

1. The Parties

The **Complainant** in this arbitration proceeding is **MOONSHINE TECHNOLOGY PRIVATE LIMITED**, of the address Farm No.5, Retreat, Khullar Farms, New Manglapuri, Mandi Road, Mehrauli New Delhi 110030.

The **Respondent** in this arbitration proceeding is **Mr. ANAND MISHRA** of the address: 410, Apolo Square Race Course Road Indore, Madhya Pradesh- 452003, as per the WHOIS records.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**BAAZINETWORKS.IN**> with the .IN Registry. The Registrant in the present matter is, 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). The procedural history of the matter is tabulated below:

Date	Event
September 26, 2023	NIXI sought consent of Mr. Vikrant Rana to act as the Sole Arbitrator in the matter.
September 27, 2023	The Arbitrator informed of his availability and gave his consent vide email.
October 04, 2023	Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure. NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.
October 06, 2023	Arbitrator asked Counsel for the Complainant to provide clarification regarding the authority and designation of the Authorized Signatory of the Complainant who has signed the Complaint, and also to file a scanned copy of the complaint on oath through affidavit by October 12, 2023.

Vikrant Rana

October 12, 2023	Complainant's Counsel provided a duly notarized copy of the Complaint, along with a board resolution of the Complaint, showing the authority and designation of the signatory.
October 17, 2023	The Arbitrator directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon the Respondent by email as well as physical mode (in case Complaint had already not done so) and provide proof of service within seven (7) days.
October 26, 2023	Arbitrator followed-up with Complainant's Counsel, to confirm if the domain complaint along with the annexures has been served on the Respondent and share proof-of-delivery.
October 27, 2023	<p>Complainant's Counsel provides copy of the email delivery receipt, prima facie evidencing successful service of the Complaint and Annexures upon the Respondent.</p> <p>Regarding physical service, Complainant's Counsel informed that the physical copy could not be delivered as the Respondent is not available at the address mentioned in the WHOIS records (with the postal remark reflecting "Item Returned No such person in the address").</p>
October 27, 2023	The Arbitrator deemed service of soft copy (by email dated October 20, 2023) on the Respondent by Complainant's counsel as sufficient in respect of the present matter, and accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response.
November 15, 2023	As no response was received from the Respondent within the stipulated time period, Arbitrator concluded proceedings and reserved the present award.



4. Factual Background – Complainant

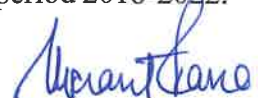
Counsel for the Complainant, on behalf of the Complainant in the present matter, has submitted as follows:

Complainant is a part of the Baazi Group of Companies (established in the year 2014), which includes the companies Baazi Networks Private Limited, Baazi Gaming Network Private Limited, SBN Gaming Networks Private Limited, Bee Gee Media Private Limited, in addition to the Complainant Company. Complainant has submitted that it is a leading and pioneering name in the Indian gaming industry and the Baazi Group has been offering quality gaming products and experiences to its customers worldwide under its well-known brands and trademarks (BAAZI, BAAZI GAMES, BAAZI NETWORKS, BAAZI MOBILE GAMING, POKERBAAZI, BALLEBAAZI, CARDBAAZI and SPORTSBAAZI). In this regard, Complainant has provided copies of incorporation certificates and screenshots of the MCA's websites' master data pages for its BAAZI named companies as Annexure C.

The Complainant has been covered in various news articles, and the immense reputation and goodwill accrued by the Complainant under its well-known brands can be gauged from the fact that it has over ten million active users across its different verticals. In this regard, Complainant has provided copies of a few news articles as Annexure D.

The Baazi Group honestly and originally adopted and has been extensively using the mark BAAZI as its brand, trademark, trading identity and part of its corporate name since the year 2014. In the year 2014, the company, Baazi Networks Private Limited was incorporated in India. Owing to its long, uninterrupted and extensive presence, superior quality and standards of products and services, extensive marketing and promotion, the Complainant and its brands are renowned and respected worldwide. Further, Complainant is associated with established and renowned associations such as All India Gaming Federation, the Online Rummy Federation and FICCI.

Over the years, the Complainant has spanned its presence across India through a widespread network over the internet. Owing to superior quality, standards and experience offered, Complainant's products and services under the Baazi trademarks are well recognized by the public and highly preferred by customers. The immense popularity, recognition and respect accrued has earned the Complainant, humongous revenue over the years. In this regard, Complainant has provided annual revenue figures of the Baazi Group for the period 2016-2022.



