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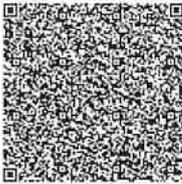
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Purchased by	: S S RANA AND CO
Description of Document	: Article 12 Award
Property Description	: AWARD
Consideration Price (Rs.)	: 0 (Zero)
First Party	: LUCY RANA
Second Party	: LUCY RANA
Stamp Duty Paid By	: LUCY RANA
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY
(Appointed by the National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name: <klap.net.in>

IN THE MATTER OF**ALPHA MIND IP CO LTD**

Al Sarab Tower, Abu Dhabi Global Market Square,
Al Maryah Island, Abu Dhabi,
United Arab Emirates

..... Complainant

-----versus-----

NAVDEEP SETHI (as per WHOIS records)

A 151 Gujranwala Town Part 1,
New Delhi,
India – 110033

..... Respondent

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1. The Parties

The **Complainant** in this arbitration proceeding is **ALPHA MIND IP CO LTD**, Al Sarab Tower, Abu Dhabi Global Market Square, Al Maryah Island, Abu Dhabi, United Arab Emirates.

The **Respondent** in this arbitration proceeding is **NAVDEEP SETHI**, of the address: A 151 Gujranwala Town Part 1, New Delhi, India – 110033 as per the WHOIS records.

2. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <KLAP.NET.IN> with the .IN Registry. The Registrant in the present matter, while not clearly outlined in the WHOIS records, appears to be **Navdeep Sethi**. Further, the Registrar of the disputed domain is **GoDaddy.com, LLC**.

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). The procedural history of the matter is tabulated below:

Date	Event
November 11, 2025	NIXI sought consent of Ms. Lucy Rana to act as the Sole Arbitrator in the matter. The Arbitrator confirmed her availability and gave her consent vide email on the same date, along with the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
November 17, 2025	NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.
November 18, 2025	The Arbitrator directed Complainant's Counsel to provide an apostilled/notarized authorisation document.
November 24, 2025	Complainant's Counsel requested Arbitrator to grant three (03) more days of extension i.e. till November 28, 2025, for the submission of notarized Power Of Attorney.
November 25, 2025	The Arbitrator granted a period of three (03) more days from the date of the email to submit notarized Power Of Attorney in the matter.
November 27, 2025	Complainant's Counsel provided a duly signed and notarized PoA. The Arbitrator vide email on the same date, directed the Complainant's Counsel to serve a full set of the domain complaint as filed, along with annexures, upon the Respondent by email as well as

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	physical mode (in case Complainant had already not done so) and provide proof of service within seven (07) days.
December 2, 2025	<p>Complainant's Counsel sent a full set of the domain complaint and annexures to the Respondent by email and kept Arbitrator in copy.</p> <p>Complainant's Counsel vide email on the same date, confirmed that the domain complaint has been delivered through courier as well as email and provided a copy of the delivery report as evidence.</p> <p>The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response, i.e. by December 16, 2025.</p>
December 3, 2025	Respondent's Counsel informed the Arbitrator that Respondent desires to file a detailed response/Counter Statement to the Complaint as filed by the Complainant and shall file/forward the same within the stipulated timeline as provided by the Arbitrator.
December 15, 2025	Respondent's Counsel submitted the Response/Counter Statement along with the Annexures, on behalf of the Respondent in respect of the domain name KLAP.NET.IN.
December 16, 2025	The Arbitrator granted the Complainant a time of ten (10) days from the date of the email to furnish a rebuttal/ rejoinder in the matter.
December 24, 2025	Complainant's Counsel submitted a response to the Counterstatement dated December 15, 2025, on behalf of the Complainant.
December 26, 2025	The Arbitrator concluded the arbitral proceedings and reserved the arbitral award to be passed on the basis of the material available on record and in accordance with the law as applicable.

