



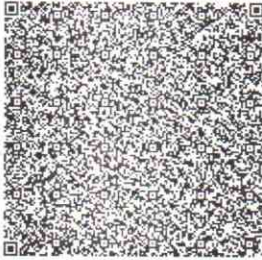
सत्यमेव जयते

## INDIA NON JUDICIAL

### Government of National Capital Territory of Delhi

#### e-Stamp

Certificate No. : IN-DL52723382069209N  
Certificate Issued Date : 04-Sep-2015 03:32 PM  
Account Reference : IMPACC (IV)/ dl916503/ DELHI/ DL-DLH  
Unique Doc. Reference : SUBIN-DL91650303104942023160N  
Purchased by : LUCY RANA  
Description of Document : Article Others  
Property Description : Not Applicable  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : LUCY RANA  
Second Party : Not Applicable  
Stamp Duty Paid By : LUCY RANA  
Stamp Duty Amount(Rs.) : 100  
(One Hundred only)



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BEFORE THE SOLE ARBITRATOR UNDER .IN DISPUTE RESOLUTION POLICY  
(Appointed by .IN Registry - National Internet Exchange of India)

#### ARBITRATION AWARD

Disputed Domain Name: <LENOVO.IN>

#### IN THE MATTER OF:

LENOVO (BEIJING) LIMITED,  
No. 6, Chuang Ye Road,  
Shangdi Information Industry Base,  
Haidian District, Beijing 100085  
P. R. China.

Complainant

Versus

Shajeem Othayoth,  
33/686, Paroppady, Calicut 673012  
Kerala, India-673012  
Email: fahcemohamed@gmail.com

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.

*Shajeem*

1. **The Parties:**

**The Complainant** in this arbitration proceeding is Lenovo (Beijing) Limited of the address No. 6, Chuang Ye Road, Shangdi Information Industry Base, Haidian District, Beijing, P.R. China-100085.

**The Respondent** in this arbitration proceeding is Shajeem Othayoth of the address 33/686, Paroppady, Calicut, Kerala, India-673012.

2. **The Domain Name, Registrar and Registrant:**

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <Lenovo.in> with the .IN Registry. The Registrant in the present matter is Shajeem Othayoth and the Registrar is EPAG Domainservices Gmbh.

3. **Procedural History:**

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI).

NIXI vide its email dated August 17, 2015 appointed Mrs. Lucy Rana as the Sole Arbitrator in the matter. The Arbitrator submitted the statement of acceptance and declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure on the same date.

In accordance with Rules 2(a) and 4(a), NIXI vide email dated August 24, 2015, notified the Respondent of the filing of the Complaint and the appointment of the Arbitrator for adjudicating upon the disputed domain name <Lenovo.in>.

The Arbitrator received the Complaint dated August 13, 2015, from NIXI on August 25, 2015.

Thereafter, the Arbitrator sent a notice to the Respondent vide email on August 26, 2015, informing that copy of this complaint along with annexures has already been forwarded to the Respondent by the .IN Registry and granting the Respondent a period of **14 days (Fourteen Days)** from the receipt of the notice to file its response to the Complaint in both hard as well as soft copy.

The Respondent vide email dated September 02, 2015, informed the Arbitrator that after going through the documents as provided by the Complainant, he has decided to consent to the transfer of the domain <Lenovo.in> to the Complainant. He further requested the Arbitrator to intimate the same to the Complainant and proceed with further action for transfer of the domain name <Lenovo.in> in favour of the Complainant.

*Lucy Rana*

The Arbitrator vide its email dated September 03, 2015, informed to all the parties that the Respondent in its email dated September 02, 2015, has consented to willingly transfer the disputed domain <Lenovo.in> to the Complainant and copied the said email received from the Respondent. Therefore, the Complainant and Respondent were called upon to inform that they are willing to opt for pre-decision settlement of the dispute, within seven (7) days of receipt of the email.

Thereafter, the Arbitrator received email dated September 09, 2015, from the Complainant's counsel informing that the Complainant has given its consent for a pre-decision settlement of the present dispute.

## 1. Factual Background

It is submitted by the Complainant that it is a Chinese multinational technology company that designs, develops, manufactures and/or sells, among other things computers, tablet computers, laptops, computer memories, computer peripheral equipment etc. The Complainant Company Lenovo (Beijing) Limited was founded in 1984 and is today operating in more than 60 countries and sells its products in around 160 countries in the world.

The Complainant further submits that in the year 2003, it coined and honestly adopted the inherently distinctive term **LENOVO** as a trade name as well as a trade mark. The Complainant has also cited a case wherein the trade mark **LENOVO** has been held to be a well-known trade mark.

The Complainant has submitted that in order to protect its statutory rights in its valuable trade mark **LENOVO** and other related marks, the Complainant has obtained trade mark registrations in India for the said mark in classes 9, 35, 42, 37, 28, 11, 07, 16, 39, 40.

The Complainant registered the domain name <Lenovo.com> on October 25, 2007 and is also operating its corresponding website [www.lenovo.com](http://www.lenovo.com), which is easily accessible around the world, including in India.

The Complainant while conducting a due diligence check on its domain names became aware that the domain name <Lenovo.in> was registered in the name of Mr. Shajeem Othayoth. The Complainant has filed the present complaint with the Tribunal contending that the Respondent's impugned domain name is identical to a trade mark in which the Complainant has statutory rights. The Respondent has no rights or legitimate interests in respect of the impugned domain name and the Respondent's domain name has been registered and/or is being used in bad faith, all in violation of the INDRP. The Complainant is praying that the domain <Lenovo.in> be transferred to the Complainant in accordance with paragraph 11 of the INDRP as the registration of the said domain will cause irreparable loss and injury to the Complainant which cannot be compensated in monetary terms.

## 2. Discussion and Findings:

*Arang*

In the present circumstances, the decision of the Arbitrator is based upon the Complainant's submissions and the Respondent's consent to transfer the domain <Lenovo.in> in favour of the Complainant.

The Respondent vide email dated September 02, 2015, has given consent to transfer the domain <Lenovo.in> in favour of the Complainant and has requested that the transfer process may be initiated.

Therefore, as held by the Learned Panel in previous decisions, (*Avaya Inc. v. Madhuram Sankaran Case no. INDRP/174, Merck Sharp & Cohme Corp. v. Marketing Munch Pry. Ltd. Case No. INDRP/230, IDFC Ltd. v. Pankaj Gupta Case No. INDRP/571, Idea Cellular Limited v. Nick Cardew, Case No. INDRP/629, Orange Brand Services Limited v. Orange Media Solutions Case No. INDRP/660*) on the basis of the Respondent's consent to transfer the domain name <Lenovo.in>, no further consideration or discussion of the Policy is deemed necessary by the Arbitrator.

3. **Decision:**

For all the aforementioned reasons, in accordance with Paragraph 4 (i) of the Policy and 14 of the Rules, the panel orders that as consented by the Respondent, the domain name <Lenovo.in> be transferred to the Complainant. The complaint is disposed off accordingly.



**Lucy Rana**  
**Sole Arbitrator**

**Date: September 10, 2015**

**Place: New Delhi, India**