andheri West, Mumbai, Maharashtra, 400058 India.

Email: leopackers2000@gmail.com

Tel No.: +91983344533

As per the Complainant, the above details are obtained/ based on the results of their enquiry with the .IN Registry and Printouts of the relevant information are attached to the Complaint as **Attachment A.**

- c) The Complainant has submitted the Contact Details of the Parties as under:-

i) **Complainant:**

Name: Crown Worldwide Holdings Ltd

Address: Suite 2001 China Evergrande Centre, 38 Gloucester Road, Wanchal, Hong Kong

Tel No.: +85225286111

Fax No.: +85225280177

Email: apac@crownww.com

Place of Incorporation: Hong Kong through Authorised Representative/Person as mentioned in the Complaint

ii) **Respondent:**

As per domain name information attached as Attachment A and the contact details of the Respondent, the Complainant has submitted following information about the Respondent:

Registrant Name: Endurance Domains Technology
LLP
Name: Crown Relocation
Email: Info@crownrelo.in
Address: Crown House, Office Number 3,
Apna Market, Near ICICI Bank,
Andheri, West Mumbai
Tel No.: +918949802616
Admin/Tech Name: Avishek Sharma
Admin/Tech: Leo Packers and Movers
Email: leopackers2000@gmail.com
Tel No. +919833443533

According to the Complainant, Crown Relocation has been identified as the Respondent based on the content of the website at the disputed domain name, Printouts of the Relevant webpage have been attached with the Complaint as Attachment B.

d) The Disputed Domain:

This dispute concerns the domain name identified below:

<WWW.CROWNRELO.IN>

3. PROCEDURAL HISTORY:

- i) Vide mail dated 24.12.2021, the undersigned was appointed as an Arbitrator by National Internet Exchange of India (NIXI) to adjudicate and decide upon the dispute relating to the Domain name <CROWNRELO.IN>.

- ii) Vide said mail dated 24.12.2021, the undersigned also received copy of the Complaint and complete set of documents enclosed as Annexures which were also supplied to all the concerned parties.
- iii) That on the same date, the undersigned submitted Statement of Acceptance and Declaration of Impartiality and Independence.
- iv) Thereafter, vide mail dated 30.12.2021, Notice to the Respondent was issued in accordance with the INDRP Rules of Procedure.
- v) That Since the Respondent failed to file any response/reply to the notice of the complaint despite of availing sufficient time, vide email dated 25.01.2022, the right of the Respondent to reply was closed by order and the case was fixed for passing the Award ex-parte on the basis of pleadings and documents on record.

4. CASE OF THE COMPLAINANT:

The case of the Complainant is based on the Complainant's registered and unregistered right and interest in its various "crown" and Crown Device trade marks and names, including the "Crown", "Crown Relocations" and "Crown Relocations & Crown Device" marks (collectively, the "Crown Marks"). According to the Complaint, the Complainant is the owner of various registrations for its Crown marks, as well as the common law rights arising from its goodwill and reputation resulting from its extensive and continuous use of the Crown Marks in respect of various goods and services around the

world. Details of some of the Complainant's trademark registrations, held either in its own name or in the names of the group/related companies, for "Crown Relocations & Device" and "Crown Relocations" around the world have been mentioned by the Complainant in para 5 of the Complaint and copies of some related registration certificates are also attached with the complaint as **Attachment C.**

5. THE FACTS AND LEGAL GROUNDS TAKEN BY THE COMPLAINANT IN SUPPORT OF ITS CASE:

The Complainant submits that as per Terms and Condition 4 of the INDRP Policy, any person who considers that a registered domain name conflicts with his/her legitimate rights or interests may file a complaint to the .IN Registry on the following premises.

