

Bond



**Indian-Non Judicial Stamp
Haryana Government**



Date :30/08/2019

Certificate No. G0302019H1056



GRN No. 56837737



Stamp Duty Paid : ₹ 101
(Rs. Only)

Penalty : ₹ 0
(Rs. Zero Only)

Deponent

Name: Rachna Bakhru

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 All place

RACHNA BAKHRU

ARBITRATOR

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

In the matter of:

Indeed, Inc.

6433 Champion Grandview Way

Building 1

Austin, Texas 78750

United States of America

... Complainant

VERSUS

Rohan Sharma

G5 Ground Floor

Bengaluru 400087, Karnataka

e-mail: ab.abhaykumar99@gmail.com

... Respondent

Disputed Domain Name: WWW.INDEEDWORKS.CO.IN

Rachna

AWARD

1) The Parties

The Complainant in this arbitration proceeding is Indeed, Inc., of United States of America. The Complainant is represented by its authorized representative namely, Mr. Sanja Chhabra & Mr. Bidyut Tamuly, Archer & Angel.

The Respondent in this arbitration proceeding is Mr. Rohan Sharma of the address G5 Ground Floor, Bengaluru 400087, Karnataka.

2) The Domain Name, Registrar & Registrant:

The disputed domain name is <www.indeedworks.co.in>.

The Registrar is GoDaddy.com LLC.

The Registrant is Mr. Rohan Sharma of the address G5 Ground Floor, Bengaluru 400087, Karnataka.

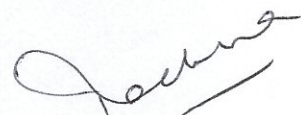
3) Procedural History:

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 28th 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 dispute 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) and (b), NIXI formally forwarded the copy of the Complaint to the Respondent and appointed Rachna Bakhru as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .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.

- The Complaint was produced before the Arbitrator on November 19, 2019 and the hard copy of the Complaint sent by NIXI was received in the Arbitrator's office on November 22, 2019.



- The notice was issued to the Respondent on November 27, 2019 at his email addresses ab.abhaykumar99@gmail.com; and postmaster@indeedworks.co.in outlining that the Complainant had prayed for transfer of the disputed domain name "www.indeedworks.co.in" in its favour. The Respondent was directed to submit their response within ten (10) days of receipt of the Arbitrator's email i.e. until December 7, 2019.
- As no response was received, the Arbitrator issued another notice to the Respondent on December 9, 2019 via email granting last opportunity to the Respondent to submit its reply on or before December 16, 2019.
- The Arbitrator received no response from the Respondent within the said timeline and the Arbitrator has not been informed of any settlement between the parties. The Arbitrator thus, informed the parties on December 17, 2019 that the Respondent has not filed its response and has been proceeded ex-parte.
- In view of no response/ acknowledgment/ communication from the Respondent, the Complaint is being decided ex-parte and solely based on materials and evidence submitted by the Complainant and contentions put forth by them.

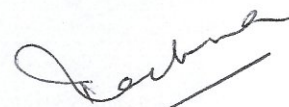
4) Summary of the Complainant's contentions:

The Complainant in support of its case has made the following submissions:

The Complainant operates the world's largest job site in 28 languages, with over 250 million unique visitors every month from over 60 different countries. The Complainant owns and has used its corporate website www.indeed.com as an employment related search engine since at-least the year 2004.

The Complainant has ensured significant presence of its brand and trademark **INDEED** with specific reference to India through various promotional and advertising activities. The Complainant, in 2017 had sponsored the 'Talent Acquisition Summit' in Mumbai and also entered into an agreement with Yash Raj Films, a leading Indian film production company, to integrate its brand and trademark **INDEED** in a film (released in India in March 2018) wherein the Complainant's brand was central to the premise. The Complainant has been rated as the top source of external hires and interviews by the Human Capital Management company, SilkRoad, for 6 years in a row.

