

ARBITRATION PROCEEDINGS OF DOMAIN NAME
"www.toystory.in"
between

DISNEY ENTERPRISES INC.

...COMPLAINANT

AND

RSADVVM SPT

...RESPONDENT

Order Dated 05/11/2013

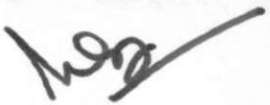
This Tribunal has perused the objection of M/s RSADVVM SPT sent through Mr. Fred Abron on 24/10/2013 and the reply of the complainant. The situation at hand is as under:

10/08/ 2013 : The disputed domain name is registered by Respondent M/s RSADVVM SPT
07/10/2013: The complainants download the WHOIS and it shows that the Registrant is the Respondent M/s RSADVVM SPT
8/10/2013: The complainants prepare the complaint and send to NIXI.
10/10/2013: The domain is transferred and the new registrant is M.Patel.
16/10/2013: The complaint is received by this Tribunal and notice is sent to the parties.
18/10/2013: The Respondents notifies to the complainant, NIXI and this Tribunal that there has been a transfer of the disputed domain.
24/10/2013: The respondent file their objections to being made a party to this Arbitration proceedings as they are no longer the registrants of the impugned domain name.
28/10/2013: The complainant filed their reply to the Respondents objections
05/11/2013: Almost a week has passed and the complainant have not taken any steps to implead the third party and amend the complaint at hand.

Be it that as it may in the present situation I find that this Tribunal cannot proceed further as there are third party interest involved and the said third party is not a party before this Tribunal and the maxim of *audi alteram partem* restrains this Tribunal from passing any orders behind the back of a party that too when it's interest is involved.

In view of the above this Tribunal terminates these proceedings u/s 14 of the Arbitration & Conciliation Act,1996.

The complaint and this order is being sent back to NIXI.



V. Shrivastav
Arbitrator

By Email only:

1. Aditya Kutty, Counsel for Complainant
2. RSADVVM SPT, Respondent
3. Mr. Rajiv Kumar, NIXI
4. Ms. Shivani, NIXI