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BEFORE SHRI SANJAY KUMAR SINGH ARBITRATOR
IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)

IN RE:

Enterprise Holdings, Inc.
(Formerly Enterprise Rent-a-Car Company, Inc.)
600 Corporate Park Drive
St. Louis, Missouri 63105 USA
Through Authorized Representative
David R. Haarz
Harris, Dickey & Pierce, P.L.C.
11730 Plaza America Drive - Suite 600
Reston, Virginia 20190

Complainant

VERSUS

Hareesh N. Murthy
Kharghar Sector 15, Navi Mumbai
Maharashtra, India
410211

Respondent

Sanjay Kumar Singh

1. This complaint has been filed by Enterprise Holdings, Inc. (formerly Enterprise Rent-A-Car Company) regarding the domain name **enterpriserentalcar.in**.

2. DISPUTED DOMAIN NAME: "enterpriserentalcar.in"

3. TRADE MARK/SERVICE MARK ON WHICH COMPLAINT IS BASED:

The Complainant has submitted that ENTERPRISE used for cars and rental car services.

The Complainant has submitted that the **enterpriserentalcar.in** domain name is confusingly similar to the ENTERPRISE mark in which Complainant has rights.

The Complainant has submitted that respondent Haneesh N. Murthy has no rights or legitimate interest in respect of the **enterpriserentalcar.in** domain name.

The Complainant has submitted that the **enterpriserentalcar.in** domain name has been registered and is being used in bad faith by Respondent Haneesh N. Murthy primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name and if Mr. Murthy fails to sell the **enterpriserentalcar.in** domain name, he will use it to intentionally attract Internet users to his website at **enterpriserentalcar.in** by creating a likelihood of confusion with Complainant's ENTERPRISE marks as to the source, sponsorship, affiliation, or endorsement of the website at **enterpriserentalcar.in** or the services being promoted on the **enterpriserentalcar.in** web site.

4. CONFUSING SIMILARITY:

The Complainant has submitted that it is one of the largest rental car companies in the world with revenues in excess of \$9 billion and in excess of 850,000 vehicles in its fleet. With over 7000 offices worldwide, Enterprise is a recognized leader in the rental car business and has continuously used the ENTERPRISE mark in connection with its rental car services since 1973. The Complainant has submitted that through its affiliated companies, Complainant opened its first Enterprise Rent-A-Car office outside the United States in Ontario, Canada in 1993 and has subsequently

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expanded throughout Canada. The Complainant has also submitted that through its affiliated companies, Complainant expanded to the United Kingdom in 1994 and there are currently more than 300 Enterprise Rent-A-Car branches in the United Kingdom. The Complainant has submitted that Companies affiliated with Complainant have been operating in Germany since 1997 with more than 170 Enterprise Rent-A-Car branches currently operating in Germany. Companies affiliated with Complaint have operated in Ireland since 1998 and there are more than 25 Enterprise Rent-A-Car branches currently operating in Ireland.

The Complainant has submitted that complainant's operating companies solicit and accept rental car reservations via the Internet using various domain names, including:

enterprise.com

enterpriserentalcar.com

enterprise.co.uk

enterprise.ca

enterpriserentalcar.ca

enterprise.de

enterprise.ie

The Complainant has annexed copies of the ENTERPRISE RENT-A-CAR "home pages" in the United States, Canada, the United Kingdom, Ireland and Germany are as Annexures 3 - 7.

The Complainant has submitted that it has registered one or both of its ENTERPRISE and ENTERPRISE RENT-A-CAR marks in connection with rental car services in a great number of countries throughout the world, including Albania, Armenia, Australia, Azerbaijan, the Bahamas, Belarus, Belize, Benelux, Bolivia, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, European Community (includes Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom), France, Georgia, Germany, Greece, Guatemala,

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Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Macedonia, Mexico, Moldova, Monaco, New Zealand, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Singapore, Suriname, the Ukraine, United Kingdom, United States, Uruguay, Uzbekistan and Venezuela.