The Complainant owns trademark registrations for the mark **INDEED** and its variations, which the Complainant refers to as the INDEED marks, in different



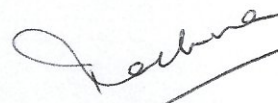
countries worldwide including India. The earliest registration of the mark INDEED as detailed out by the Complainant dated back to the year September 2006 in USA claiming use since November 29, 2004. In India, the mark INDEED is registered under nos. 2044681 & 2044682 in classes 35 and 42. The said registration stands in favour of the Complainant since October 27, 2010.

The Complainant owns the domain name www.indeed.com through which it conducts a significant portion of its business and where information about Indeed and its business is easily accessible and available to millions of internet users, who may be current or potential consumers. The said domain is based on the corporate name of the Complainant's company, Indeed Inc., and was created/ registered on and has been regularly renewed since March 30, 1998. The Complainant is also the owner of the India specific domain <indeed.co.in>, which was created / registered on and has been regularly renewed since December 14, 2006. The Complainant also owns several other domain names containing its registered trademark **INDEED** such as <<indeed.net>, <indeed.online>, <indeed.org>, <indeed.career>, and <indeed.jobs> as well as several country country-specific domain names and websites in major markets such as Canada <indeed.ca>, Columbia <indeed.com.co>, < France <indeed.fr>, Hong Kong <indeed.hk>, Japan <indeed.jp>, New Zealand <indeed.co.nz>, Peru <indeed.com.pe>, Quebec <indeed.quebec> South Africa <indeed.co.za>, Taiwan <indeed.tw>, Turkey <indeed.com.tr>, Ukraine <indeed.com.ua> and United Kingdom <indeed.co.uk>.

The Complainant contends that it received complaints from *bonafide* consumers and learnt that the Respondent via its impugned email ID info@indeedworks.co.in is misrepresenting itself as the Complainant, contacting innocent job seekers through phishing emails and conning them into paying money as registration cost for job-search services. The Respondent is also using the Disputed Domain Name to host a website at the URL www.indeedworks.co.in (which has been referred to as "impugned website" in the Complaint) where it is offering job-search and recruitment services identical to those of the Complainant.

It is also the contention of the Complainant that the layout as well as look and feel of the impugned website is identical to another website previously operated under the domain name www.indeedjobs.ind.in. The Complainant had initiated INDRP proceedings and had received an order in their favour. Based on the identity between the websites, the Complainant without doubt submits that the two infringing domains share a common ownership and that the Respondent is a habitual offender.

The Complainant had issued a letter dated August 21, 2019 to the Registrar bringing to their attention the Respondent's fraudulent use of the Disputed Domain Name and requesting to take it down; and no response was received from the Registrar. The



Complainant once again attempted at an amicable resolution by sending several follow up e-mails dated September 09, 2019, September 12, 2019 and October 15, 2019 to the Registrar. Since the Complainant has not received any substantial response, the Complainant was restrained to file the present Complaint.

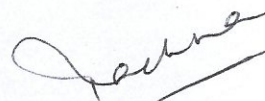
While alleging the Disputed Domain Name's similarity to the Complainant's rights the Complainant refers to the decision passed in Indeed, Inc. v. Indeedworld <indeedonline.in> (INDRP/1059) and other recent disputes including Indeed, Inc. v. Gulf Talant <indeedglobal.co.in> (INDRP/1126) in September 2019; Indeed, Inc. v. Rahul Kumar <indeedcareers.co.in> (INDRP/1012) and Indeed, Inc. v. Dinesh Sarang <indeedjob.ind.in> (INDRP/1011) in August 2018; Indeed, Inc v. Deepak Singh <indeedjob.org.in> (INDRP/987) and Indeed, Inc v. Deepak Singh <indeedjob.net.in> (INDRP/973) in May 2018, where the Complainant has received favourable orders from the present forum.

The Complainant claims to have well-established rights in respect of the INDEED marks which have been recognized and confirmed by NIXI (National Internet Exchange of India) and has submitted a list of cases in which the Complainant has received favourable orders. The Complainant also claims that the rights in the INDEED mark have also been upheld in several Forum arbitration proceedings such as the National Arbitration Forum.

It is the contention of the Complainant that the addition of the word 'works' as a suffix to the Complainant's trademark INDEED is incapable of lending the Disputed Domain Name any distinctiveness or reduce its similarity with the Complainant's INDEED marks. The word 'works' simply indicates the services being offered by the Respondent which as per the Complainant are identical to those being offered by the Complainant under the INDEED marks for much over a decade.

