

BEFORE THE INTERNET EXCHANGE OF INDIA

ARBITRATION AWARD

ARBITRATOR: S.SRIDHARAN

DATED: 1st November 2012

Luigi Lavazza S.p.A, Torino, Italy ... Complainant

Versus

Alon Mooleman, Mumbai ... Respondent

Enduarans

L.No.8053/B3/07 HIGH COURT CAMPUS CHENNAL-600 104.

BEFORE THE INTERNET EXCHANGE OF INDIA

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Luigi Lavazza S.p.A, Torino, Italy

Complainant

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Alon Mooleman, Mumbai

Respondent

The Parties

- The complainant Luigi Lavazza S.p.A, is an entity organized and existing under the laws of Italy, having its registered at Corso Novara 59, 1o154 Torino, Italy represented by Mr.Luca Barbero, c/o Studio Barbero, via Tripoli 104/106, 10137 Torino, Italy.
- Respondent is Alon Mooleman, at Malabar Court, 14 B.G.kher Marg, Malabar Hill, Mumbai 12 400 006.

The Domain Name and Registrar

- The disputed domain name < lavazza.in > is registered with PlanA Corp (R70-AFIN). 13
- **Procedural History** 2
- On 20th September 2012, NIXI asked me about my availability and consent to take up the 2.1 Complaint for arbitration. On the same day, I informed my availability and consent. I also informed NIXI that I had no conflict of interest with either of the parties and could act independently and impartially.
- September 2012, I received hardcopy of the Complaint. 22
- On 27th September 2012, I received hardcopy of the Complaint.

 On 27th September 2012, I issued by email a Notice to the Respondent setting forth the 2.3 relief claimed in the Complaint and directing him to file his reply to the Complaint within 15 I also sent an email about my appointment to arbitrate the complaint to the Complainant and asked the Complainant to send a soft copy of the complaint to me.
- 24 On 3rd October 2012, Respondent informed me by mail that he had already given instructions to transfer the disputed domain name. From the mail I understood that the Respondent was not interested in retaining the disputed domain name any more with him and he was not ready to contest the case. Therefore, on the same day, I sent a mail asking him to confirm my understanding. As I received no response from him, I sent a reminder to him on 21st October 2012.
- On 30th October 2012, Respondent sent a reply stating that my earlier mails to him have 2.5 gone to junk and he could not respond immediately. He told me that he did not want to contest this case and asked me what to do.
- 26 On 31st October 2012, I sent a mail to him to confirm again that he was not interested in contesting the matter, he had already initiated steps to get rid of the disputed domain name and he was ready to do anything to bring this dispute to an end once and for all. If it really reflected his intention, I asked him to send a mail to this effect.
- 2.7 On 1st November 2012, he asked me to intimate him the format if any to express his intention. I replied that there is no format and he can send a mail.
- 2.8 Immediately he sent a confirmation mail that he is not interested in contesting the case.
- I have exchanged series of emails solely to ascertain his intention that he is not interested in contesting the case and he is willing to transfer the disputed domain name < lavazza.in > 2.9 to the Complainant and there is no change in his intention during the course of these rdliaians communications.

- 2.10 Email is the medium of communication of this arbitration and each email is copied to all, Complainant, Respondent and NIXI.
- 3. **Decision**
- 3.1 On the basis of the consent given by the Respondent, the Complaint is allowed as prayed for in the Complaint.
- It is hereby ordered that the disputed domain name < lavazza.in > be transferred to the ndliaians Complainant.

3.3 There shall be no order as to costs.

> S.Sridharan Arbitrator