

Bond



**Indian-Non Judicial Stamp  
Haryana Government**



Date :23/10/2019

Certificate No. G0W2019J1074



Stamp Duty Paid : ₹ 101  
(Rs. Only)

GRN No. 59196524



Penalty : ₹ 0  
(Rs. Zero Only)

**Deponent**

Name: Ranjan Narula

H.No/Floor : Na

Sector/Ward : Na

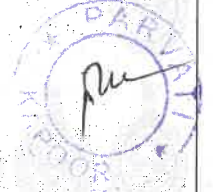
Landmark : Na

City/Village : Gurugram

District : Gurugram

State : Haryana

Phone : 0



Purpose : ALL PURPOSE to be submitted at All place

RANJAN NARULA

ARBITRATOR

Appointed by the .IN Registry - National Internet Exchange of India

In the matter of:

Catalent Pharma Solutions, Inc. and  
R. P. Scherer Technologies, Inc.  
14 Schoolhouse Road, Somerset  
NJ 08873, USA

....Complainant

Feifei  
Doublefist Limited  
No. 33, Tongji East Road  
Chancheng District  
Foshan City, Guangdong Province  
China

Mobile: + 86.17172121151

Email: [ymgroup@msn.com](mailto:ymgroup@msn.com)

.....Respondent

Disputed Domain Name: <[www.catalent.co.in](http://www.catalent.co.in)>

## **AWARD**

1) **The Parties:**

The Complainant in this arbitration proceeding is Catalent Pharma Solutions, Inc. and its wholly-owned subsidiary R. P. Scherer Technologies, Inc. (collectively, "Complainant") having its office at 14 Schoolhouse Road, Somerset, NJ 08873, USA. The Complainant is represented by its authorized representatives, Yonggang Ji of Catalent Pharma Solutions, Inc., Assistant General Counsel, Intellectual Property, USA and Vanessa A. Ignacio, Partner, Lowenstein Sandler LLP, USA

The Respondent in this arbitration proceeding is Feifei, Doublefist Limited, No. 33, Tongji East Road, Chancheng District, Foshan City, Guangdong Province, China as per the details available in the whois database maintained by National Internet Exchange of India (NIXI).

2) **The Domain Name, Registrar & Registrant:**

The disputed domain name is <www.catalent.co.in>.

The Registrar is Dynadot, LLC.

The Registrant is Feifei, Doublefist Limited, No. 33, Tongji East Road, Chancheng District, Foshan City, Guangdong Province, China

3) **Procedural History:**

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28<sup>th</sup> June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

As per the information received from NIXI, the history of the proceedings is as follows:

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Mr. Ranjan Narula as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Dispute Resolution Policy and the Rules framed thereunder. The



Arbitrator submitted the Statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.

- The Complaint was produced before the Arbitrator on October 31, 2019 and the hard copy of the Complaint sent by NIXI was received in the Arbitrator's office on November 4, 2019.
- The notice was issued to the Respondent on November 1, 2019 at his email address [ymgroup@msn.com](mailto:ymgroup@msn.com) outlining that the Complainant had prayed for transfer of the disputed domain name "**www.catalent.co.in**" in its favour. The Respondent was called upon to submit their response within ten (10) days of receipt of the Arbitrator's email i.e. until November 11, 2019.
- As no response was received, the Arbitrator issued another notice to the Respondent on November 12, 2019 via email granting another opportunity to the Respondent to submit its reply on or before November 19, 2019.
- The Arbitrator received no response from the Respondent within the said timeline and the Arbitrator has not been informed of any settlement between the parties. The Arbitrator thus informed the parties on December 2, 2019 that the Respondent has not filed its response and has been proceeded ex-parte.
- In view of the above, the Complaint is therefore being decided based on the submissions made by the complainant and documents placed on record.

**Grounds for administrative proceedings:**

- A. The disputed domain name is identical with or confusingly similar to a trade mark or service mark in which the Complainant has rights; and is providing the nature of services identical with or confusingly similar to the services provided by the Complainant;
- B. The Respondent has no rights or legitimate interests in respect of the impugned domain name;
- C. The impugned domain name was registered and is being used in bad faith.

