



दिल्ली DELHI

R 812586

BEFORE THE SOLE ARBITRATOR UNDER THE
.IN DISPUTE RESOLUTION POLICY

IN THE MATTER OF

PSA PEUGEOT CITRON
45 rue Jean-Pierre Tim baud
78307 Poissy
France

...Complainant

vs.

Mr. R Fawcett
18 Stoney beck
Bishop Middle ham
Great Britain

...Respondent

The Parties

- The Complainant in this administrative proceeding are PSA PEUGEOT CITROEN, a company incorporated in France of 45 rue Jean-Pierre Timbaud, 78307 Poissy, France.
- The Respondent in this administrative proceeding is the registrant of the contested domain name viz., Mr. R Fawcett having address at 18 Stoneybeck, Bishop Middleham, Great Britain.

The Domain Name and Registrar

The Domain Name in dispute is peugeot.co.in. The said domain name is registered with d.b.a inregistrar.com.

Factual Background:

The complainant in this administrative proceeding is PSA PEUGEOT CITREON, who are predominantly in the business of production and sales of environment cars and family cars, cycles and motor cycles. The complainant has trade mark registration for the trade mark PEUGEOT.

According to the complaint, the complainant company was founded in the year 1810 and have established an effective global network inter alia, through our group companies.

Complainant has employed around 5 lakh employees in some 160 locations and has been using the mark PEUGEOT extensively in commerce worldwide since 200 years.

The complainant has further stated in complaint that they have adopted the domain name www.peugeot.com in the year 1995. This website provides elaborate information about the complainant and their products.

According to the complainant they had an annual revenue of 1,110 Euro millions and had has spent a considerable amount of money promoting its brand Peugeot worldwide.

According to complainant, the adoption and /or usage of the mark PEUGEOT by the other parties would not only amount to dilution of the complainant rights over the distinct mark but would also in confusion and deception by any unauthorised usage of others.

The complainant has further stated that such unauthorised usage of complainant mark PEUGEOT and domain name comprising of PEUGEOT by others would also amount to infringement and passing off actions and is nothing but cyber-squatting.

Procedural History

I was appointed as Arbitrator by .IN Registry, to adjudicate upon the complaint of the Complainant, regarding the dispute over the domain name <www.peugeot.co.in>.

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.In Registry has supplied the copy of the Complaint and Annexures to me.

On 31st October, 2011, I sent an email to the parties informing them about my appointment as an Arbitrator. By the same email I requested the complainant to provide me with the details of the service records of complaint served upon respondent.

In the same email, I requested the respondent to file the reply to the complaint within 15 days from the receipt of this email or the receipt of the copy of complaint, whichever is latter.

On the same day (i.e. 31st October, 2011), I received a email from respondent informing that domain name Peugeot.co.in is now owned by Peugeot motors and it was transferred to them over a month ago.

On 1st November, 2011, I received an email from the attorneys of complainant, informing me that the impugned domain name in dispute has been transferred to the complainant.

They further informed me that the Domain name dispute has been amicably settled between the parties.

Decision

In view of the above facts and circumstances, since the dispute has been amicably settled between the parties, the Tribunal discharges the arbitration reference and closes this arbitration proceeding.

In the facts and circumstances of the case no cost or penalty is imposed upon any party.

The Award is accordingly passed on this 10th day of December, 2011.


A.K. SINGH
SOLE ARBITRATOR
DATE: 10.12.2011