The Complainant has annexed the copies of print-outs from the national trade mark offices showing the current status of a representative sample of Complainant's registrations in the following countries are attached as indicated below:

Australia - ENTERPRISE RENT-A-CAR (Stylized) - No. 1223610 issued 22 September 2008 and ENTERPRISE - No. 626819 issued 22 August 1995 - Annexure 8.

Hong Kong - ENTERPRISE RENT-A-CAR (Stylized in a series) - No. 300816336 issued 15 June 2007 and ENTERPRISE (in a series) - No. 2002B13130 issued 10 October 2002 - Annexure 9.

Singapore - ENTERPRISE RENT-A-CAR (Stylized) - No. T0801593A issued 07 October 2008 and ENTERPRISE -No. T0013066I issued 14 February 2002 - Annexure 10.

Canada - ENTERPRISE RENT-A-CAR (Stylized) - No. TMA745248 issued 12 August 2009 and ENTERPRISE - No. TMA266626 issued 19 February 1982 - Annexure 11.

United Kingdom - ENTERPRISE RENT-A-CAR (Stylized in a series) - No. 2035279 issued 11 September 1998 and ENTERPRISE - No. 1541740 issued 04 October 1996 - Annexure 12.

European Community - ENTERPRISE RENT-A-CAR (Stylized) - No. 5323134 issued 23 June 2007 and ENTERPRISE - No. 36384 issued 01 December 1996 - Annexure 13.

United States - "E" ENTERPRISE RENT-A-CAR & Design ("RENT-A-CAR" disclaimed apart from the mark as shown) - No. 1,343,167 issued June 18, 1985 and ENTERPRISE - No. 2,010,244 issued October 22, 1996 - Annexure 14.

The Complainant has submitted that in India, Complainant owns two registrations for its ENTERPRISE mark. Complainant owns a registration for the mark

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ENTERPRISE (Stylized) under Trade Mark No. 1421152 as of 14 February 2006 in Class 39 for "vehicle rental and leasing services and reservation services for t[h]e rental and leasing of vehicles." The Complainant has annexed a copy of that registration issued to Enterprise Rent-A-Car Company, now Enterprise Holdings, Inc. as Annexure-15. The Complainant has submitted that it also owns a registration for the mark ENTERPRISE under Trade Mark No. 943939 as of 31 July 2000 for "vehicles included in Class 12." The Complainant has annexed a copy of the renewal certificate for Trade Mark No. 943938 issued 03 June 2011 to Enterprise Rent-A-Car Company, now Enterprise Holdings, Inc., as Annexure-16.

The Complainant has submitted that the disputed domain name **enterpriserentalcar.in** is confusingly similar to the Complainant's registered trade mark ENTERPRISE. Respondent's **enterpriserentalcar.in** domain name fully incorporates Complainant's ENTERPRISE mark with the addition of the descriptive phrase "rental car." The Complainant has submitted the mere addition of a generic or descriptive term to an otherwise distinctive or well known trade mark does not serve to distinguish the domain name from the complainant's trade mark.

INDRP/177 Disneystore.in Monday, January 17, 2011 (DISNEY mark combined with descriptive term "store"). The Complainant has annexed a copy of the decision as Annexure 17.

INDRP/156 Morganstanleybank.co.in Wednesday, October 27, 2010 (MORGAN STANLEY mark combined with descriptive term "bank"). The Complainant has annexed a copy of the decision as Annexure 18.

INDRP/145 Microsoftstore.in Monday, July 12, 2010 (MICROSOFT mark combined with descriptive term "store"). The Complainant has annexed a copy of the decision as Annexure-19.

The complainant has placed reliance seminal decisions regarding this issue under the Uniform Domain Name Dispute Resolution Policy (UDRO) - Space Imaging LLC v. Brownell, AF-0298 (eResolution Sept. 22, 2000) (finding confusing similarity where the respondent's domain name combines the complainant's mark with a generic term that has an obvious relationship to the complainant's business). The Complainant has annexed a copy of that decision as Annexure-20.

