

दिल्ली DELHI

AA 603519

ARBITRATION AWARD

.IN REGISTRY – NATIONAL INTERNET EXCHANGE OF  
INDIA

.IN domain Name Dispute Resolution Policy  
INDRP Rules of Procedure

IN THE MATTER OF:

ER Marks, Inc.  
2<sup>nd</sup> Floor Bancroft Building  
3411 Silverside Road  
Concord Plaza  
Wilmington, Delaware 19810

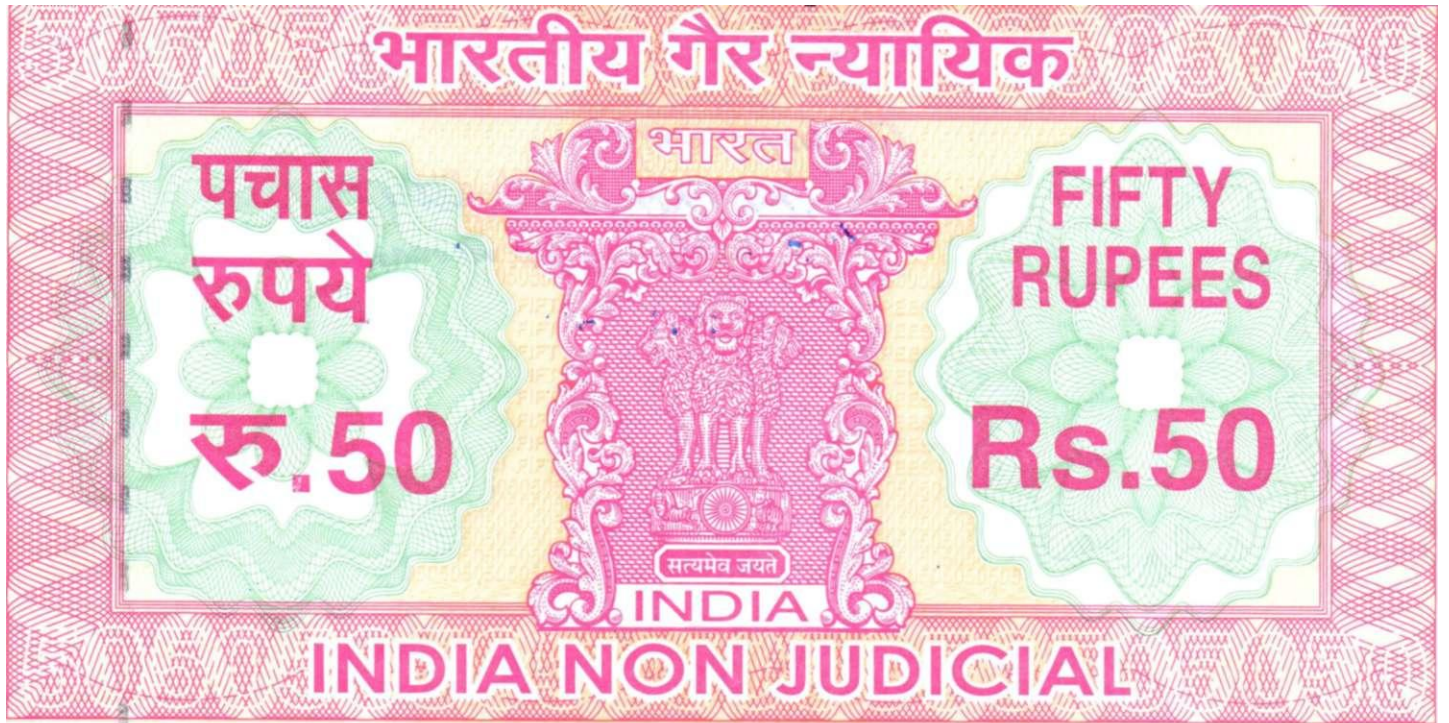
And

QVC, Inc.  
Studio Park, 1200 Wilson Drive  
West Chester  
Pennsylvania 19380

..... Complainants

VERSUS





दिल्ली DELHI

AA 603518

Stephen R. Wilson  
Keyword Acquisitions, Inc.  
P.O. Box 952  
Middleton  
Massachusetts 01949  
US.

