



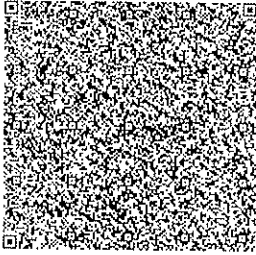
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INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

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Certificate Issued Date : 05-Feb-2018 12:31 PM
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Description of Document : Article 12 Award
Property Description : Not Applicable
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(Zero)
First Party : SUDARSHAN KUMAR BANSAL
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Stamp Duty Amount(Rs.) : 100
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.IN Registry
(NATIONAL INTERNET EXCHANGE OF INDIA)

COMPLAINANT
Crown Worldwide Holdings Limited

Vs.

RESPONDENT
Ashish Maurya

ARBITRATION AWARD

J. V. B. Maurya

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.IN Registry
(NATIONAL INTERNET EXCHANGE OF INDIA)

ADMINISTRATIVE PANEL DECISION
SOLE ARBITRATOR: SUDARSHAN KUMAR BANSAL

INDRP Case No.933

COMPLAINANT

Crown Worldwide Holdings Limited
Suite 2001, Mass Mutual Tower
38 Gloucester Road, Wanchai,
Hong Kong

Vs.

RESPONDENT

Ashish Maurya
Connivia Consultancy Services
Kandivali, Mumbai – 400 101
E-mail : siwsindia@gmail.com

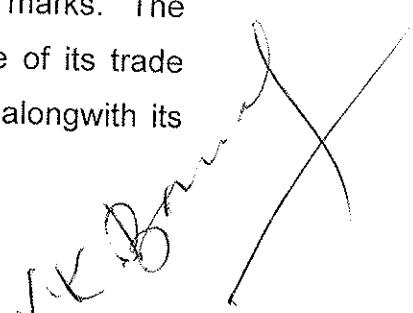
ARBITRATION AWARD

1. The Complainant is aggrieved by the Respondent's registration of the domain name crownrelocations.co.in registered through the sponsoring Registrar GoDaddy.com LLC (R101-AFIN) and has accordingly made this Complaint seeking the relief that this domain name crownrelocations.co.in (disputed domain name and/or impugned domain name in short) be transferred to the Complainant with costs.
2. The Complainant has preferred this Complaint on the basis of its claimed proprietary rights in its various CROWN and CROWN formative trade marks and domains on the following allegations and averments in gist :-

S.K. Bansal

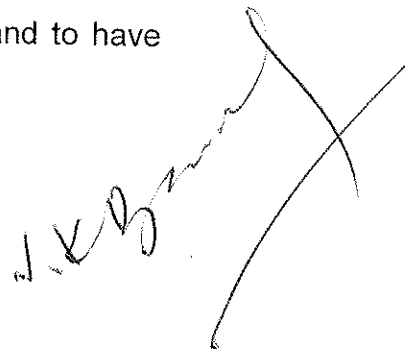
2.1 The Complainant Crown Worldwide Holdings Ltd., claims itself to be a company incorporated in the year 1978 under the laws of Hong Kong and claims itself to be an integral part of the renowned and reputed Crown Worldwide Group of Companies, established in the year 1965. The Complainant claims that over a period of time there has been a change in its name. The Complainant claims to be in the business of providing comprehensive services in the field of international removers and relocations which includes comprehensive services supporting relocating individuals, families, corporate and employees all over the world including multinational companies and government organizations and which services include provision of domestic and international transportation of household goods, transit protection, storage services, home and school search and related services. The Complainant claims to be carrying on its said business worldwide and in India through its Indian subsidiary M/s Crown Worldwide Movers Private Ltd., a company incorporated in the year 1996 and having its registered office in Mumbai.

