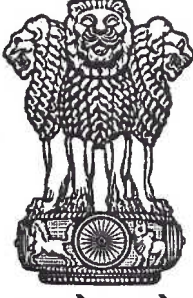


INDIA NON JUDICIAL

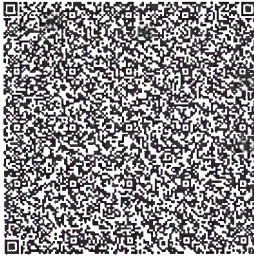
Government of National Capital Territory of Delhi



सत्यमेव जयते

e-Stamp

Certificate No. : IN-DL42877844758903P
Certificate Issued Date : 16-Oct-2017 03:04 PM
Account Reference : IMPACC (IV)/ dl948703/ DELHI/ DL-DLH
Unique Doc. Reference : SUBIN-DL94870387713308954019P
Purchased by : DODD AND CO
Description of Document : Article 48(c) Power of attorney - GPA
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : DODD AND CO
Second Party : Not Applicable
Stamp Duty Paid By : DODD AND CO
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



.....Please write or type below this line.....

ARBITRATION AWARD

.IN REGISTRY - NATIONAL INTERNET EXCHANGE OF INDIA

.IN domain Name Dispute Resolution Policy

INDRP Rules of Procedure

AD

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

BEFORE .IN REGISTRY
C/o.NIXI (NATIONAL INTERNET EXCHANGE OF INDIA)
CORP. OFFICE 121 - 123 ANSAL TOWER
NEHRU PLACE, NEW DELHI-110109, INDIA.
TEL: +91-11-416 7 4 3 1 1 / 12
FAX: +91-11-416 74310
registry@nixi.in

ARBITRATION AWARD

Pooja Dodd, Advocate
Arbitrator appointed by the (.IN Registry)

Domain name in dispute: www.lesaffre.in

IN THE MATTER OF:

LESAFFRE ET COMPAGNIE
41, rue Etienne Marcel
75001 Paris
FRANCE

Complainant

VERSUS

Lina
Doublefist Limited
No.2, HengDaMingDu, QingPu
223003 HuaiAn
Jiangsu, China

Respondent

AWARD

1. The Parties

The Complainant in this arbitration proceeding is LESAFFRE ET COMPAGNIE, a company incorporated in France with office at 41, rue Etienne Marcel, 75001 Paris, France.

The Complainant is represented by its authorized representative Anne Morin, with office at 27, rue des Arènes, 49100 Angers, France.

The Respondent in this arbitration proceeding is Lina - Doublefist Limited, whose address is listed as No.2, HengDaMingDu, QingPu 223003 HuaiAn Jiangsu China, as per the who is database.

2. Details of Domain Name in Dispute

The disputed domain name is www.lesaffre.in. The Registrar is Netlynx Technologies Pvt. Ltd., 103, Tirupati Udyog Premises, I. B. Patel Road, Off. Western Express Highway, Near HP Petrol Pump, Goregaon East. Mumbai – 400063, India

The Registrant is Lina - Doublefist Limited, with address listed as No.2, HengDaMingDu, QingPu 223003 HuaiAn Jiangsu China.

3. Procedural History

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the NIXI. The INDRP Rules of Procedure (the “Rules”) were approved by NIXI on June 28th, 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 INDRP and the Rules.

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 Pooja Dodd as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, INDRP and the Rules. 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 August 29, 2017, and the notice was issued to the Respondent on August 30, 2017 by email with a deadline of 10 days to submit a reply to the Complaint.

As the Respondent did not submit any response, the Arbitrator by email dated

September 14, 2017 informed the parties that sufficient opportunity has been granted to the Respondent to file a response and as no formal response has been received from the Respondent, the deadline to file reply or any documents is being closed.

In the circumstances the Complaint is being decided based on materials submitted by the Complainant and contentions put forth by it.

Grounds for administrative proceedings:

- A. The disputed domain name is identical with trademarks in which the Complainant has rights;
- B. The Respondent has no rights or legitimate interests in respect of the disputed domain name;
- C. The disputed domain name was registered and is being used in bad faith.

4. Summary of the Complainant contentions:

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

The Complainant is a global key player in yeasts and fermentation and is committed to working with confidence to better nourish and protect the planet. It designs, manufactures and markets innovative solutions for baking, food taste & pleasure, health care and biotechnology. The Complainant started off as a family group in northern France in the year 1853, and has now become a multi-national and a multicultural company.