**4) Summary of the Complainant's contentions:**

**The Complainant in support of its case has made the following submissions:**



1. The Complainant has been the leading provider of development solutions and advanced delivery technologies for drugs, biologics and consumer and animal health products since 2007. Its oral, injectable, and respiratory delivery technologies address the full diversity of pharmaceutical industry, including small molecule, large molecule biologics, and consumer and animal health products. The Complainant helps its customers get products to market faster, including nearly half of new drug products approved by the Food and Drug Administration in the last decade. The Complainant employs approximately 11,000 employees worldwide and holds approximately 1,200 patents and patent applications in advanced delivery, drug and biologics formulation, and manufacturing.
2. Annually, it produces more than 70 billion doses for nearly 7,000 customer products (approximately 1 in every 20 doses of such products taken each year). The Complainant does business with 87 of the top 100 branded drug marketers, 22 of the top 25 generics marketers, 24 of the top 25 biologics marketers, and 21 of the top 25 consumer health marketers globally. The Complainant's customers rely on its innovative product development, superior quality, advanced manufacturing, and skilled technical services to support their development and marketed product needs.
3. The Complainant, through its wholly-owned subsidiary R. P. Scherer Technologies, Inc., is owner of all right, title, and interest in and to the CATALENT mark. The Complainant is the owner of trade mark CATALENT, in India and the United States and the same are valid and subsisting. In India, the trade mark CATALENT is a registered under Nos. 1567672, 1567674, 1567675 and 156771 dated June 12, 2007 in classes 5, 35, 40 and 42 respectively. Further, in the United States, the trade mark CATALENT is registered under Nos. 3406711 and 3496684 dated September 2, 2008 in classes 5, 10, 35, 39, 40 and 42 with first use in commerce claimed in 2007. In addition to this, the Complainant currently owns numerous of trade mark registrations for CATALENT in various countries of the world.
4. It currently owns numerous top-level and country code domain names incorporating the mark CATALENT, including, but not limited to, <CATALENT.COM>, <CATALENT.US>, <CATALENT.INFO>, <CATALENT.NET>, <CATALENT.ORG>, <CATALENT.BIZ>, <CATALENTPHARMA.COM>, <CATALENTPHARMA.US>, <CATALENTPHARMA.ORG>, <CATALENTPHARMA.INFO>, <CATALENTPHARMA.NET> and <CATALENTSTORE.COM> through which its goods and services are offered. The WHOIS record for <CATALENT.COM> shows Complainant as owner and a creation date of 2005.



5. The Complainant has prominently and extensively used, promoted, and advertised the mark CATALENT and associated domain names for over 11 years. By virtue of these efforts, the mark CATALENT and associated domain names have become well-known and recognized by consumers as designating it as the source of its goods and services. Accordingly, the trade mark CATALENT and associated domain names are extremely valuable to it.

**5) Respondent**

The Respondent has not filed any response to the Complaint though they were given an opportunity to do so. Thus the Complaint had to be decided based on submissions on record and analyzing whether the Complainant has satisfied the conditions laid down in paragraph 4 of the policy.

**6) Discussion and Findings:**

The submissions and documents provided by the Complainant shows that its trade mark CATALENT is registered in India in classes 5, 35, 40 and 42 since June 2007. Further, the Complainant's trade mark CATALENT is registered in United States of America in Classes 5, 10, 35, 39, 40 and 42 since September 2008 with first use in commerce claimed in 2007 as shown in **Annexure 3**. The Complainant owns numerous trade mark registrations for CATALENT in various countries of the world as shown in **Annexure 4**.

The Arbitrator notes that the Complainant owns numerous top-level country code domain names incorporating the mark CATALENT including, but not limited to [www.catalent.com](http://www.catalent.com) through which its goods and services are offered as shown in **Annexure 5**. The Arbitrator further notes that the said domain name [www.catalent.com](http://www.catalent.com) was created in the year 2005 and is registered in the name of the Complainant as shown in **Annexure 6**.

**Annexure 7** shows that the disputed domain has merely been parked and no website is hosted on it.

**Annexure 8** shows that numerous of third parties' domain names are registered in the name of the Respondent.

**Annexure 9** shows that numerous domain names registered with Respondent's e-mail address i.e. [ymgroup@msn.com](mailto:ymgroup@msn.com).

Based on the submissions and documents provided in support by the Complainant, I now deal with the three requisite conditions laid out in paragraph 4 of the .IN Domain Name Dispute Resolution Policy which is



listed below. Further the Respondent has not contested the claims, therefore deemed to have admitted the contentions of the Complainant.