2.2 The Complainant claims to be carrying on its said business under various CROWN and CROWN formative trademarks like CROWN WITH CROWN DEVICE, CROWN RELOCATIONS WITH CROWN DEVICE, CROWN LOGISTICS etc., and under its various domain names bearing the word/trademark CROWN, CROWN RELOCATIONS. The Complainant also claims the word/trademark CROWN to form an integral and essential part of its trade name. The Complainant claims to have adopted the word/mark CROWN in the year 1975 in relation to the said goods and business and over a period of time has been creating and using various CROWN and CROWN formative trade marks. The Complainant claims to have adopted and commenced use of its trade mark CROWN in India in 1995 and to be using the same alongwith its



various CROWN formative trade marks in India since 1998 and which use has been continuous and extensive. The Complaint claims its various CROWN and CROWN formative trademarks to be registered in its favour in India under the Trademarks Act, 1999 as also in various jurisdictions of the world including in the U.S.A and Hong Kong. The Complainant claims its various CROWN and CROWN formative domains to be registered with their respective sponsoring registrar in its favour or in the name of its Group companies.

2.3 The Complainant claims to have built up a valuable trade, goodwill and reputation under its said CROWN and CROWN formative trademarks/domains and CROWN trade name and claims to have achieved substantial and handsome sales, turnover and annual revenue generated there through. The Complainant claims to be extremely active on various social network sites and claims to be carrying on its said business under its CROWN and CROWN formative trademark/trade name/domain names in numerous countries of the world operating from more than 265 offices globally in over 200 facilities and by employing people in nearly 60 countries. The Complainant claims to have advertised and promoted its said goods and business in its said CROWN and CROWN formative trademarks / trade name / domain names through various means and modes including by participation in sports and cultural events and by spending enormous amount of money efforts and skills. The Complainant claims to be carrying on its said business through e-commerce and internet which has global reach and effect. The Complainant, in addition, claims to operate out of 11 locations within India including in the cities of Mumbai, Delhi and Chennai and to have received coveted awards over a period of time.

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2.4 The Complainant claims its entire group to have generated revenue of around USD 766 million worldwide and to own assets worth USD 656 million.

2.5 The Complainant claims that its CROWN and CROWN formative trademarks/trade name domains have acquired distinctiveness and secondary significance in relation to its said goods and business which there under are taken by the market and trade as that of the Complainant and from the Complainant's source and origin alone. The Complainant claims that its said CROWN and CROWN formative trademarks/trade names/domains are exclusively identified and associated with the Complainant and its goods and business having built up and enjoying noticeable and visible goodwill, reputation, trade and market association. The Complainant claims to enjoy both statutory and common law rights in its said CROWN and CROWN formative trademarks/trade names/domain names including in their goodwill and reputation. The Complainant claims to have earned both international and Indian use goodwill and reputation, distinctiveness and benefits in its said CROWN and CROWN formative trademarks/trade names/domain names. The Complainant claims to have been using continuously, commercially and in the course of trade throughout the world including in India its said CROWN and CROWN formative trade mark/trade name/domains. The Complainant claims the market, trade and public at large world over to be aware of the Complainant and of the Complainant's said CROWN and CROWN formative trademarks/trade names/domain names to be those of the Complainant and to be exclusively related with the Complainant's goods and business. The Complainant claims to be actively protecting and enforcing its said CROWN and CROWN formative trademarks/trade name/domain name against the rival third party use by way of civil and

J. K. Sharma

arbitral proceedings and claims to have received positive orders in its favour.

2.6 The Complainant is aggrieved by the respondent's rival domain name crownrelocations.co.in (the impugned domain name) which according to the Complainant is identical and/or deceptively similar to the Complainant's said CROWN and CROWN formative trademarks/trade name/domain name and being used by the respondent for the same/similar goods/services to those of the Complainant. According to the Complainant, the respondent has been using its impugned domain name and carrying on its impugned goods and business over its website accessible under the impugned domain name. According to the Complainant, the respondent has no right, title or interest in the impugned domain name which, in addition, is in bad faith and in violation of the Complainant's said rights. According to the Complainant, the rival respondent by the disputed domain name seeks to trade upon the immense goodwill and reputation of the Complainant in the Complainant's said CROWN and CROWN formative trademarks/trade name/domain name to make illegal pecuniary gains and to pass off its goods and business to that of the Complainant besides causing an infringement of the Complainant's registered trademarks. According to the Complainant, the respondent's impugned domain name is without the authority, leave and license of the Complainant and by its use, loss and injury would be caused to the Complainant, its business and to the strength & standing in its said CROWN and CROWN formative trademarks/trade name/domain name. The Complainant claims the respondent's rival impugned domain to be an act in bad faith and in which the respondent has no legitimate rights or interests and actuated by the respondent malafide to mislead innocent customers and perspective clients and/or thereby cause an unjust association or

