



सत्यमेव जयते

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Purchased by : N V SAISUNDER
Description of Document : Article 12 Award
Property Description : AWARD 12
Consideration Price (Rs.) : 0
(Zero)
First Party : N V SAISUNDER
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Stamp Duty Paid By : N V SAISUNDER
Stamp Duty Amount(Rs.) : 200
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NV SAISUNDER
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SOLE ARBITRATOR

.IN REGISTRY- INTERNET EXCHANGE OF INDIA

INDRP CASE NUMBER:

DISPUTED DOMAIN NAME: <ssvmcbse.in>



N V SAISUNDER

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IN THE MATTER OF ARBITRATION BETWEEN:

SRISHA Educational and Charitable Trust

SSVM Institutions

Represented by its Trustee, Mr. S. Mohandoss

Alangombu Post, Mettupalayam,

Tamil Nadu 641302, India

.....Complainant

VS.

Anandamay Chakraborty

Datject Infotech Private Limited

Medinipur, West Bengal, 721101, India

.....Respondent

ARBITRATION AWARD

DATED: 24/12/2025

1. PARTIES:

The Complainant in this proceeding is SRISHA Educational and Charitable Trust having its registered office at Alangombu Post, Mettupalayam, Tamil Nadu-641302, India. The Complainant is represented internally by its trustee Mr. S. Mohandass.

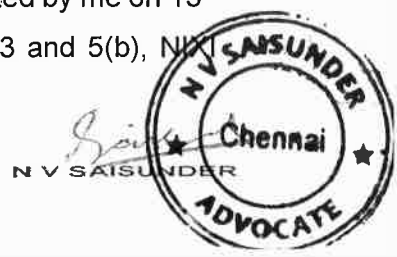
The Respondent in this proceeding is Anandamay Chakraborty, Datject Infotech Private Limited operating out of Medinipur, West Bengal, 721101, India, as per the WHOIS details disclosed by NIXI.

2. DOMAIN NAME AND REGISTRAR:

The disputed domain name <ssvmcbse.in> is registered with Datject Infotech Private Limited as per the WHOIS details disclosed by NIXI.

3. PROCEDURAL HISTORY:

The Statement of Acceptance and Declaration of Impartiality was submitted by me on 13th October 2025 as required by NIXI. Further, in accordance with Rules 3 and 5(b), NIXI



appointed me as the sole arbitrator for deciding on the complaint filed in respect of the disputed domain name on 30th October 2025 to arbitrate the dispute between the Parties in accordance with the Arbitration and Conciliation Act, 1996 and accordingly notified the Parties of the same on the same date. Thereafter, the Complainant was directed on 30th October 2025 to serve the hard and soft copy of the complaint on the Respondent and furnish proof of such despatch as required under the INDRP. The Complainant complied with the directions and also sent proof of service of both hard copy and soft copy of the complaint on 01st November 2025. In accordance with Rule 5(c), a notice to the Respondent was issued on 03rd November 2025 by the Arbitrator whereby the Respondent was called upon to submit his response, if any, within 10 (ten) days from the date of issuance of the notice. The Arbitrator did not receive any formal response from the Respondent except for a reply email on 06th November 2025 as detailed in the Factual Background hereinbelow and nor did it receive any substantiation through documentary evidence. Therefore, this complaint is decided based on the submissions, materials, evidence placed before the Arbitrator and also the publicly available materials as independently ascertained by this panel.

4. FACTUAL BACKGROUND:

The Complainant filed a scant complaint whereunder the Panel was able to infer the following only from the Annexures submitted by the Complainant:

- (1) That the Complainant is a trust and is a part of SSVM Group of Institutions that runs educational institutions in India.
- (2) It commenced its operations in 1998 (Reference made in Annexure)
- (3) It holds registration of trademark for the word "SSVM" under Class 41 bearing application number 4100102 registered on 26th February 2019.

The Disputed Domain Name was created on 18th April 2024. It resolves to an active webpage relating to an educational institution operating in West Bengal, India under the name "Saradmoni Shishu Vidyamandir" and the acronym SSVM.

As per the Whois Details disclosed by NIXI, it is observed that the name of the Registrar and the Name of the Respondent Organisation (appearing as the International Postal Organisation) appears to be one and the same viz., Datject Infotech Private Limited.



