



## 1. The Parties

The Complainant, in these administrative proceedings, is PROTIVITI INC., 2884, Sand Hill Road, Suite 200, Menlo Park, CA 94025. The Complainant is represented by Ms Fatema Feroz Hussain, K & S Partners, Chimes – 61, Sector 44, Gurgaon 122 003 ( Email: fatema@knspartners.com, Phone: +91 124 4708 700; +91 92897 35110). The Respondent is Protiviti Traveldesk, 1/2/2011, Business park, Bengaluru-560042, India (Email: amballasneha1695@gmail.com, phone: (+91)9299991922)

## 2. Domain Name and Registrar

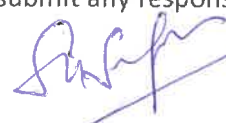
- (i) The disputed domain name is <protivitis.co.in>.
- (ii) The Registrar with whom the domain name is registered is GoDaddy.com, LLC

## 3. Procedural History

The arbitration proceedings is in accordance with the .IN Domain Name Dispute Resolution Policy (the policy) adopted by National Internet Exchange of India (“NIXI”) and INDRP Rules of Procedure(“the Rules”) which were approved on June 28,2005 in accordance with the Indian Arbitration and Conciliation Act,1996. By registering disputed domain name with a NIXI registrar, the respondent agreed to the resolution of disputes pursuant to the Policy and the Rules.

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

On June 06, 2024, I submitted the statement of my Acceptance and Declaration of Impartiality and independence, as required by NIXI to ensure compliance with Paragraph 6 of Rules. NIXI notified the parties of my appointment as Arbitrator via email on June 06, 2024 and served an electronic copy of the complaint on the Respondent. I informed the Parties about commencement of arbitration proceedings on June 07, 2024 and the Respondent was directed to submit his response to the arbitration notice within 7 (Seven) days. The Respondent did not submit any response to the arbitration notice dated 07.06.2024 within the stipulated time. On 17.06.2024, the Respondent was given another opportunity and directed to submit his response to the arbitration notice issued by this panel. The Respondent failed to submit any response to



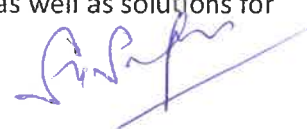
the arbitration notice even after subsequent directions dated 17.06.2024. The Respondent was given final opportunity on 22.06.2024 and directed to file his response to the arbitration notice issued by this panel. On 27.06.2024, the Complainant submitted that " We submit herewith proof of delivery of complaint to the Respondent as the E-Mail ID amballasneha1695@gmail.com which is displayed on Godaddy for the subject domain name is no longer valid, we telephonically contacted the Respondent on the mobile number listed on Godaddy and obtained his current email address (marrirakshith72@gmail.com). Thereafter, we have shared the copy of complaint to current email address on June 25, 2024 which has been successfully delivered. The said email and email delivery receipt are attached for your perusal. Further, we have received the response from the Respondent vide email dated June 25, 2024 wherein he agreed to transfer the subject domain name from him to the Complainant." The Complainant further submitted that "we also couriered the complaint to the Respondent on the address listed in Goddady for the subject domain name. However, the Respondent refused to accept the courier which was returned to us. Courier tracking details are attached herewith for your perusal." The Complaint is already delivered to the Respondent by the Complainant through email on 25.06.2025. The Respondent has also submitted his response to the arbitration notice on 25.06.2024 and his/her response is taken on record.

#### **4. Grounds for Administrative Proceedings**

1. The disputed domain name is virtually identical to the trade mark in which Complainant has rights.
2. The Respondent has no rights or legitimate interests in respect of the domain name.
3. The domain name was registered or is being used in bad faith.