**(i) The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights;**

Based on submission and evidence filed by the Complainant, it is clear that the Complainant has prior and subsisting rights in the mark CATALENT with its first use in commerce claimed in 2007 and several trade mark registrations worldwide including India. In India, the Complainant has secured registrations for the trade mark CATALENT in the year 2007 in classes 5, 30, 35 and 42. Therefore, it is established that the Complainant has statutory rights in the mark CATALENT worldwide including in India. Further, the Complainant has pleaded that it has prominently and extensively used, promoted, and advertised the CATALENT trade mark over 11 years. Therefore, the Complainant also has established prior use in the CATALENT trade mark. It is a trite principle "*While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trade mark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing*".

It is to be noted from **Annexure 3** and **Annexure 4** that the Complainant is the registered proprietor of the trade mark CATALENT worldwide including in India and the said trade mark is entirely contained in the disputed domain name of the Respondent. It is evident in the present case that the disputed domain name <[www.catalent.co.in](http://www.catalent.co.in)> is identical and confusingly similar to the Complainant's registered trade mark CATALENT and domain name [www.catalent.com](http://www.catalent.com). In my opinion, owing to the wide spread presence of the Complainant's business, the disputed domain name could make Internet users to believe that such domain name and the contents originating therefrom belong to the Complainant. In view of the above, the requirement of the INDRP Policy paragraph 4(i) is satisfied.

**(ii) The Registrant has no rights or legitimate interests in respect of the domain name;**

The disputed domain has merely been parked, since its registration and no actual website has been hosted on this domain name since this date. The Respondent has neither used nor made any demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods and services.



The Complainant has not authorized or licensed the Respondent to use any of its trade marks in any way. Such unlicensed, unauthorized use of the impugned domain incorporating the Complainant's trade mark shows that Respondent has no rights or legitimate interest in the disputed domain name.

The Respondent has not rebutted the contentions of the Complainant and has not produced any documents or submissions to show his interest in protecting his own rights and interest in the domain name. Further, the Respondent has not used the domain name or a name corresponding to the disputed domain name in connection with a bonafide offer of goods or services.

The above leads to the conclusion that Respondent has no rights or legitimate interest in respect of the disputed domain name '[www.catalent.co.in](http://www.catalent.co.in)'

**(iii) The Registrant's domain name has been registered or is being used in bad faith.**

The disputed domain has merely been parked, since its registration and no actual website has been hosted on this domain name since this date. It redirects users to third-party services via click-through hyperlinks. The Respondent is taking commercial advantage of Complainant's trade mark CATALENT by diverting the internet traffic.

Moreover, the CATALENT has no dictionary meaning and is clearly coined by the Complainant. In addition to this, the Respondent has provided false address in the WHOIS records which also shows Respondent's bad faith.

Further, the Respondent appears to have registered several domain names under the .IN extension incorporating third-parties' trade marks, including but not limited to <VERSACE.IN>, <WYNDHAM.IN>, <VILLEROY-BOCH.IN>, <TEDBAKER.IN>, <SONOS.IN>, <APPLETV.IN>, <KEURIG.IN>, <COORS.IN>, <GOLDMANSACHS.IN>, and <BANKOFAMERICA.IN> which clearly establishes Respondent's bad faith.

It may be mentioned that since the Respondent did not file any response and rebut the contentions of the Complainant, it is deemed to have admitted the contentions contained in the Complaint and Annexures to the Complaint. As the Respondent has not established its legitimate rights or interests in the domain name, an adverse inference as to their adoption of domain name and its use to defraud general trade and public has to be drawn.



Based on the documents filed by the Complainant, it can be concluded that the domain name/mark CATALENT is identified with the Complainant's name, mark and goods/services, therefore its adoption by the Respondent shows 'opportunistic bad faith'.

**Decision**

In my view, the Complainant has satisfied all the three requisite conditions laid down in paragraph 4 of the INDRP policy. In accordance with the Policy and Rules, it is directed that the disputed domain name <WWW.CATALENT.CO.IN> be transferred to the Complainant.



**RANJAN NARULA**  
**SOLE ARBITRATOR**  
**NIXI**  
**INDIA**

**December 18, 2019**