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**Deponent**

Name: Rna Ip Attorneys

H.No/Floor : Na

Sector/Ward : Na

Landmark : Na

City/Village : Gurugram

District : Gurugram

State : Haryana

Phone : 0



Purpose : ALL PURPOSE to be submitted at Other

RANJAN NARULA

ARBITRATOR

Appointed by the .In Registry – National Internet Exchange of India

In the matter of:

**GN Audio A/S**

Lautrupbjerg

7 DK-2750

Ballerup, Denmark

.....Complainant

**Babu Lal Choudhary**

Anaspur Village

Hayathnagar Mandal

Hyderabad

Telangana-501512

India

..... Respondent

Disputed Domain Name: JABRACONNECT.IN

## **AWARD**

### **1) The Parties:**

The Complainant in this arbitration proceeding is GN Audio A/S, Lautrupbjerg, 7 DK-2750, Ballerup, Denmark. The Complainant is represented by its authorized representative Ms. Sujata Chaudhri, Sujata Chaudhri IP Attorneys, 2106 Express Trade Towers 2, 1<sup>st</sup> Floor, B-36, Sector-132, Expressway, Noida-201301, Uttar Pradesh.

The Respondent in this arbitration proceeding is **Babu Lal Choudhary**, Anaspur Village, Hayathnagar Mandal, Hyderabad, Telangana-501512, India as per the details available in the whois database maintained by National Internet Exchange of India (NIXI).

### **2) The Domain Name, Registrar & Registrant:**

The disputed domain name is JABRACONNECT.IN . The Registrar is GoDaddy.com LLC, 14455 North Hayden Rd, Suite 219, Scottsdale AZ 85260, United States America.

The Registrant is **Babu Lal Choudhary**, Anaspur Village, Hayathnagar Mandal, Hyderabad, Telangana-501512, India

### **3) Procedural History:**

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28<sup>th</sup> June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

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

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Ranjan Narula as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed, .IN Domain Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.

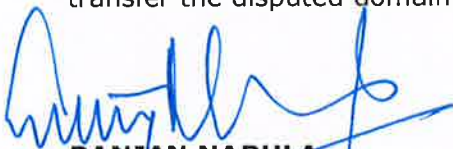
1. The complaint was produced before the Arbitrator on June 18, 2018 and the notice was issued to the Respondent on June 19, 2018 at his email address with a deadline

of 10 days (until June 30, 2018) to submit his reply to the arbitration. There was no delivery failure message received from the Respondent's email address. Pursuant to complaint being notified, the Complainant shared a email dated June, 18<sup>th</sup>, 2018 from the Respondents in response to their communication dated 4<sup>th</sup> June. The Arbitrator thus notified the Respondent to file a formal response by 30<sup>th</sup> June, 2018 or let hi know if he wants his response dated 18<sup>th</sup> June be treated as response to the Complaint. The parties were also given an option to explore settlement and were informed that complaint can be kept in abeyance for a week.

2. It appears several emails were exchanged by the parties to resolve the issues and finally vide email dated June 29, 2018, the representative of the Complainant informed the Arbitrator that they have amicably settled the dispute with the respondent in terms of the settlement agreement dated June 22, 2018. The agreement states that the Respondent will transfer the domain names and any other domains that he has registered, or caused to be registered to the Complainant. It shall be the Respondent's responsibility to ensure that the transfer is successfully completed without any problem. Within a period of twenty four (24) hours from the date of the transfer of all the domain names, the Complainant through its legal representative will pay the Respondent a sum of USD1000 through interbank transfer.
3. The settlement agreement states that immediately upon the execution of the agreement, the Respondent will cease use of, and will never in the future use, the JABRA marks and any other marks that are deceptively similar to the JABRA Marks.
4. The settlement agreement further states that the Respondent will not take any action against , or challenge, the complainant's rights in the JABRA marks, in the domain name JABRACONNECT.IN , or any other domain name that incorporates the JABRA marks, at any time, now or in the future, and acknowledge the Complainant's sole and exclusive rights on these marks and domain names.

### **Decision**

In view of the above and on the basis of consent from the Respondent to transfer the disputed domain name to the Complainant, I hereby, direct that the disputed domain name JABRACONNECT.IN be transferred to the Complainant. Further, transfer being a result of settlement between the parties, NIXI is directed to instruct the domain Registrar to remove the locks and initiate domain transfer immediately without waiting for appeal period of 90 days to implement the order. The Respondent is ordered to cooperate for completing the transfer the disputed domain name in favour of the Complainant.

  
**RANJAN NARULA**  
**SOLE ARBITRATOR**  
**NIXI**  
**INDIA**  
**July 2, 2018**