- a) The Registrant's domain name is identical and/or confusingly similar to a name, trademark or service mark in which the complainant has rights; and
 - b) The Registrant has no rights or legitimate interests in respect of the domain name; and
 - c) The Registrant domain name has been registered or is being used in bad faith;
- A. The Complainant in order to establish the fulfillment of abovementioned three ingredients, has submitted that as mentioned in detail in para 5 of the Complaint and also explained in more details in the other paragraphs of the

Complaint, the Complainant is the owner of the registered and unregistered rights and interests in its various Crown marks, including "Crown", "Crown Relocations" and "Crown Relocations & Crown Device", globally. According to the Complainant, the disputed domain name, namely <CROWNRELO.IN>, incorporates the Complainant's trade marks and names of "Crown", "Crown Relocations" and "Crown Relocations & Crown Device" in its entirety and therefore, the disputed domain name is identical or confusingly similar to the Crown Marks in which the Complainant has rights.

It is further case of the Complainant that as per the facts and documents on record, the Complainant is an integral part of the highly renowned and reputed Crown Worldwide Group of Companies. The Complainant's offices are also the group's headquarters. The group was established in the year 1965 and the Complainant was established in 1978. The Complainant further submits that it has now become one of the largest privately owned companies in the field of international removals, and its business constitutes seven major divisions known as "Crown Relocations", "Crown World Mobility", "Crown Records Management", "Crown Logistics", "Crown Fine Art", "Crown Workspace" and "Crown Wine Cellars". The Complainant provides comprehensive services supporting relocating individuals, families, corporate and employees all over the world, including multinational companies and government organizations.

The Complainant in the Complaint has further submitted that its services include provision of domestic and international transportation of household goods, transit protection, storage services, home and school search, intercultural training and partner support, as well as program administration and other relocation services. The Complainant operates globally in over 200 locations, employs over 3300 people in nearly 45 countries providing expert services, and operates over 200 facilities in such locations. The Complainant asserts that in view of above submissions, the Complainant is today one of the leading companies providing expert specialized international relocation services. In India, according to the Complainant, it has presence, through its subsidiary Crown Worldwide Private Limited, for more than 25 years and operates out of various locations including Bengaluru, Mumbai, Delhi, Chennai etc.

It is further case of the Complainant that the Complainant group adopted the name and mark "Crown" in relation to its goods and services in or around 1975, and has since been consistently and widely using such name and/or mark globally on a large scale for goods and services. This mark has been used in relation to a variety of services including mobility, records management, logistics, fine art, wine cellars and relocation provisions. In India, the Complainant has started using its "Crown" name and mark since at least 1995.

The Complainant further submits that in the year 2018, Crown Worldwide Group generated revenue of approximately US\$688 million, owned assets of \$710 million. The Complainant provides services through, amongst others, its online portal/website which is accessible from around the world including India. The online portal/website can be location specific on choosing appropriate options on the site. As a result, many business professionals who have moved globally depend upon the Complainant for consistent and superior relocation services. The Complainant's website hosts testimonials and customer reviews, from persons utilizing Complainant's services to relocate globally, evidencing Complainant's recognition and appreciation in various countries/regions. The website provides options to users to register, to choose destinations for relocation through destination guides, assists with making checklists for relocation and also provides services related to Border Control & Immigration. A glance at the Complainant's exhaustive website operated through the domain name <CROWNRELO.COM> demonstrates that they provide ancillary services to relocation as well and the assistance provided show the level of expertise of the Complainant. The Complainant has conducted and concluded substantial amount of business via the internet.

Furthermore, the Complainant in the Complaint has stated that it has registered either through itself or its affiliates/subsidiaries more than 100 top level and country code top-level (ccTLD) domain names comprising the trade mark

"Crown". By way of examples, some of these "Crown" domain names and their creation dates have been mentioned in the tabular form by the Complainant in the Complaint.

According to the Complainant, in view of above submissions mentioned in the Complaint, the Complainant is the registered proprietor of various domain names containing the word "crown", including <CROWNRELO.COM> and <WWW.CROWNRELO.CO.IN>. The Complainant has contended that the Complainant's websites are very popular amongst internet users and these websites disseminate valuable information and are a source of knowledge of the Complainant's products, services and business under the Crown marks, further, these websites garner a significant number of hits every month and are accessible from around the world. A list of some of these domain names and their WHOIS details are attached with the Complaint as Attachment D. On the basis of above, the Complainant submits that it is therefore evident that the Complainant's goodwill and reputation in the Crown Marks pervades both the real world and the cyber space. Attachment E to the Complaint are some extracts from the websites www.crownworldwide.com and www.crownrelo.com.