The Complainant further contends that the Complainant is known globally as an employment/ job search engine since early 2000s and hence use of the Disputed Domain Name will, in all likelihood, make internet users believe that it originates from the Complainant, when that is not the case. Therefore the term 'works' as a suffix to the prior and registered trademark INDEED is not sufficient to avoid confusion between the Disputed Domain Name and the INDEED marks of the Complainant. The Complainant also contends that mere search for the words contained in the Disputed Domain Name i.e. INDEED WORKS on the popular search engine Google.com leads to the Complainant's genuine websites.

To substantiate the contentions that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, the Complainant submits that by the mere fact that the Disputed Domain Name is registered does not imply that the Respondent has any rights or legitimate interest in them. The Complainant contends



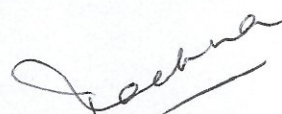
that the Respondent has not used, nor made any demonstrable preparations to use the Disputed Domain Name in connection with a *bonafide* offering of services or goods. The Complainant submits that the Respondent's use of the Disputed Domain Name is for fraudulent purposes, namely, to imitate a legitimate, well-reputed and trustworthy entity i.e. the Complainant, so as to deceive job seekers into purchasing services that are never provided - which in no manner constitutes a *bonafide* offering of services or goods.

The Complainant further contends that to the knowledge of the Complainant, the Respondent has never been commonly known by the Disputed Domain Name and has never acquired any trademark or service mark rights in the Disputed Domain Name. The Complainant goes on to state that a general Google search string of INDEED WORKS does not reveal the impugned website or any site that leads to information on the Respondent or any site that leads to information on the Respondent or reflects its association with the mark 'INDEED' which again signifies that the Respondent is not known by the Disputed Domain Name.

The Complainant contends that the Respondent neither has rights or legitimate interests in the Disputed Domain Name nor has the Complainant assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or make use of its registered trademark INDEED. The Complainant goes on to submit that the inclusion of the word INDEED and 'works' amply reflects that the intention of the Respondent is to deceive the public into believing that some association or commercial nexus exists between the Complainant and the Respondent and cash-in on such deception.

The Complainant states that the Respondent is not making a legitimate non-commercial or fair use of the Disputed Domain Name. Infact, it is apparent that the use of the Disputed Domain Name by the Respondent is an attempt to pass itself off as the Complainant in furtherance of a phishing scheme. The use of the Disputed Domain Name in this manner can neither be termed as a bonafide offering of services or goods and not as a legitimate non-commercial or fair use. The Complainant submits that the Disputed Domain Name has been registered for commercial gain by misleading and diverting consumers and/or tarnishing the Complainant's brand and INDEED Marks and therefore the Respondent has no rights or legitimate interests in the Disputed Domain Name.

It is the Complainant's contention that the Complainant enjoys exclusive rights in the word 'INDEED' qua its specific services and products. The word 'INDEED' per se, when considered along with its descriptive/ dictionary meaning (as an adverb) does not indicate in any manner services or goods relating to the employment industry and accordingly, the Complainant's registered trademark INDEED in Classes 42, 35 and 9 is an inherently distinctive trademark. The Complainant states that a general

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search for the mere word 'INDEED' on the popular search engine Google.com does not throw any result on the generic meaning of the said word but rather directs to websites which either belong to the Complainant or to third-parties providing information on the Complainant's business and services under the INDEED marks, thereby augmenting the indisputable association between the Complainant and its said Marks.

The Complainant states that there is no justification for the Respondent's registration and/ or use of the Disputed Domain Name. By virtue of a dishonest adoption and malafide intent of the Respondent, as established in the preceding paragraphs of this Complaint, together with its brazen usage of the Infringing Marks, there is no scenario wherein the Respondent can claim to make legitimate non-commercial or fair use of the Disputed Domain Name.

