



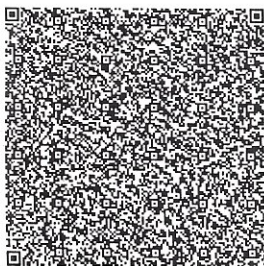
सत्यमेव जयते

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Property Description	: Not Applicable
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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DISPUTE RESOLUTION POLICY

IN THE MATTER OF:

Leidos, Inc.
11951 Freedom Drive,
Reston VA 20190, USA

Vs.

...Complainant

Leidos Inc
3, Colaba Street,
Mumbai- 110001, Maharashtra, India

... Respondent

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A. THE PARTIES:

The Complainant in this administrative proceeding is Leidos, Inc., a Delaware corporation whose address is 11951 Freedom Drive, Reston VA 20190, USA (including its predecessor-in-interest, franchisees, licensees and affiliates), Phone: +91.11.26252244, Email: domains@algindia.com. The Complainant has authorized ALG India Law Offices, 30 Siri Fort Road, New Delhi- 110049, India as its authorized representative.

The Respondent in this proceeding is Leidos Inc, 3 Colaba Street, Mumbai- 110001, Maharashtra, India, Phone: +91 9821131577, Email: miltonjoe@accountant.com.

B. THE DOMAIN NAME, REGISTRAR AND REGISTRANT:

The disputed domain name is **LEIDOS.IN** and it is registered with Wild West Domains, LLC, 14455 North Hayden Road, Suite 226, Scottsdale, AZ 85260, USA as per the WHOIS database.

C. PROCEDURAL HISTORY:

The Arbitrator was appointed by the .IN Registry to adjudicate upon the complaint of the Complainant regarding the dispute over the domain name leidos.in.

.In Registry has supplied the copy of the complaint and the annexures to the Arbitrator.

The Complainant has filed various documents as annexures in support of their contentions. A copy of the complaint along with the annexures has been served upon the Respondent by DTDC courier, which was delivered on 3rd September, 2016. The soft copy of the complaint was also sent to the respondent by email and as per the information received from NIXI, the same did not bounce back or neither any undelivered email was received by them.

No reply has been filed by the Respondent to the complaint, despite of the fact that several opportunities have been given to them. The Arbitrator has perused the record and annexures/documents. Apropos of the material on record before the Tribunal, this award is passed.

D. FACTUAL BACKGROUND:

The following information is derived from the complaint and supporting evidence as submitted by the Complainant:

COMPLAINANT

1. The Complainant submits that :

- a) the Complainant is the owner of the trademark LEIDOS, for which it owns trademark registrations in a number of countries like India, United State of America, the European Union, Canada, Australia, New Zealand and Mexico. In total, the Complainant's trademark LEIDOS is registered in over 27 countries and is pending registration in 14 other countries.
- b) the Complainant (formerly known as Science Applications International Corporation) was founded in 1969 and that 'Leidos.in' is a global leader in solving problems of national security, health and infrastructure. The Complainant submits that in 2013, it adopted and commenced use of its flagship trademark LEIDOS.
- c) it develops a wide variety of technical solutions for the United States Department of Defense, the United States Department of Homeland Security as well as other US government civil agencies, foreign governments, private sector markets in the areas of national security, health and engineering, including cancer solutions, space and energy solutions along with NASA, and strategic and tactical warfare solutions with the United States Department of Defense.
- d) in the year 2015, the Complainant reported \$5.09 billion in revenue and as of July 2016, the Complainant has over 19,000 employees worldwide. The Complainant states that it has offices throughout the world including in Australia, Bahrain, Belgium, Canada, Germany, Greece, Korea, Netherlands, Saudi Arabia, United Kingdom and USA, through which it provides its goods and services under the trademark LEIDOS.
- e) the Complainant also maintains a prominent internet presence through its principal website www.leidos.com and hold various other domain names like leidos.biz, leidos.net, etc.. The Complainant's website is also popular amongst consumers and trade and industry purchasers, among others, and receives thousands of visitors daily (over 481.5 thousand visits in the last 6 months alone) looking for information about the Complainant. The Complainant submitted that the website also includes a "Careers" section where visitors can find and apply for jobs. The

“Careers” section reportedly attracts 21.18% of the total number of visitors to the site.

