



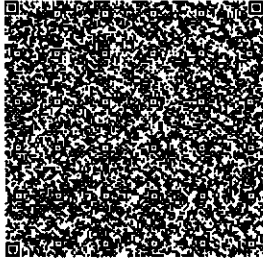
सत्यमेव जयते

# INDIA NON JUDICIAL

## Government of National Capital Territory of Delhi

### e-Stamp

Certificate No. : IN-DL97699550436443N  
Certificate Issued Date : 27-Apr-2015 04:18 PM  
Account Reference : IMPACC (SH)/ dlshimp17/ HIGH COURT/ DL-DLH  
Unique Doc. Reference : SUBIN-DLDSLHIMP1792562727259347N  
Purchased by : AMARJIT SINGH ADVOCATE  
Description of Document : Article 12 Award  
Property Description : NA  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : AMARJIT SINGH ADVOCATE  
Second Party : NA  
Stamp Duty Paid By : AMARJIT SINGH ADVOCATE  
Stamp Duty Amount(Rs.) : 100  
(One Hundred only)



.....Please write or type below this line.....

ARBITRATION AWARD  
.IN REGISTRY - NATIONAL INTERNET  
EXCHANGE OF INDIA  
.IN domain Name Dispute Resolution Policy  
INDRP Rules of Procedure

**IN THE MATTER OF:**

**Etechaces Marketing And  
Consulting Pvt. Ltd.**

...Complainant

VERSUS

**Mr. Dan Mahony**

...Respondent

**Disputed Domain Name: <epolicybazaar.in>**

**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.

**ARBITRATION AWARD**

**.IN REGISTRY – NATIONAL INTERNET  
EXCHANGE OF INDIA  
.IN domain Name Dispute Resolution Policy  
INDRP Rules of Procedure**

**IN THE MATTER OF:**

**Etechaces Marketing And  
Consulting Pvt. Ltd**  
Plot No. 119, Ground Floor,  
Sector- 44, Gurgaon- 122001,  
Haryana

.....Complainant

**VERSUS**

**Mr. Dan Mahony,**  
2 Lower Leeson Street,  
Dublin,  
Ireland D2  
Ph: +353.14734512  
Email: domaincreation2015@gmail.com

.....Respondent

**1. THE PARTIES**

The Complainant in this administrative proceeding is Etechaces Marketing And Consulting Pvt. Ltd, a company incorporated under the Indian Companies Act, 1956, having its address Plot No. 119, Ground Floor, Sector- 44, Gurgaon- 122001, Haryana.

The Respondent is Mr. Dan Mahony, 2 Lower Leeson Street, Dublin, Ireland D2.

**2. THE DOMAIN NAME AND REGISTRAR**

The disputed domain name <epolicybazaar.in> has been registered by the Respondent. The Registrar



with whom the disputed domain is registered is IN Registry database at Name.in LLC.

3. **PROCEDURAL HISTORY**

3.1 The Complaint was filed with the .In Registry, National Internet Exchange of India (NIXI), against Mr. Dan Mahony, 2 Lower Leeson Street, Dublin, Ireland D2. The NIXI verified that the Complaint together with the Annexures to the Complaint had 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 August 26, 2014. The parties were notified about the appointment of an Arbitrator on February 25, 2015.

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).

3.4 After my appointment as an Arbitrator, I intimated the parties of my appointment and by my email of 02.03.2015, the complainant



was directed to transmit soft copy of the complaint as well as the annexures to the Respondent at its registered email ID as appearing in WHOIS record of the disputed domain name.

- 3.5 On the said date, I also required .in Registry to forward the proof of the delivery of the complaint as well as all the annexures to the respondent by return email.
- 3.6 I was informed by NIXI, by its email of March 2, 2015, that hard copy of the complaint along with Annexures were sent to the respondent on 27.02.2015 by Courier and copy of the Courier consignment receipt was also provided by NIXI.
- 3.7 The Panel was informed by NIXI on 10.03.2015 that hard copy of the complaint and annexures, sent to the respondent by Courier, could not be delivered at the destination address due to incomplete or incorrect address of the respondent.
- 3.8 The above fact was brought to the notice of the complainant by the Panel by email of 12.03.2015. The Complainant was granted another opportunity to provide complete/correct address of respondent to NIXI and to the Panel and to serve the respondent with soft copy of the Complaint and the Annexures by e-mail at the registered



e-mail address as appearing in WHOIS records within two days.

3.9 The Complainant by its email dated 13.03.2015, submitted that the only contact information of the Respondent he had was as contained in the WHOIS records. The Panel was also informed that the Respondent was included in the email sent by the complainant to NIXI and therefore the respondent was served with a soft copy on that date i.e. March 02, 2015. The Complainant submitted the delivery receipt of the email copies sent to the Respondent on 02 March, 2015 on the registered email ID as appearing in the WHOIS record of the disputed domain name.

3.10 The Respondent failed to file any response to the complaint and the case of the complaint remain unrebutted.

The Panel considers that according to Paragraph-9 of the Rules, the language of the proceedings should be in English. In the facts and circumstances, in-person hearing was not considered necessary for deciding the Complaint and consequently, on the basis of the statements and documents submitted on record, the present award is passed.

#### 4. **FACTUAL BACKGROUND**

4.1 The Complainant in this matter is Etechaces Marketing And Consulting Pvt. Ltd, a company



incorporated under Indian Companies Act, 1956. The Complainant is engaged in the business of online services for comparison of insurance and medical policies, loan and investment plans, privileged credit cards under the trademark, trading style and domain name **policybazaar.com** which was founded on 4<sup>th</sup> June, 2008 and the same was registered under the top level domain name **policybazaar.com** on 19 April, 2008.

- 4.2 The Complainant alleges that the Respondent's registration of the domain name in question <epolicybazaar.in> (the "disputed Domain Name") is a direct breach of the .IN Domain Name Dispute Resolution Policy (INDRP), as approved by ICANN, (hereafter referred to as "the Policy") because the Domain Name is identical to the Complainant's trade mark in which the Respondent has no rights in and that the Respondent's registration or use is in bad faith and so is abusive under the Policy.
- 4.3 The Complainant submits that he has an outstanding reputation as he is offering "the services to more than 1,643,771 registered users and 8,175,624 hits per year. POLICYBAZAAR has entered into partnership with over 30 Insurance Companies, brokers. It also provides assistance to the users by the insurance experts on any insurance through call center available around the clock. These services are start right from the loan application to disbursal of loans. They further



publish articles on the basic and advance concepts of insurance, in which a couple of the articles are even authored by the Complainant's CEO. According to the global ranking named as Alexa Traffic Ranks, the complainant has been ranked 8,478 globally and country wise ranked 692. The complainant has a statutory protection under the Trademarks Act, 1999 with 8 registrations in different classes.