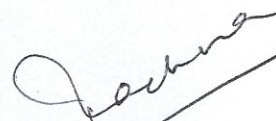
With regard to the registration and use of the Disputed Domain Name in bad faith, the Complainant submits that it is vested with worldwide statutory and common law rights in its INDEED Marks since the year 2004. The Respondent's usage of the Complainant's trade name and mark INDEED in conjunction with the non-distinctive word 'works' is of concern as it is fraught with the likelihood of creating confusion in the minds of public at large.

The Complainant contends to have acquired significant reputation and substantial goodwill in the employment industry since 2004 and the Respondent, being in an identical industry and dealing with same or similar services, is bound to have knowledge of the world-renowned repute of the Complainant herein. The Complainant further submits that the Disputed Domain Name was registered in July 2019 i.e. post 9 years of filing of trademark applications by the Complainant in India for registration of its INDEED Marks and 15 years of the Complainant using its said Marks in commerce.

The Complainant further contends that even if the Respondent were offering actual online career search and recruiting services through the Disputed Domain Name, such use would still support a finding of bad faith use and registration, as these are the same services offered by the Complainant under its famous and registered INDEED Marks.

5) Respondent:

The Respondent has not filed any official response dealing with the contents of the Complaint. The complaint had to be decided based on submissions on record and analyzing whether the Complainant has satisfied the conditions laid down in paragraph 4 of the INDRP policy.



6) Discussion and Findings:

The submissions and registration certificates provided by the Complainant in support of registration of the mark INDEED as part of **Annexure 6** shows that the Complainant has first adopted the mark INDEED in the year 2004 with first commercial use since November 29, 2004. Further, the Arbitrator finds that, the Complainant applied for and secured registration for the INDEED mark in India with effect from October 27, 2010 with first use in commerce since November 29, 2004. The Arbitrator notes that the Complainant created the domain www.indeed.com on March 30, 1998 as shown in **Annexure 7** and registered India specific domain name www.indeed.co.in on December 14, 2006 as shown in **Annexure 8**. Further, the Complainant in **Annexure 9 & 10** has also filed evidence in form of WHOIS details of its ownership of several other domain names and country-specific domain names and websites constituting INDEED Marks.

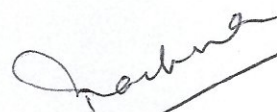
From the submissions of the Complainant, the Arbitrator notes that the present dispute commences from the Complainant receiving complaints from bonafide jobseekers and the Arbitrator has perused **Annexure 11** which evidences an incident of the Respondent's illegal activities. The Complainant associates the present Respondent herein to another website www.indeedjobs.ind.in and has submitted as part of **Annexure 12 & 13**, the website extracts of the Disputed Domain Name and the website www.indeedjobs.ind.in. A bare look at these websites do contain overall similarities in the look & feel indicating bad faith; however the Arbitrator is unable to accept the contention of the Complainant that merely based on similarity in overall look & feel, the websites share a common ownership and that makes the Respondent a habitual offender.

The Arbitrator takes note through **Annexure 15** that before initiating the instant proceeding, the Complainant had approached the Registrar to amicably resolve the matter through letter dated August 21, 2019 and follow up emails dated September 09, 2019, September 12, 2019 and October 15, 2019 and since the Complainant did not receive any substantial response, was restrained to file the present proceeding.

I now deal with the three requisite conditions laid in paragraph 4 of the .IN Domain Name Dispute Resolution Policy which is listed below. Further the Respondent has not contested the claims, therefore deemed to have admitted the contentions of the Complainant.

(i) The Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;

Based on submission and evidence filed by the Complainant, it is clear that the Complainant had prior and subsisting rights in the mark INDEED with its earliest



adoption and trademark application dating back to year 2004 in United States of America. In India, the Complainant has evidently proved that it had secured trademark registration for the INDEED trademark in classes 35 and 42 since the year 2010. Therefore, it is established that the Complainant has statutory trademark rights in the mark INDEED worldwide including in India. Further, the Complainant has pleaded that it has been commercially using the INDEED trademark since 2004 which hasn't been rebutted and is in consonance with the trademark details annexed by the Complainant as **Annexure 6**. Therefore, the Complainant also has prior user rights in the INDEED Marks. As complaint under INDRP, it has to be now ascertained if the disputed domain name www.indeedworks.co.in is identical to or confusingly similar with the Complainant's mark.

