

दिल्ली DELHI

AA 667273

ARBITRATION CASE NO. 3 OF 2012

**IN THE ARBITRATION MATTER OF:-**

MULTI-WING INTERNATIONAL A/S

COMPLAINANT

VERSUS

PATRIK HOGREFE WINGFAN Gmbh

RESPONDENT

**AWARD:**

The present dispute relates to the registration of the domain name [www.multi-wing.in](http://www.multi-wing.in) in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name [<www.multi-wing.in>](http://www.multi-wing.in) in favour of the Respondent. Pursuant to the In Domain Name Dispute Resolution Policy (INDRP) and the rules framed there-under, the Complainant has preferred this arbitration for raising this dispute for reprisal of its grievances.

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AA 748067

The complainant in its complaint has stated that it is the world leader in axial fan impeller design and production, and that in 1958, the founder of complainant company had developed the concept of making impellers out of thermo plastic. That the brand name MULTI-WING refers to product which are composed of individual blades/fin that are fastened separately to the hub in the centre. That the son of founder of the complainant company realizing its massive potential for thermo plastic impellers, began to market them under the brand name MULTI-WING. That in 1987, the name of the Complainant company was coined as Multi-Wing International a/s. That in the world of engine cooling and heating and ventilation, the brand name MULTI-WING has established a powerful reputation for quality, performance, durability and efficiency and has had substantial turnover in business.

The Complainant has further stated that the earliest registration for trademark MULTI-WING traces back to the year 1960. That with a view to protect its trade mark, trade name and/or domain name "MULTI-WING", the

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complainant has obtained trade mark registrations for the same in numerous countries of the world including India, and for support of its contention, it has placed the list of world-wide registration dating back to 2002 and valid upto August 2012. That the complainant desirous of securing its proprietary rights on the Internet registered the domain name <[www.multi-wing.in](http://www.multi-wing.in)>. However, at the time when the complainant sought to register the disputed domain name <[www.multi-wing.in](http://www.multi-wing.in)>, it was shocked to learn that the said domain name was already registered by the Respondent. Therefore in such circumstances, the complainant filed this complaint seeking to transfer the disputed domain name <[www.multi-wing.in](http://www.multi-wing.in)> in its favour.

I entered upon inference regarding the instant dispute and notices were sent to the Respondent as well as Complainant calling upon for their responses to the said complaint. However, even after granting considerable time to the Respondent, there has been no response from its side. Accordingly, the Respondent is proceeded ex-parte.

I have perused the records and have gone through the contents of the complaint. Although there has been no reply on behalf of the Respondent to the complaint, I shall deal with the complaint on the basis of its merits. Grounds have been raised by the Complainant regarding the transfer of the domain name <[www.multi-wing.in](http://www.multi-wing.in)> in its favour.

Firstly I shall deal with the ground regarding the rights of the Complainant vis-à-vis that of Respondent's over the domain name <[www.multi-wing.in](http://www.multi-wing.in)>. The mark "MULTI-WING" has acquired distinctiveness as the word has been coined by the Complainant as it refers to products are composed of individuals blades/fin which are fastened separately to the hub in the centre, utilized in the automobiles. The complainant has shown sufficient proof regarding its use and right over the mark "MULTI-WING",



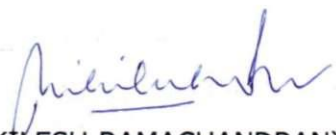


which spans over a period of time. Since the Respondent has failed to appear in these proceedings and defended its registration, I feel that registration of the disputed domain name <[www.multi-wing.in](http://www.multi-wing.in)> is not bonafide.

Secondly, the Respondent's action to register the said domain name is not bonafide as the Respondent has not made use of it in any manner. It is seen that the Respondent has parked the said domain name for sale.

Considering the facts and circumstances of the present matter and taking view of the precedents in this context, I am of the view that the complainant has proprietary right over the mark "MULTI-WING". Under the facts and circumstances and on perusal of the records, I deem it fit and proper to allow the prayer of the Complainant in its favour and direct the Registry to transfer the said domain name i.e. <[www.multi-wing.in](http://www.multi-wing.in)> in favour of the complainant.

Parties to bear their costs.

  
(NIKILESH RAMACHANDRAN)  
ARBITRATOR

Dated 23<sup>rd</sup> April 2012.