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The Complainant has submitted that the confusing similarity of ENTERPRISE and a domain name that combines "Enterprise" and "Rental Car" or "Rental Cars" in the context of generic top-level domains has been recognized in the following decisions under the UDRP which is very similar to the INDRP:

Enterprise Rent-a-Car Company v. Dotsan, National Arbitration Forum Case No. FA114349 issued July 9, 2002 determining that **enterpriserentalcar.com** is confusingly similar to the ENTERPRISE mark registered for rental car services.

Enterprise Rent-a-Car Company v. Language Direct, National Arbitration Forum Case No. FA306586 issued October 25, 2004 determining that **wwwenterprisecarrentals.com** is confusingly similar to the ENTERPRISE mark registered for rental car services.

Enterprise Rent-a-Car Company v. Titan Net a/k/a Titan, National Arbitration Forum Case No. FA688823 issued June 14, 2006 determining that **enterpriserentalcar.org** is confusingly similar to the ENTERPRISE mark registered for rental car services.

Enterprise Rent-a-Car Company v. Nutthadej Chandumrongdej, National Arbitration Forum Case No. FA1106691 issued December 31, 2007 determining that **enterpriserentalcar.info** is confusingly similar to the ENTERPRISE mark registered for rental car services.

Enterprise Rent-a-Car Company v. Website Administrator c/o Imperial Court, National Arbitration Forum Case No. FA1203423 issued July 15, 2008 determining that **enterpriserentalcar.net** is confusingly similar to the ENTERPRISE mark registered for rental car services.

Enterprise Rent-a-Car Company v. Rendra Ren, National Arbitration Forum Case No. FA1329871 issued May 28, 2010 determining that **enterpriserentalcars.org** is confusingly similar to the ENTERPRISE mark registered for rental car services.

The Complainant has annexed the copies of these decisions as Annexures 21-26.

Language for Sign.

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The Complainant has contended that, it is beyond question that the disputed domain name **enterpriserentalcar.in** is confusingly similar to Complainant's ENTERPRISE trade mark.

5. RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE ENTERPRISERENTALCAR.IN DOMAIN NAME:

The Complainant has submitted the Respondent has no rights or legitimate interests in respect of the disputed domain name **enterpriserentalcar.in**, and the Respondent is not related in any way to the Complainant's business. The Complainant has submitted that the respondent is not one of Complainant's agents and Complainant has no business relationship with Respondent. Complainant has not granted any license or permission to Respondent permitting the use of the ENTERPRISE mark in any way. There is absolutely no indication that Respondent is currently known or has ever been known as "Enterprise Rental Car."

The Complainant has submitted that Complainant has been unable to find any right owned by respondent, related to "Enterprise Rental Car" or the disputed domain name **enterpriserentalcar.in**. The Complainant has also submitted that the disputed domain name **enterpriserentalcar.in** has been registered by the respondent primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the domain name.

The Complainant has submitted in addition and until such time as the sale of **enterpriserentalcar.in** could be made and if such sale was not possible, Respondent is using the **enterpriserentalcar.in** domain to intentionally attract Internet users to his website at **enterpriserentalcar.in** by creating a likelihood of confusion with Complainant's "ENTERPRISE" marks as to the source, sponsorship, affiliation, or endorsement of the website at **enterpriserentalcar.in** or the services being promoted on the **enterpriserentalcar.in** web site. While trying to sell the **enterpriserentalcar.in** domain name, Respondent sought to take advantage of the Complainant's well known trade mark to confuse and divert internet users to other websites through a "pay per click" domain parking solution.

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The Complainant has contended that such use is not a bona fide offering of goods or services or a non-commercial or fair use. In fact, it appears that the Respondent has not engaged in any action that shows Respondent to have any rights or legitimate interests in the disputed domain name **enterpriserentalcar.in**.