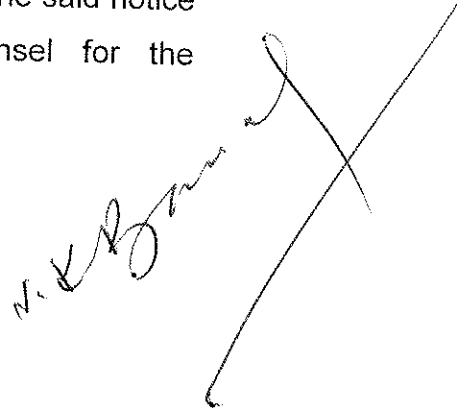
J. K. B. [Signature]

connection with the Complainant. The Complainant has filed this complaint seeking the transfer of the disputed domain name to the Complainant with costs.

2.7 In support of its rights and use the Complainant has made numerous pleadings and filed documents as Annexure-A to N which would be dealt with in so far as they relevant in the course of this Award.

3. The .IN Registry appointed me as an Arbitrator to adjudicate this Complaint in accordance with the Arbitration and Conciliation Act, 1996; .IN Domain Name Dispute Resolution Policy; Rules of Procedure and/or bye-laws; rules and guidelines made therein and notified the factum thereof to the Complainant through its attorneys and authorized representatives as well as to the Respondent. Vide its E-mail of 18.12.2017 the .IN Registry served upon me the soft copy of the entire Complaint paper book and the physical set whereof was received by me through courier on 19.12.2017.

4. Thereafter, I (Arbitral Tribunal) issued a notice to the Respondent while E-mail dated 23.12.2017 with the copy of the Complaint and documents wherein the respondent was notified about my appointment as the Arbitrator and was given an opportunity to submit its written response to the Complaint stating its defence together with documents supporting its position within ten (10) days thereof. In the notice it was also specified that in the event of default the Tribunal would proceed and decide the Complaint in accordance with law. The copy of the said notice was also sent to the authorized representative/counsel for the Complainant.

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5. Thereafter the Respondent addressed an E-mail dated 27.12.2017 to this Tribunal setting out that one Surender Sharma with contact No.9022065454 to own the domain name crownpackers.in / crownrelocations.co.in / crownrelocations.com and to so contact this person. Thereafter and in light of the said E-mail of 27.12.2017 this Tribunal issued a Notice to the Complainant and the Respondent and seeking the Complainants comments on the Respondents said letter and of the Complainant to seek the impleadment of the said Surender Sharma should it deem fit. To this notice the Ld. Counsel for the Complainant duly replied vide its E-mail letter dated 06.01.2018 addressed to this Tribunal interalia stating that the Respondent is the Registrant of the rival impugned domain and proceedings could be initiated against the Respondent without impleading the alleged said Mr. Sharma.

6. In the aforesaid facts and circumstances and in light of the material on record I now proceed to adjudicate this Complaint.

7.1 The Complainant has placed on record as part of Annexure-E (Colly.) copies of Certificate for Use Legal Proceedings (LPC) and Registration Certificates of its two Trade Mark Registrations in India under the Trade Marks Act, 1999 (Trade Marks Act) as per the following particulars :-

(a)	Trade Mark	:	CROWN WITH CROWN DEVICE
	Trade Mark No.	:	658129
	Class	:	16
	Date of registration	:	03.09.1995

NK B...

Goods : Packaging Materials Included In Class 16, But Not Included Adhesive Tapes Or Adhesive Labels For Stationery Or Household Purposes.

Validity : 09.03.2025

Disclaimer : Registration of this Trade Mark shall give no right to the exclusive use of DISCLAIM OF DEVICE.