..... Respondent

1. **THE PARTIES:**

The Complainant in this administrative proceeding is ER Marks, Inc., having its office at 2<sup>nd</sup> Floor Bancroft Building, 3411 Silverside Road,

Concord Plaza, Wilmington, Delaware 19810 and QVC, Inc. having its office at Studio Park, 1200 Wilson Drive, West Chester, Pennsylvania 19380, US, represented through Jeffrey H. Epstein, Esq. and Sujata Chaudhri, Esq.

The Respondent is Stephen R. Wilson, Keyword Acquisitions, Inc. P.O. Box 952, Middleton, Massachusetts 01949, US

2. THE DOMAIN NAME AND REGISTRAR

The disputed domain name <www.qvc.in> has been registered by the Respondent. The Registrar with whom the disputed domain is registered is Directi International Solutions Pvt. Ltd., dba, Publicdomainregistry.com.

3. PROCEDURAL HISTORY

- 3.1 The Complaint was filed with the .In Registry, National Internet Exchange of India (NIXI), against Stephen R. Wilson, Keyword Acquisitions, Inc. P.O. Box 952, Middleton, Massachusetts 01949, US.. The NIXI verified that the Complaint together with the annexures to the Complaint and satisfied the formal requirements of the .in Domain Name Dispute Resolution Policy ("The Policy") and the Rules of Procedure ("The Rules").
- 3.2 In accordance with the Rules, Paragraph-2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed me as a Sole Arbitrator for adjudicating upon the dispute in accordance with The Arbitration and Conciliation Act, 1996, Rules framed there under, .In Dispute Resolution Policy and Rules framed there under on **3<sup>rd</sup> February, 2012**. The parties were notified about the appointment of an Arbitrator on **3<sup>rd</sup> February, 2012**.
- 3.3 The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI to ensure compliance with the Rules (paragraph-6). The arbitration proceedings commenced on **3<sup>rd</sup> February, 2012**. In accordance with the rules, paragraph 5(c). The Respondent was notified by me



about the commencement of arbitration proceedings and the due date for filing his response.

- 3.4 The respondent by his e-mail dated 05<sup>th</sup> February, 2012 intimated the panel that he has not received a copy of the complaint from .in registry and submitted that he has learned about the dispute for the first time when the Registrar (Directi) informed him few days ago. He further requested the panel to forward the copy of the complaint filed by the complainant.
- 3.5 The panel by his e-mail dated 06<sup>th</sup> February, 2012 directed the complainant to send the soft copy of the complaint along with all the annexures to the respondent within 3 business days of the notice.
- 3.6 The complainant and the respondent started negotiating between themselves the dispute relating to the domain name <qvc.in>.
4. The complainant's attorneys by their e-mail dated 18<sup>th</sup> February, 2012 intimated the respondent that their client is not interested in terminating the proceedings since that might not guarantee the transfer of the impugned domain name and decided to contest the present proceedings.
5. The respondent by his e-mail dated 22<sup>nd</sup> February, 2012 intimated the panel that they have attempted on a couple of occasions to transfer the domain name voluntarily to the complainant but the opposite counsel suggested that the panel should effectuate the voluntary transfer.
6. The respondent further submitted that he has decided not to oppose the present complaint.

A handwritten signature in black ink, consisting of a large, stylized letter 'M' with a checkmark-like flourish extending from the top right.

7. **DECISION**

In view of the fact that the respondent does not dispute the proprietary rights of the complainants in the impugned Domain Name and do not oppose the relief as prayed by the complainant, Panel under the said facts and circumstances direct the respondent to transfer the impugned domain name <www.qvc.in> to the complainant.



**AMARJIT SINGH**

Sole Arbitrator

Dated: 24<sup>th</sup> March, 2012