- f) the Complainant’s trademark LEIDOS is also actively promoted through social media venues like Facebook, LinkedIn, YouTube and Twitter.

RESPONDENT

1. The Respondent in this proceeding is Leidos Inc, 3 Colaba Street, Mumbai- 110001, Maharashtra, India, Phone: +91 9821131577, Email: miltonjoe@accountant.com.
2. The Respondent has neither filed its say/ reply to the complaint of the Complainant within the stipulated time nor communicated anything on the complaint till the date of this award.

E. PARTIES’ CONTENTIONS:

COMPLAINANT

The Complainant contends as follows:

1. The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
2. The Respondents has no rights, claims or legitimate interest in respect of the Disputed Domain Name; and
3. The Disputed Domain Name was registered and is being used in bad faith.

RESPONDENT

The Respondent has not filed any response/submissions to the Complaint despite being given an adequate notification and several opportunities by the Arbitrator, and thus has not rebutted the contentions of the Complainant.

F. DISCUSSIONS AND FINDINGS:

Rule 8 (b) of the INDRP Rules of Procedure provides that *“In all cases, the Arbitrator shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case”*.

Therefore, the proceedings have been proceeded with in accordance with the aforementioned provision of the INDRP Rules of Procedure.

As mentioned above, enough opportunities have been provided to the Respondent to file a reply but no response has been received. Therefore, the Respondent has been proceeded against *ex-parte* and the arbitration proceedings have been conducted in the Respondent's absence.

Rule 12 (a) of the INDRP Rules of Procedure provided that *"An Arbitrator shall decide a Complaint on the basis of the statements and documents submitted to it and in accordance with the Arbitration and Conciliation Act, 1996, Dispute Resolution Policy, the Rules of Procedure and any bye-laws, rules and guidelines framed there under, and any law that the Arbitrator deems to be applicable"*

In these circumstances, the decision of the Arbitrator is based upon the Complainant's assertions and evidence submitted before the Tribunal and inferences drawn from the Respondent's failure to reply.

Having perused the submissions and documentary evidence placed on record, the Arbitrator is of the view that the Complainant has satisfied all the three conditions outlined in paragraph 4 of .IN Domain Name Dispute Resolution Policy, viz.:

- i) the Respondent's domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights;
- ii) the Respondent has no rights or legitimate interests in respect of the domain name; and
- iii) the Respondent's domain name has been registered or is being used in bad faith.

G. BASIS OF FINDINGS:

- 1. The Domain Name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights (Policy, para 4 (i); Rules, paras 3 (b) (vi) (1)):**

The Complainant submits that the disputed domain name <leidos.in> is identical to the Complainant's trademark LEIDOS, which is incorporated fully, as is, with the ccTLD '.in'. The Complainant has relied upon the decision in the matter of Leidos, Inc. v. Hudson ngaite

FA 1606001680697 Nat. Arb. Forum August 4, 2016. In this matter, the complainant was successful in getting the domain name <leidosc.com> transferred to it. In this matter, the panel has held that *"...the Complainant's mark 'LEIDOS' is considered as being a well-known and reputable trademark..."*.

The Complainant has also placed reliance on *Forward Association, Inc. v. Enterprises Unlimited*, FA0095491 Nat. Arb. Forum October 3, 2000, to support its contention. In this matter, the panel held that *"[w]hen a trademark is composed in the whole or in part of a domain name, neither the beginning of the URL (http://www.), nor the TLD (.com) have any source indicating significance."*

The above submissions of the Complainant have not been rebutted by Respondent, as such they are deemed to be admitted by it. Even otherwise the above facts and annexures establish that the domain name of the Respondent is confusingly similar and identical to the well-known trademark of the Complainant.