#### **5. Background of the Complainant**

The Complainant submitted that PROTIVITI INC., a company incorporated under the laws of USA, is a wholly-owned subsidiary of Robert Half Inc. ("RH") (Protiviti and RH are collectively referred to herein as the "the Complainant"). The Complainant further submitted that the Complainant, which expression shall include its predecessor, affiliates, subsidiaries etc. in title and interest, is a highly respected global consulting firm assisting companies with corporate governance initiatives, as well as solutions for



business problems in technology, business processes, analytics, risk, compliance, and internal audits, and was founded in 2002. The Complainant further submitted that the Complainant's services are marketed and offered throughout the world under the PROTIVITI and PROTIVITI-formative marks. The Complainant further submitted that since 2002, continuously and exclusively, Protiviti has used PROTIVITI as a trademark, alone or in combination with other elements, in connection with the Complainant's various audit and consulting services provided throughout the world. The Complainant further submitted that with particular reference to India, the mark PROTIVITI has been in use since the year 2006 and during the course of its business, Protiviti has successfully obtained numerous trademark registrations for its PROTIVITI and PROTIVITI-formative marks (hereinafter referred to as "the PROTIVITI Marks") in jurisdictions around the globe, including in India, the United States, Australia, Canada, China, Japan, the European Union, Singapore, and the United Kingdom. The Complainant further submitted that most relevantly, Protiviti's Indian trademark registrations are currently valid, subsisting. The Complainant further submitted that the Complainant has taken active steps towards the protection of its brand and intellectual property and has been granted protection for the PROTIVITI Marks in several jurisdictions including India. The Complainant further submitted that the Complainant, today, holds all the rights, benefits and interests in connection with and arising out of the mark 'PROTIVITI', and all other intellectual property rights associated with the PROTIVITI products/ services. The Complainant further submitted that the Complainant spends an enormous amount of time, money, and effort in promoting its PROTIVITI Marks and associated services and in developing its website accessible through the domain name <protiviti.com>. The Complainant further submitted that the Complainant has advertised and promoted its services under the PROTIVITI Marks, which have also been featured in domestic publications, such as the Hindu Business Line, Express Computer and HR Economic times India times. The Complainant further submitted that likewise, the Complainant has advertised and promoted its services under the PROTIVITI Marks, which have been featured in international publications, such as Wall Street Journal, Business Week, New York Times, Los Angeles Times, and CFO Magazine, Financial Times, CFO Australia, Option Finance, and Nikkei. The Complainant further submitted that the Complainant has received many prestigious



awards as a result of, in part, its services marketed and rendered under the PROTIVITI Marks, including being named one of Forbes' "Best Management Consulting Firms" for the years 2017-2022, being named a "Best Workplace in Consulting and Professional Services" by Fortune in the years 2017- 2022, and being named to Fortune's "100 Best Companies to Work For" list for the years 2015-2022. The Complainant further submitted that as a result of the broad-based advertising and promotion by the Complainant under its PROTIVITI Marks, the many prestigious awards, and the Complainant's extensive sales, the PROTIVITI Marks are well-known and associated exclusively with the Complainant and its services. The Complainant further submitted that the PROTIVITI Marks are therefore of tremendous value to the Complainant. The Complainant further submitted that the Complainant's stakeholder network consists of more than 11,000 employees in more than 90 offices across 25 countries worldwide. The Complainant further submitted that as a result of the time, effort, and money invested in its business and in its PROTIVITI Marks, the Complainant has achieved a reputation for excellence in the rendering of its business consulting services. The Complainant further submitted that the mark 'PROTIVITI' forms part of the trading name of the Complainant "PROTIVITI INC." and the Complainant offers products/services under the PROTIVITI Marks. The Complainant hosts global website <https://www.protiviti.com/> as well as its Indian dedicated websites <https://www.protiviti.com/in-en> and <https://www.protiviti.com/in-pcc> showcasing the Complainant's products/services containing the mark 'PROTIVITI', that are available for use. The Complainant further submitted that the Complainant has served more than 80 percent of Fortune 100 and nearly 80 percent of Fortune 500 companies. The Complainant further submitted that the Complainant and its employees have consistently been recognized by Fortune and Consulting Magazine as the best company to work for. The Complainant further submitted that over years of extensive and widespread reputation and use, the mark 'PROTIVITI' has come to be exclusively associated with the Complainant. The Complainant further submitted that the Complainant duly obtained the registration of the domain name <protiviti.com> and currently hosts an interactive website at <https://www.protiviti.com/> which can be accessed by internet users around the world including those in India. The Complainant further submitted that this website carries updated information on the corporate