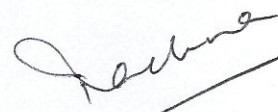
As per WIPO Jurisprudential Overview 3.0, the standing or threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.

Numerous UDRP decisions have recognized that incorporating a trademark in its entirety can be sufficient to establish that a domain name is identical or confusingly similar to a registered trademark. The use of suffix "works", a generic word is an irrelevant distinction, which does not change the likelihood for confusion, see **Kabushiki Kaisha Toshiba d/b/a Toshiba Corporation v. Distribution Purchasing & Logistics Corp** (WIPO Case No. D2000-0464)

Thus, it is evident in the present case that the disputed domain name <indeedworks.co.in> is identical and confusingly similar to the Complainant's registered trademark INDEED. In my opinion, owing to the nature of the Complainant's business i.e. being a job portal, the term 'works' in the Disputed Domain Name could make Internet users to believe that such domain name and the contents originating therefrom belongs to the Complainant. In view of the above, the requirement of the INDRP Policy paragraph 4(i) is satisfied.

(ii) The Registrant has no rights or legitimate interests in respect of the domain name;



In order to satisfy requirement of INDRP Policy paragraph 4(ii), the Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Since a Respondent in proceedings of this nature is in the best position to assert rights or legitimate interests in a Disputed Domain Name, it is well established that after a Complainant makes a *prima facie* case, the burden of production on this element shifts to the Respondent to come forward with relevant evidence of its rights or legitimate interests in the domain name.

In the present case, no response was received from the Respondent and none of the contentions put forth by the Complainant against the Respondent were denied or rebutted. It has been held in various cases that failure to respond by the Respondent can be construed as an admission that they have no legitimate interest in the Disputed Domain Name. See, "**Pavillion Agency, Inc., Cliff Greenhouse and Keith Greenhouse v. Greenhouse Agency Ltd., and Glenn Greenhouse**" (WIPO Case No. D2000-1221) and "**SeatGeek, Inc. v. Nash Enterprises, Inc.**" (WIPO Case No. D2019-0415

Additionally, the Arbitrator also considers Paragraph 7 of INDRP Policy deals with Registrant's Rights to and Legitimate Interests in the Domain Name:

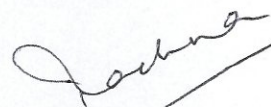
Any of the following circumstances, in particular but without limitation, if found by the Arbitrator to be proved based on its evaluation of all evidence presented, shall demonstrate the Registrant's rights to or legitimate interests in the domain name for the purposes of Paragraph 4 (ii) :

(i) 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;

(ii) 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

(iii) the Registrant is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant also submits documentary evidence in form of email correspondence originating from the email address of the disputed domain name which shows Respondent has been targeting the potential customers of the Complainant to make commercial gains by deceiving them. Therefore, it is established that the Respondent is not making a legitimate non-commercial or fair



use of the domain name. Further, the Disputed Domain Name is being used by the Respondent with clear intention of making commercial gain. It is held that use of a domain name for illegal activity including fraud, illicit gain can never confer any legitimate rights or interests in favour of the Respondent.

Since there exists no business relationship or authorization or license between the Respondent and the Complainant, the Arbitrator finds the requirement of the INDRP Policy paragraph 4(ii) also satisfied.

(iii) The Registrant's domain name has been registered or is being used in bad faith.

Paragraph 6 of the INDRP policy states Evidence of Registration and use of Domain Name in Bad Faith:

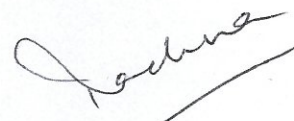
For the purposes of Paragraph 4(iii), the following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the trademark or service mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or

(ii) the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or

(iii) by using the domain name, 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.