2. The Registrant has no rights or legitimate interests in the respect of the domain name (Policy, para 4 (ii); Rules, para 3 (b) (vi) (2)):

According to paragraph 7 of the .IN Dispute Resolution Policy, the following circumstances show the Registrant's rights or legitimate interest in the domain name for the purpose of para 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 submits that the Respondent has no rights or legitimate interest in either the trademark LEIDOS or in the <leidosc.in> domain name. The Complainant asserts that the

Respondent has never ever used LEIDOS or the domain name or name corresponding to the domain name in connection with a *bona fide* offering of goods or services, and has never been commonly known by the LEIDOS name. The Complainant also states that at no time has the Complainant authorised Respondent's use of LEIDOS in any way or for any purpose, and the Respondent is not affiliated with the Complainant.

The above submissions of the Complainant have not been rebutted by the Respondent, as such they are deemed to be admitted by them. Even otherwise the above facts establish that the Respondent has no right or legitimate interest in the domain name leidos.in as the Respondent is not making a *bona fide* offering of goods or services and is not commonly known by the disputed domain name, and is not making a non-commercial or fair use of the domain name under INDRP paragraph 4(ii).

3. The Registrant domain name has been registered or is being used in bad faith (Policy, para 4 (iii), 6; Rules, paras 3 (b) (vi) (3)):

The Complainant alleges that bad faith is implicit in the registration of the disputed domain name. It submits that the Respondent registered the disputed domain name in issue only on March 06, 2016, by which time the complainant trademark LEIDOS has acquired immense goodwill and reputation.

The Complainant submits that the Respondent's domain name currently resolves to a site with no purpose, and is simply parked and directs to a third party SaaS application provider and website builder- ZOHO itself shows that the Respondent has registered the disputed domain name in bad faith.

The Complainant additionally states that the Respondent is using the domain name <leidos.in> for sending, through the email address careers@leidos.in, fraudulent 'phishing' emails to impersonate the Complainant and attempts to secure personal information and money from unsuspecting persons. Evidence has been provided by the Complainant to this effect by way of email, which is annexed as Annexure-10. It is further submitted that the complainant has recently faced the same situation in relation to domain name leidosc.com. The said name has now been transferred to respondent.

The Complainant submits that email phishing schemes indicate bad faith registration and use under the Policy para 4(iii). It submits that the .IN Domain Anti-Abuse Policy also provides



that “*malicious use of .IN domain names will not be tolerated and the nature of such abuses creates security and stability issues for the registry, registrars and registrants.*”

The Complainant submits that the Respondent evidently is making money by fraudulently luring unsuspecting individuals and deceiving them, which is relevant factor in presuming or judging the intention of the Respondent as a malicious one, and that in the light of the same, it is apparent that the domain name <leidos.in> by the Respondent is not *bona fide* and the Respondent is *prima facie* using the domain name in bad faith.

The complainant has also relied upon various decisions in support of its contention, the note of which have been taken by the Tribunal.

As stated in earlier paragraphs also, none of the submissions of the Complainant have been rebutted by the Respondent, and as such they are deemed to be admitted.

On the basis of the Complainant submissions and the evidence provided in support of it, the Tribunal has come to the conclusion that the disputed domain name was registered in bad faith.

H. DECISION:

In view of the above facts and circumstances, it is clear that the Complainant has succeeded in its complaint.

The Respondent has registered and used the disputed domain name in bad faith. .IN Registry of the NIXI is hereby directed to transfer the domain name of the Respondent i.e. <leidos.in> to the Complainant. The Award is accordingly passed on this day of 7th November, 2016.



Rajeev Singh Chauhan

Sole Arbitrator

Date: 07th November, 2016