history and current products/services of the Complainant under the PROTIVITI Marks, which forms a dominant part of the subject domain name. The Complainant further submitted that the Complainant's company and its products/services are continually advertised and receive public recognition vide its official LinkedIn page. The Complainant further submitted that the Complainant's company does marketing worldwide mainly through Google Ads and the social networking platforms, Facebook, Instagram etc. where it has India dedicated handles as well. The Complainant further submitted that in India, the Complainant operates as 'Protiviti Consulting Private Limited' and under its Member Firms such as - Protiviti India Member Private Ltd and Protiviti Advisory India Member LLP. The Complainant further submitted that the Complainant has several offices located in Bengaluru, Bhubaneswar, Chennai, Coimbatore, Hyderabad, Kolkata, Mumbai, New Delhi, Noida and Gurugram. The Complainant has Indian dedicated website <https://www.protiviti.com/in/en/location> showing the locations of its offices in India. The Complainant has also submitted extracts from the Ministry of Corporate Website evidencing the incorporation of Complainant's Indian counterparts.

#### **The Respondent**

The Respondent is Protiviti Traveldesk, Consultant 1/2/2011, Business park, Bengaluru, Karnataka – 560042, India (Email: [amballasneha1695@gmail.com](mailto:amballasneha1695@gmail.com), phone: (+91)9299991922). The Respondent has registered the Disputed Domain Name <protivitis.co.in> on November 24, 2023.

#### **Legal Grounds**

**The subject domain name <protivitis.co.in> is virtually identical to the trademark PROTIVITI of the Complainant.**

#### **Complainant's Contentions**

The Complainant submitted that the Complainant has statutory and common law rights in the trademark and trade name PROTIVITI.

- (a) The Complainant has exclusive rights in the PROTIVITI Marks by virtue of prior adoption and use thereof as a trade name, trademark and domain name; and by virtue of prior registrations



(b) Pursuant to the long, continuous and extensive use of the PROTIVITI Marks internationally as aforesaid, and the substantial expenditure incurred in its promotion and advertising worldwide, the PROTIVITI Marks are exclusively associated with the business of the Complainant; and

(c) The PROTIVITI Marks are entitled to be protected against any misuse whatsoever including that by the Respondent.

The Complainant submitted that the subject domain name <protivitis.co.in> is virtually identical in full to PROTIVITI Marks which is also a part of the Complainant's corporate/trade name. The Complainant further submitted that the "overall impression" left by the domain name suggests that this domain name belongs to the Complainant and consumer confusion will inevitably result. The Complainant further submitted that the subject domain name is meant to suggest an ownership by the Complainant and anyone coming across the subject domain name or any website corresponding thereto will naturally assume that this name is owned or affiliated with the Complainant and is a reflection of its Indian business. The Complainant further submitted that being the registered proprietor of the PROTIVITI Marks, it has statutory rights in the same as also common law rights by virtue of long and continuous use and the subject domain name violates the said statutory and common law rights of the Complainant. The Complainant further submitted that in this case, the subject domain name <protivitis.co.in>, is virtually identical in appearance, sight, sound, and connotation to Complainant's PROTIVITI Marks, and in particular, the well-known PROTIVITI house mark, and Protiviti's official domain name <protiviti.com>. The Complainant further submitted that the subject domain name incorporates the Complainant's entire, identical well-known PROTIVITI house mark and adds the letter "S" and the top-level domain extension ".co.in". The Complainant further submitted that these additions are wholly inadequate to negate the confusing similarities between the subject domain name and the PROTIVITI Marks.

**B. The Respondent has no rights or legitimate interests in respect of the domain name.**

**Complainant's Contentions**

The Complainant submitted that the Respondent is not connected with the Complainant in any manner and the Complainant has no knowledge of the Respondent. The



Complainant further submitted that the Complainant has not authorized or licensed the Respondent to apply for, register, use or offer for sale the subject domain name or any trademarks forming part thereof. The Complainant further submitted that the Respondent's action of registering a domain name in which it has no rights or legitimate interests is done with an intent to commercially gain and take undue advantage of the reputation and goodwill of the Complainant in its well-known PROTVITI Marks and this is evident from the fact that the subject domain name redirects to a website that is inactive and hosts generic hyperlinks that redirect Internet users to third-party websites, presumably for Respondent's commercial gain through receipt of click-through fees or are otherwise used in an illegitimate manner. The Complainant further submitted that the Respondent has not made any demonstrable preparations to use the subject domain name in connection with a bona fide offering of goods or services. The Complainant further submitted that the Respondent is not making any legitimate non-commercial or fair use of the domain name.