In close collaboration with its clients and partners, the Complainant employs 9,500 people in 75 subsidiaries based in 45 countries. The Complainant achieves a turnover of more than 1.9 billion euros including over 40% from emerging markets.

The Complainant is the owner of several LESAFFRE formative trademarks, registered in many countries, including in India. In addition, the Complainant is also the owner of many domain names that contain the word lesaffre including www.lesaffre.com which is registered since 1996.

The Complainant submits that the disputed domain name www.lesaffre.in is identical to its distinctive trademarks LESAFFRE and that the Respondent has dishonestly obtained the registration of a deceptively similar domain name.

The disputed domain name was registered on February 12, 2016 by the Respondent. The website in relation with the disputed domain name is a parking page with pay per click links.

On March 18, 2017, the Complainant received an email from the email address s19750503123@gmail.com with an offer to purchase the disputed domain name and induce a transaction on SEDO for payment of the purchase price. On June 26, 2017, a cease-and-desist was sent to the Respondent asking for a justification of the registration of the disputed domain name. On June 26, 2017, the Respondent reiterated its offer to sell the disputed domain name for the amount of USD 2890. On July 20, 2017 the Complainant filed the present Complaint against the Respondent with the .IN Registry.

In support of the contention the Complainant has furnished copies of the following documentation:

- (i) Copy of Power of Attorney for filing of the INDRP complaint in favor of the Complainant;
- (ii) Copy of the Whois record in relation to the disputed domain name;
- (iii) Web extract from the Complainant's website showing information about the Complainant;
- (iv) Details regarding the LESAFFRE trademarks from Indian Trade Marks Registry;
- (v) Copy of the Whois record of www.lesaffre.com;
- (vi) Copy of the landing page at the disputed domain name;
- (vii) Copy of the email dated March 18, 2017 sent from s19750503123@gmail.com;
- (viii) Copy of cease and desist dated June 26, 2017 sent by the Complainant's legal representative;
- (ix) Copy of email dated June 26, 2017 acknowledging violation of the Complainant's trademark rights and offer to sell the disputed domain name to the Complainant;
- (x) Copies of Google searches on LESAFFRE

5. **The Respondent**

The Respondent has not filed any formal response to the Complaint.

6. **Discussion and Finding:**

The submissions and documents provided by Complainant in support of use and registration of the mark LESAFFRE lead to the conclusion that the Complainant has

prior rights in and to the LESAFFRE mark. Thus, it is safe to conclude that:

- a) The disputed domain name is identical to the Complainant's trademark LESAFFRE
- b) The Respondent does not have any legitimate interest to the disputed domain name or authorization from the Complainant to use the disputed domain name which is registered in bad faith;
- c) Internet users will reasonably expect to find Complainant's products at www.lesaffre.in; and such Internet users may believe it to be an official website of the Complainant.

Based on the submission and documentation submitted by the Complainant, I am satisfied that the Complainant has established the three conditions as per paragraph 4 of the INDRP. Further, the Respondent has not contested the Complaint, and in particular the email dated June 26, 2017 said to have been sent by the Respondent to acknowledges & apologized the Complainant, for the violation of the Complainant's trademark rights. This, in itself shows admission of the contentions of the Complainant.

The disputed domain name is identical to the trademark of the Complainant. The disputed domain name consists of the Complainant's LESAFFRE mark in its entirety. The LESAFFRE mark has been extensively used by the Complainant to identify its business and goods. The LESAFFRE mark has been highly publicized by the Complainant and has earned a considerable reputation in the market. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorised the Respondent to register or use the disputed domain name. Further, the Respondent has never used the disputed domain name for legitimate business and their purpose of registration appears to be purely for monetary gain.

The above leads to the conclusion that Respondent has no rights or legitimate interest in respect of the disputed domain name which has been registered in bad faith.

Based on the documents filed by the Complainant, it can be concluded that adoption by the Respondent of the domain name shows opportunistic bad faith.

7. **Decision:**

In view of the foregoing, I am convinced that the Respondent's registration and use of the domain name www.lesaffre.in is in bad faith. The Respondent has no rights or legitimate interests in respect of the domain name. In accordance with the Policy and Rules, I direct that the disputed domain name be transferred to the Complainant.

Dated: 04/16, 2017.



Pooja Dodd

Sole Arbitrator