



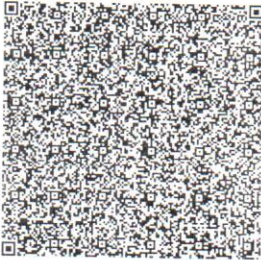
सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No. : IN-DL36286765018953P
Certificate Issued Date : 09-Jan-2017 11:25 AM
Account Reference : IMPACC (SH)/ dlshimp17/ HIGH COURT/ DL-DLH
Unique Doc. Reference : SUBIN-DLDSLHIMP1773019748694526P
Purchased by : MS LUCY RANA
Description of Document : Article Others
Property Description : Not Applicable
Consideration Price (Rs.) : 0
(Zero)
First Party : MS LUCY RANA
Second Party : Not Applicable
Stamp Duty Paid By : MS LUCY RANA
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



-----Please write or type below this line-----

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

ARBITRATION AWARD

Disputed Domain Name: <SEAGATEDATARECOVERY.IN>

IN THE MATTER OF:

Seagate Technologies LLC,
10200,
South De Anza Boulevard,
Cupertino,
California 95014
USA

Complainant

Kishore Hansrajani
42/44,
Walker House,
Tribhuvan Road,
Grant Road,
Mumbai - 400007
kishore@saisalesinfotech.com

Versus

Respondent

Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shoilestamp.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

Arana

The Parties

The Complainant in this arbitration proceeding is Seagate Technologies LLC, of the address 10200 South De Anza Boulevard, Cupertino, California 95014, USA.

The Respondent in this arbitration proceeding is Shri Kishore Hansrajani of the address 42/44, Walker House, Tribhuvan Road, Grant Road, Mumbai – 400007.

The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <seagatedatarecovery.in> with the .IN Registry. The Registrant in the present proceeding is Kishore Hansrajani. Further, as is evident from the WHOIS search results as attached the Registrar of the said domain name is GoDaddy.com, LLC

Procedural History [Arbitration Proceedings]

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy [INDRP], adopted by the National Internet Exchange of India [hereunder referred to as NIXI]. The INDRP rules of procedure [the rules] were approved by NIXI on 28th June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with NIXI accredited registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Ruled framed thereunder.

NIXI vide its email dated December 28, 2016, sought consent of Mrs. Lucy Rana to act as the sole arbitrator. The Arbitrator informed of its availability and consent vide statement of Acceptance and Declaration of Impartiality in compliance with the INDRP Rules of Procedure on the same day.

In accordance with the Rules, 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint, and appointed Lucy Rana as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder.

NIXI sent a copy of the complaint along with annexures to the Respondent vide email on January 02, 2017.

Further the copy of the complaint along with the annexures was received by the Arbitrator on January 04, 2017

On January 05, 2017, the Respondent wrote to the Arbitrator informing about his intention to not pursue the domain complaint and that he has 'permanently suspended' the disputed domain name <seagatedatarecovery.in> and discontinued the website www.seagatedatarecovery.in and thereby implied his consent to transfer the domain name to the complainant.

Discussion and Findings

In line with previous decisions, e.g., Williams – Sonoma, Inc. v. EZ-Port, WIPO Case No. D2000-

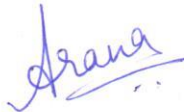


0207, Amgen Inc. v. Texas International Property Associates, WIPO Case No. Case No. D2007-0155, Levantur, S.A. v. Rarenames, WebReg, WIPO Case No. D2007-0857, since the Respondent has consented to the transfer of the disputed domain name <seagatedatarecovery.in> to the Complainant, the Panel finds that in this case there is no need to delve into the merits of the complaint.

The Respondent in this proceeding has impliedly agreed in his response dated January 05, 2017 to transfer the domain name <seagatedatarecovery.in>, without admitting to the allegations as made in the domain complaint. Therefore, as held in *Amgen Inc. v. Texas International Property Associates*, supra, "given Respondent's consent to transfer, this Panel deems it appropriate to grant the request to transfer. No further consideration or discussion of the elements of the Policy is deemed unnecessary"

Decision

For all the foregoing reasons, in accordance with the Paragraphs 4(i) of the policy and Paragraph 15 of the Rules, the Panel directs that the disputed domain name <seagatedatarecovery.in> be transferred to the Complainant. The Award is accordingly passed and parties are directed to bear their own cost.



Lucy Rana
Sole Arbitrator

Date: January 10, 2017