Further, upon notification of the INDRP to the Respondent by the Panel on 03rd November 2025, the following response was received on 06th November 2025 from the Respondent through his registered email id as per the WHOIS ("**Response**"):

"Hi

I have Seen the email Rail. But unfortunately this is not our domain. we are the registrar of this domain.

if any legal issue contact domain owner.

As I seen you have SSVM as trademark and wordmark. but our client have SSVMCBSE (ssvmcbse.in) and this is a very small school running user Ramakrishna Ashram in west Bengal, doesn't have school chain also. I dong think it may cause any conflict.

I/ you can asked them to remove SSVM word from their website.

Thanking you for your time and Understanding.

Regards,

Anandamay Chakraborty

Director

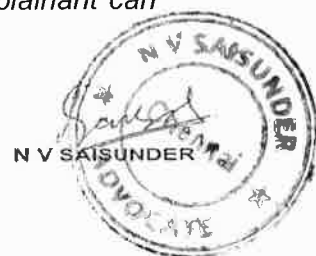
Datject Infotech Private Limited"

Furtherance to the Response, the Panel issued a procedural order dated 14th November 2025 on the following lines:

"(1) The panel is in receipt of the reply of the Respondent via email dated 06th November 2025. In this regard the panel wishes to specifically bring to the attention of the Respondent herein the relevant provisions of the .IN Domain Name Dispute Resolution Policy (INDRP) and INDRP Rules of Procedure (Rules) as follows:

(a) Clause 2 of the INDRP provides that "This .IN Domain Name Dispute Resolution Policy (the "Policy") sets out the legal framework for resolution of dispute(s) between a domain name Registrant and the Complainant, arising out of the registration and use of an .IN or .Bharat (Available in all Indian Languages) Domain Name."

(b) Further, the INDRP defines a Registrant as a person who is the holder of the .IN/Bharat domain name and it is the Registrant against whom the Complainant can initiate a Complaint under the INDRP.



(2) Further, Clause 2 of the Rules provide that the Complaint shall be sent by email to the email-addresses (of the Registrant) shown in the WHOIS details for the particular disputed domain.

(3) On a combined reading of the aforementioned provisions of the INDRP, it is hereby clarified that:

- i The Complaint shall be initiated against the Registrant/Respondent who is the registered holder of the disputed domain name; and
- ii The details of the Respondent (to be provided in the Complaint filed by the Complainant) shall be as shown in the WHOIS details.

(4) Hence, for the purposes of the INDRP, the Respondent shall be the person/entity as disclosed under the WHOIS details, which in the present Complaint is- **Anandamay Chakraborty**, Datject Infotech Private Limited, Medinipur, West Bengal, 721101, India.

(5) The Panel thus calls upon you, the Respondent herein, to confirm, within 5 (five) days from the receipt of this Order as to whether:

- (a) The reply email dated 06th November 2025 shall be treated as the formal response of the Respondent to the Complaint filed against it; or
- (b) The Respondent would be filing any further or additional formal response to the instant INDRP Complaint.

(6) In conclusion the Panel hereby directs the Respondent to take necessary action within the stipulated timelines as mentioned paragraph 5 hereinabove and where in case the Panel does not receive any further correspondence or information from the Respondent as mentioned hereinabove, the Panel shall proceed to decide the subject Complaint on the basis of the materials and information made available before it in accordance with the relevant provisions of the INDRP."

The Panel did not receive any response from the Respondent within the timelines mentioned in the procedural order above and hence the panel vide email dated 19th November 2025, intimated the Respondent that it shall proceed with the passing of an award in the matter. Further, considering that the Respondent and the Registrar is the



same entity, the Panel issued a second procedural order dated 1st December 2025 recording that the Panel did not receive any response till date and also directed National Internet Exchange of India (NIXI) to ensure that the Disputed Domain Name is placed under lock as per the process of INDRP.

5. PARTIES CONTENTIONS:

A. Complainant:

The Complainant contends that the Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights, the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and the Disputed Domain Name was registered and is being used in bad faith.

Further the Complainant contends that the Disputed Domain Name incorporates the Complainant's registered trademark 'SSVM' in its entirety, combined with 'cbse' which directly relates to the Complainant's educational services. The Respondent has no authorization or legitimate interest in using the mark and has registered it in bad faith to mislead the public.

