



सत्यमेव जयते

INDIA NON JUDICIAL
Government of Uttar Pradesh

e-Stamp

Signature.....
ACC Name : SARVESH KUMAR KARDAM, ACC Code : UP14008104
ACC Add : Sub-Register, Noida, Mob. 9716593230
Case No. : 114710, Tahsil & Distt. Dadri, G.B. Nagar, U.P.

Certificate No. : IN-UP85294531275643T
Certificate Issued Date : 15-Jun-2021 02:38 PM
Account Reference : NEWIMPACC (SV)/ up14008104/ NOIDA/ UP-GBN
Unique Doc. Reference : SUBIN-UPUP1400810458431286110592T
Purchased by : PUNITA BHARGAVA
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) :
First Party : PUNITA BHARGAVA
Second Party : Not Applicable
Stamp Duty Paid By : PUNITA BHARGAVA
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



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BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA
.IN REGISTRY

Arbitral Award in Case No. 1492 dated March 11, 2022
Ms. Punita Bhargava, Sole Arbitrator
Disputed domain name: <novartis-hr.in>

In the matter of

Novartis AG
4002 Basel
Switzerland

... Complainant

v.

Godsmak
Vashi
Navi Mumbai Sector - 17
Mumbai
Maharashtra India 400705

... Respondent

1. The Complainant in this proceeding is Novartis AG, a Company incorporated under the Laws of Switzerland, having its registered office at 4002 Basel, Switzerland with David Lossignol as authorized signatory. It is represented in this proceeding by Ms. Mamta R. Jha of Intl Advocare of Express Trade Tower, B-36, Sector -132, Noida Expressway, Noida – 201303, NCR, India.
2. This dispute concerns the domain name <novartis-hr.in> (the 'disputed domain name') registered on April 22, 2021. The Registrar with which the disputed domain name is registered is GoDaddy.com LLC.
3. The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (Policy), adopted by the National Internet Exchange of India (NIXI).

The Arbitrator received a communication from NIXI inquiring if her services can be availed in the present dispute. The Arbitrator confirmed her availability and sent the signed Statement of Acceptance and Declaration of Impartiality and Independence as required by the Rules.

In accordance with Rules, NIXI vide its email of January 24, 2022 appointed Ms. Punita Bhargava as Sole Arbitrator in the matter.

The Arbitral Tribunal has been properly constituted.

The Arbitrator sent an email to the Respondent on January 26, 2022 informing it of the commencement of the proceeding and providing it time of two weeks to file its reply. Meanwhile, the Complainant's representative provided the updated Complaint and affidavit of service of hard copy of the Complaint along with Annexures to the Respondent vide her mail of January 31, 2022.

4. On February 3, 2022, an email was received on behalf of Respondent from one Jack M from the email id of Respondent mentioned in WHOIS records (ssmbbc8@gmail.com) that:

- the disputed domain name was created in error;
- it has never been used; and
- the Respondent does not have access to the account under which the disputed domain name is registered with the Registrar.

The Respondent further requested for peaceful settlement of the dispute.

5. In light of the reply of the Respondent, the Arbitrator is not passing an Award on the merits of the Complaint. However, the Arbitrator has reviewed the Complaint and the Annexures filed by the Complainant and finds that that the three elements as required by the Policy *viz.* (i) the Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; (ii) the Registrant has no rights or legitimate interests in respect of the domain name; and (iii) the Registrant's domain name has been registered or is being used in bad faith, are satisfied.
6. Accordingly, the Arbitrator directs that the disputed domain name be transferred to the Complainant. There is no order as to costs.
7. This Award has been passed within the statutory deadline of 60 days from the date of commencement of arbitration proceeding.



Punita Bhargava (Ms.)

Sole Arbitrator

Date: March 11, 2022