**C. The domain name was registered or is being used in bad faith.**

**Complainant's Contentions**

The Complainant submitted that in view of the enviable popularity and goodwill of the PROTIVITI Marks, it is highly unlikely that the Respondent or any person would not be aware of the PROTIVITI Marks and the trade name PROTIVITI. The Complainant further submitted that the very act of registration of the subject domain name by the Respondent is an instance of bad faith. The Complainant further submitted that the subject domain name redirects to a website that is inactive and hosts generic hyperlinks that redirect Internet users to third-party websites, presumably for Respondent's commercial gain through receipt of click-through fees or are otherwise used in an illegitimate manner. The Complainant further submitted that using the subject domain name in the manner described herein clearly establishes bad faith use and registration, even if the hyperlinks are served automatically by a third-party and the Respondent has no relationship with the advertisers. The Complainant further submitted that by registering the subject domain name, the Respondent has intentionally attempted to disrupt the Indian business of the Complainant as any person looking for information regarding the goods and services under the PROTIVITI Marks would necessarily look for the website corresponding to the domain name < protivitis.co.in >. The Complainant





further submitted that the Respondent's incorporation of the entire, identical PROTIVITI house mark, with the mere addition of the letter "S" after the PROTIVITI house mark amounts to typo squatting and is deliberately designed to confuse the subject domain name with the well-known PROTIVITI house mark, the other PROTIVITI Marks, and Complainant's official domain name <protiviti.com>. The Complainant further submitted that by adopting a nearly identical domain name, the Respondent is attempting to mislead consumers into believing that the Respondent's business and services have some nexus with and/or are endorsed by the Complainant and/or licensed by the Complainant. The Complainant further submitted that the Respondent is evidently attempting to unlawfully ride on the goodwill and reputation of the Complainant. The Complainant further submitted that the Respondent's actions in this regard amount to unfair trade competition/passing off and trademark infringement, at a minimum, under Indian law. The Complainant further submitted that the Respondent's registration of the subject domain name <protivitis.co.in> is contrary to and in violation of paragraph 4 of the INDRP Policy.

#### **Respondent's Contentions**

The Respondent has submitted that "the email ID associated with this domain has not been in use for the past eight months, which is why I was unable to reply earlier. I inadvertently created this domain and have not used it for a long time (six months). I agree to transfer the domain name from me to Protiviti INC."

#### **7. Discussion and findings**

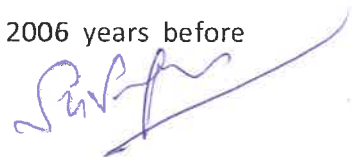
The Complainant, PROTIVITI INC., is a management consultancy company providing governance, business solutions, internal audits etc services to corporates across the world since 2002. The Complainant is owner of PROVITI (and variations) trade mark and this trade mark is registered in many jurisdictions including India where the Respondent is based. The Complainant's services are marketed and offered throughout the world under the PROTIVITI marks. These marks are in use in India since 2006 and these marks are also registered in India. These marks are currently valid and subsisting. The Complainant spends substantially on promotion and advertisement of its mark "PROYIVITI". The Complainant is also owner of top level domain <protiviti.com> and an interactive website is hosted on this domain. The Complainant also hosts Indian



dedicated websites. By virtue of long, continuous use and significant presence on social media platforms, the mark "PROTIVITI" of the Complainant are well known by consuming public. The Complainant has offices located in major cities of India. The well-known mark "Protiviti" are associated with Complainant. The well-known mark "PROTIVITI" were registered by the Complainants years before the registration of disputed domain <protivitis.co.in> by the Respondent in November, 2023. The top level domain <protiviti.com> was also registered by the Complainant long before registration of disputed domain name by the Respondent. The Respondent has just added letter "S" to well-known mark "PROTIVITI" of the Complainant which is insufficient to make it different from the mark/domain of the Complainant. The top level domain ".in" does little to make disputed domain name look different from well-known mark of the Complainant. The Complainant has not authorized or licensed the respondent to use its mark "PROTIVITI". The disputed domain name resolves to parked website which hosts several third parties hyperlinks. The sole intent of Respondent appears to commercially gain from the popularity of well-known mark/domain of the Complainant. An ordinary internet user is likely to believe that the disputed domain name <protivitis.co.in> is affiliated to the Complainant. This panel also takes notice of the fact that Respondent has agreed to transfer back the disputed domain name <protivitis.co.in> to the Complainant.