B. Respondent:

The Respondent's Response dated 06th November 2025 as elaborated in the Factual Background is construed to be the formal response of the Respondent. It is inferred from the Response that the Respondent is holding the domain on behalf of the domain owner who operated the educational institution- Saradamoni Shishu Vidyamandir being conducted by the Ramakrishna Ashram in West Bengal.

6. DISCUSSION AND FINDINGS:

Under the INDRP, the following three elements are required to be established by the complainant in order to obtain the remedy of transfer of the disputed domain name to the complainant:

- (i) The disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights; and,
- (ii) The Respondent lacks rights or legitimate interests in respect of the disputed domain name; and



- (iii) The disputed domain name has been registered or is being used in bad faith.

A. Preliminary Issue: Respondent Identity and Complaint Notification

An important preliminary issue in this case concerns the determination of the correct Respondent.

As per the Response it can be inferred that the Respondent is not the actual owner of the Disputed Domain but is merely a Registrar, and that the said domain belongs to a school running under Ramakrishna Ashram in West Bengal by the name Saradhamoni Shishu Vidyamandir having the acronym "SSVM", which seems to be the *de facto* domain owner. The panel accepts that there may be valid reasons for the Registrar/Respondent to provide domain maintenance services to the actual domain owner and that such services maybe legitimately offered. Nevertheless, it is also important for the effective functioning of the Policy that there be a reliable and readily accessible means by which the actual holder or registrant of a domain name can be identified in the event of a domain name dispute of this nature. That is the purpose of the domain name "Whois database", which is the key source of information on ascertaining registrant identity, which is essential for clearly determining the Respondent for conduct of proceedings under the Policy. Hence, it is not just important but also a legal requirement by the owner of a domain name to provide its correct details (including contact details like name and email id) of the domain owner while registering a domain name, so that the appropriate communications, if any, by any party may be effected through the details so available in the Whois data page. In the case at hand, the Registrar, Datject, ought to have provided correct details of the domain owner (including name and contact details) in the WHOIS data while registration of the Disputed Domain Name, irrespective of the nature of services provided by the Registrar to the owner of the Disputed Domain.

In cases where a party other than the actual domain owner is confirmed as the registrant of record through Whois, and would therefore presumably receive formal notification by the NIXI/the panel as a "respondent", it would then be for that registrant to make any submissions in relation to the respondent identity and also as soon as possible thereafter communicate with the actual owner of the domain about the impending dispute and the response to be placed on record on behalf of the actual owner.


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There are limits as to what can reasonably be done by parties and providers in order to identify an underlying/correct registrant in the context of a Policy created to offer a flexible and accessible alternative to litigation. Put simply, Whois information must be usable for communication purposes in a Policy proceeding – even those provided by an entity (Registrar in this case) claiming to have registered for another party – and if they are not the registrant, whoever they may be, must expect to bear any consequences. It is neither practical nor mandated under Policy for NIXI for the Panel to identify the actual domain owner in such circumstances, but merely to rely on the details available on the Whois records.

In the event that an underlying/actual domain owner wishes to have itself included as a respondent in a INDRP procedure, it is incumbent on that person to alert the parties and NIXI in a timely fashion. Similarly, in the event that any domain registration service provider, in this case Datject, wishes to have itself removed as a Respondent and to “disclose” the name and contact information of an underlying beneficiary of the disputed domain, it is likewise incumbent on that entity to alert the parties and NIXI in a timely fashion. “Timely”, in this context, means *after* the Complaint is initiated but *before* the proceedings are formally commenced. The Panel can then use its discretion to either implead the underlying beneficiary as well to the proceedings or notify the beneficiary as the correct and sole Respondent to the INDRP proceedings.

The Panel finds that in the Response, Anandmay Chakraborty of Dataject, neither provided the details of the actual owner of the Disputed Domain nor seems to have notified the actual beneficiary of the Disputed Domain. On the other hand, Datject has placed bare and minimal response to the complaint. Furthermore, pursuant to the detailed procedural order dated 14th November 2025 elaborating the provisions of the INDRP and its corresponding Rules, Anandmay Chakraborty of Dataject, did not place any formal response to the Complaint based on inputs, if any, received from the beneficiary of the Disputed Domain Name as claimed by it.

Accordingly, the Panel has decided to proceed with the Respondent who is also the Registrar of the Disputed Domain Name as per the Whois Data records disclosed by NIXI.