- 4.4 The Complainant submit that POLICYBAZAAR.COM has a leading market share in the online insurance market. POLICYBAZAAR.COM has been recognized by quite renowned Group of Awards such as Bharti Axa, Times of Inida, The Week etc. POLICYBAZAAR.COM impressive service has been recognized in its receipt of the Best Financial Website" at IAMAI Digital Awards 2014.
- 4.5 The Complainant further submits that a main source of advertisement and income with bookmakers in the sports world is via sponsorship deals.
- 4.6 The primary websites which the Complainant operates its services from are <policybazaar.com>, <finance policybazaar>, <AskPolicyBazaar> and they have a linked informational website at < knowledge policy bazaar >.



4.7 The Complainant is aggrieved by the registration of impugned Domain Name www.epolicybazaar.in and has thus invoked the jurisdiction of this Arbitration Panel under the INDRP Policy.

5. **PARTIES CONTENTIONS**

5A **COMPLAINANT**

5A.1 The founder/promoter of the complainant registered the top level domain name <**policybazaar.com**> on April 19, 2008. Copy of the WHOIS result of the Complainant's domain is annexed and marked as **Annexure C-2**. The corresponding website/insurance portal **POLICYBAZAAR.COM** was launched in June 2008 on the internet. The website www.policybazaar.com showcases an array of insurance plans offered by a reputed pool of insurers, thereby enabling its customers to pick out the plan that works best for them on the basis of their quality and price. The complainant's portal **POLICYBAZAAR.COM**, with an expertise and experience in the field of insurance, makes it surprisingly easy for its customers to compare the prices and key features of different insurance plans. The said website is accessible globally from anywhere in the world since 2008. Copies of the relevant webpages from the complainant's website are annexed and marked as **Annexure C-3 collectively**.





5A2. With the tagline being STOP.COMPARE.SAVE. and INSURANCE COMPARE KIYA?, Complainant's portal **POLICYBAZAAR.COM** offers to its customers, a range of insurances than can broadly be categorized into Life and General Insurance. In Life Insurance, one can compare term Insurance, Pension Plans or Retirement Plans, Child Plans and Investment Plans; both Endowment and Unit Linked Plans. In General Insurance, one can compare Health Insurance or Mediclaim Plans, Car Insurance, two (2) Wheeler Insurance, Travel Insurance as well as Home Insurance. Owing to the Complainant's customer centric approach, **POLICY BAZAAR/ POLICYBAZAAR.COM** have gained a huge credibility across the nation. **POLICY BAZAAR** operates only through internet i.e. through its website **POLICYBAZAAR.COM** which is its first and only trade channel. Moreover, the customers i.e., the relevant class of public who approach **POLICYBAZAAR**, are netizens, who use internet as the preferred trade channel to compare and buy products according to their insurance products/ loan/ investment plans/ privileged credit cards needs. In this context, the website **POLICYBAZAAR.COM** has more than 1,643,771 registered users and receives 8,175,624 hits per year. Copy of a document showing 8,175,624 hits on **POLICYBAZAAR.COM** are annexed and marked as Annexure-C 4 collectively.



5A3. The Complainant's portal **POLICY BAZAAR/ POLICYBAZAAR.COM** has over thirty (30) Insurance Companies and brokers as partners. Names of few of insurance giants, who are partners with the complainants are mentioned below.

Complainant's leading Partners	
Reliance General Insurance	TATA AIG Insurance (Life and General)
ICICI Lombard General Insurance	BAJAJ Allianz General Insurance
IFFCO TOKIO	Royal Sundaram Alliance Insurance
National Insurance	Oriental Insurance
New India Assurance	United Insurance
FUTURE GENERALI	Cholamandalam MS General Insurance
HDFC ERGO GENERAL Insurance	Apollo DKV Health Insurance
STAR Health and Allied Insurance	SHRIRAM General Insurance
Reliance Life Insurance	ICICI Prudential Life Insurance
Birla Sun Life Insurance	HDFC Standard Life Insurance
DLF Pramerica	Bharti AXA Life Insurance
Kotak Mahindra Old Mutual Life	Bajaj Allianz Life Insurance
Metlife India Insurance	Max New York Life
	Reliance Life Insurance
AVIVA Life	ING Vyasa Life Insurance
Canara HSBC Oriental Bank of Commercial Life Insurance	IDBI Federal Life Insurance

5A4. **POLICY BAZAAR/ POLICYBAZAAR.COM** has a call center to assist users for any insurance

need through their insurance experts. It strives to empower the customer through providing accurate and complete information on insurance products combined with the Solution-Focused Customer Service. **POLICY BAZAAR/POLICYBAZAAR.COM** provides separate contact details for service requests or product queries relating to Car Insurance, Health Insurance, Health Renewals, Term Insurance, Investment Plans, Travel Insurance, Loans, Credit Cards and other Requests. This facility enables it to provide sustainable value for its customers, insurers and shareholders.

5A.5 In addition to the Insurance products, the Complainant's portal **POLICYBAZAAR.COM** also offers comparison for Personal loans and home loans since it has tie-ups with a number of Financial Institutions in India. It further offers end-to-end services right from loans and insurance quotes, loan application to disbursal of loans. Hence, **POLICY BAZAAR/POLICYBAZAAR.COM** brings to its customers unbiased comparison of financial services from all major insurance companies and banks. Its focus on providing online systems and integrations help its customers directly link to insurance companies and banks; which in turn results in large amounts of saving while taking an insurance plan or applying for a loan. **POLICY BAZAAR/ POLICYBAZAAR.COM** is one of the largest insurance and loan



destination in the country and its proficiency in financial services helps its customers make informed, balanced and beneficial financial decisions.