(b) Trade Mark : CROWN RELOCATIONS WITH CROWN DEVICE

Trade Mark No. : 1237736

Class : 39

Date of registration : 17.09.2003

Services : Loading And Unloading Of Cargoes, Packaging, Wrapping, Storage, Shipping And Delivery Of Goods, Freight Forwarding, Freighting, Transporting Furniture And Household Goods, Guarded Transport Of Valuables, Marine Transport, Parcel Delivery, Railway Transport, Removal Services, Warehousing, Rental Of Warehoused, Rental Of Storage

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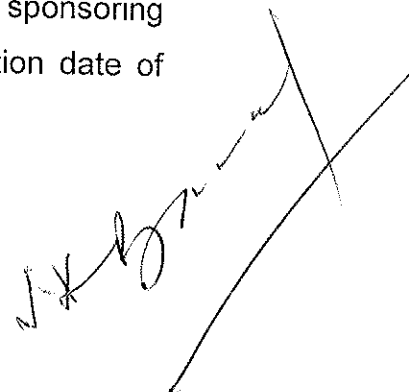
Containers, Boat-Storage, Included In
Class 39.

Validity : 17.09.2023

7.2 In my considered view the afore noticed Class 39 services specified for cover and/or form part of the Complainants goods and services as noticed in para 2.1 above (referred to as the "said goods" and/or "business" for short) while the Class 16 goods above are used in relation to the Complainants goods and services. The disclaimer of the Device attached to the Complainants trade mark registration No.658129 is not very material as the word/mark CROWN nevertheless is an essential part of the trade mark covered by the said registration.

8. The Complainant has placed on record as Annexure-F a list of the domain names containing the word CROWN owned by it in various jurisdictions of the world along with the particulars of some such domains obtained from the Whois database available on the INDRP website along with the details of the registrations with the Sponsoring Registrar. This list contains 139 such domains. From this list suffice is to notice two such domains as under:-

- (i) crownrelocation.com registered with the sponsoring Registrar Network Solutions LLC with registration date of 09.10.1998 and
- (ii) crownrelocation.net registered with the sponsoring Registrar Network Solutions LLC with registration date of 09.10.1998.



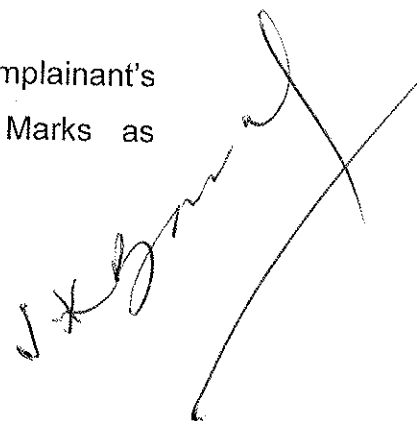
9. The present Complaint can be adjudicated on the basis of the afore noticed two trade marks viz. CROWN WITH CROWN DEVICE and CROWN RELOCATIONS WITH CROWN DEVICE and two domain names bearing the word/mark crownrelocation. Undoubtedly the word/mark CROWN bears an essential feature of both the afore noticed trade mark registrations and domains.

10. In addition the Complainant has also placed on record documentary evidence and which alongwith their incidences are as under :-

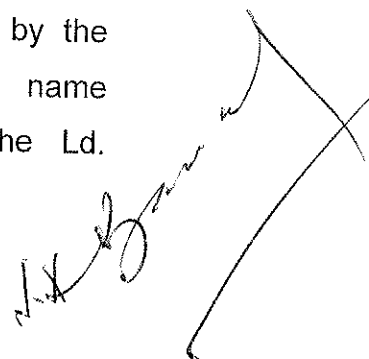
(a) Screen shots taken from various social media sites like Facebook, Linkeden and Twitter as Annexure-A. A perusal of these screen shots show that they bear the Trade Mark CROWN and CROWN RELOCATIONS of the Complainant and describe the Complainant's various services and business offered.

