



**CORAM:**  
**HON'BLE DR. PANKAJ GARG**

**REPRESENTATIONS:**

a. The Complainant **SAUDI ARABIAN OIL COMPANY**

Through,  
Authorized Representative in these proceedings are :  
Archer and Angel  
Email: ipr@archerangel.com

b. The Respondent **KARTHIK RIYAN**  
Aramco, 15/488, Avantika Commercial Park  
Andheri Ease,  
Mumbai Maharashtra - 400069  
Through: In Person

The present Complaint has been filed by the Complainant against the Respondent before the National Internet Exchange of India (NIXI) under the INDRP Rules of Procedure (The Rules of Procedure) with regard to the domain dispute [www.aramcogroup.in](http://www.aramcogroup.in) seeking the transfer of the impugned domain name to the Complainant, who is the legitimate owner of the trade mark "ARAMCO".

Notice was issued by this Tribunal to the parties through e-mail on 29.09.2023, with the direction to the Respondent to file



Reply/Counter with all documents and evidences before this Forum on or before 12.10.2023 with an advance copy to the Complainant for filing Rejoinder, if any, latest by 25.10.2023.

This Tribunal on 16.11.2023 granted another opportunity to the Respondent to file Reply/Counter before the next date of hearing.

Vide e-mail dated 17.11.2023 the Respondent submitted his response addressed to this Tribunal stating that “*Someone taken it by using my email, it is case of mis using email's account and hacking someone personal social media accounts*”.

This Tribunal vide order dated 20.11.2023 directed the Respondent to file the details of the particular person who hacked the personal social media accounts and misused the e-mail of the Respondent along with the actions taken by the Respondent against such person with a supportive affidavit with an advance copy to the Complainant and kept the matter on 25.11.2023 for final hearing.





Despite granting another opportunity to file documents before this Tribunal on 25.11.2023 the Respondent deliberately did not file any Reply/Counter before this Tribunal.

Application filed by the Complainant on 27.11.2023 in compliance of the order dated 25.11.2023 is taken on record.

The matter is now taken up by this Tribunal today on 28.11.2023 for passing an Award on merits.

### **CONCLUSION FOR AWARD**

After considering the submissions of the parties this Tribunal reaches to the following conclusion:

As per the material placed on record and the averments made in the Complaint and also in the annexed evidences and documents, which have been proved in evidence, since unrebutted and admitted by the Respondent, it is evident that the domain name [www.aramcogroup.in](http://www.aramcogroup.in) is a well known domain name. The same is known to most of the people of the entire world. No one is entitled and can be authorized to use the same either as a domain name or as a trade mark in relation



to the similar or dissimilar business, as the said domain name/trade mark has got a unique goodwill and reputation.

The impugned domain name consists of a prefix word “ARAMCO”, which is already a registered trade mark of the Complainant. Henceforth, it is immaterial whether the impugned domain name was registered prior to or after the registration of the “ARAMCO” trade mark. The impugned domain name pertains to the territory of India and the Complainant’s trade mark “ARAMCO” is not only worldwide recognized but also a registered trade mark in India, therefore, only the Complainant can be the legitimate owner of the trade mark “ARAMCO” and impugned domain name and not the Respondent.

In the opinion of this Tribunal, the impugned domain name is a trade mark backed domain name and it not only violates the provisions of The TM Act, 1999 but also violates Clause 4 of the INDRP policy issued by the NIXI. The impugned domain name conflicts with the legitimate rights and interest of the Complainant on the following premises:-



- (a) The impugned domain name is identical and confusingly similar to a named trade mark as well as service mark, in which the Complainant has a right;
- (b) Respondent has no right or legitimate interest in respect of the impugned domain name;
- (c) The Respondent's impugned domain name has been registered and is being used in bad faith by using the registered trade mark of the Complainant and giving a pecuniary loss to the Complainant by using the name and trade mark of the Complainant.

The evidences filed by the Complainant have gone unrebutted. In view of the settled law, with the deposition of the Complainant, the Complainant is entitled for an Award in terms of its Complaint.



## DECISION

- a) In view thereof, it is directed that the domain name www.aramcogroup.in be transferred in favour of the Complainant by the Registry. As a result, the Respondent, his agents, servants, dealers, distributors and any other person(s) acting for and on its behalf are permanently restrained from using the domain name www.aramcogroup.in or any other deceptively similar trade mark, which may amount to infringement of Complainant's registered trade mark and also from doing any other thing, which is likely to create confusion and deception with the goods/services of the Respondent for any connection with the Complainant.
- b) The Complaint is allowed in the above terms.
- c) Respondent is hereby directed to pay to the Complainant a sum of Rs.1,00,000/- (Rupees One Lac only) towards the costs of the proceedings.



- d) National Internet Exchange of India (NIXI) is advised to take incidental or ancillary action involved in the transfer of the domain name, as directed.



  
**(DR. PANKAJ GARG)**  
**SOLE ARBITRATOR**

**Place: New Delhi**  
**Date : 28<sup>th</sup> of November, 2023**