5A6. Apart from **POLICYBAZAAR.COM**, the Complainant has also obtained other Top level domain names, wherein the trade mark **POLICY BAZAAR** forms a prominent part thereof. The said domain names are redirected to its global website **www.policybazaar.com**. List of the domains are given as under:-

S. No.	Domain Name	Date of Registration
1.	policybazaar.biz	24-Jun-08
2.	aaapolicybazaar.com	30-Jun-08
3.	policybazaar.mobi	25-Jun-08
4.	policybazaar.asia	24-Jun-08
5.	policybazaar.info	25-Jun-08
6.	policybazaar.net	25-Jun-08
7.	policybazaar.mail.com	17-Jul-14
8.	policybazaar.org.in	2-Jan-15
9.	policybazaar.net.in	2-Jan-15
10.	Policybazaar.firm.in	2-Jan-15
11.	policybazaar.gen.in	2-Jan-15
12.	policybazaarcarinsurance.com	2-Jan-15
13.	policybazaarinsurance.com	2-Jan-15
14.	policybazaarbikeinsurance.com	2-Jan-15
15.	policybazaartwowheelerinsurance.com	2-Jan-15
16.	policybazaarhealthinsurance.com	2-Jan-15
17.	policybazaarmediclaim.com	2-Jan-15
18.	policybazaarterminsurance.com	2-Jan-15
19.	policybazaarlifeinsurance.com	2-Jan-15
20.	policybazaar.ind.in	13-Jan-15
21.	policybazaar.name	13-Jan-15
22.	policybazaar.co.uk	13-Jan-15
23.	policybazaar.org.uk	13-Jan-15
24.	policybazaarinsurancewebaggregator.com	28-Oct-14
25.	camparepolicybazaar.com	15-Nov-13
26.	policybazaar.us	19-Jan-15
27.	policybazaarinsruancebroking.com	1-May-09
28.	policybazaar.org	16-Dec-08
29.	apnapolicybazaar.com	8-Nov-10
30.	indiapolicybazaar.com	21-Jun-11
31.	policybazaarindia.co.in	21-Jun-11
32.	indiapolicybazaar.co.in	21-Jun-11
33.	indiapolicybazaar.com	21-Jun-11

34.	policybazaar.me	19-Aug-10
35.	policybazaar.co.in	19-Apr-08
36.	policybazaar.in	19-Apr-08
37.	epolicybazaar.com	31-Mar-14
38.	policybazaar.com	19-Apr-08
39.	www.policybazaar.ooo	4-Nov-14
40.	policybazar.co.in	25-Jun-08
41.	policybazar.net	25-Jun-08
42.	policybazar.biz	24-Jun-08
43.	policybazar.info	25-Jun-08
44.	policybazar.in	25-Jun-08
45.	policybazar.org	20-Sep-11
46.	policybazar.org.in	2-Jan-15
47.	policybazar.firm.in	2-Jan-15
48.	policybazar.gen.in	2-Jan-15
49.	policybazar.ind.in	2-Jan-15
50.	policybazar.net.in	13-Jan-15
51.	policybazar.name	13-Jan-15
52.	policybazar.mobi	13-Jan-15
53.	policybazar.asia	13-Jan-15
54.	policybazar.co.uk	13-Jan-15
55.	policybazar.tv	13-Jan-15
56.	policybazar.us	19-Jan-15
57.	policybazar.com	26-May-08
58.	policebazaar.in	28-May-09
59.	policebazaar.co.in	28-May-09
60.	policeideal.co.in	1-Jun-11
61.	policeideal.com	1-Jun-11
62.	policeideal.in	1-Jun-11
63.	99policies.com	1-May-08

5A.7 The global rank of the Complainant's website [www.policybazaar.com](http://www.policybazaar.com) is 8478 according to Alexa Traffic Ranks. Alexa's global traffic rank is a measure of how popular a website is as compared to all other sites on the web, over the past 3 months. The rank is calculated using a proprietary methodology that combines a site's estimated average of daily unique visitors and its estimated number of page views over the past 3 months. A country-specific ranking is also provided, which is a measurement of how a website ranks in a particular country relative to other sites over the past month. The Complainant's ranking in India is 692. Relevant webpage from the


forementioned website showing the ranking is annexed and marked as **Annexure C-7**.

5A.8 To obtain statutory protection over its invented trade marks **POLICY BAZAAR**, **POLICYBAZAAR.COM** and




which is a unique combination of two languages, the Complainant has applied and obtained registrations of the trade mark **POLICY BAZAAR / POLICYBAZAAR.COM** and variations thereof in various classes. Details of some of the Complainant's registered marks are as under:

S. No	Registration No.	Date	Trade Mark	Classes	Goods
1.	1764833	December 17, 2008		38	Telecommunications, providing access to telecommunication networks and internet websites in the field of insurance, real estate and finance; telephone services for call centers; transmission of information, provided via the Internet and electronic media;



					collection and transmission of news; e-mail; providing electronic bulletin boards, blog, and live interactive chat services, call center services, electronic exchange of data stored in databases, communications by computer terminals.
2.	1764834	December 17, 2008		41	Education and training services, namely providing classes, seminars, conferences, workshops, and on-one telephonic instruction in the fields of business, management, entrepreneurship, and leadership including related to insurance; online as well as distance learning courses; entertainment; sporting and cultural activities; production




					of radio or TV programs, films in the field of insurance; publication of books, pamphlets, brochures, magazines and manuals.
3.	1764845	December 17, 2008		16	Paper and paper articles; cardboard and cardboard articles, printed mater, stationery of all kinds and description ; playing cards, plastic cards; credit cards, loyalty and reward program cards; leaflets, catalogues brochures, instruction sheets and manuals, folders and file covers, computer stationery, calendars; envelops paper bags, letter heads; charts and posters; greeting cards, pen and pencils, newspaper , periodicals , books.