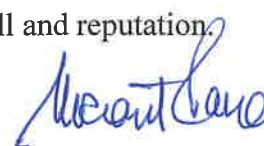
It has further been submitted that the Complainant expends enormous amount of skill and resources in promoting, marketing and advertising its products and services under its Baazi trademarks. In this regard, Complainant has submitted that its goods and services have been advertised and endorsed by Indian celebrities such as Mr. Yuvraj Singh, Mr. Zaheer Khan, Mr. Vijender Singh, Mr. Shahid Kapoor, Ms. Sunny Leone, Mr. Divyendu Sharma and Mr. Rajpal Yadav. In this regard, Complainant has provided copies of few promotional posts relating to its brand endorsements, as Annexure E. Complainant has also provided details of its annual expenditure towards promotional and marketing activities, for the period 2016-2022.

The Complainant also markets and offers its products and services through its websites www.baazinetworks.com (created in the year 2014 – copy of WHOIS provided as Annexure F), www.ballebaazi.com, www.pokerbaazi.com, www.cardbaazi.com and www.baazigames.com as well via social media platforms such as Facebook, Twitter, Instagram, YouTube and LinkedIn. In this regard, Complainant has also provided screenshots of few excerpts of its websites and social media accounts as Annexure G.

Complainant has further provided details of its several BAAZI formative trademarks in India, and provided registration certificates for some of its trademarks as Annexure H.

Complainant has also submitted that it takes all possible and plausible measures to protect its rights, title and interests, including by instituting suit proceedings and issuing cease and desist and take down notices. In this regard, Complainant has submitted that the reputation and notoriety in its well-known brand and registered trademark BAAZI has also been recognized by the Hon'ble Delhi High Court in the commercial suit CS (Comm) 331/2021, wherein the Court enjoined third parties from using Complainant's brand and registered trademark BAAZI in relation to inter alia gaming services. For this, Complainant has provided a copy of the injunction order passed, as Annexure I. Further, Complainant has also relied on an INDRP award (INDRP Case No. 1668 for the domain name ballebaaziapp.in) as well as an UDRP award (WIPO Case D2023-2197 for the domain name bigbaazi.com), and provided copies of the said awards as Annexures J and K respectively.

In view of the above, Complainant has submitted that it zealously protects and extensively promotes the Baazi trademarks in the course of trade and that the Complainant enjoys enviable goodwill and reputation in its brands and hence any imitation, unauthorized and illegal use of the Baazi trademarks is bound to dilute, erode or disparage the said goodwill and reputation.



Regarding the disputed domain name, Complainant has submitted that it recently came across a mischievous and infringing website, which is hosted on and through the disputed domain name, and Complainant was shocked to note that the Respondent has slavishly adopted Complainant's much prior domain name <baazinetworks.com> and the trading name and identity, Baazi Networks for the disputed domain name. Further, the Respondent and website owner is misrepresenting itself as the Complainant by also using the personal name and details of the Directors and Principal Officers of the Complainant. Thus, it is apparent that the Respondent and Website Owner are impersonating the Complainant and are misusing not only the Complainant's trademark and corporate name but also its company details, to usurp illegal profits. Complainant has further submitted that the reference to a partnership with Sage University, Bhopal by the Respondent and Website Owner on the infringing website is also mischievous, considering the Complainant does not have any association with the said University. It is apparent that the Respondent and Website Owner have adopted the infringing domain name and are impersonating the Complainant to deceive the unwary players and consumers for ulterior motives. In addition to infringing upon the Complainant's exclusive and proprietary rights, the Respondent and Website Owner are also spreading misinformation about the Complainant's business and its financials. In this regard, Complainant has provided a few screenshots of the website hosted on the disputed domain name and its coding in the Complaint itself. In view of the above, Complainant has asserted that it is apparent that the Respondent and Website Owner have made a false electronic record under the website hosted through the infringing domain name, with the intention to commit fraud on public.

In view of the above circumstances, Complainant has submitted that it then issued a cease-and-desist notice to the Respondent on August 20, 2023, who did not tender any response to the same. As such, Complainant had filed the present domain dispute for the disputed domain name.

5. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:



A. The Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

- The disputed domain name completely entails the Complainant's registered mark, BAAZI and also the name of the Complainant's group entity, Baazi Networks Private Limited.
- The disputed domain name is merely an .IN GTLD of the Complainant's domain name, baazinetworks.com, which is registered since 2014.
- The Complainant's brand, trademark and trading identity as Baazi / Baazi Networks is widely recognized amongst the relevant customers and public at large and is being extensively used in respect to Complainant's gaming services and products related thereto.
- The disputed domain name has been registered and is being used by the Respondent solely to deceive the internet users and consumers for making unlawful gains, by abusing the goodwill and reputation associated with Complainant's well-known brand and trademark.
- Internet users visiting the website hosted on the disputed domain name may do so under the pretext that the same belongs to the Complainant; and may also fall prey to the Respondent's deceit and believe that the Complainant is offering betting and gambling services on and through the disputed domain name.
- The disputed domain name will lead to confusion qua the Complainant's mark as search engines are likely to turn up hits for Respondent's website based on searches for 'Baazi Networks' / 'Baazi Networks India'.
- Adoption of the disputed domain name is a clear misappropriation of the Complainant's tremendous goodwill and reputation and constitutes acts of misrepresentation to the public at large.

Aswanti Sere

- The Complainant enjoys both statutory and common law rights qua the trademarks Baazi, Baazi Networks, Baazi Group et al. in India. The Respondent has adopted and is using the disputed domain name to clearly denote that the Respondent is associated with or is affiliated to the Complainant.
- Further, the mention of Complainant's contact details and the website getting redirected to Complainant's official website upon clicking certain tabs leaves no doubt in the mind of the consumers that the Respondent is either the Complainant itself or is closely associated with the Complainant.

B. The Respondent has no rights or legitimate interests in respect of the Domain Name.

- There is no credible or legitimate reason for the Respondent to have chosen to adopt a domain name, which is merely a .IN GTLD of the Complainant's 2014 registered domain name (baazinetworks.com).
- The Respondent has adopted the disputed domain name with malafide intent to generate web traffic and confuse the internet users and the public at large, by using Complainant's corporate identity. Such use by the Respondent is neither bonafide, nor a legitimate fair use of the disputed domain name.
- The Respondent has registered the disputed domain name being well-aware of the Complainant's well-known brand and the immense goodwill associated thereto. In view of the same, it is clear that the Respondent intends to attract internet users and offer its illegal services in India under the garb of association with the Complainant, and misappropriate the Complainant's reputation, goodwill and customer loyalty for making wrongful profits.
- The Respondent has deliberately registered the domain name, which is identical to the Complainant's much prior corporate identity and domain name, for no rhyme or reason, other than that of cybersquatting.
- The burden shifts to the Respondent to show that it does have rights or legitimate interest in the disputed domain name.

Merant Lane

C. The Domain Name was registered and is being used in bad faith.

- The Respondent has deliberately and illegally registered the impugned domain name and is flagrantly using the Complainant's brand and trademarks on the infringing website, to create public confusion as to the source of the products/services.
- The Respondent has illegally adopted and is using the Complainant's exclusive intellectual properties to ride upon the goodwill and reputation associated with the Complainant's business and brand.
- The Respondent's acts of infringement and cheating are bound to deceive unwary customers and public at large into believing that the Complainant is also offering casino and betting services, which services are illegal in India.
- The evidence submitted overwhelmingly supports the conclusion that the disputed domain name has been registered and is being used in bad faith. The said conclusion is also proved by the Respondent's blatant misuse of the Complainant's Founders and Principal Officer's personal name, on the website which is hosted on the impugned domain name.
- Despite the prior knowledge of the Complainant's brand and trademarks, the Respondent registered the disputed domain name which is virtually identical to the Complainant's registered trademark.
- The Respondent intentionally adopted the identical domain name in order to attract the internet users to the disputed domain and its website thereon with a view to derive unfair monetary advantage, thus Respondent's conduct and adoption of the identical domain name amounts to bad faith.
- The Respondent can have no plausible explanation as to how it came to adopt the disputed domain name in the first place except to have picked up the Complainant's identical trademark and corporate identity in its entirety and making the same a part of the domain name, in order to draw an apparent association with them and to depict to the public at large that they are the authorized / affiliated with the Complainant when

M. S. Hanu

such is not the case. As the Respondent is not affiliated or authorized by the Complainant, it is clear that the Respondent is impersonating the Complainant's business and brand, to usurp illegal profits.

- The disputed domain name is a deliberate act of deception, cheating and unfair trade practice and hence the same ought to be transferred over to the Complainant.

6. Reliefs claimed by the Complainant (Policy, Paragraph 11; Rules, Paragraph 4(b)(vii))

The Complainant has requested that the domain name <baazinetworks.in> be transferred to them.