6. THE ENTERPRISERENTALCAR.IN DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH.

The Complainant has submitted respondent registered the disputed domain name **enterpriserentalcar.in** in bad faith. At the time Respondent applied for registration of the disputed domain name **enterpriserentalcar.in**, Respondent was clearly aware of the Complainant and its trade mark ENTERPRISE that is well-known in connection with rental car services. Complainant's ENTERPRISE mark, as it pertains to rental car services, has a strong reputation and is widely known throughout the world for a long time. The Complainant has also submitted the notoriety of a Complainant's trade mark in the field of rental car services creates a prima facie presumption that the Respondent registered the disputed domain name **enterpriserentalcar.in** for the purpose of selling it to Complainant or one of its competitors or that it was intended to be used in some way to attract for commercial gain users to the website by creating a likelihood of confusion with the Complainant's mark.

The Complainant has submitted that the respondent's actions confirm such presumption. Respondent registered the **enterpriserentalcar.in** domain name on January 10, 2012. On January 12, 2012, Respondent sent an email to Complainant offering to sell the **enterpriserentalcar.in** domain name to Complainant. The Complainant has annexed a copy of that email as Annexure- 27.

The Complainant has submitted in registering the disputed domain name **enterpriserentalcar.in**, there is no doubt that the Respondent knew about and wanted to refer to the Complainant. Respondent has registered the disputed domain name **enterpriserentalcar.in** precisely because he knew the well known character of the trade mark ENTERPRISE for rental car services. Respondent's clear purpose in registering and using the **enterpriserentalcar.in** domain name was to either sell it to Complainant or to generate commercial gain by intentionally taking

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advantage of internet traffic and divert Internet users to other commercial websites through hyperlinks.

The Complainant has submitted not only did Respondent register the **enterpriserentalcar.in** domain name in bad faith, he is also using the **enterpriserentalcar.in** domain name in bad faith. Respondent uses the disputed domain name to divert internet users to web pages on which several hyperlinks are displayed, some of which are in the field of tourism and travel. The Complainant has annexed a copy of Respondent's web site at **enterpriserentalcar.in** as Annexure 28. The Complainant has submitted that by clicking on these hyperlinks, users are directed to third-party commercial web sites that compete with Complainant. Those hyperlinks generate revenue to the benefit of the Respondent through a pay per click mechanism. It is obvious that the Respondent intends to realize material benefits by diluting the fame and renown of the Complainant's trade mark for rental car services.

The Complainant has submitted that respondent might argue that the activity of the disputed domain name **enterpriserentalcar.in** is not controlled by him, but due to a parking program or any other affiliation program. However, as the owner of the **enterpriserentalcar.in** domain name, Respondent is responsible for its use. It has clearly been established under INDRP that even if a domain name is used to host so called parking pages, Respondent has a responsibility for the content Respondent allows to be posted at the site. The Respondent is obviously not making any legitimate non-commercial or fair use of the disputed domain name **enterpriserentalcar.in** because such use could mislead consumers by offering competing services without having acquired any license or permission from the Complainant which is the legitimate owner of the trade mark ENTERPRISE for rental car services. The Complainant has annexed copy of INDRP/075 **wwwairfrance.in** Thursday, December 11, 2008 as Annexure- 29.

The Complainant has contended that the use of disputed domain name **enterpriserentalcar.in** by the Respondent has to be considered as unfair competition and further the respondent is undoubtedly not making any good faith use of the disputed domain name.

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It should also be noted that in addition to the **enterpriserentalcar.in** domain name that is the subject of this INDRP complaint, Respondent is the owner of the domain name enterpriserentalcar.co.in and that domain name is being used in a manner similar to **enterpriserentalcar.in**. The Complainant has annexed the WHOIS record and current "home page" for the enterpriserentalcar.co.in domain name as Annexure-30.

The Complainant has submitted the actions of Respondent should be actively discouraged and should not be allowed to continue. Complainant has further submitted that the **enterpriserentalcar.in** domain name be assigned to it and costs be also awarded in an amount to be sufficient to discourage respondent from similar cyber squatting activities in the future.

The Complainant has submitted that there are no other legal proceedings that have been commenced or terminated in connection with or relating to the **enterpriserentalcar.in** domain name that is the subject of the Complaint.