*Q*




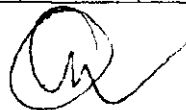
4.	1764846	December 17, 2008		35	Providing information about insurance; advertising; business management; business, business process outsourcing; business management analysis or business consultancy; economic information; marketing research; economic research or analysis, consultancy and advisory services including related to insurance; providing business information related to insurance; employment agencies; internet advertising, advertising by other media; providing information relating to employment recruitment.
5.	1764847	December 17, 2008		36	Insurance, financial affairs; monetary affairs; real-estate



					<p>affairs;  services  issuance of  encoded  electronic  chip cards  and  magnet  cards and  other  computer-  aided  insurance  and  financial  evidence,  namely,  credit  cards and  debit  cards;  financial  consultatio  n in the  field of  insurance;  insurance  consultatio  n;  insurance  consultatio  n via the  internet.</p>
6.	1764848	December 17, 2008		38	<p>Telecomm  unications,  providing  access to  telecommu  nication  networks  services  and  internet  websites in  the field of  insurance,  real estate  and  finance;  telephone  service for  call  centers;  transmissi  on of  informatio  n provided  via the  internet  and  electronic  media;  collection  and</p>



					transmission of news; e-mail; providing electronic bulletin boards, blog, and live interactive chat services, call center services, electronic exchange of data stored in databases, communications by computer terminals.
7.	1764849	December 17, 2008		41	Education and training services, namely providing classes, seminars, conferences, workshops, and one-on-one telephonic instruction in the fields of business, management, entrepreneurship, and leadership including related to insurance; online as well as distance learning courses; entertainment; sporting and cultural activities; production of radio or TV



					programs, films in the field of insurance, publication of books, pamphlets, brochures, magazines and manuals.
8.	2183635	August 01, 2011	<b>POLICY BAZAAR</b>	16	Paper and paper articles; cardboard and cardboard articles, printed matter, stationery of all kinds and description ; playing cards; plastic cards; credit cards; loyalty and reward program cards; leaflets; catalogues brochures, instruction sheets and manuals; folders and file covers; computer stationery; calendars; envelopes; paper bags; letter heads, charts and posters; greeting cards; pens and pencils; newspaper , periodicals , books



5A.9 The reputation and goodwill of the Complainant under its trade mark and trading style, **POLICYBAZAAR/POLICYBAZAAR.COM**, has not come from sales alone. The growth of the Complainant, in terms of good-will as well as annual revenue under its trade mark **POLICYBAZAAR.COM** has been substantially increasing with each year. The Complainant also spends substantial amount each year for promoting its brand name, under the trade mark and trading style of **POLICYBAZAAR/POLICYBAZAAR.COM**, by means of print and electronic media. The revenue earned as well as expenditure incurred by the Complainant under its trade mark and trading style, **POLICYBAZAAR/POLICYBAZAAR.COM**, qua its various Insurance plans and policies for the period 2008-2014 are as under:

Year	Sales Figures (INR)	Promotional Expenses (NR)
June 2008-2009	72,29,448	1,04,82,663
2009-2010	5,02,72,794	4,58,63,585
2010-2011	10,75,34,616	9,08,86,222
2011-2012	22,17,93,292	15,98,15,014
2012-2013	26,52,40,947	20,10,12,162
2013-2014	31,68,22,941	22,15,65,222

5A.10 The Complainant and its trade mark **POLICYBAZAAR/POLICYBAZAAR.COM** regularly features as **Awards** on Google. A few of such websites include [www.business-standard.com](http://www.business-standard.com), [www.articles.economictimes.indiatimes.com](http://www.articles.economictimes.indiatimes.com), [www.hindustantimes.com](http://www.hindustantimes.com), [www.thehindbusinessline.com](http://www.thehindbusinessline.com), etc.



**POLICYBAZAAR/POLICYBAZAAR.COM** has also been advertised in a wide variety of media over the years, including popular trade newspapers and magazines dealing with economic matters and their corresponding websites, with circulation not only in India but other countries as well. Some of the newspapers and magazines, wherein articles on the Complainant and its web portal **POLICYBAZAAR/POLICYBAZAAR.COM** have been published include **Hindu, Overlook Money, Mail Today, Echo of India, Business Standard, Asian Age, Business Line, Financial Express, Hindustan Times, Business Bhaskar, Mail Today, Economic Times, Asian Age Mumbai, Dainik Statesman, Loksatta, Business India, Headlines Today, Mint, The Indian Express.** A non-exhaustive list of articles featuring the Complainant and its trade mark and trading style **POLICYBAZAAR/POLICYBAZAAR.COM** are as under:

S. No.	Date	Newspaper/Website	Title
1.	February 13, 2009	www.business-standard.com	Policybazaar in expansion mode.
2.	June 17, 2010	www.forbesindia.com	Building Business from a Telephone.
3.	June 20, 2010	www.articles.economictimes.india.com	Beware of insurance quotes on comparison websites.
4.	December 05, 2010	www.hindustantimes.com	Teaser rates were actually helping builders.
5.	May 03, 2011	www.siliconindia.com	PolicyBazaar raises Rs. 40 Crore Funding
6.	June 28,	www.network2media.co	Policybazaar



	2011	m	emerges as the most preferred insurance website in India
7.	January, 2012	www.businessstoday.in	Picking a Healthy Product.
8.	February 21, 2012	www.indiantelevision.com	Policybazaar.com launches its mobile website
9.	February 22, 2012	www.moneylife.in	Policybazaar.com launches its mobile website.
10.	March 05, 2012	www.Indiatimes.com	Did you choose the insurance you have?
11.	March 15, 2012	www.business-standard.com	Health plan from life insurer may not be worth it
12.	April 12, 2012	www.mydigitalfc.com	Pick mutual funds based on your life-stage needs
13.	April 13, 2012	www.mydigitalfc.com	Buying insurance is a whole new experience now
14.	June 21, 2012	www.business-standard.com	Limited health cover for senior citizens
15.	July, 2012	www.businessstoday.in	Seeking new company
16.	July 22, 2012	www.business-standard.com	More customers now opt for online health insurance policies.
17.	September 18, 2012	www.livemint.com	Critical illness policy is not alternative to a <u>medicla</u> im
18.	October 01, 2012	www.livemint.com	What do 1+1 health covers offer? Should you buy?
19.	October 02, 2012	www.livemint.com	To ease claim process, never hide information from your insurer.
20.	October 05, 2012	www.profit.ndtv.com	Cabinet approves FDI in pension, insurance bills; Who said what.
21.	October 15, 2012	www.articles.economictimes.indiatimes.com	How you can reduce the motor premium on