(b) Statement of annual sales and promotional expenses incurred by the Complainant in India in respect of the use of its Trade Marks CROWN RELOCATIONS and CROWN as Annexure-B. These annual sales and expenses are from the year 2000 to 2013. As an illustration the annual sales of the Complainant in India in the year 2000 was Rs.4,55,61,051/-; in the year 2008 was Rs.18,01,04,788/- and in the year 2013 was Rs.31,74,34,214/- and the promotional expenses in these years was Rs.2,87,035/-; Rs.19,94,260/- and Rs.13,80,807/- respectively.

(c) Advertising and stationary material bearing the Complainant's CROWN RELOCATIONS and CROWN Device Trade Marks as Annexure-C.

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- (d) Photographs as **Annexure-D** highlighting the Complainant's participation in and/or promotion of various sports and social events. A perusal of these photographs reveal the Trade Mark CROWN RELOCATIONS and CROWN Device Trade Marks to be present thereon including on the award plate awarded to the Complainant as winner by the Bombay Gymkhana Blitz in the year 2011.
- (e) Copies/print outs of the Complainant's various certificates/records of Trade Mark registrations in various overseas countries forming part of **Annexure-E (Colly.)**. Some such registrations that could be noticed are in Hong Kong for the trade mark CROWN WORLDWIDE in classes 16 and 39 with date 27.02.1995 ; for the trade mark CROWN WITH DEVICE in classes 16 and 39 dated 26.09.1994 ; for the trade mark CROWN RELOCATIONS WITH CROWN DEVICE in classes 16, 36 and 39 dated 16.04.2003 ; in China for the trade mark CROWN RELOCATIONS WITH CROWN DEVICE in class 39 dated 21.08.2012.
- (f) Extracts from the various websites of the Complainant under the domains www.crownworldwide.com, www.crownrelo.com and www.crownrelo.co.in as **Annexure-G**. These extracts and downloads bear the Trade Mark CROWN RELOCATIONS and CROWN Device and provide information on the Complainant's business and activities. On two such extracts customers comments are put forth therein in July, 2014 and August, 2014.
- (g) The copy of an Arbitration Award dated 25.05.2015 passed by the National Internet Exchange of India in a complaint before it by the Complainant herein impugning a rival domain name crownindiarelocation.in as **Annexure-J**. Vide this Award the Ld.



Arbitrator had interalia noticed the Complainant to have submitted evidence demonstrating its rights and ordered the rival disputed domain to be transferred to the Complainant.

(h) Copy of interim orders respectively dated 30.01.2015 and 15.06.2015 passed by the Hon'ble High Court of Judicature at Bombay in Suit (L) No.74 of 2015 and Suit No.206 of 2015 instituted by the Complainant herein (being plaintiff in the said suits) against rival defendants as Annexure K & L and wherein the Hon'ble High Court had granted interim reliefs restraining the rival defendants, in gist, from using the impugned Trade Mark and Trade Names bearing the various CROWN Trade Mark registrations of the Complainant amounting to interalia passing off and infringement.

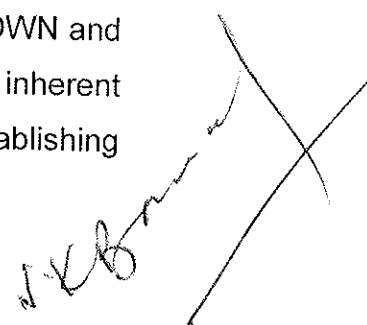
11. In light of the aforesaid, I am of the considered view that the Complainant has been able to establish that it has been in active business under its said CROWN and CROWN RELOCATIONS Trade Mark and Domains in the domestic and international markets through e-commerce and over the internet as the Complainant's websites have global access. The Complainant is extremely active on various social network sites as also as received awards and accolades, has been participating in social and sport events and has built up handsome sales and has been spending enormous amount of money, efforts and skills in its business activities and promotions under its said CROWN formative marks. The Complainant's said CROWN formative marks have received judicial/quasi judicial recognition. It can safely be held that the Complainant's business under its CROWN With Device and CROWN RELOCATIONS Trade Marks enjoys commercial visibility, market presence, popularity and of the market and trade being aware of the Complainant and the Complainant's said business and the

J.K. Bawa

Complainant's said CROWN With Device and CROWN RELOCATIONS Trade Marks.

