



सत्यमेव जयते

INDIA NON JUDICIAL

Chandigarh Administration

e-Stamp

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Certificate Issued Date : 03-Apr-2024 10:03 AM
Certificate Issued By : chjeevanu
Account Reference : NEWIMPACC (GV)/ chspicg07/ E-SMP KIOSK SEC-43/ CH-CH
Unique Doc. Reference : SUBIN-CHCHSPICG0795401667658773W
Purchased by : RAJESH KUMAR
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : SAJAL KOSER
Second Party : Not Applicable
Stamp Duty Paid By : SAJAL KOSER
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



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ARBITRATION AWARD

BEFORE SH. SAJAL KOSER, SOLE ARBITRATOR, CHANDIGARH

INDRP CASE NO. 1826 OF 2024

DISPUTED DOMAIN NAME: <CASINOINS.IN>

IRD 0021298334

Statutory Alert:

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BMGate Limited, formerly known as Reinvent Ltd, Agias Fylaxeos & Christoforou Perraivou, 2 Kalia Court, Office 301, 3025, Limassol, Cyprus.

...Complainant

Versus

Mortin Weiser, 475, Queens Road SOUTHAMPTON SO67, London, IG7 6XR, United Kingdom.

...Respondent

1. INTRODUCTION:

The above titled complaint was submitted to the undersigned for Arbitration in accordance with the .IN Domain Dispute Resolution Policy (INDRP), and the INDRP Rules of Procedure framed there under.

2. PROCEDURAL HISTORY:

- i) In response to the email dated 07.03.2024, appointing undersigned as an Arbitrator, vide return mail dated 07.03.2024, the undersigned submitted Statement of Acceptance and Declaration of Impartiality and Independence.
- ii) In the meanwhile, on the same day, the undersigned received a response from the Respondent. However, in terms of the INDRP Rules of Procedure, Notice to the Respondent was issued on 11.03.2024; however, the Respondent did not submit any further response/reply to the complaint filed by the Complainant within the stipulated period of 15 days and the opportunity given to him was closed by order vide mail dated 29.03.2024 and the case was reserved for passing award. The word ex-parte mentioned zimni order dated 29.03.2024 is

recalled. However, it is pertinent to mention here that vide email dated 11.03.2024, the Complainant submitted its reply to the response dated 07.03.2024 submitted by the Respondent. None of the parties further submitted anything and therefore, the Complaint is being decided on the basis of averments, documents and response of the parties.

3. **DISCUSSION AND FINDINGS:**

The Tribunal has gone through the contents of the Complaint and the documents annexed in support of the same. The Complainant has sufficiently been able to prove its absolute ownership and complete authorization in respect of trademark "CASINOIN" and its variations established worldwide. The Complainant has also been able to prove 3 ingredients of the policy and it has been established that: a) *The disputed domain name "CASINOINS.IN" is confusingly similar to the trademark in which Complainant has right, and b) The respondent has no rights or legitimate interest in the domain name, and c) The respondent's domain name has been registered and is being used in bad faith.* The decisions cited by the Complainant are also applicable to the facts of the case. Further, the Respondent has not chosen to rebut the contentions of the Complainant or to contest the case on merits and in fact by making a submission that, "Good afternoon, happy to respond to your appeal. I would like to say that the domain casinoins.in is fully owned by godaddy, I have no access to it and have nothing to do with it. You can contact them and get the domain in a free form based on your appeal, I ask you to stop the case and solve everything peacefully already directly with Godaddy," Respondent fully accepted the case of the Complainant. The response of the Complainant is also relevant to be reproduced here:

"seeing as the Respondent is willing to transfer the Concerned Domain to us on the basis of the submitted Complaint (refer to the attached email) - could the Complaint move summarily, by mutual agreement between the Parties, to the final stage and a decision be rendered that the Concerned Domain shall be transferred to us? If this is indeed possible, we only require from NIXI to ensure that the domain will be transferred to our GoDaddy account instead of being released and made available for registration on GoDaddy for everyone."

In view of above facts, submissions and documents on record, the following award is being passed:

4. **AWARD:**

In view of above, it is awarded that the disputed domain name **<CASINOINS.IN>** be transferred to the complainant. Accordingly, the registry is directed to transfer the said domain name in favor of the Complainant at the earliest.

5. **COST:**

In view of the peculiar facts and circumstances of the Complaint, there shall be no order as to the costs.


(Sajal Koser)
Arbitrator
08.04.2024