**The domain name <protivitis.co.in> is virtually identical to the trademark PROTIVITI of the Complainant.**

The Complainant has been able to prove that it has trademark rights and other rights in marks 'PROTIVITI' by submitting substantial documents. The mark comes under category of well-known trademark .The mark is widely used by the Complainant in their business activities and has a significant presence in internet world. The disputed domain name <protovitis.co.in> contains Complainants mark "protiviti" which is identical and similar to mark 'protiviti' as the disputed domain name contains Complainant's mark in its entirety. The Respondent has just added letter 's' while selecting the disputed domain name <protivitis.co.in> which is insufficient to make it different from the mark of the Complainant. There can't be coincidence that the Respondent has chosen domain name deceptively confusingly similar to the well-known mark of the Complainant. The mark 'PROTIVITI' was first registered by the Complainant in 2006 years before



registration of disputed domain by the Respondent in November, 2024. This panel takes notice of the fact that the Respondent's submission that the disputed domain name was created inadvertently by him and he agreed to transfer the domain to the Complainant. Bases on the forgoing analysis, I am of the opinion that the disputed domain name is identical and confusingly similar to the complainant's mark.

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

The Complainant has been able to prove by submitting evidences that it has legitimate interest in trademark "PROTIVITI". The Respondent is neither a licensee nor authorized by the Complainant, to use Complainant's mark. The Respondent is not known by the mark and can't have legitimate interest in the disputed domain. This panel is of the view that mere registration of domain name can't establish rights in disputed domain. According to the Policy that "once the Complainant makes a prima facie showing that the registrant does not have rights or legitimate interests in the domain name, the burden shifts to the registrant to rebut it by providing evidence of its rights or legitimate interests in the domain name". The burden of proof to establish any legitimate interest falls on the respondent. The Respondent could have invoked any of the circumstances set out in paragraph 6 of the Policy, in order to demonstrate rights or legitimate interests in the Disputed Domain Name. This panel takes notice of the fact that the Respondent's submission that the disputed domain name created inadvertently by him and he is ready to transfer the domain to the Complainant.

Therefore, in light of complaint and accompanying documents, I am therefore of the opinion that the Respondent has no rights or legitimate interest in the disputed domain name.

**The Domain Name was registered or is being used in bad faith**

This can't be a coincidence that the Respondent registered disputed domain name fully incorporating well known mark 'PROTIVITI' of the Complainant. The Complainant has been the using the mark 'PROTIVITI' for several years when the Respondent registered the disputed domain name in 2023. The panel finds that the Respondent has registered the disputed domain <protivitis.co.in> containing the well-known mark 'PROTIVITI' of the Complainant in entirety giving impression that this disputed domain is affiliated/endorsed the Complainant. The sole purpose of the Respondent is to create confusion in mind of an ordinary internet user. The disputed domain name resolves to website



containing many hyperlinks. The intent of the Respondent appears to commercially gain from the reputation of the Complainant's mark. The registration of domain name containing the well known mark of the Complainant is definitely a bad faith registration use. The Respondent must have done dilly diligence to ensure that domain name registered does not infringe upon someone other's rights. This panel takes notice of the fact that the Respondent's submission that the disputed domain name created inadvertently by him and he is ready to transfer the domain to the Complainant.

In view of the above, In view of the above, I am of the opinion that registration of disputed domain name is bad faith.

### Decision


Based on the contentions of the complainant, the attached documents and in view of the above read with all the facts of the present case, the Complainant's contentions are tenable. The test of prudence demands fairness of actions by the Respondent. In view of the forgoing discussion, I am of the opinion that the disputed domain name <protivitis.co.in> is nearly identical and confusingly similar to the Complainant's mark. The Respondent does not have rights or legitimate interest in the disputed domain name and disputed domain name was registered in bad faith.

In accordance with the Policy and Rules, I direct that the Disputed Domain name <protivitis.co.in> be transferred to the Complainant with a request to NIXI to monitor the transfer.

The award is being passed within statutory deadline of 60 days from the date of commencement of arbitration proceedings.

No order to costs.

July 01 , 2024

  
Sudhir Kumar Sengar 11/7/24

Sole Arbitrator