12. Per contra the rival disputed domain as per its particulars obtained from the Whois database available on the INDRP website and as placed on record as Annexure-H is registered with the Respondent by Sponsoring Registrar GoDaddy.com LLC (R 101 – AFIN) with the registration date 19.10.2012. This rival domain registration with the Sponsoring Registrar is much subsequent to the Complainant's Trade Mark registrations under No.658129 and 1237736 which are dated 03.09.1995 and 17.09.2003 respectively. This rival domain registration is even much subsequent to the Complainant's domain name registrations with the Sponsoring Registrar for the domains crownrelocations.com and crownrelocations.net both dated 09.10.1998 respectively. Resultantly it can safely be held that the Complainant's said CROWN and CROWN RELOCATIONS Trade Marks and Domains are much prior to the impugned domain and of the impugned domain to be a subsequent domain.

13. In my considered view the word/mark CROWN and CROWN RELOCATIONS is an arbitrary and fanciful trade mark in relation to the aforesaid goods and business of the Complainant and has no descriptive suggestive or generic connotation with these goods or services of the Complainant. The word/mark CROWN and CROWN RELOCATIONS also form an essential and distinguishing feature of the various CROWN and CROWN RELOCATIONS formative trade marks and domains set out above and gives to these marks and domains a distinct connotation and identity. As such in my considered view the trade mark CROWN and CROWN RELOCATIONS and domains bearing the same enjoy inherent distinctiveness and can be protected even without establishing

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secondary significance and as such they are strong trade marks and domains.

14. The respondent has not contested the Complainants rights and use including the Complainants claim of its said trade mark/domain name CROWN and CROWN RELOCATIONS to be well known, enjoying noticeable distinctiveness, goodwill, presence and visibility in the commercial market.

15. Having regard to the aforesaid including the trade mark registrations I am of the considered view that the Complainant has been able to establish its rights, entitlements, legitimate claims and enforceable rights and interest in its trade mark CROWN and CROWN RELOCATIONS and domains in relation to its said goods and business.

16. Such rights and specially the rights conferred by Trade Mark registrations under the Trade Marks Act or by priority in adoption and use, goodwill, reputation and distinctiveness have to be protected and upheld even if it is against a rival domain bearing the said trade mark CROWN and CROWN RELOCATIONS as interalia there is a close relationship between trade marks and domain names and as the basic principles of trade mark and passing off laws apply to domain name dispute as well. Trade Mark Registrations have a presumptive validity attached to them and are a presumptive evidence of title in favour of the Registrant/Complainant. The trade mark registrations or common law rights therein or its goodwill or reputation and distinctiveness attached thereto can be violated even against the rival unauthorized use thereof as part of a rival domain name. **[See American Home Products Corporation Vs. Mac Laboratories Pvt. Ltd., & Anr. Reported in AIR 1986 SC 137 ; Satyam Infoway Ltd., Vs. Sifynet Solutions Pvt. Ltd.,**

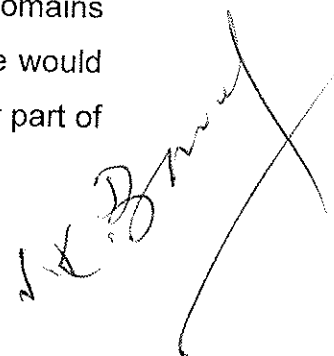
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2004 (28) PTC 566 (SC) ; Bharti Airtel Limited Vs. Rajiv Kumar-2013 (53) PTC 568 (Del) ; B.K. Engineering Co. Vs. U.B.H.I. Enterprises reported in AIR 1985 Delhi 210 ; LT Foods Limited Vs. Sulson Overseas Pvt. Ltd., 2012 (51) PTC 283 (Del)].

