



सत्यमेव जयते

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BEFORE ALOK KUMAR JAIN, SOLE ARBITRATOR
INDRP Case No. 1599
Disputed Domain Name: <KIRIN.IN>
ARBITRATION AWARD

Kirin Holding Kabushiki Kaisha

Complainant

VERSUS

Kirin Communications Private Limited

Respondent

Page 1 of 5

Alok Kumar Jain

Statutory Alert:

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BEFORE ALOK KUMAR JAIN, SOLE ARBITRATOR

.IN REGISTRY

NATIONAL INTERNET EXCHANGE OF INDIA(NIXI)

INDRP ARBITRATION

INDRP Case No. 1599

Disputed Domain Name: <KIRIN.IN>

ARBITRATION AWARD

Dated 3.10.2022

IN THE MATTER OF:

Kirin Holding Kabushiki Kaisha
(Also trading as Kirin Holdings
Company Limited)
Nakano Central Park South,
4-10-2 Nakano, Nakano-ku,
Tokyo 164-0001
Japan

Through its Authorized Signatory
Versus

(Complainant)

Kirin Communications Private
Limited
Unit No.003, Tower B, Unitech Cyber
Park, Gurgaon, Haryana - 122002

(Respondent)

1. The Parties

The Complainant is Kirin Holding Kabushiki Kaisha (Also trading as Kirin Holdings Company Limited) having address as Nakano Central Park South, 4-10-2 Nakano, Nakano-ku, Tokyo 164-0001 Japan ,Its authorised representative are Arpit Kalra and Pranit Biswas ,S.S. Rana & Co., Advocates ,Office Address: 317, Lawyers Chambers, High Court of Delhi, New Delhi – 110003, India

Alok Kumar Jain

Telephone:91 11 – 40123000; +91 8448584675, 9311953442 ,Email as inf@ssrana.co

The Respondent is Kirin Communications Private Limited Unit No.003, Tower B, Unitech Cyber Park, Gurgaon, Haryana - 122002 with email address as : vivekzhang@gmail.com

The Respondent is the Registrant of disputed domain name.<KIRIN.IN>

2. Domain Name and Registrar:-

The Disputed Domain name is <www. KIRIN.IN>

The accredited Registrar with whom the Disputed Domain Name is registered is GoDaddy.com

Procedure History:

3.1. This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (the "Policy") adopted by the National Internet Exchange of India ("NIXI") and the INDRP Rules of Procedure (the "Rules") which were approved in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the Disputed Domain Name with a NIXI accredited Registrar, the Respondent agreed to the resolution of disputes pursuant to the said Policy and the Rules.

As per the information received from NIXI, the history of the proceedings is as follows:

3.2. The Complaint was filed by the Complainant with NIXI against the Respondent seeking transfer of disputed domain in its favour. On

31.8.2022 I was appointed as Sole Arbitrator to decide the disputes between the parties. I submitted statement of Acceptance and Declaration of Impartiality and Independence as required by rules to ensure compliance with Paragraph 6 of the Rules.

NIXI notified the Parties of my appointment as Arbitrator *via* email dated 31.8.2022 and served by email an electronic Copy of the Complainant with Annexures on the Respondent at the email addresses of the Respondent.

3.3. I issued notice to the parties vide email dated 14.09.2022, after the complaint was updated, directing the Complainant to serve complete set of Complaint on the Respondent in soft copies as well as in physical via courier /Post. The Complainant served Copy of the Complaint with Annexures on the Respondent at its email address and also sent copies of the complaint by courier to the respondent. The Respondent was directed to file its response within 14 days from the date of notice. No reply was received from the Respondent. It may be noted that some initial correspondence between the parties done through email of these proceedings showed that the parties are negotiating a settlement. Be that as it may. On 26.9.2022, I received an email from the counsel for the Complainant that the Complainant wishes to withdraw the instant complaint. On 29.9.2022 I requested the complainant to file an application/letter for withdrawal of the

Complaint duly signed by the Counsel for the complainant whose name and signature appear on the vakalatnama filed along with complaint. Accordingly the complainant sent an application vide email dated 30.9.2022 duly signed by the Counsel requesting for withdrawal of the Complaint. It is the sole discretion of the Complainant to withdraw the complaint any time.

Decision

4. The present complaint is hereby dismissed as withdrawn in view of the request made by the Complainant for withdrawal of the present complaint.

Delhi
Dated 3.10.2022

Alok Kumar Jain
Alok Kumar Jain
Sole Arbitrator