			your car insurance.
22.	October 16, 2012	www.livemint.com	Cover home loan with a term insurance
23.	November 27, 2012	www.livemint.com	Having senior citizens in floater cover will raise premium.
24.	November 30, 2012	www.exchange4media.com	Metals adds policybazaar to its kitty
25.	December 24, 2012	http://articles.economictimes.indiatimes.com	IRDA, Finmin at odds over nod for online sales of insurance policies
26.	January 21, 2013	Http://www.business-standard.com	Marriage could be a licence for cheaper car insurance premium
27.	February 07, 2013	http://www.postonline.com.uk	Will sub-brokers in India make a difference?
28.	March 31, 2013	http://www.hindustantimes.com	IRDA clears air, pension products get variety
29.	April 2013	www.businesstoday.intoday	Retirement choices
30.	April 08, 2013	http://www.business-standard.com	Policybazaar.com secures Rs. 27.50 crore series B funding
31.	April 08, 2013	http://www.iamwire.com	Policybazaar.com raises \$5 million from Inventus capital and existing investors.
32.	April 09, 2013	http://in.mobile.reuters.com	Policybazaar.com raises \$5M in Series B led by Inventus Capital
33.	April 15, 2013	http://www.business-standard.com	Policybazaar launches new model for vehicle insurance premium
34.	April 16, 2013	http://www.hindustantimes.com	Drive well, pay less insurance
35.	April 21, 2013	http://www.thehindubusinessline.com	Policybazaar gets \$5M funding
36.	April 24,	Http://www.livemint.co	What online



	2013	m	term plans say about agents and their utility
37.	April 29, 2013	<a href="http://www.business-standard.com">http://www.business-standard.com</a>	From aggregation to distance marketing
38.	May 30, 2013	<a href="http://www.business-standard.com">http://www.business-standard.com</a>	Cheaper health over option
39.	June 09, 2013	<a href="http://dailypioneer.com">http://dailypioneer.com</a>	Go for this bargain
40.	June-July 2013	<a href="http://www.india-at-davos.ibef.org">www.india-at-davos.ibef.org</a>	Compare to ensure with policybazaar.
41.	July 2013	<a href="http://www.businessstoday.intoday.in">www.businessstoday.intoday.in</a>	Seeking access
42.	July 22, 2013	<a href="http://www.business-standard.com">http://www.business-standard.com</a>	Pluses in buying directly from insurer
43.	August 08, 2013	<a href="http://forbesindia.com">http://forbesindia.com</a>	Apollo Munich: Healthy profits from unhealthy people
44.	July 29, 2013	<a href="http://www.business-standard.com">http://www.business-standard.com</a>	Insist on an e-policy
45.	July 30, 2013	<a href="http://www.financialexpress.com">http://www.financialexpress.com</a>	Cleaning the web
46.	August 07, 2013	<a href="http://www.livemint.com">http://www.livemint.com</a>	Insurance regulator issues draft norms on payments to Web aggregators
47.	September 13, 2013	<a href="http://www.forbes.com">www.forbes.com</a>	IRDA could stifle online insurance aggregators
48.	September 17, 2013	<a href="http://www.hansindia.com">www.hansindia.com</a>	Underlines the need for making digitization of all insurance policies a mandatory exercise
49.	November 22, 2013	<a href="http://www.campaignindia.in">http://www.campaignindia.in</a>	Policybazaar urges users to compare insurance plans before purchasing
50.	November 30, 2013	<a href="http://thehindubusinessline.com">Http://thehindubusinessline.com</a>	Why insurers have different premiums for similar online term policies
51.	December 05, 2013	<a href="http://www.travel.financialexpress.com">www.travel.financialexpress.com</a>	Insurance companies bullish on growth of travel insurance

			segment
52.	December 07, 2013	<a href="http://www.thehindubusinessline.com">http://www.thehindubusinessline.com</a>	Cheapest insurance plan ain't the best
53.	December 17, 2013	<a href="http://www.livemint.com">http://www.livemint.com</a>	Term plans get heavy on features
54.	December 30, 2013	<a href="http://www.business-standard.com">www.business-standard.com</a>	Cheap personal loan rates are not necessarily cheap
55.	January 07, 2014	<a href="http://www.business-standard.com">http://www.business-standard.com</a>	LIC's premiums could be cheaper under new norms
56.	January 10, 2014	<a href="http://www.freewebpos.com">www.freewebpos.com</a>	Yashish Dahiya, CEO & Co-founder, Policybazaar.com
57.	January 10, 2014	<a href="http://www.indianfoline.com">www.indianfoline.com</a>	Interview of Yashish Dahiya, CEO & Co-founder, Policybazaar.com
58.	February 2014	<a href="http://www.businesstoday.in">www.businesstoday.in</a>	Getting ready for golden years
59.	February 02, 2014	<a href="http://www.business-standard.com">www.business-standard.com</a>	Use add-on covers to hedge your medical costs.
60.	February 18, 2014	<a href="http://www.indianfoline.com">www.indianfoline.com</a>	Policybazaar.com awarded as the best Financial Website of the year.
61.	February 19, 2014	<a href="http://www.apnnews.com">www.apnnews.com</a>	Policybazaar.com appoints Naveen Kukreja as Chief Marketing Officer 7 Satkam Divya as Associate Director.
62.	February 19, 2014	<a href="http://www.indianfoline.com">www.indianfoline.com</a>	Policybazaar.com appoints Naveen Kukreja as Chief Marketing Officer.
63.	March 04, 2014	<a href="http://www.moneycontrol.com">www.moneycontrol.com</a>	Chat Transcript of Mr. Yashish Dahiya, CEO and Co-

			founder of policybazaar.com
64.	April 14, 2014	www.economictimes.indiatimes.com	Policybazaar.com to raise Rs. 100 crore; plans to utilize proceeds for expansion, raising sales.
65.	May 28, 2014	www.nextbigwhat.com	Online insurance seller policybazaar raises Rs. 119 Crore in funding.
66.	December 05, 2014	www.theasianage.com	Bajaj Allianz life ties with Policybazaar, aims 20% online market

5A.11 Besides the above publications, the leading designatories of **POLICYBAZAAR/POLICYBAZAAR.COM** have also authored a number of articles which have been published on the websites of popular newspapers and magazines, some of which have been listed as under:

