



दिल्ली DELHI

ARBITRATION CASE NO.10 OF 2011

R 253490

IN THE ARBITRATION MATTER OF:-

SEKO WORLDWILD LLC

COMPLAINANT

VERSUS

KARAN & ANOTHER

RESPONDENT

AWARD

The present dispute relates to the registration of the domain name www.seko.in in favour of the Respondent.

The Complainant has filed the instant complaint challenging the registration of the domain name <www.seko.in> in favour of the Respondent. The complainant has contented that it is the business of providing global supply chain solutions by providing ground, home delivery, air, ocean, customs brokerage, warehousing and distribution services in more than 40 countries. The complainant has contented in its claim that its business activities had commenced in or around year 1962 and has adopted **SEKO** as its trade mark. It has stated that it has experience in providing services to many sectors including aerospace, medical, pharmaceutical, retail, fashion and tradeshow verticals and has continued to lead the industry with innovative and

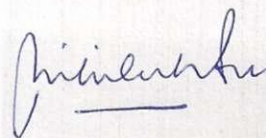
customized IT solutions. The complainant has further stated that it has a very strong internet presence with the website www.sekologistics.com.

In its complaint, the Complainant has stated that it is the owner of the well known trademarks "**SEKO**" and has applied for registration and/or has registered in several countries of the world like Canada, Chile, China, European Community, Hong King, Mexico and the U.S.A. and has placed on record the copies of the registration certificate issued in various countries.

The complainant has also stated that it had filed an application for registration of **SEKO** in India which has been pending consideration for over 4 months and that there has been no opposition file against the said mark and therefore there all likelihood that the mark would be registered in favour of the complainant in support which the complainant has placed on record the printout of mark as well as the journal advertisement.

The complainant has filed this complaint that the Respondent has no right or legitimate interest in the said domain name and has parked the disputed domain name for sale, therefore the use of said domain name is not bonafide. The complainant stated that on a whois lookup for its domain name, it was disclosed that the domain name being registered with some third party after it found that another domain name of the complainant titled as www.seko.co.in . It found that the said domain name was registered to one Mr. Jams in Mumbai, whose details were not found after it called on the number found in the website. Thus the complainant took action by serving a cease and desist notice on the said third party and thereafter blocked the domain name. After it became aware of such registration of its domain name, sometime in March 2011 was found to be transferred to the respondent No.2 M/s. Karan Ltd. On inquires it was thereafter found that there was no such company registered with the Registrar of Company. Further it was also revealed that there was no details of its address which led to the fact that the entire company was created to deceive and mislead.

The complainant has further stated that the website which has been registered by the Respondent under the domain name www.seko.in reveals that there was no

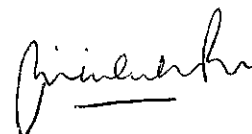
A handwritten signature in blue ink, appearing to read "Prin...".

content which was being used but it was being used as an interface to provide links to different website, some of them which were competitors of the complainant. Therefore, the domain name is not being used for bonafide purposes. The complainant also stated that the domain name is also being used in bad faith as the website is likely to confuse the public and also the adoption of the trademark of complainant was without any licence or authority. The only purpose as stated by the complainant was that the respondent was profiting from the internet traffic by diverting websites of other than complainant.

I entered upon reference regarding the instant dispute on 10th August 2011 and notice was sent to the Respondent calling upon for their response to the said complaint. However, even after granting considerable time to the Respondent, there has been no response. Accordingly, the Respondent is proceeded ex-parte.

On consideration of entire complaint as well as the documents filed along with it, I am of the view that the complainant who has established proprietary right over the mark **SEKO** by showing its registration in various countries and especially that the said mark attaches and carries the brand image of the complainant which it has established since 1962 in the field of providing services as mentioned in the complaint. Furthermore, the complainant has been able to show its penetration in global markets for rendering services for which it is known. The complainant as also shown that the mark **SEKO** has also been filed for registration in India. Therefore, in view of such facts the complainant has the right, title and interest over the mark **SEKO**.

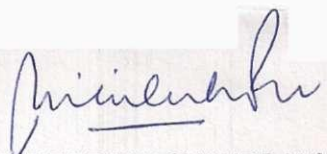
The complainant grievance that the Respondent has registered the domain name www.seko.in in bad faith. It has contended that the use of the instant domain name by the respondent is not bonafide for the reason that the content shown on the website contains information of various persons and services which are not being used by the complainant. However, the complainant has placed on record the details concerning the website of www.seko.co.in. Therefore, it was relevant for the complainant to place on record details concerning website www.seko.in. Also the complainant has not placed on record the details of whois search conducted by it which give the detail of the Respondent. Although the



respondent has not entered its appearance and rebut the assertion made by the complainant, I therefore, hold that the contentions stands proved against the respondent.

Considering such facts and circumstances I am of the view that the complainant as a proprietary right over the mark SEKO and therefore, I deem it fit and proper to allow the prayer of the complainant in its favour and directory registry to transfer the said domain name i.e. www.seko.in in favour of the complainant.

Parties to bear their costs.


(NIKILESH RAMACHANDRAN)
ARBITRATOR

Dated 22th September 2011.