According to the Complainant, as a result of the Complainant's long, extensive and continuous use of the Crown Marks in respect of its goods and services throughout the world, the public has become familiar with the Crown Marks and has

come to identify/associate the Crown Marks (including "Crown", "Crown Relocations" and "Crown Relocations & Crown Device") exclusively with the Complainant and its business, further, considering the wide outreach of the Complainant, and by virtue of its being engaged in providing a broad range of goods and services, global presence, reputation and goodwill gathered over the many years of its operations and existence, the Crown Marks have acquired well known status.

In support of its final submissions to met with the compliance of 4(a) of the INDRP Policy, the Complainant has submitted that in view of above, the Complainant not only possesses legitimate and protectable rights by virtue of its various registrations for the Crown Marks, but also common law rights resulting from its long, extensive and continuous use of the Crown Marks around the world. Further, according to the Complainant, the Crown Marks are representative of the complainant and its goods and services, brand identify, business reputation and public identification throughout the world. Also, the Complainant has invested years of time, capital, efforts and resources in the Crown Marks and as a result, the Crown Marks have attained immense goodwill and reputation and are extremely well-known throughout the world, therefore, it is evident that the Complainant regards the Crown Marks as it's most significant and important intellectual property.

B. To prove second ingredient of Mandatory Terms and Conditions No. 4 of INDRP Policy, that the Respondent has no rights or legitimate interests in respect of the domain name, the Complainant has made following submissions in the Complaint:

- i) The Complainant submits that No licensing, authorization or permission from the Complainant has been taken as neither Complainant nor the Complainant group has authorized, licensed or otherwise permitted the Respondent to use any of the Crown Marks or any marks which are identical or similar to the Crown Marks.
- ii) The Complainant further submits in the Complaint that the Complainant has no Connection with the Respondent's name. According to the Complainant, the Respondent's registrant organization name on record for the disputed domain name is Leo Parkers and Movers. There is no evidence that the disputed domain name is the Respondent's name or that the Respondent has been commonly known by it. Although the disputed domain name is used on the website to which it resolves, but the for the reasons mentioned in the Complaint, such use is an infringement of the Complainant's rights as the Complainant is not only using various Crown Marks and related domain names since 1975, but has also registered these marks and domain names in various jurisdictions and given such long, extensive and continuous use, the Crown Marks have become well known and come to be

exclusively associated with the Complainant and no one else. As such, according to the Complainant, the Respondent cannot establish any association with the disputed domain name for any reasons whatsoever.

- iii) According to the Complainant as made out in the Complaint, the Illegal conduct of infringement and passing off/unfair competition. The Complainant submits that as described in para 6(c) of the Complaint, the disputed domain names directs to a website which is clearly used to infringe and pass off the Complainant's business and create confusion amongst the public. The Complainant has further stated that the Respondent's dishonest adoption and use of the identical or confusingly similar domain name, and its conduct of offering for sale goods and services under the dishonestly adopted name could not amount to any rights or legitimate interests in the disputed domain name.

Finally, the submissions put forth in the Complaint are that the Respondent's registration of the disputed domain name is clearly aimed to take unfair advantage of the immense goodwill and reputation of the Complainant's crown marks, to divert visitors/customers by creating initial internet confusion and thereby commercially gain profit from the dishonest use of the Complainant's Crown Marks. The Complainant in the Complaint has asserted that the Respondent is clearly indulging in the unfair use of the disputed domain name with an intention to

reap profits there from, and tarnishing the goodwill and reputation of the Complainant's well known Crown Marks, therefore, the Respondent cannot justify any rights or legitimate interests in respect of the disputed domain name.