7. Respondent's Contentions

As already mentioned in the Procedural History of the matter, despite having been duly served with a copy of the Domain Complaint as filed, and thereafter granted adequate time to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to the Arbitrator during pendency of arbitral proceedings in the matter.

8. Discussion and Findings

In a domain complaint, the Complainant is required to satisfy three conditions as outlined in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, i.e.:-

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights;
- ii. The Registrant has no rights and legitimate interest in respect of the domain name;
- iii. The Registrant's domain name has been registered or is being used in bad faith.

- i. **The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights**
(Paragraph 4(a) of the .IN Domain Name Dispute Resolution Policy)



In the present matter, the Complainant has provided details of its various BAAZI formative marks and provided corresponding trademark registration certificates as evidence thereof, as Annexure H, including but not limited to –

- registration no. 3623470 dated 09-July-2021 for the mark BAAZI in class 09;
- registration no. 3623471 dated 20-Feb-2018 for the mark BAAZI in class 41.

Further, the disputed domain name <**baazinetworks.in**> is identical to the Complainant's prior registered domain name <baazinetworks.com>, which was created in the year 2014.

It is a well-established principle in domain dispute matters, that trade mark registration is recognized as prima facie evidence of rights in a mark. In view of the documents placed on record by the Complainant, the Arbitrator finds that the Complainant has suitably demonstrated its rights in the BAAZI formative marks. Although, the Arbitrator notes that as per the information provided by the Complainant, they have prima facie not filed any trademark application for the mark "Baazi Networks" in India.

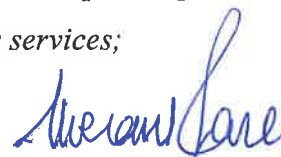
Accordingly, it may be stated that the disputed domain name <**baazinetworks.in**> is confusingly similar to the Complainant's BAAZI formative trademarks, and incorporates its registered trademark BAAZI in entirety.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the .IN Domain Name Dispute Resolution Policy)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name, by demonstrating any of the following circumstances:

(a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;



(b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights; or

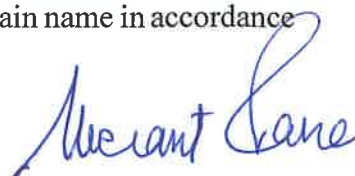
I the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.

In this regard, in the absence of any rebuttal from the Respondent, and in light of the below assertions of the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

- Usage of the Complainant's corporate identity;
- Similarity/ identicalness with the Complainant's trademarks and prior registered domain name;

As held in the prior panel in *Amundi v. GaoGou (INDRP/776)*, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests, and once such case is established, then it is the Respondent upon whom there is the burden of proof, to demonstrate rights or legitimate interests in the disputed domain name. In this regard, if the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(b) of the Policy.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not come forward with any assertion or evidence to show any bonafides. Thus, as mentioned above, in view of the lack of assertions on part of the Respondent, coupled with the other contentions put forth by the Complainant the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.



iii. **The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) and Paragraph 7 of the INDRP)**

In this regard, Complainant has *inter alia* contended the below points regarding Respondent's bad faith:

- The Respondent has deliberately and illegally registered the disputed domain name and is flagrantly using the Complainant's brand and trademarks on the website hosted on the disputed domain name.
- The Respondent's acts of infringement and cheating are bound to deceive unwary customers and public at large into believing that the Complainant is also offering casino and betting services, which are illegal in India.
- The Respondent's blatant misuse of the Complainant's Founders and Principal Officer's personal name, on the website which is hosted on the disputed domain name.

In view of the consolidated submissions of the Complainant, specifically regarding the use of the Complainant's Founders and Principal Officer's personal name on the website hosted on the disputed domain name <baazinetworks.in>, the Arbitrator finds that the Respondent's registration and use of the disputed domain name *prima facie* does not appear to be bona fide and appears to be intended to deceive the lay public and trade, upon the Complainant's reputation. It is pertinent to mention that the Respondent has also not submitted any reply or rebuttal to the Complainant's contentions, or any evidence in support of its bona fide registration or use of the disputed domain name.

Based on the submissions and documents placed on record, it *prima facie* appears that the Respondent is engaged in conduct enumerated in paragraph 7(c) of the Policy, namely "*the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location*".

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.



9. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <**baazinetworks.in**> to the Complainant.

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



Vikrant Rana, Sole Arbitrator

Date: November 30, 2023.

Place: New Delhi, India.