B. Identical or confusingly similar:

It is a well-accepted principle that the first element functions primarily as a standing



requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. The Complainant has submitted evidence of its trademark registration on the word mark "SSVM" bearing application number 4100102 registered on 26th February 2019, that establish that the Complainant has statutory rights in the mark for the purpose of policy. Further, the trademark of the Complainant has been reproduced within the Disputed Domain Name along with the addition of the word "cbse" which is an acronym for Central Board for Secondary Education. This addition and the ccTLD extension ".in" do not diminish the confusing similarity with the Complainant's trademark. Although the addition of other terms (here "cbse") may bear an assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the trademark of the Complainant for the purposes of the Policy.

The Panel therefore finds the first element of the Policy has been satisfied by the Complainant.

C. Rights or Legitimate interest

Paragraph 6 of the Policy provides a list of circumstances in which the registrant of a domain name may demonstrate rights or legitimate interests in a disputed domain name. The Complainant has the burden of proving that the Respondent has no rights or legitimate interests in the disputed domain name. Resolution of this issue requires a detailed analysis of the underlying facts that go to the Respondent's intent.

The Complainant has proffered an incomplete analysis to that end, with no specific supportive evidence to prove the second element. The Complaint is bereft of any substantiation of the essential elements to be proved under INDRP but rather contains bald allegations of the usage of the disputed domain name misleading the public. The Panel is ultimately constrained to what has been placed on the record by the Parties and cannot simply assume facts that are not supported by any evidence.

While the Panel agrees that the Respondent has not provided a "formal" response, the Panel wishes to also rely on *Section 4.3 of WIPO jurisprudential overview 3.0* (that is generally applied in relation to similar UDRP matters) noting that the burden of proof is on the complainant and a respondent's default (i.e., failure to submit a

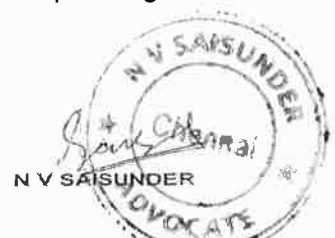


formal response) would not by itself mean that the complainant is deemed to have prevailed. A respondent's default is not necessarily an admission that the complainant's claims are true. In cases involving wholly unsupported and conclusory allegations advanced by the complainant, or where a good faith defense is apparent (e.g., from the content of the website to which a disputed domain name resolves), panels may find that – despite a respondent's default – a complainant has failed to prove its case. Reference is drawn to *Section 4.3 of WIPO jurisprudential overview 3.0*.

On a perusal of the Disputed Domain Name and its content, the Panel notes that the Disputed Domain Name is associated with a school based at West Bengal operating under the name "Sardamoni Shishu Vidyamandir" being the abbreviation for "SSVM". Beyond looking at the domain name and the nature of any additional terms appended to it, panels have assessed the fair use with the overall facts and circumstances of each case, including factors such as whether the domain name has been registered and is being used for legitimate purposes and not as a pretext for commercial gain or other such purposes inhering to the respondent's benefit, whether it is clear to Internet users visiting the respondent's website that it is not operated by the complainant, whether the respondent has refrained from engaging in a pattern of registering domain names corresponding to marks held by the complainant or third parties, whether the domain name registration and use by the respondent is consistent with a pattern of bona fide activity (whether online or offline) etc. *Reference in this regard is drawn to Section 2.5.2 of WIPO jurisprudential Overview 3.0*

The Panel on perusal of the content of the Disputed Domain Name, including the documents uploaded in the domain, is satisfied on the following:

- (1) There exists a school named "Sardamoni Shishu Vidyamandir" operating under Sri Ramakrishna Ashram in West Bengal;
- (2) The educational institution uses the acronym "SSVM" in its website as well as in its relevant documents;
- (3) The institution has clearly indicated the abbreviation of the term "SSVM" being "Sardamoni Shishu Vidyamandir" and its affiliation with Sri Ramakrishna Ashram in the Disputed Domain and in no place has drawn reference to the Complainant or its services, thereby making it evident to the internet users that the Disputed Domain is not being operated by the Complainant.
- (4) There is no pattern of registration of trademarks by Respondent corresponding to marks held by Complainant;



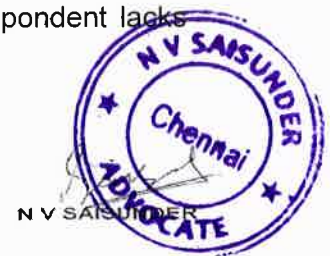
- (5) The Disputed Domain Name is consistent with a pattern of bonafide activity and is being legitimately used to promote educational services under the name "Sardamoni Shishu Vidyamandir" in West Bengal.