17(a). In my considered view the rival impugned domain is identical with and confusingly similar to the Complainant's said CROWN and CROWN RELOCATIONS trade mark and domain name. The impugned domain bears the Complainants registered trade mark CROWN as well as CROWN RELOCATIONS as its an essential material, distinguishing and memorable feature. It is with reference to the word/mark CROWN as well as CROWN RELOCATIONS that the disputed domain name would be remembered by the general internet users who would access the internet services being offered by the respondent. As held above Trade Mark CROWN and CROWN RELOCATIONS of the Complainant by itself and in itself is an extremely strong and inherently distinctive Trade Mark being an arbitrary mark.

17(b) The nature of goods and services being offered on the impugned website accessible through the impugned domain as per the screen shot and print outs obtained there from and filed as **Annexure-I** are those of packers, movers and relocation services and services related thereto like warehousing, storage. The nature of these goods and services are the same/similar to those of the complainant being offered under the complainants CROWN and CROWN RELOCATIONS trade marks and domains.

17(c) Thus having regard to the same/similar trade marks and domains and of the goods and business there under the market and trade would definitely take and construe the rival domain to be an extension or part of

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the Complainant's CROWN and CROWN RELOCATIONS trade mark/domains or in some way related, sponsored, affiliated, associated or connected thereto. Consequently, I am of the considered view that by the impugned domain and its use whether present or prospective an unjust association would be formed between the Complainant and the Respondent leading to market and consumer deception. **[See Montari Overseas Ltd., Vs. Montari Industries Ltd., 1996 (16) PTC 142 Del (DB) ; Ravenhead Brick Company Ltd., Vs. Ruaborn Brick & Tera Cotta Co. Ltd., (1937) 54 RPC 341 (Ch.D) ; Semigres TM (1979) RPC 330].**

18.1 A consumer or internet user seeking to access the Complainant or its services by erroneously or inadvertently suffixing the "second level" domain name i.e., CROWN and CROWN RELOCATIONS with the ccTLD (country code top-level domain) .in or the gTLD (generic top-level domain) .co.in. would be misled to the respondent and consequently would be deceived by reaching somewhere else and not to the Complainant as it had intended.

18.2 On reaching the Respondent such consumer would find the same nature and business as that of the Complainant. Such a consumer would not get what he intended and instead would be deceived and would adversely relate the impugned website to the Complainant or do business in the impugned website.

18.3 Besides the Complainant would have no hold on the respondent or its licensee/assignee impugned domain name usage and would always suffer by any inferior quality of services being rendered by them thereunder. The Complainants goodwill and reputation would be left in the hands of the Respondent or a third party over whom the Complainant

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would have no control. [See Baker Hughes Limited Versus Hiroo Khushalani 1998 (18) PTC 580 (Del)].

19. All these violative acts of the Respondent through the impugned domain would perpetually and irreparably not only tarnish the business of the Complainant but also diminish, erode and eclipse the distinctiveness attached to the Complainants registered and prior adopted and prior in use trade mark and domains CROWN and CROWN RELOCATIONS.

20. All the aforesaid acts of the Respondent, in my considered view clearly establish the Respondent's very adoption of the disputed domain name and its registration with the sponsoring Registrar to be actuated in bad faith, malafide and fraud and of the Respondent to have no legitimate right or interest in the disputed domain name. This in addition is also apparent from the following :-

- (a) The Respondent has not furnished any explanation on its adoption of an identical prior Trade Mark and domain CROWN and CROWN RELOCATIONS belonging to the Complainant. This is more so as the Complainants said CROWN and CROWN RELOCATIONS trade marks is duly registered on the Indian Trade Mark Register as also they are arbitrary and fanciful trade marks in relation to the nature of the goods/services being dealt with in the course of trade by the Complainant and such CROWN and CROWN RELOCATIONS marks and domains are all prior to the Respondents impugned domain.
- (b) The Respondent was well aware of or ought to have been aware of the Complainant's said CROWN and CROWN RELOCATIONS Trade Marks and domains before its alleged adoption and

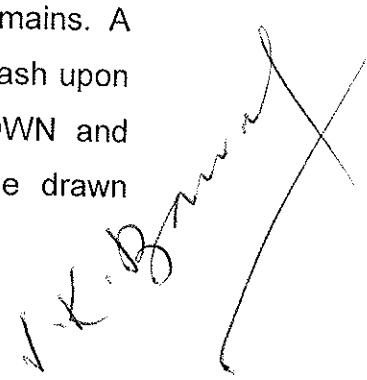
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registration of the disputed domain name using a deceptively similar mark as is the case. The Respondent must have possessed prior knowledge and interest in the internet and awareness of the concepts of E-commerce and online markets actuated through the internet medium triggered through domain names. The Complainant and its said CROWN and CROWN RELOCATIONS trade marks and domains including the business thereunder enjoy commercial presence and visibility including over the internet.

