



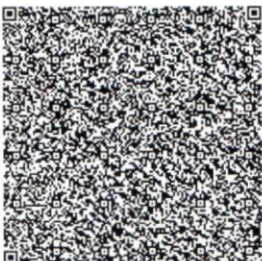
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL93652906868956L
 Certificate Issued Date : 02-Dec-2013 02:01 PM
 Account Reference : SHCIL (FI)/ dl-shcil/ HIGH COURT/ DL-DLH
 Unique Doc. Reference : SUBIN-DL DL-SHCIL85078235056908L
 Purchased by : A K SINGH ADVOCATE
 Description of Document : Article 12 Award
 Property Description : NA
 Consideration Price (Rs.) : 0
 (Zero)
 First Party : A K SINGH ADVOCATE
 Second Party : NA
 Stamp Duty Paid By : A K SINGH ADVOCATE
 Stamp Duty Amount(Rs.) : 100
 (One Hundred only)



.....Please write or type below this line.....

BEFORE THE SOLE ARBITRATOR UNDER THE .IN DISPUTE RESOLUTION POLICY

IN THE MATTER OF:

XOOM CORPORATION
 100 BUSH STREET, SUITE 300, SAN FRANCISCO,
 CALIFORNIA 94104, U.S.A

(Complainant)

Versus

MR. SHIVAKUMAR
 AND/OR DOMAIN ADMIN AND/OR CHANDAN MA
 XOOM SOLUTIONS
 7TH CROSS, 5TH PHASE, JP NAGAR 3RD BLOCK,
 BENGALURU, KARNATAKA 560076

(Respondent)

Signature

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
 2. The user of checking the legitimacy is on the users of the certificate.

THE PARTIES:

The Complainant in this proceeding is Xoom Corporation and is an internationally renowned provider of computer accessible remittance products and services which allows users to transmit money to various countries through its website.

The Complainant is represented through their authorized representatives:

Mr. Tarvinder Singh & Mr. Anshuman Sharma,
Kochhar & Co.,
Advocates & Legal Consultants,
Technopolis Building, 3rd floor, Tower B,
Sector 54, DLF Golf Course Road,
Gurgaon-122002 (NCR) India
Telephone : +91-124-4545222
Fax : +91-124-4375596
E-mail : tarvinder.singh@kochhar.com
anshuman.singh@kochhar.com

The Respondent in this proceeding is Mr. Shivakumar and/or Domain Admin and/or Chandan MA, Xoom Solutions, 7th Cross, 5th Phase, JP Nagar 3rd Block, Bengaluru, Karnataka 560076, +91-9448852070, +91-944903490, chandan123@gmail.com, xoom.co.in@mailme.in, xoomitsolutions@gmail.com.

THE DOMAIN NAME AND REGISTRAR:

The domain name in dispute is www.xoom.co.in. According to the WhoIs Search utility of .IN Registry, the Registrar of the disputed domain name www.xoom.co.in, with whom the disputed domain name www.xoom.co.in is registered is Enames.in D/B/A Pearl Infocom Media Pvt. Ltd., Mumbai, India.

PROCEDURAL HISTORY:

I was appointed as the Arbitrator by .IN Registry, to adjudicate upon the complaint of the Complainant, regarding the dispute over the domain name www.xoom.co.in. .IN Registry has supplied the copy of the Complaint to me.

On 19.10.2013, I sent an email to the parties informing them about my appointment as the Arbitrator, and also directing the Complainant to supply the copy of the complaint with annexures to the Respondent, and in case if they have already served it, then to provide me with the details of service record.



In accordance with INDRP read with INDRP Rules of Procedure, notice of arbitration was sent to the Respondent on 19.10.2013 with the instructions to file his say latest by 04.11.2013.

On 21.10.2013, I received an email from the Complainant confirming the service of both the hard and a scanned soft copy of the Complaint along with the annexures to the Respondent. The details of service were attached in this mail.

On 24.10.2013, the Tribunal was informed by the Respondent vide mail of the same date that he was ready and willing to transfer the domain name in dispute in favour of the Complainant on the payment of \$ 400 as against the expenses incurred by the Respondent with regard to the domain name in dispute. He further stated that the use of the domain name in dispute by the Respondent for his business was creating confusion with other brands, and as such the Respondent no longer intends to use the domain name in dispute and the same can be transferred to the Complainant.

Vide mail dated 29.10.2013 the Tribunal directed the parties to resolve this matter between themselves, and inform the Tribunal accordingly. In case no consensus was reached between the parties, the Respondent was again directed to comply with the instructions mentioned in mail dated 19.10.2013 by the Arbitrator.

Vide mail dated 30.10.2013 the Complainant informed the Tribunal that it was not ready to pay \$400 to the Respondent for the transfer of the domain name in dispute and requested the Tribunal to transfer the same in favour of the Complainant. In the same mail the Complainant further submitted that the Respondent had registered the domain name in dispute mainly for the purpose of selling, renting or otherwise transferring the same to the Complainant for valuable consideration. The Respondent neither responded to this mail of the Complainant nor has he rebutted any of the Complainants contentions.

No response to the Complaint has been filed by the Respondent despite directions of the Tribunal vide mails dated 19.10.2013 and 29.10.2013.

I have perused the record and annexure/ documents.



DECISION AND AWARD


The Complainant had filed the present Complaint praying to this Tribunal that the domain name www.xoom.co.in be transferred to the Complainant under Rule 3 (b) (vii). The Respondent vide mail dated 24.10.2013 has requested the Arbitrator to transfer the domain name in dispute to the Complainant, and the said mail is reproduced below:

*"we took the domain xoom.co.in and .in for branding our freelance biz as xoom it solutions and were working but we got a enquiry from first motorol xoom mobile team and later rethink to use the name. later similar request came from anshuman for xoom .com and we were willing to transfer the domains to xoom .com authorized persons and asked to give any xoom.com contact and got in touch with sujay jaladi and asked to transfer the domain via escrow by paying 400\$ for xoom.in because we paid to hosting, logo designs for the domain and submitted auth code of xoom.co.in without any cost via my hosting person, but the transfer not initialized from their side. They could have transferred the domain xoom.co.in **and now we are no longer intend to use the name xoom for our biz as it is confusing with other brand and the domains can be transferred to them**"*

Since, the Respondent has not filed any response to the Complaint as well as mail dated 30.10.2013 sent by the Complainant, and has given his consent to transfer the domain name in dispute to the Complainant vide mail dated 24.10.2013, I am refraining myself from going into the merits of the Complaint.

In light of the facts mentioned above, and especially that the Respondent himself has requested vide mail dated 24.10.2013 to transfer the domain name in dispute to the Complainant, I dispose of this complaint with directions to NIXI to transfer the domain name in dispute i.e. www.xoom.co.in to the Complainant.

No cost or penalty is imposed upon the Respondent. Parties are directed to bear their own cost. The Award is accordingly passed on this 03rd day of December, 2013.


Mr. A.K. Singh
Sole Arbitrator
03rd December, 2013