Complainant's entire argument seems to be based on the fact that Complainant owns trademark registrations for the mark "SSVM" and that accordingly Respondent can have no rights in a domain name that includes the term "SSVM". Complainant's registration, albeit evidencing rights in "SSVM", do not prove use of the "SSVM" trademark, the extent of that use, or the length of time that such use has existed. Thus, for Complainant to say that Respondent can have no legitimate interests in a domain name that includes "SSVM" which is an acronym, is questionable when the record is devoid of any substantiation in its Complaint. Further, assuming that the Complainant's mark is very well-known and has been used extensively for long period of time, the Panel also notes that this case does not involve an issue of a classic "cybersquatter" who registers a domain name or series of domain names unrelated to its business and confusingly similar to famous trademarks with the intent of selling them to the trademark owner at an exorbitant price.

The Panel is satisfied that the Disputed Domain Name is not misleading the public as to source or sponsorship, and is neither a pretext for tarnishment of the Complainant's reputation as claimed by the Complainant nor being used for commercial gain using Complainant's mark, but is genuinely operated for legitimate purposes.

The Panel also hereby place on record that while it is not disputed that that "SSVM" is a trademark registered by the Complainant and the Disputed Domain Name contains the registered trademark of the Complainant in entirety, an INDRP dispute wholly based on such registered trademark may not hold water. These arguments go considerably beyond the scope of issues that can be fairly resolved on a document-only basis and within the short deadline for making decisions. A trial court is better equipped to address substantive issues of law such as this. Reference in this regard is made to UDRP decision ***William S. Russell v. Mr. John Paul Batrice d/b/a the Clock Doc Case No. D2004-0906***.

In the light of the facts and circumstances discussed, it is accordingly found that the Complainant has failed to establish a prima facie case that the Respondent lacks



rights and legitimate interests in the Disputed Domain Name. The Complainant has not provided any documentary evidence supporting the claim that the public has been misled or that it has incurred losses owing to the same. Hence, the second element under paragraph 4(b) of the Policy has not been met by the Complainant and is held in favour of the Respondent.

D. Registered and/or used in bad faith:

The Panel notes that, for the purposes of paragraph 4(c) of the Policy, paragraph 7 of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and/or use of a domain name in bad faith.

In order for a Complainant to be successful under INDRP, it is necessary that all the three elements are established by the Complainant. Given that the Complainant has failed to establish the Second element of the Policy, the Panel finds it unnecessary to delve into the analysis of third element.

Nevertheless, for the sake of completeness, the Panel wishes to place following on record :

- (1) the Complainant failed to offer any evidence that suggests that the Respondent has “engaged in a pattern” of registering domain names for the purpose of preventing the owner of the trademark from using the corresponding domain name.
- (2) Also, the Complainant fails to offer evidence that the Respondent intentionally attempted to attract Internet users thereby indicating bad faith registration and use.
- (3) The Complainant's allegation of bad faith is wholly conclusory and lacking in any factual or evidential foundation. Complainant's bald allegations fail to carry its burden of proof on its claims.
- (4) Based on the Response and upon perusal of the content of the Disputed Domain Name, the Panel sees no evidence that the Domain Name was registered for any purpose other than the use to which it has been put, namely running a school in West Bengal.
- (5) Whether the mark “SSVM” is distinctive and well-known leading to a conclusion that the Respondent knew or ought to have notice of the same, are matters that



a competent Court having powers to try infringement action, with a fuller record and opportunity to call further evidence can only deal with which may reach a different conclusion and therefore not within the scope of INDRP.

For reasons stated above, the Complaint fails on the third element under paragraph 4(c) of the Policy as well.

7. DECISION:

In view of the above findings, it is ordered that the transfer of the disputed domain name <ssvmcbse.in> be denied to the Complainant and consequentially the complaint filed by the Complainant is also denied.


N V SAISUNDER
Arbitrator



Date: 24/12/2025