C. In respect of third ingredient of the INDRP Policy, the Complainant submits that Respondent has registered and used the disputed domain name in bad faith and in support of his this ground, has made the following submissions:

- i) The Complainant submits that the Respondent had prior knowledge of the Complainant's rights in the disputed domain name. The disputed domain name was created and registered by the Respondent on 23 June 2017 i.e. long after the strong reputation in the various Crown Marks was established globally. Furthermore, the Respondent's activities conducted with reference to the disputed domain name clearly demonstrate that the Respondent is well aware of the Complainant and the reputation of the crown Marks, but chooses to ride on the Complainant's reputation. It is also certain that the Respondent was aware of the Complainant's business and its prior rights in the Crown Marks at the time of adopting the identical or suspiciously similar domain name, which lead to a website depicting in conspicuous text the worlds "Crown Relocation".

- ii) With regard to respondent's bad faith intention to cause confusion, the Complainant has stated in the Complaint that the Respondent is using its website at the disputed domain name, the contents of which are effectively identical, to advertise and sell services in packing, moving and storage ("Respondent's website"). These services are the same as those on offer by the Complainant, including via the Complainant's WWW.CROWNRELO.CO.IN website. Further, sample printouts of the Respondent's Website are attached with the complaint as Attachment F. Therefore, the Respondent's intention to cause confusion and pass itself off as the Complainant is obvious in the Respondent's use of a mark which closely resembles the Complainant's "Crown Relocations & Crown Device" mark throughout the Respondent's website and comparison has been set out in the complaint for ease of reference and in view of this, the Complainant submits that the similarity is evident and such unauthorized use of a mark that closely resembles the Complainant's registered mark also amounts to infringement.

Finally, the Complainant rest its case with the submissions that as shown in the sample printouts and as described in the Complaint, the Respondent's website was intentionally constructed and designed in such a manner so as to falsely portray and suggest an association or affiliation with the Complainant for illicit commercial gain and such conduct of the

Respondent clearly demonstrates bad faith on its part and also an obvious attempt by the Respondent to divert internet users to its website through the dishonest and infringing use of the Complainants Crown Marks (in particular, the "Crown", "Crown Relocations" and "Crown Relocations & Crown Device" marks). Further, according to the Complainant, the registration and use of the disputed domain name disrupts the Complainant's business by creating confusion amongst the public as to the source, and association of the Respondent's website and the products and services offered on them. The Complainant in support of his case further stated that the internet users desirous of accessing the Complainant's website could get confused and mistakenly diverted to the Respondents Website. Such internet users and customers could be misled into believing that the Respondent's business is a part of or somehow associated with or endorsed by the complainant, which is clearly not the case.

6. REMEDIES SOUGHT BY THE COMPLAINANT:

The Complainant requests that the disputed domain name be transferred to the Complainant in accordance with the INDRP.

7. FINDING:

Since, the case of the Complainant as made out in the Complaint has gone uncontroverted and un-rebutted as the Respondent did not file

any Response/Reply within the stipulated period and the right of the Respondent to file/response was closed by order and the present case was fixed to be decided ex-parte, on the basis of the pleadings and documents on record which are unchallenged and as such undisputed. However, as per the settled dictum of law, the Complainant has to stand on his own legs and to prove his case by leading cogent and reliable evidence. In the present case, the Complainant has placed on record requisite documents to support its claim and from the contents of the Complaint and the documents annexed, it is evident that the disputed domain name WWW.CROWNRELO.IN consist of various Crown Marks like Crown Relocations" and "Crown Relocations & Crown Device", in particular, the mark "CROWN", which are the registered trademark owned by the complainant. Various CROWN marks which are registered in the name of the Complainant and which have been established by the Complainant over a period of time by their use. The Complainant has used the said marks world over and owns them, in support of which, the Complainant has placed on record copies of the registration certificates as Attachment C and details of jurisdictions in which the mark "Crown Relocations" is held in the name of Complainant's Group/Related Companies as mentioned in para 5 of the Complaint. The Complainant has also been able to prove that it has registered quite number of top level domain names comprising the trademark "CROWN" and has placed on record few details of the same. The Complainant has also given list of domain names and their WHOIS details relating to the domain names owned by the Complainant and the same are Attachment D on record.