7. A copy of complaint has been sent to the respondent by the .In Registry through e-mail. The undersigned was appointed as arbitrator and upon receipt of the complaint; the Arbitrator sent a notice dated 19-02-2012 to respondent whereby the respondent was directed to submit counter affidavit/reply to the complaint of the complainant with supportive documents/evidence to the undersigned within **Seven** days positively from the receipt of notice.

8. Despite the above notice the respondent neither filed counter affidavit/reply to the complaint of the complainant nor any supportive documents/evidence in his support. However respondent sent an e-mail dated 20-02-2012 whereby he informed that he has not received the copy of complaint from .in registry.

9. On 20-02-2012, the Arbitrator forwarded the e-mail of the respondent to the NIXI. On 24-04-2012 an e-mail was sent to NIXI informing that the respondent has not received the copy of complaint from .in registry.

10. On 27-04-2012 the arbitrator received an e-mail that a soft copy of the complaint regarding enterpriserentalcar.in has been sent to respondent. However, the respondent did not to send his defence /counter to the complaint. The Arbitrator

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sent a notice dated 13-05-2012 to respondent whereby the respondent was directed along with supportive documents /evidence at the e-mail address within further **FIVE** days positively from the receipt of the notice. But the respondent has not filed/submitted his defence /counter to the complaint till date despite notice. The respondent despite of earlier notices and reminders failed to send his defence /counter to the complaint though the notices were duly served on E-mail ID of the respondent.

11. Therefore, this matter is being decided ex-parte and on the merits of the complaint and as per law of the land.

12. OPINION/FINDING:

The Para no.4 of the IN Domain Dispute Resolution Policy (INDRP) is as follows:-

TYPES OF DISPUTES

Any person who considers that a domain name conflicts with his legitimate rights or interest may file complaint to .IN Registry on following premises:

- i) the Registrant's domain name is identical or confusingly similar to a name, trademark or service mark in which the complainant has rights;
- ii) the Registrant has no rights or legitimate interests in respect of the domain name and
- iii) The Registrant's domain name has been registered or is being used in bad faith."

The Para no.6 of the IN Domain Dispute Resolution Policy (INDRP) is as follows:

13. EVIDENCE OF REGISTRATION AND USE OF DOMAIN NAME IN BAD FAITH :

The following circumstances, in particular but without limitation, if found by the Arbitrator to be present, shall be evidence of the registration and use of a domain name in bad faith:

- "i) Circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to

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- the complainant, who bears the name or is the owner of the trademark or service mark, or to a competitor of that complainant, for valuable consideration in excess of the Registrant's documented out of pocket costs directly related to the domain name; or
- ii) the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or
 - ii) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other online location, by creating a likelihood of confusion with the complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location."

The Para no.7 of the IN Domain Dispute Resolution Policy (INDRP) is as follows:-

14. REGISTRANT'S RIGHTS TO AND LEGITIMATE INTERESTS IN THE DOMAIN NAME:

Any of the following circumstances, in particular but without limitation, if found by the Arbitrator to be proved based on its evaluation of all evidence presented, shall demonstrate the Registrant's rights to or legitimate interests in the domain name for the purpose of paragraph 4 (ii):

- "i) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstratable preparations to use, the domain name or a name corresponding to the domain name in connection with a bonafide offering of goods or services;
- ii) the Registrants (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no trademark or service mark rights; or
- iii) the Registrant is making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to

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misleadingly divert consumers or to tarnish the trademark or service mark at issue."

15. OPINION AND FINDINGS ON MERITS:

A) Whether the domain name is identical or confusingly similar to a trademark in which complainant has right.

It has been held in Indian decision **M/s Satyam Infoway Ltd. Vs. M/s Sifynet Solution (P) Ltd. JT. 2004 (5) SC 541**, that Domain name has all characteristics of trademark. As such principles applicable to trademark are applicable to domain names also. In the said case the words, "Sify' & 'Siffy' were held to be phonetically similar and addition of work 'net' in one of them would not make them dissimilar.

