



தமிழ்நாடு தமிழ்நாடு TAMILNADU

AD 183842

S. Sridharan.

J. NELSON
STAMP VENDOR
L.No. 12897/B4/96
HIGH COURT CAMPUS
CHENNAI-104

312
4-1-2012

BEFORE THE INTERNET EXCHANGE OF INDIA
ARBITRATION AWARD

ARBITRATOR: S SRIDHARAN

Dated: 3rd January 2012

MindTree Limited --- Complainant

- VS -

Mindtree Active Public Relations Private

Limited & 2 others --- Respondent

Sridharan
Arbitrator

BEFORE THE INTERNET EXCHANGE OF INDIA

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DATED: 3rd January 2012

MindTree Limited ... Complainant

Versus

MindTree Active Public Relations Private Limited

Vipul Gambhir

Lavleen Gambhir ... Respondents

1. The Parties

1.1 The complainant is MindTree Limited, a company incorporated under the Companies Act 1956 having its registered office at Global Village RVCE Post, Mysore road, Bangalore, Karnataka - 560059 represented by Mr.N.V.Saisunder, an advocate of S Eshwar Consultants, at 4 Aishwarya, 12B/177, Kumaran Colony 6th Street, Vadapalani, Chennai -600026.

1.2 1st Respondent is MindTree Active Public Relations Private Limited, a company incorporated under the Companies Act 1956 having its registered office at 12 vinoba Puri, Lajpat Nagar – II, New Delhi 110024.

1.3 2nd Respondent is Vipul Gambhir, founder director of 1st Respondent and residing at 12 vinoba Puri, Lajpat Nagar – II, New Delhi 110024.

1.4 3rd Respondent is Lavleen Gambhir founder director of 1st Respondent and residing at 12 vinoba Puri, Lajpat Nagar – II, New Delhi 110024.

Sridharan

The Domain Name and Registrar

1.5 The disputed domain name <mindtreeactive.co.in> is registered with Transecute solutions Pvt Ltd. (R120-AFIN).

2. Procedural History

2.1 On 3rd November 2011, NIXI asked me about my availability and consent to take up the Complaint for arbitration. On 7th November 2011 I informed my availability and consent. I also informed NIXI that I had no conflict of interest with either of the parties and could act independently and impartially.

2.2 On 14th December 2011, I received hardcopy of the Complaint along with Annexures.

2.3 On 15th December 2011, I issued by email a Notice to the Respondent setting forth the relief claimed in the Complaint and directing him to file his reply to the Complaint within 15 days. I also sent an email about my appointment to arbitrate the complaint to the Complainant and asked the Complainant to send a soft copy of the complaint to me.

2.4 On 16th December 2011, the counsel for the Complainant informed me that the matter had been settled between the parties and they were in the process of completing settlement agreements. He would come back with the update on or before 27th December 2011.

2.5 On 27th December 2011, complainant's counsel informed me that the parties executed settlement agreement and the matter was formally settled between the parties. He also sent me a copy of Domain Name Transfer and

Assignment Deed and requested me to pass an award in terms of the settlement agreement.

2.6 I examined the Domain Name Transfer and Assignment Deed. It was signed by the 2nd Respondent in favour of the complainant. I also perused the Whois data for the disputed domain name <mindtreeactive.co.in>. The disputed domain name www.mindtreeactive.co.in was registered in the name of Mr.Vipul Gambhir, i.e. 2nd Respondent and he belonged to the organization "MindTree Active Public Relations Pvt Ltd", i.e. 1st Respondent. Consent was actually expected at least from the first and second respondent to transfer the disputed domain name <mindtreeactive.co.in> to the complainant. I informed the Complainant's counsel about this deficiency and asked him to get consent at least from the first two Respondents.

2.7 On 3rd January 2012, the counsel for the Complainant informed me that he got consent from all the three Respondents to transfer the disputed domain name <mindtreeactive.co.in> to the Complainant. He also sent me consent letters separately written by each Respondent agreeing to transfer the disputed domain name <mindtreeactive.co.in> to the Complainant. I examined the consent letters and satisfied myself about the consent expressed by the Respondents to transfer the disputed domain name <mindtreeactive.co.in> to the Complainant.

2.8 Since the parties settled the matter between themselves and each Respondent separately expressed his consent to transfer the disputed

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domain name <mindtreeactive.co.in> to the Complainant, I am ordering the transfer of the disputed domain name <mindtreeactive.co.in> to the Complainant. The facts of the case have necessitated me to award costs to the Complainant.

2.9 Email is the medium of communication of this arbitration and each email is copied to all, Complainant, Respondent and NIXI. I perused only soft copy of settlement agreements and consent letters sent by the counsel for the Complainant.

3. Decision

3.1 It is hereby ordered that the disputed domain name <mindtreeactive.co.in> be transferred to the Complainant.

3.2 Respondent is ordered to pay the Complainant a sum of Rs.1,00,000/- (Rupees one lakh only) towards costs of the proceedings.



S.Sridharan
Arbitrator