



తెలంగాణ తెలంగాణ TELANGANA  
Sl.No: 7019; Date : 23-07-2022 Rs.100/-  
Sold to: **Dr. VEDULA GOPINATH**  
S/o Late V.K.CHENULU R/o HYD  
For whom:SELF

**Dr. E.K. KOTIREDDY** AU 367565  
E.KOTIREDDY  
LICENCED STAMP VENDOR  
LIC No.15-11-031/2014, RL No.15-11-040/2020  
H.NO. LIG-441, Road No-3, KPHB Colony  
Kukatpally, Medchal-Malkajgiri Dist.  
Cell: 9491628238

**BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA  
IN DOMAIN NAME DISPUTE POLICY (INDRP)**

**Dr. Vedula Gopinath, Sole Arbitrator**

**Arbitration Award in Case No 1670 dated April 17, 2023  
In the Matter of Arbitration**

**Between**

**XIAOMI INC.**

Floor 13, Rainbow City  
Shopping Mall II of China Resources  
No. 68, Qinghe Middle Street  
Haidian District Beijing – 100085  
People's Republic of China

**Complainant**

**AND**

Udaya Shiv Rama Shetty  
Shiva Giri Agro Products  
T-I-47/A, Onimane, Thallur,  
Kondapur, Udupi, Karnataka, India

**Respondent**



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**SOLE ARIBTRATOR**



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**I.The Parties**

a. The Complainant viz., XIAOMI INC.'s  
Authorized representatives in these administrative proceedings  
are

Remfry & Sagar Remfry

House at the Millennium Plaza

Sector-27, Gurgaon-122009 India

Email: remfry-sagar@remfry.com

b. **Respondents**

Respondent has not authorized any legal representative.

**II.Disputed Domain Name & Registrar**

a. The following domain name is the subject of this  
Complaint.

KACHISHOP.IN

- b. The registry is the National Internet Exchange of India  
(henceforth referred to as NIXI).
- c. The sponsoring Registrar with whom the domain name is  
registered is indicated below

Dynadot LLC

210 S Ellsworth Ave #345, San Mateo,  
CA 94401 USA

Also At:

PO Box 345  
San Mateo, CA 94401 US



  
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Dr. VEDULA GOPINATH  
SOLE ARIBITRATOR

III. PROCEDURAL HISTORY / BACKGROUND:

14th March 2023	The .1N REGISTRY appointed Dr. Vedula Gopinath as Sole Arbitrator from its panel as per paragraph 5 of INDRP Rules of Procedure.
16th March 2023	Consent of the Sole Arbitrator along with declaration was given to the .1N REGISTRY according to the INDRP Rules of Procedure.
14th March 2023	.1N REGISTRY sent an email to all the concerned intimating the appointment of the arbitrator. On the same day, the complete set of the soft copy of the Complaint with Annexure was sent to Respondent.
17th March 2023	Notice of Arbitration was sent to all concerned by the Sole Arbitrator
18th March 2023	Notice was sent by Arbitrator to the Respondent by mail directing him to file his response within 7 days, marking a copy of the same to the Complainant's representative and .1N Registry.
16th March 2023	The complainant has served the complaint on the Respondent which was duly noted by the Tribunal.

The pleadings are communicated through Electronic mail in the English language.

IV. **Complainant's Business Details and Activities.**

1. The Complainant 'Xiaomi Inc' is a company incorporated under the laws of People's Republic of China and is a leading designer, developer, manufacturer and provider of smartphones, mobile apps and other consumer electronic devices and accessories such as televisions, headphone earphones, etc.



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2. The Complainant, claimed to be a leading consumer brand in India in Smart phones, TV's and Fitness trackers. Xiaomi is also the youngest company on Fortune Global 500 List for 2019. The company is operating in more than 80 countries

3. The flagship brands of the Complainant are 'XIAOMI', 'MI' and 'REDMI'. The trademarks 'XIAOMI', 'MI' and REDMI are registered in numerous jurisdictions, including in India. An illustrative list of the Complainant's trade mark registrations/applications.

Details given in Annexure F the complaint.