It is held in Indian case JT.2004 (5) SC 541, that in modern times domain name is accessible by all internet users and thus there is need to maintain it as an exclusive symbol. It is also held that it can lead to confusion of source or it may lead a user to a service, which he is not searching. It view has been taken in the INDRP CASES relied upon by the complainant.

Thus, conclusion is that domain name and trademark, which may be used in different manner and different business or field, or sphere, can still be confusingly similar or identical.

Thus the conclusion is that the domain name of respondent is identical and confusingly similar to the trademark of complainant.

Now the other important aspect that needs consideration is, as to whether the complainant has right in the trademark. It is important to mention here that as per the claim of the complainant the respondent has no trademark right on the said domain name.

This principle is settled in many Indian cases and the case referred herein above.

The complainant has made submission that he has legitimate trademark.

Thus the conclusion is that the domain name " enterpriserentalcar.in" is identical and confusingly similar to the trademark of the complainant "ENTERPRISE RENT A CAR" and the complainant has established that the complainant has right in the trademark.

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B) Whether the respondent has no right or legitimate interest in the domain name got registered by him

It is pertinent to mention here that paragraph 4 (ii) of INDRP is to be read with paragraph no.7.

As already stated that paragraph 4 (ii) and 7 of INDRP are to be read together. Their combined effect is that, onus to prove the ingredients of these paras are prima facie on complainant. The onus is not very weak and prima facie, but it heavily shifts on respondent. Respondent can discharge the onus by direct cogent and positive evidence which are in his special knowledge and power. The complainant has made positive assertions that respondent has no legitimate right in domain name and the respondent has no trademark on the domain name. The complainant has made positive assertions regarding the fact that respondent has got registered the disputed domain name in the .IN Registry for which the respondent has no right or trademark. As such in above circumstance it is clear that the complainant has prima facie discharged the initial onus cast upon him by virtue of paragraph 4(ii) and 7 of INDRP.

The respondent has not filed any reply / counter or to provide any positive, cogent and specific evidence in spite of repeated notices. The respondent has neither put forth the reply/counter to the complaint nor has provided any evidence in its support as such the respondent has failed to show that it is known or recognized by the impugned domain name in the present complaint.

Thus the conclusion is that respondent has no right or legitimate interest in the domain name.

C. Whether the respondent's domain name has been registered or is being used in bad faith:

It is to be seen as to whether the domain name has been got registered in bad faith. The paragraph no.4 (iii) and 6 are relevant and as already stated; the onus is primarily upon complainant.

Keeping in view the above facts and circumstances, considering the cases relied upon by the complainant and Indian cases referred herein above it is clear that the respondent has registered the disputed domain name and in spite of repeated notices, he has neither submitted the reply nor provided any substantial evidence in his support.

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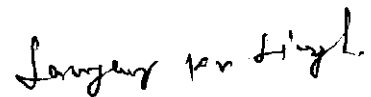
Thus, the conclusion is that the respondent has got registered his domain name "enterpriserentalcar.in" in bad faith.

RELIEF

In view of the above facts and circumstances as stated in the aforesaid paras, it is clear that the respondent has no right and legitimate interest in the domain name "**enterpriserentalcar.in**" and that the respondent has illegally and wrongfully adopted the trademark / word "**ENTERPRISE**" and "**ENTERPRISE RENT A CAR**" of the complainant with the sole intention to create an impression of an association with the complainant. The domain name of the respondent is also identical and confusingly similar to trademark of complainant. The respondent also does not have right or legitimate interest in the domain name "**enterpriserentalcar.in**". He has got it registered in bad faith; as such he is not entitled to retain the domain name. The complainant is entitled for transfer of domain name "**enterpriserentalcar.in**" to him, as he has established his bonafide rights in trademark in view of facts of the case and as per law discussed above. Hence I direct that the Domain name be transferred to the complainant by registry on payment of requisite fee to the registry.

No order as to costs.

Date: 23-06- 2012



(Sanjay Kumar Singh)

Arbitrator