S.No.	Date	Newspaper/Website	Title
1.	August 08, 2011	<a href="http://www.indianexpress.com">www.indianexpress.com</a>	Seniors are risky, but have policy options too.
2.	September 30, 2011	<a href="http://www.digital.outlookmoney.com">www.digital.outlookmoney.com</a>	Surrender charges.
3	January 16, 2012	<a href="http://www.indianexpress.com">www.indianexpress.com</a>	Car Insurance: Check out the riders.
4.	September 17, 2012	<a href="http://www.indianexpress.com">www.indianexpress.com</a>	Investment: Smart way of Ulips.
5.	October 29, 2012	<a href="http://www.firstbiz.firstpost.com">www.firstbiz.firstpost.com</a>	Medical Insurance: Why your city and profile are important.
6.	January 2, 2013	<a href="http://www.moneycontrol.com">www.moneycontrol.com</a>	Health Insurance: Understanding what's



			covered is vital.
7.	March 2013	<a href="http://www.cfo-connect.com">www.cfo-connect.com</a>	Insurance industry waits in anticipation
8.	November 27, 2013	<a href="http://www.moneycontrol.com">www.moneycontrol.com</a>	Internet to drive financial plans.
9.	December 10, 2013	<a href="http://www.goodreturns.in">www.goodreturns.in</a>	5 things to keep in mind before getting the travel insurance policy.
10.	December 11, 2013	<a href="http://www.moneycontrol.com">www.moneycontrol.com</a>	Drawing up a holiday check list? Include travel insurance.
11.	March 05, 2014	<a href="http://www.moneycontrol.com">www.moneycontrol.com</a>	NPS vs. insurance pension plans; Which is better for you.
12.	March 31, 2014	<a href="http://www.telegraphindia.com">www.telegraphindia.com</a>	Double dose.
13.	April 07, 2014	<a href="http://www.thefinapolis.com">www.thefinapolis.com</a>	How to build investment portfolio.
14.	May 31, 2014	<a href="http://www.goodreturns.in">www.goodreturns.in</a>	Essentials of financial planning for women.

5A.12 The Complainant's trade mark, **POLICYBAZAAR/POLICYBAZAAR.COM**, has also been advertised in a wide scale on well-known Indian television channels such as NDTV Profit, India TV, Five Media, etc.

**POLICYBAZAAR/POLICYBAZAAR.COM** also sponsors a number of shows on television across various channels and other entertainment event such as Theatre Weekend (A fever Entertainment & AGP Presentation),

third e-Commerce India Conclave, Developing the ECO System (An Initiative of Assocham).

5A.13 The Complainant and its portal **POLICYBAZAAR/POLICYBAZAAR.COM** have been advertised and is featured on various search engines/third party websites on the internet. Details of some of the said website are as under:

<a href="http://www.jobsat.com">www.jobsat.com</a>	<a href="http://www.fundoodata.com">www.fundoodata.com</a>
<a href="http://www.glassdoor.co.in">www.glassdoor.co.in</a>	<a href="http://www.zaba.com">www.zaba.com</a>
<a href="http://www.yellowpages.sulekha.com">www.yellowpages.sulekha.com</a>	<a href="http://www.jsdl.in">www.jsdl.in</a>
<a href="http://www.india.com">www.india.com</a>	<a href="http://www.delhi-ncr.yellowpages.co.in">www.delhi-ncr.yellowpages.co.in</a>
<a href="http://www.yellowpages.goldendelhi.com">www.yellowpages.goldendelhi.com</a>	<a href="http://www.yellowpages99.com">www.yellowpages99.com</a>

Copy of the webpages from aforesaid websites are annexed to complaint and marked as Annexure-C-11 collectively.

5A.14 It has been brought to the notice of the Complainant that the Respondent/Registrant has registered the top level Indian domain name **epolicybazaar.in** on March 06, 2014. The registrant details for the domain name **epolicybazaar.in** are as under:

Domain ID: D8190966-AFIN  
 Creation Date: March 06, 2014  
 Expiration Date: March 06, 2015  
 Registrant ID: nec08ny786ht02zy  
 Registrant Name: Dan Mahony  
 Registrant Address: 2 Lower Leeson Street,  
 Dublin, Ireland, D2  
 Registrant Phone: +353.14734512



Registrant E-mail:domaincreation2015@gmail.com  
Copy of the WHOIS search is annexed to complaint  
and marked as Annexure-C-13.

5A.15 Moreover, the Respondent/Registrant is also operating a corresponding website, wherein it claims to provide access to India's best insurance policies by letting customers compare and get quote from 25 (twenty five) different insurance companies in India and is therefore, dealing with similar/identical goods and services as that of the Complainant. The tabs on the landing page of the website carry reference to various kinds of insurances such as travel insurance, car insurance, health insurance which is similar to the landing page of the Complainant's website. A snapshot of the landing webpage of the website <http://epolicybazaar.in> is copied below:

The screenshot shows the website's header with the logo 'epolicy bazaar' and navigation links: Home, Car Insurance, Health Insurance, Travel Insurance, Contact Us, Blog. A phone number 1800-258-2584 is also visible. The main banner features a family photo and the text: 'Your One Stop Insurance Shop Get the best CAR, Health & Travel Policy'. Below the banner is a row of partner logos: HDFC ERGO, Apollo Munich, AVIVA, EAJAJ, Allianz, and HDFC ERGO. A box at the bottom left says 'For Best Health Insurance Plans'.

5A.16 The domain name **epolicybazaar.in** registered by the Respondent/Registrant is identical to the registered trade mark **POLICY BAZAAR/POLICYBAZAAR.COM**, in which the Complainant has statutory and common law rights in India and abroad. The Respondent/Registrant has no right or legitimate interest in the impugned domain name. The Respondent/Registrant is not making legitimate/fair use of the domain name. The Respondent /Registrant's domain name has been registered and is being used in bad faith.

**B. RESPONDENT**

5B(1)The Respondent did not respond to the contentions of the Complainant as raised in his complaint before this panel in respect of the dispute domain name **epolicybazaar.in**.

**6. DISCUSSIONS AND FINDINGS**

6.1 The Complainant, while filing the Complaint, submitted to arbitration proceedings in accordance with the .In Dispute Resolution Policy and the Rules framed thereunder in terms of paragraph (3b) of the Rules and Procedure. The Respondent also submitted to the mandatory arbitration proceedings in terms of paragraph 4 of the policy, while seeking registration of the disputed domain name.