Based on prior adoption, worldwide use, several trademarks and domain names registrations of trademark INDEED by the Complainant; it is believed that the Respondent was well aware of the Complainant's business and services while registering the disputed domain name constituting the mark INDEED. Further, the disputed domain name was registered on July 10, 2019 wherein the Complainant had commenced the use of trademark INDEED for its business since the year 2004

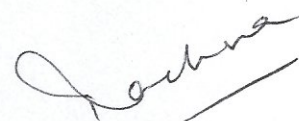
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internationally and in India since 2010 which was way prior in time. As the INDEED trademark of the Complainant has achieved significant worldwide recognition, it is implausible to presume that the Respondent chose to incorporate it in the Disputed Domain Name for any other reason than to create a false impression of an association with the Complainant and trade-off of the goodwill the Complainant has established in its INDEED trademark. See, "**Accenture Global Services Limited v. WhoisGuard Protected, WhoisGuard, Inc. / Kelvin Lau**" (WIPO Case No. D2018-2524)

The above qualifies as bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Therefore, based on constructive knowledge of the Respondent and no legitimate business on the Disputed Domain Name/ impugned website, it is presumed that the Respondent registered the Disputed Domain Name to prevent the Complainant from reflecting the INDEED mark in a corresponding domain name in India.

The Arbitrator agrees with the contention of the Complainant that the Respondent cannot escape the liability of knowledge of the Complainant and its business – and by extension, its INDEED Marks – since no level of coincidence can lead to the Respondent adopting a name/ trademark identical to the Complainant's much prior adopted, used and registered INDEED Marks. Given the highest probability that Respondent had knowledge of and familiarity with the Complainant's brand and commercial enterprise, Respondent's use of the Disputed Domain Name confirms the transition of such bad faith registration to its bad faith use. It is clear that the Respondent used the Disputed Domain Name to deliberately redirect Internet users to a website offering the Complainant's services, a practice for which there is no other "plausible" explanation. See "**Grant Thornton LLP and Grant Thornton International Limited v. Registration Private, Domains By Proxy, LLC, DomainsByProxy.com / Stavros Fattas**" (WIPO Case No. D2019-0298)

Further, the Complainant has furnished **Annexure 11** wherein it is clear that the Respondent has devised the email address info@indeedworks.co.in (associated with Disputed Domain Name) to trap the potential job seekers and make illicit gains by committing fraud. Further, the Respondent goes on to impersonate itself as the representative of the Complainant and is actively using the Complainant's trademark INDEED in its Disputed Domain Name for the purpose of phishing sensitive information of the Complainant's unsuspecting customers. All these actions show that the Disputed Domain Name is being used by the Respondent in bad faith. It is observed that the use of the Disputed Domain Name constitutes bad faith if it effectively impersonates and/or suggests sponsorship or endorsement by the trademark owner.



The Respondent is using the Disputed Domain Name concerning the same business and services as those of the Complainant i.e. career and recruitment. Based on the content of the email originating from the Respondent, it is clear that the Respondent has registered and is using the Disputed Domain Name with an obvious intention to attract job seekers by creating a likelihood of confusion with the Complainant's INDEED name and mark and is actively associating itself with the Complainant's company and business.

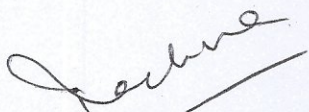
Time and again, UDRP Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending emails, phishing, identity theft, etc. Such cases may involve the Respondent's use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the Complainant's actual or prospective customers. The present case squarely falls within the premises of bad faith registration and use.

In summary, Respondent, by choosing to register and use the Disputed Domain Name, intended to ride on the goodwill of Complainant's trademark in an attempt to exploit, for commercial gain, Internet users destined for Complainant. In the absence of evidence to the contrary and rebuttal from Respondent, the choice of the Disputed Domain Name and the conduct of Respondent as far as the impugned website to which the Disputed Domain Name resolves is indicative of registration and use of the Disputed Domain Name in bad faith.

Based on the above, it can be concluded that the disputed domain name was registered and is being used in bad faith, thus fulfilling the condition laid down under paragraph 4(iii) of INDRP Policy.

Decision:

The Complainant has satisfied all the three requisite conditions laid down in paragraph 4 of the INDRP policy. In accordance with the Policy and Rules, it is directed that the disputed domain name <WWW.INDEEDWORKS.CO.IN> be transferred to the Complainant.



RACHNA BAKHRU
SOLE ARBITRATOR
NIXI
INDIA

January 20, 2020