Complainant has also placed on record extracts from its Websites www.crownworldwide.com and www.crownrelo.com and the same are placed on record as Attachment E with the Complaint. To prove its case the Complainant also placed on record Attachment A which is the domain name information of the Respondent and also Attachment F which is printouts of Respondent's website. All the above documents support the Complainant's exclusive right over the name CROWN or CROWNRELO or CROWNRELOCATIONS, therefore, the Complainant's claim that it has a right over the disputed name stands proved.

From the above mentioned facts which are supported by documents, I am of the view that the Registrant's Domain name, "CROWNRELO.IN" is identical as well as confusingly similar to the trademarks, "CROWN" or "CROWNRELOCATIONS" or "CROWNDEVICE" in which Complainant has exclusive rights. Also, from above, it is proved that as the Respondent's action to register the said domain name is not bonafide, therefore, the said registration is done in bad faith. From the averments of the Complaint and the documents annexed, it is evident that neither the Respondent is associated as an individual, business nor has organization with the name "CROWN" or "CROWNRELO" nor the complainant authorized Respondent in any way to use of trademark "CROWN" or "CROWNRELO". It is also evident from record that the Complainant has no relation with Respondent commercially or otherwise. So therefore, the use of trademark "CROWNRELO" by the Respondent is not legal as the Respondent has no legitimate right over the said domain name.

Also the Complainant has registered website consisting the word "WWW.CROWNRELO.COM", for which it has ownership having strong internet presence and can be accessed from anywhere in the world and the Complainant also owns countries specific domain names, therefore, this in itself becomes a good ground for the Complainant to seek transfer of the disputed domain name, WWW.CROWNRELO.IN.

8. **CONCLUSION:**

In view of the above discussion, based upon the pleadings and documents on record, it is that the Complainant has undisputed proprietary right over the mark "CROWNRELO" and the Respondent's domain is nearly identical and also confusingly similar to the trademark in which Complainant has rights and further the Respondent has no rights or legitimate interests in respect of the domain name and also Respondent's domain name has been registered a bad faith to be used to attract internet users to the Respondent's website or other online/offline location by creating a likelihood of confusion with the Complainant's name or trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location. Therefore, the complainant has proprietary right over the mark, "CROWNRELO" and is legally entitled to get the transfer of the domain name i.e. WWW.CROWNRELO.IN. Also, the Respondent is legally barred from using the disputed domain name. The Complaint is allowed on these terms.

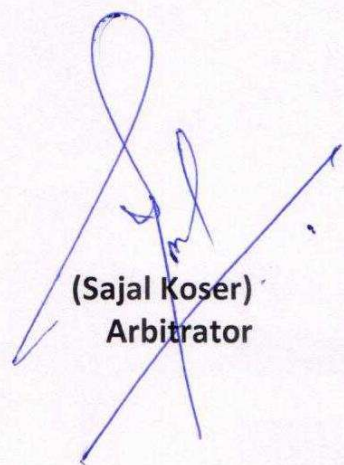
9. **AWARD:**

In view of above, it is ordered that the disputed domain name WWW.CROWNRELO.IN registered by the Respondent is transferred to the Complainant in terms of INDRP Policy and Procedure. It is further ordered that the Respondent is barred from using the mark <www.crownrelo.in> and therefore shall immediately cease to use the said domain name. The Award is passed on these terms.

10. **COST:**

In view of the facts and circumstances of the case as the Complainant has been uncalled for an unnecessarily dragged into the present dispute, therefore, the costs of the proceedings as provided in INDRP Rules of Procedure is also awarded in favour of the Complainant and against the Respondent.

Signed on this 23rd February 2022.



(Sajal Koser)
Arbitrator