4. In India, the Complainant has carved a place for itself through extensive sales and promotions. Over the past years, the Complainant has built an exhaustive list of customers and a reputation for unmatched quality with regards to its products.

5. The Complainant has invested time, capital, efforts and resources and attained goodwill and reputation in the mark KACHISHOP. The said mark has acquired a secondary meaning and is exclusively identified with the Complainant. Needless to say, the Complainant regards the mark KACHISHOP as an integral part of its valuable Intellectual Property assets.



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V) GROUNDS OF APPEAL AND COMPLAINANT'S CONTENTIONALS

1. Pursuant to 4(a) of the INDRP Policy/Procedure the Registrant's domain name KACHISHOP.IN is identical to the trade mark KACHISHOP in which the Complainant is having valid rights. The identity/deceptive similarity between the complainant's trade mark on the one hand and the Registrant's domain name on the other, is patently misleading to the consuming public at large.
2. Domain name KACHISHOP.COM was created by the Complainant on March 24, 2021 whereas the impugned domain ae KACHISHP.IN was registered on January 5, 2022. Thus, the Complainant's adoption and prior use of the trade mark KACHISHOP is established.
3. Per Clause 6 of the INDRP policy the Registrant is not having right and legitimate interest in the domain name.
4. The Registrant failed to established one or more of the circumstances enumerated in clause 6 of the Policy to asset proprietary rights.
5. The Complainant's trademarks are well known nature and widespread use and reputation in the world including India.
6. The Complainant confirms that the Registrant is not commonly known by the domain name KACHISHOP.IN and also the complainant never authorized or licensed to use its trade mark KACHISHOP.
7. The complainant reiterates the Registrant's legitimate non-commercial or legitimate fair use of the domain name.
8. Registration of the impugned domain name is aimed to benefit from the goodwill and reputation of the Complainant
9. As per clause 4(e) of the Policy the Registrant registered the impugned domain name in bad faith

VI RESPONDENTS' CONTENTIONS

The respondent in spite of few notices did not submit any response or reply. As it appears the Respondent did not opt to reply at all



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VII DISCUSSION AND FINDINGS / REASONING:

**(I)** .IN Domain Name Dispute Resolution Policy (INDRP).

The Arbitral Tribunal after examination of the matter in details arrived the following conclusion of Complainant's Compliance of INDRP Policy. In order to obtain the transfer of the Disputed Domain Name, Complainant should, accordingly, prove all the following three elements to paragraph 4 of the Policy.


- (i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) The Disputed Domain Name has been registered and is being used in bad faith.

II Further pursuant to paragraph 6 & 7 of INDRP Policy, the Respondent have no legitimate interest and the same have been used in bad faith.

The Complainant has proved the aforesaid aspects to the satisfaction of the Arbitral Tribunal.

(III) The Arbitral Tribunal believes that the Respondent registered the disputed domain name with a view to sell the same and make profits by demanding unreasonable price which is proved by the VIII) In case of failure of default of Respondent in sending response or reply to the complaint, the Arbitrator is empowered to announce the judgment as he thinks proper and appropriate as per applicable laws.



  
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(IX) The allegations levelled by Complainant against Respondent appears to have been proved basing on the evidential value of the documents submitted by complainant.

**X DECISION:** For all the foregoing reasons, in accordance with paragraph 10 of the. INDRP, the Arbitral Tribunal orders that the Respondent shall cease to use the mark KACHISHOP and also the disputed Domain Name KACHISHOP.IN be transferred to to the Complainant(XIAOMI INC.).There is no order as to costs.

National Internet Exchange of India (NIXI) are advised to take ancillary and incidental action required for transfer of the disputed domain name in favor of the Complainant.

This is adjudicated.

Visakhapatnam

17<sup>th</sup> April 2023

**Dr. Vedula Gopinath**

**Sole Arbitrator**



Dr. VEDULA GOPINATH  
B.L, F.C.S, F.I.C.A, Ph. D  
Advocate High Court (H.C) & Arbitrator  
Sai Krupa, HIG-15, D.No. 58-14-91,  
VUDA Marripalem Layout, NAD Post,  
Visakhapatnam - 530 009. (A.P.)