



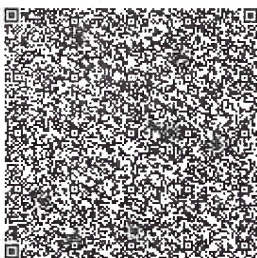
सत्यमेव जयते

INDIA NON JUDICIAL

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Certificate Issued Date : 05-Jul-2017 12:00 PM
Account Reference : IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference : SUBIN-DLDSLHIMP1702793825285844P
Purchased by : NIKILESH RAMACHANDRAN
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : NIKILESH RAMACHANDRAN
Second Party : Not Applicable
Stamp Duty Paid By : NIKILESH RAMACHANDRAN
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



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ARBITRATION CASE NO. 2 OF 2017

IN THE MATTER OF:-

VIRBAC S.A.

COMPLAINANT

VERSUS

LIHENG

JUST TRAFFIC SUPERVISION CONSULTING

RESPONDENT

DISPUTED DOMAIN NAME: **virbac.co.in**

nikilesh

Statutory Alert:

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AWARD:

The present domain name dispute relates to the registration of the domain name virbac.co.in in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name **<virbac.co.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.

I gave my consent on the 17th of May, 2017 to adjudicate the instant domain name dispute. I was handed over the complaint in 23rd May, 2017. Accordingly, I issued notice on the 25th of May, 2017 calling upon the Respondent to file its reply on the complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter. The respondent was delivered with the aforesaid complaint on 12th of June, 2017. Despite serving of the complaint and the notice dated 25th May, 2016, on the addresses and e-mail respectively, there has been no response from the respondent. Accordingly, I proceed ex-parte the Respondent in adjudicating the instant complaint.

CONTENTION

Since, the respondent has been proceeded ex-parte, I shall deal with the contention of complainant. The Complaint has been filed for transfer of the disputed domain name www.virbac.co.in, which was registered by Respondent. Primarily, the contention of complainant is that the complainant Company was founded in the year 1968 by one Pierre – Richard Dick, and that it was established for treatment of animal health. The Complainant contends that it ranks as the 8th Largest Animal Health Company in the world and has a wide range of vaccines and medicines, which are used in the prevention and



treatment of the main pathologies for both companion and food-producing animals. The Complainant contends further that it has a presence in more than 100 countries including India.

In the complaint, it also contended that the Complainant owns multiple domain names comprising the trademark VIRBAC, which would create confusion and that the Respondent has no legitimate right or interest in respect of disputed domain name, and that the disputed domain name is being used in bad faith.

ANALYSIS

As the proceedings are set ex-parte the Respondent, I shall deal with the complaint on its prayer for transfer of the disputed domain name. The disputed domain name <virbac.co.in> consist the mark VIRBAC, which is the registered trademark of the Complainant. VIRBAC is a mark registered which has been established by the Complainant over a period of time by its use. The Complainant has used it world over and owns registered trademark. In support of which, the Complainant has placed on record the registration certificates, in India as well as world over. Also the Complainant has placed on record the domain name, which has been registered with the mark VIRBAC. All these support the Complainant's right over the name VIRBAC. Therefore, the complainant's claim that it has a right over the disputed name stands proved.

Coming to the aspect of Respondent's action to register the said domain name is not bonafide, therefore, the said registration is done in bad faith.

Secondly as the Respondent's action to register the said domain name is not bonafide, therefore, the said registration is done in bad faith. Neither the Respondent is associated as an individual, business nor organization with the name "VIRBAC" nor the complainant has authorized in anyway the use of trademark "VIRBAC". The Complainant has specifically stated that it has no relation with



Respondent commercially or otherwise. So therefore, the use of trademark Respondent "VIRBAC" is not legal. Therefore, the Respondent has no legitimate right over the said domain name.

Also the Complainant has registered website consisting the word "VIRBAC", for which it has ownership, in various CCTLD. And this in itself becomes a good ground for the Complainant to claim transfer of the disputed domain name in its favour. The Complainant has relied upon several decisions of its own to show that it has been diligent in protecting its right against unscrupulous infringers and users. Apart from that, it has relied upon several decisions which is in its favour for enforcing the claim in transfer of ownership in the disputed name.

CONCLUSION:

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 "VIRBAC". 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. <virbac.co.in> in favour of the complainant.


(NIKILESH RAMACHANDRAN)
ARBITRATOR

Dated: 9th August, 2017.