



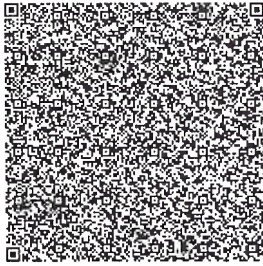
सत्यमेव जयते

## INDIA NON JUDICIAL

### Government of National Capital Territory of Delhi

#### e-Stamp

Certificate No. : IN-DL50511375116807P  
Certificate Issued Date : 21-Feb-2017 01:45 PM  
Account Reference : IMPACC (IV)/ dl712203/ DELHI/ DL-DLH  
Unique Doc. Reference : SUBIN-DL71220301502306056946P  
Purchased by : NIKILESH RAMACHANDRAN  
Description of Document : Article 12 Award  
Property Description : Not Applicable  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : NIKILESH RAMACHANDRAN  
Second Party : Not Applicable  
Stamp Duty Paid By : NIKILESH RAMACHANDRAN  
Stamp Duty Amount(Rs.) : 100  
(One Hundred only)



ARBITRATION CASE NO. 1 OF 2017

**IN THE MATTER OF:**-----Please write or type below this line-----

DELL Inc.

COMPLAINANT

VERSUS

ABHISHEK SINGH

RESPONDENT NO. 1

RANJEET SINGH RANA

RESPONDENT NO. 2

DISPUTED DOMAIN NAME: **dellservicecentres.in**

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**Statutory Alert:**

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

## **AWARD:**

The present domain name dispute relates to the registration of the domain name **dellservicecentres.in** in favour of the Respondents.

The Complainant has filed the instant complaint challenging the registration of the domain name **<dellservicecentres.in>** in favour of the Respondents. Pursuant to the .IN Domain Name Dispute Resolution Policy (INDRP) and the rules framed there-under, the Complainant has preferred this arbitration for raising this dispute for reprisal of its grievances.

I gave my consent on the 10<sup>th</sup> of February 2017 to adjudicate the instant domain name dispute. I was handed over the complaint in February 2017. Accordingly, I issued notice on the 20<sup>th</sup> of February 2017 calling upon the Respondent to file its reply on the complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter.

An email was received from NCR SYSTEM SOLUTION on 20<sup>th</sup> February 2017 itself wherein it stated that the disputed domain belongs to Dell Inc. and consented to transfer the disputed domain name from www.godaddy.com. The email further mentioned that Abhishek and NCR System Solution are ready to transfer the domain to the real owner.

The Respondent No. 2 has not replied to the notice.

## **ANALYSIS**

The Complaint has been filed for transfer of the disputed domain name www.dellservicecentres.in, which was registered by Respondent



No. 1, Abhishek Singh, who is recorded to be as Registrant, as per the WHOIS record, per Annexure 3 filed alongwith complaint. The Sponsoring Registrar recorded is Godaddy.com. Further, the address of Registrant recorded in L2B11, Mohan Garden, Uttam Nagar, Satsangh Bhawab, Delhi - 110059 and name of Organization in recorded as Laptop Service Centre.

### **CLARIFICATION**

As the complaint did not disclose the material which was connected the allegation of registration of the disputed name in bad faith qua the Respondent No. 2, the complainant was granted an opportunity to make good its submission on the necessity of Respondent No. 2 as a party respondent in the present complaint. The complainant filed its further submission on 12<sup>th</sup> April, 2017. It has reiterated what was submitted in its complainant and further placed on record two awards and an email. Firstannexure i.e. Annexure A is the award passed by Ld. Arbitrator under INDRP policy in the case of **dellaptopservicecentres.in** wherein the Respondents herein i.e. Abhishek Singh and Ranjit Singh Rana, are parties to that arbitration dispute. However, the award does not refer to WHOIS records, whereby it could be seen who were the recorded registrant(s). So this award is of no help to the complainant.

Further in its additional submissions, in respect of Respondent No. 2, Ranjit Singh Rana, the complainant has averred that Respondent No. 2 was being impleaded, as it discovered during their investigation, that Respondent No. 2 is the owner of NCR System Solution. A card obtained from Respondent No.2 during such investigation revealed that it mentioned NCR System Solution and the



address as L2B11, Mohan Garden, Uttam Nagar, Satsang Bhawan, Delhi- 110059. The card has been annexed as Annexure 4.

Annexure B is the communication wherein both the respondents have declared that they have no objection to handover the concerned domain name to its real owner. This also does not help the complainant.

Annexure C is again another award concerning the disputed domain name name laptopservicecentredeal.com However, this dispute against only of the Respondent that is Respondent No. 2 herein, having the same address as well as the establishment NCR System Solution. However this dispute is against only of the Respondent that is Respondent No. 2 herein, having the same address as well as the establishment NCR System Solution. However, nowhere in the award the findings of WHOIS are available which would have thrown some light wherein the complainant is contending. Hence, this award is also of no help. Annexure D is part of the proceedings of the award marked as Annexure C.

### **CONTENTION**

Primarily, the contention of the complainant is that it seeks transfer of the disputed domain name in accordance with the INDRP policy. Complainant contends that both the Respondents are duping the consuming public and evading the distinctive character of the complainant's mark and also diluting the well known mark of the complainant; accordingly it prayed for transfer of disputed domain name to itself.



## **DECISION**

As per the INDRP Rules of Procedure, a ***Respondent*** means the registered holder of a .in Domain name against whom a complaint is initiated. The present complaint is supported by WHOIS database in respect of the disputed domain name in question. There, in the database, the recorded Registrant and holder of the disputed domain name is only Respondent No. 1 and not Respondent No. 2. All other materials placed on record does not in manner show and/or support the contention that the Respondent No. 2 is also a Registrant. For the purpose of these proceedings, only those Registrant(s) who are the holder of the disputed domain name can be referred to as Respondents in order to seek the transfer of the domain name. Unless there is any direct material or evidence to connect the registration by such Respondent and/or such evidence to show registration such was being used by him/her in bad faith, no other Respondent can be arrayed as a party to these proceedings whereby the prayer, in accordance with the INDRP policy, can be passed. And no such evidence has been brought on record by complainant. All assertions, that it has found the same office or address, do not support their case to make the Respondent No.2 as a necessary part to these proceedings. In fact, the complaint has gone to extent of providing a visiting card (Annexure A), which does not disclose the name of the Respondent No. 2. Hence, I conclude that the Respondent No. 2 is not a necessary party to these proceedings.

Regarding the claim of the complainant, the complaint alongwith its annexures have been placed on record which need not be gone into for the reason that the Respondent No. 1 by his email dated 20<sup>th</sup> February 2017 has agreed to transfer the disputed domain name to

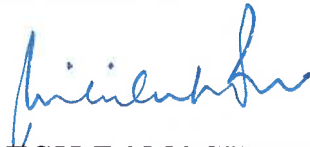


the respective owner, which is the complainant herein. And as such I found that the Complainant has supported its complaint in order to establish its right and ownership over the mark "DELL'. Consequently, I hold that the Complainant has right over the present disputed domain name

**CONCLUSION:**

In view of the email dated 20<sup>th</sup> February 2017, issued by Respondent No. 1 interalia consenting to transfer the domain to its rightful owner, I, therefore, deem it fit to allow the prayer of complainant in its favour and direct the Registry to transfer the said domain name i.e. **dellservicescentres.in** in favour of the complainant.

Parties to bear their respective costs of this adjudication.



(NIKILESH RAMACHANDRAN)  
ARBITRATOR

Dated: 15<sup>th</sup> APRIL 2017.