

तमिलनाडु TAMILNADU

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BL 923627
R. RAGUPATHI

Sridharan
Chew

STAMP VENDOR, L/No. C3/4839/83,
No. 37, VILLAGE ROAD, NOW KNOWN AS
No. 79/91, VALLUVARKOTTAM HIGH ROAD,
NUNGAMBAKKAM, CHENNAI-600 034.
MOBILE: 9445114347

BEFORE S SRIDHARAN, SOLE ARBITRATOR
OF NATIONAL INTERNET EXCHANGE OF INDIA

ARBITRATION AWARD

DATED: 8th April 2017

INDRP Case No: 871

Sun Pharmaceutical Industries Ltd.
Mumbai

...

Complainant

Versus

Sunil Nalavade of NilSun Pharma
Mumbai

...

Respondent

Sridharan

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1. The Parties

- 1.1 The Complainant, Sun Pharmaceutical Industries Ltd, is a company incorporated under the Companies Act 1956, having its corporate office at Sun House, Plot No.201 B/1, Western Express Highway, Goregaon (East), Mumbai 400 063. The Complainant is represented by its Senior Legal Manager & Constituted Power of attorney holder, Mr. Prashant Dilip Mule.
- 1.2 Respondent is Sunil Nalavade of NilSun Pharma at Milkot No.9, near High School Road, A P Kavalapur Tehsil, Sangli, Maharashtra – 416306 (Full address is taken from the disputed domain name).

The Domain Name and Registrar

- 1.3 The disputed domain name < www.nilsunpharma.in > created on 15.12.2016 is registered with the registrar, Endurance Domains Technology Pvt. Ltd (R173-AFIN).

2. Procedural History

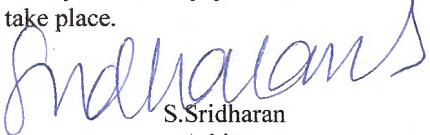
- 2.1 On 9th March 2017, NIXI asked me about my availability and consent to take up the Complaint for arbitration. On 10th March 2017, I informed my availability and consent. I also informed NIXI that I had no conflict of interest with either of the parties and could act independently and impartially. I sent signed declaration of independency and impartiality to NIXI.
- 2.2 On 22nd March 2017, NIXI by email informed the parties about the appointment of me as the arbitrator in the above dispute. In the same email, NIXI has also provided the contact details of the arbitrator.
- 2.3 On 24th March 2017, I received hard copy of the Complaint from NIXI.
- 2.4 On 24th March 2017, I issued by email a Notice to the Respondent setting forth the relief claimed in the Complaint and directing him to file his reply to the Complaint within 15 days. I also sent an email about my appointment to arbitrate the complaint to the Complainant and asked the Complainant to send a soft copy of the complaint in *MS-Word* format to me.
- 2.5 On the same day, I received soft copy of response from the Respondent.



- 2.6 On 6th April 2017, Respondent filed his response. In his response, the respondent informed that he would transfer the disputed domain name depending on the advice / suggestion of the Arbitrator / Complainant.
- 2.7 On the same day, the Arbitrator sent a mail asking the Respondent to state his exact intention. The Arbitrator or the Complainant cannot take a stand for the Respondent. The Arbitrator asked the Respondent to inform by email what stand he would like to take, i.e. whether the Respondent would contest the matter or he would agree to transfer the domain name to the complainant.
- 2.8 On 7th April 2017, the Respondent by email agreed to transfer the disputed domain name to the Complainant.
- 2.9 Email is the medium of communication of this arbitration and each email is copied to all, Complainant, Respondent and NIXI.
- 2.10 I have returned to NIXI by courier all pleadings / documents that I received from it. I have not received any pleadings / documents by courier/post from the Parties.

3. Decision

- 3.1 On the basis of consent expressed by the Respondent to transfer the disputed domain name to the Complainant, I hereby make the following award:
- 3.2 It is hereby ordered that the disputed domain name < www.nilsunpharma.in > be transferred to the Complainant.
- 3.3 The Complainant is ordered to pay the cost of registration of the disputed domain name <www.nilsunpharma.in> incurred by the Respondent to the Respondent. Only after this payment, the Transfer of the Disputed Domain name <www.nilsunpharma.in> will take place.


S.Sridharan
Arbitrator