- (c) The Respondent's impugned conduct speaks for itself (*res ipsa loquitur*) and falls short of the standards of acceptable commercial behavior.

- (d) The Respondents impugned adoption and registration with the sponsoring Registrar and alleged use of the impugned domain is tainted at inception as it has been deliberately done by it having regard to its prior knowledge and existence of the Complainants said CROWN and CROWN RELOCATIONS trade marks and domains. That being so the Respondent must be held to be aware of the consequences which would ensue from such a malafide and bad faith adoption and/or use.

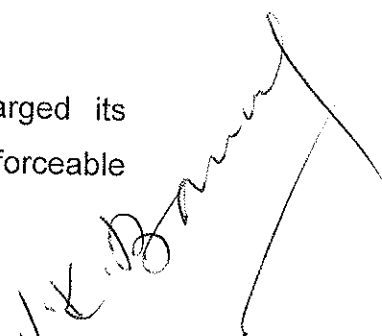
21. Accordingly, it can be concluded that the motive of the Respondent was to derive unjust benefit from the Complainant's said CROWN and CROWN RELOCATIONS trade marks and domains. A presumption/assumption of wrong doing and dishonesty to encash upon the goodwill and reputation of the Complainants said CROWN and CROWN RELOCATIONS trade marks and domains can be drawn

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against it [See Hindustan Pencils Pvt. Ltd., Versus India Stationary Products Company & Anr. 1989 PTC 61].

22. The Respondent in its E-mail dated 27.12.2017 addressed to this Arbitral Tribunal claimed that one Surender Sharma with contact No.9022065454 to own the domain name crownpackers.in / crownrelocations.co.in / crownrelocations.com and who could be so contacted. In gist vide the said E-mail the Respondent claimed to have no interests in the disputed domain name. Such a stand of the Respondent in my view is a sham and after thought and at best a cover up. The impugned domain as per Annexure-H is registered in the name of the Respondent with the sponsoring Registrar. A perusal of the print outs obtained from the website accessible from the disputed domain name and filed on record as Annexure-I by the Complainant reveals the business to be carried on this impugned website to be the same/similar to that of the Complainant. This website contains detailed information of the impugned business including its various activities, facilities, vision and quality of services being offered including of its team. This website also contains four photographs and other representations of the actual business being conducted thereunder. This website can only be accessed or triggered through the disputed domain name. Consequently the Respondent being the Registrant of the disputed domain name as per the Whois extract (Annexure-H) does have a vital hold and control over the impugned website and the activities being carried on thereunder and can by no stretch of imagination be a stranger or be unconnected thereto. Such a stand by the Respondent is fraudulent and malafide and only made to escape liability.

23. In my considered view the Complainant has discharged its onus/burden of proof and has established its proprietary and enforceable

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rights in its CROWN and CROWN RELOCATIONS trademarks and domains. The Respondent has not traversed nor challenged the Complaint facts against him. Such a non-traverse has to be taken against the Respondent (**Uttam Singh Dugal & Company Limited V/s Union Bank of India & Ors – reported in AIR 2000 SC 2740**).

24. Trade Marks and domains have been accepted to be valuable business assets to be protected against their wrongful adoption and use as rival domains and such violations have to be removed in the interest of the right holder as also of the consumers.

25. In the aforesaid view of the matter I have no reservation in holding that the Complaint must be allowed.

Accordingly it is decided that the disputed domain name crownrelocations.co.in be transferred to the Complainant.

Signed at New Delhi, India on this 5th day of February, 2018.


Sudarshan Kumar Bansal
Sole Arbitrator