6.2 Paragraph 12 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and that there shall be no in-person hearing (including hearing by teleconference video conference, and web conference) unless, the Arbitrator, in his sole discretion and as an exceptional circumstance, otherwise determines that such a hearing is necessary for deciding the Complaint. I do not think that the present case is of exceptional nature where the determination cannot be made on the basis of material on record and without in-person hearing. Sub-Section 3 of Section 19 of The Arbitration & Conciliation Act also empowers the Arbitral Tribunal to conduct the proceedings in the manner it considers appropriate including the power to determine the admissibility, relevance, materiality and weight of any evidence.

6.3 It is therefore, appropriate to examine the issues in the light of statements and documents submitted as evidence as per Policy, Rules and the provisions of the Act.

6.4 The Respondent did not file any response to the complaint.

6.5 Under the provisions of Order 8 Rule 5 of the Code of Civil Procedure, 1908 the material





facts as are not specifically denied are deemed to be admitted.


6.6 The decision of Hon'ble Supreme Court of India in the matter of **Jahuri Sah Vs. Dwarika Prasad** – AIR 1967 SC 109, be referred to. The facts as are admitted expressly or by legal fiction require no formal proof. (See Section 58 of the Indian Evidence Act, 1872). The material facts stated in the complaint have neither been dealt with nor specifically disputed or denied by the Respondent.

6.7 Paragraph 10 of the Policy provides that the remedies available to the Complainant pursuant to any proceedings before an arbitration panel shall be limited to the cancellation or transfer of domain name registration to the Complainant.


6.8 Paragraph 4 of the Policy lists three elements that the Complainant must prove to merit a finding that the domain name of the Respondent to be transferred to the Complainant or cancelled:

**A. IDENTICAL OR CONFUSINGLY SIMILAR**


6A.1 The Complainant is the registered proprietor of the following marks in India:-

S. No.	Registration No.	Date	Trade Mark	Classes	Goods
1.	1764833	December 17, 2008		38	Telecommunications, providing access to telecommunication




					networks and internet websites in the field of insurance, real estate and finance; telephone services for call centers; transmission of information, provided via the Internet and electronic media; collection and transmission of news; e-mail; providing electronic bulletin boards, blog, and live interactive chat services, call center services, electronic exchange of data stored in databases, communications by computer terminals.
2.	1764834	December 17, 2008		41	Education and training services, namely providing classes, seminars, conferences, workshops, and on-one telephonic instruction in the fields of





					business, management, entrepreneurship, and leadership including related to insurance ; online as well as distance learning courses; entertainment; sporting and cultural activities; production of radio or TV programs, films in the field of insurance; publication of books, pamphlets, brochures, magazines and manuals.
3.	1764845	December 17, 2008		16	Paper and paper articles; cardboard and cardboard articles, printed mater, stationery of all kinds and description ; playing cards, plastic cards; credit cards, loyalty and reward program cards; leaflets, catalogues brochures, instruction sheets and manuals,


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					folders and file covers, computer stationery, calendars; envelopes paper bags, letter heads; charts and posters; greeting cards, pen and pencils, newspaper, periodicals, books.
4.	1764846	December 17, 2008		35	Providing information about insurance; advertising; business management; business, business process outsourcing; business management analysis or business consultancy; economic information; marketing research; economic research or analysis, consultancy and advisory services including related to insurance; providing business information related to insurance; employment agencies; internet



					advertising , advertising by other media; providing informatio n relating to employme nt recruitmen t.
5.	1764847	December 17, 2008		36	Insurance, financial affairs; monetary affairs; real-estate affairs; services issuance of encoded electronic chip cards and magnet cards and other computer- aided insurance and financial evidence, namely, credit cards and debit -cards; financial consultatio n in the field of insurance; insurance consultatio n; insurance consultatio n via the internet.
6.	1764848	December 17, 2008		38	Telecomm unications, providing access to telecommu nication networks services and internet websites in



					the field of insurance, real estate and finance; telephone service for call centers; transmission of information provided via the internet and electronic media; collection and transmission of news; e-mail; providing electronic bulletin boards, blog, and live interactive chat services, call center services, electronic exchange of data stored in databases, communications by computer terminals.
7.	1764849	December 17, 2008		41	Education and training services, namely providing classes, seminars, conferences, workshops, and one-on-one telephonic instruction in the fields of business, management, entrepreneurship

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					urship, and leadership including related to insurance; online as well as distance learning courses; entertainment; sporting and cultural activities; production of radio or TV programs, films in the field of insurance, publication of books, pamphlets, brochures, magazines and manuals.
8.	2183635	August 01, 2011	<b>POLICY BAZAAR</b>	16	Paper and paper articles; cardboard and cardboard articles, printed matter, stationery of all kinds and description ; playing cards; plastic cards; credit cards; loyalty and reward program cards; leaflets; catalogues brochures, instruction sheets and manuals; folders and file covers; computer stationery;

					calendars; envelopes; paper bags; letter heads, charts and posters; greeting cards; pens and pencils; newspaper , periodicals , books
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6A.2 Apart from **POLICYBAZAAR.COM**, the Complainant has also obtained other-Top level domain names, wherein the trade mark **POLICY BAZAAR** forms a prominent part thereof. The said domain names are redirected to its global website **www.policybazaar.com**. List of the domains are given as under:-

S. No.	Domain Name	Date of Registration
1.	policybazaar.biz	24-Jun-08
2.	aaapolicybazaar.com	30-Jun-08
3.	policybazaar.mobi	25-Jun-08
4.	policybazaar.asia	24-Jun-08
5.	policybazaar.info	25-Jun-08
6.	policybazaar.net	25-Jun-08
7.	policybazaar.mail.com	17-Jul-14
8.	policybazaar.org.in	2-Jan-15
9.	policybazaar.net.in	2-Jan-15
10.	Policybazaar.firm.in	2-Jan-15
11.	policybazaar.gen.in	2-Jan-15
12.	policybazaarcarinsurance.com	2-Jan-15
13.	policybazaarinsurance.com	2-Jan-15
14.	policybazaarbikeinsurance.com	2-Jan-15
15.	policybazaartwowheelerinsurance.com	2-Jan-15
16.	policybazaarhealthinsurance.com	2-Jan-15
17.	policybazaarmedicclaim.com	2-Jan-15
18.	policybazaarterminsurance.com	2-Jan-15
19.	policybazaarlifelineinsurance.com	2-Jan-15
20.	policybazaar.ind.in	13-Jan-15
21.	policybazaar.name	13-Jan-15
22.	policybazaar.co.uk	13-Jan-15
23.	policybazaar.org.uk	13-Jan-15
24.	policybazaarinsurancewebaggregat or.com	28-Oct-14



