



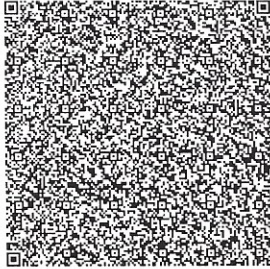
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL91821686631261N
Certificate Issued Date	: 12-Dec-2015 01:39 PM
Account Reference	: IMPACC (IV)/ dl921303/ DELHI/ DL-DLH
Unique Doc. Reference	: SUBIN-DL92130381741916328717N
Purchased by	: RAJEEV SINGH CHAUHAN
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: RAJEEV SINGH CHAUHAN
Second Party	: Not Applicable
Stamp Duty Paid By	: RAJEEV SINGH CHAUHAN
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



ORIGINAL ORIGINAL ORIGINAL
COPY COPY COPY

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

BEFORE THE SOLE ARBITRATOR UNDER THE .IN DISPUTE RESOLUTION POLICY

IN THE MATTER OF
EQUITAS HOLDINGS LIMITED
Phase-II, 4th Floor, Spencer Plaza,
No.769, Anna Salai, Chennai-600002

Vs.

K.P. Sivadas
Chaitanya Sheel, Thane,
Maharashtra-421202

The Complainant

The Respondent

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.

THE PARTIES

The Complainant in this administrative proceeding is EQUITAS HOLDINGS LIMITED
Phase-II, 4th Floor, Spencer Plaza, No.769, Anna Salai, Chennai-600002.

The complainant's authorized representative in the administrative proceeding is:

Mr. H. Mahalingam

President IT & Group CTO

Phase-II, 4th Floor, Spencer Plaza,

No.769, Anna Salai, Chennai-600002

Mobile No.9840188782, Fax: 044-42995050

Email: mahalingamh@equitas.in

The respondent in this proceeding is Shri K.P. Sivadas, Chaitanya Shell, Thane,
Maharashtra-421202, Telephone: +919323225906, Email: sivadas.kpsivadas@gmail.com.

THE DOMAIN NAME, REGISTRAR AND REGISTRANT

The disputed domain name is <www.equitasbank.in>.

The Registrar for the disputed domain name is GoDaddy.com.

PROCEDURAL HISTORY:

I was appointed as the Arbitrator by .In Registry, to adjudicate upon the complaint of the Complainant, regarding the dispute over the domain name < www.equitasbank.in >.

.In Registry has supplied the copy of the Complaint to me.

On 28.10.2015, I sent an email to the parties informing them about my appointment as an Arbitrator.

In the same email, I requested the complainant to supply the copy of the complaint with annexure to the Respondent and in case if they have already served it, then to provide me with the details of service record.

On 11.11.2015, the arbitrator received a mail from Respondent giving reply in which he showed the willingness to transfer the domain name voluntarily and denied all the charges

levied against him as he was not aware of any interest Equitas Holding Ltd. has in the disputed domain name.

That I have perused the record and Annexure/ documents.

FACTUAL BACKGROUND:

The Complainant has given the following important facts while objecting to registration of disputed domain name in the name of the Respondent:-

The complainant has stated that Equitas Holding Limited is the registered proprietor of the name Equitas and has been using the same in various countries in relation to its ongoing business.

The complainant had further stated that it has registered the trade mark Equitas Microfinance India Pvt. Ltd. on 23.04.2008 and has also registered the following domain names:

a.EQUITAS.IN

b.EQUITASHF.IN

c. EQUITASVF.IN

The complainant further stated that around September 2015, the complainant came to know about the Respondent disputed domain name equitasbank.in and thereafter they wrote a letter to the respondent informing him to refrain from using the disputed domain name which is identical and /or confusingly similar to the complainant's mark.

The respondent in its reply had denied all the charges levied against him but have requested to transfer the disputed domain name to the complainant on the basis of the understanding between the parties.

PARTIES CONTENTIONS:

Complainant:

The Complainant contends as follows:

- i. The disputed domain name is identical or confusingly similar to a trademark in which the Complainant has the rights.
- ii. The respondent has no rights and legitimate interest in respect of the impugned domain name.

iii. The Respondent has registered and is using his domain name in bad faith.

Respondent:

Respondent has denied all the charges levied against him, as he was not aware of any interest Equitas Holding Ltd has in the disputed domain name. Despite of the above fact, the Respondent has requested to transfer the disputed domain name to Complainant on the basis of the understanding between the parties.

DISCUSSIONS AND FINDINGS:

Rule 8 (b) of the INDRP Rules of Procedure provides that *"In all cases, the Arbitrator shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case"*.

A fair opportunity has been given to the Respondent to file the reply and he has shown his willingness to transfer the disputed domain name to the complainant without admitting to any of the charges levelled against him.

Rule 12 (a) of the INDRP Rules of Procedure provided that *"An Arbitrator shall decide a Complaint on the basis of the statements and documents submitted to it and in accordance with the Arbitration and Conciliation Act, 1996, Dispute Resolution Policy, the Rules of Procedure and any bye-laws, rules and guidelines framed there under and any law that the Arbitrator deems to be applicable."*

In the present circumstances, the decision of the Arbitrator is based upon the Complainant assertions and evidence and the request from the Respondent to transfer the disputed domain name to the Complainant.

DECISION:

In view of the above facts and circumstances, .IN Registry of the NIXI is hereby directed to transfer the domain name of the Respondent i.e. <www.equitasbank.in> to the Complainant. The Award is accordingly passed on this day of 15th December, 2015.


Rajeev Singh Chauhan
Sole Arbitrator
Date: 15th December, 2015