25.	camparepolicybazaar.com	15-Nov-13
26.	policybazaar.us	19-Jan-15
27.	policybazaarinsurancebroking.com	1-May-09
28.	policybazaar.org	16-Dec-08
29.	apnapolicybazaar.com	8-Nov-10
30.	indiapolicybazaar.com	21-Jun-11
31.	policybazaarindia.co.in	21-Jun-11
32.	indiapolicybazaar.co.in	21-Jun-11
33.	indiapolicybazaar.com	21-Jun-11
34.	policybazaar.me	19-Aug-10
35.	policybazaar.co.in	19-Apr-08
36.	policybazaar.in	19-Apr-08
37.	epolicybazaar.com	31-Mar-14
38.	policybazaar.com	19-Apr-08
39.	www.policybazaar.ooo	4-Nov-14
40.	policybazar.co.in	25-Jun-08
41.	policybazar.net	25-Jun-08
42.	policybazar.biz	24-Jun-08
43.	policybazar.info	25-Jun-08
44.	policybazar.in	25-Jun-08
45.	policybazar.org	20-Sep-11
46.	policybazar.org.in	2-Jan-15
47.	policybazar.firm.in	2-Jan-15
48.	policybazar.gen.in	2-Jan-15
49.	policybazar.ind.in	2-Jan-15
50.	policybazar.net.in	13-Jan-15
51.	policybazar.name	13-Jan-15
52.	policybazar.mobi	13-Jan-15
53.	policybazar.asia	13-Jan-15
54.	policybazar.co.uk	13-Jan-15
55.	policybazar.tv	13-Jan-15
56.	policybazar.us	19-Jan-15
57.	policybazar.com	26-May-08
58.	policibazaar.in	28-May-09
59.	policibazaar.co.in	28-May-09
60.	policideal.co.in	1-Jun-11
61.	policideal.com	1-Jun-11
62.	policideal.in	1-Jun-11
63.	99policies.com	1-May-08

6A.3 The trade mark **POLICY BAZAAR** is a unique combination of words in the English language, thereby making the said trade mark a distinctive one. The said trade mark has, therefore, become synonymous with the Complainant apart from having virtually become a famous and well known name in India. Hence, use of the trade mark **POLICYBAZAAR/POLICYBAZAAR.COM** by a third party in connection with any goods or services clearly lead the members of the public

to infer that the source /origin of the said goods/service is the Complainant only.

6A.4 The Respondent has not disputed the contention of the complainant in the present case. The complainant has substantiated its right in the mark POLICYBAZAAR in its name.

6A.5 The addition of alphabet "e" to the trade/Service mark and domain name of the Complainant by the respondent makes no difference in the eyes of law and the impugned domain name continue to be identical to the trade/Service mark as well as various domain names of the Complainant.

6A.6 In view of the above fact and circumstances, the panel concludes that the impugned domain name **epolicybazaar.in** is identical and/or deceptively similar to the trade/Service mark and domain name **policybazaar.com** and others as detailed above.

B. **RIGHTS OR LEGITIMATE INTERESTS**

6B.1 The Respondent/Registrant has no right or legitimate interest in the impugned domain name. The Respondent/Registrant is not making legitimate/fair use of the domain name. The Respondent (as an individual, business or other organization) has not been



commonly known by the name or mark  
**POLICYBAZAAR/POLICYBAZAAR.COM.**

6B.2 The Respondent has not used and is not using the domain for a bona fide offering of goods or services but rather to mislead Internet users into assuming an affiliation between the Complainant and them/the third party services advertised. The Respondent/Registrant has registered or acquired the domain name prominently for the purpose of misleading and creating confusion in the minds of general public as well as potential customers so that the impugned domain name comes to be associated with that of the Complainant. The Respondent has used the phonetically, deceptively and confusingly similar/identical name and trade mark **EPOLICYBAZAAR/EPOLICYBAZAAR.COM** without the Complainant's permission or authorization, with the sole intention to have web users land on their website. The domain **epolicybazaar.in** is useful to the Complainant to explore the internet market in India.

6B.3 The Respondent has not rebutted the contention as has been raised by the Complainant in complaint. This is sufficient to establish that the Respondent does not have legitimate interest in the disputed domain name.



**C. Registered and used in Bad Faith**

6C.1 For a Complainant to succeed, the Panel must be satisfied that a domain name has been registered and is being used in bad faith.

6C.2 The disputed Domain Name was registered on 06 March, 2014, six years after the launch of the complainant's official POLICYBAZAAR website.

6C.3 The Indian Trademark Registrations of the trade mark POLICYBAZAAR are dated 19.04.2008, in the name of the Complainant.

6C.4 The primary purpose of registering the domain name by the respondent seems either the passive holding of the disputed domain name or to operate a site as per the as per the averments made by the complainant in his complaint.

6C.5 The main object of registering the domain name **epolicybazaar.in** by the Respondent/Registrant is to gain monetary benefits, mislead the general public and trade as well as prevent the Complainant from using it or reflecting the mark in a corresponding domain name. The registration of the domain name **epolicybazaar.in** incorporating the name and registered trade mark of the



Complaint is malafide and for unlawful gains.  
The malicious intention of the Respondent is evident from the blatant misappropriation of the Complainant's trade mark **POLICY BAZAAR/POLICYBAZAR.COM**.

6C.6 In view of the fact and circumstances, the panel concludes the primary purpose of registering the impugned domain name by the Respondent was unlawful and in bad faith.

7. **DECISION**

The impugned domain name <epolicybazaar.in> is thus directed to be transferred to the Complainant.



**AMARJIT SINGH**  
Sole Arbitrator

Dated: 18<sup>th</sup> May, 2015