4. Factual Background – Complainant

Complainant, in the present matter, has, inter alia, submitted as follows:

- i. That the Complainant, through their predecessors Carbone Holding Limited (now ALPHA MIND IP CO LTD) is an Emirati Company, and a privately owned hospitality group, which includes services which are not restricted to, high end luxury establishments, bars, lounges, beach clubs, all over the world, since the year 2021.
- ii. That the Complainant holds wide-ranging trademark portfolios, including but not limited to CLAP, IRIS, LITT, etc. That the Complainant also maintains a substantial presence across the world, including Europe, Middle East, and North Africa.
- iii. That the Complainant also offers exceptional dining experience by enabling visitors and patrons the delight of Japanese cuisine accompanied with live performances. That the Complainant is regarded as one of the most distinguished luxury brand and is highly

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acclaimed in the hospitality business globally. In this regard, the Complainant has been felicitated with many awards.

- iv. That the Complainant coined the trademark **CLAP** in the year 2018, and since then, has been continuously using it in various countries and continents.
- v. By virtue of prior adoption, weighty endeavour, extensive use, colossal promotional efforts, ingenious approach and substantial investment made by the Complainant, their marks have acquired a reputed and well-known status across world.
- vi. That the Complainant is using the trademark and brand name **CLAP** for the services falling under the Classes 35, 41 and 43.
- vii. That the Complainant's domain name is www.claprestaurant.com which is used by the patrons, consumers and visiting customers. In this regard, the Complainant has annexed excerpts from their website showcasing some of the products and services that they offer under the trademark **CLAP** as Annexure 1 to 4.
- viii. That the Complainant is the original proprietor and owner of the trademark **CLAP** and has applied for the registration of the trademark in various countries/ continents viz Beirut, Europe, Saudi Arabia, Turkey, UK, UAE, India. In this regard, Complainant has annexed a list of trademark applications, registrations and corresponding registration certificates owned by them as Annexure 5 to 11.
- ix. That the Complainant's social media presence of the **CLAP** trademark accounts is all over the world, including in Dubai, Beirut, London and Ibiza.
- x. That the Complainant provided few links of the articles where the trademark **CLAP** has been appeared.
- xi. That the Complainant has annexed its marketing expenses and the revenue as Annexure B.
- xii. That the Complainant attempted to register its trademark **CLAP** in India with a user claim of December 01, 2018 vide Application nos. 5220431 and 5220440 in Classes 41 and 43, which were accepted but later opposed by the Respondent. That the Complainant is taking all legal measures to safeguard their trademarks at all appropriate places and countries.

5. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:



A. The Respondent's domain name "klap.net.in" is identical to a name, trademark/ trade name in which the Complainant has rights

- i. That the disputed domain incorporates a mark **KLAP** which is a common, obvious and intentional misspelling of Complainant's trademark 'CLAP' and hence is confusingly similar to the Complainant's trademark.
- ii. That there is no evidence of the Respondent using the disputed domain name before the Complainant, which goes back to the year 2018.
- iii. That the Respondent was not commonly known by the disputed domain name prior to that of the Complainant.
- iv. That the Complainant has registered its domain name www.claprestaurant.com prior of that of the Respondent.
- v. Complainant is the prior user, honest adopter who first coined the trademark **CLAP** for the services related to the hospitality and restaurant business.

B. The Respondent has no rights or legitimate interests in respect of the domain name

- i. That the Respondent has no rights or legitimate interests in the disputed domain name bearing the mark **KLAP**.
- ii. That the Respondent is making an illegitimate commercial and unfair use of the disputed domain name with an intent for commercial gain, misleading to divert consumers, patrons and visitors to their website to tarnish Complainant's, i.e. **CLAP**.
- iii. That the Respondent is not a licensee of the Complainant, nor was authorized to use the Complainant's trademark **CLAP**.
- iv. That there is no plausible explanation for the Respondent's registration of the disputed domain name.
- v. By registering the disputed domain name, the Respondent intentionally attempted to attract commercial gains, internet users to their website or other online locations, by creating a likelihood of confusion with the Complainant's mark.

C. The disputed domain name has been registered in bad faith

- i. That the Respondent has also registered another domain name bearing the mark **KLAP** i.e., www.klap.website against which the Complainant has initiated arbitration proceedings at WIPO as per UDRP guidelines.

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- ii. That the Complainant states that in the year 2021, the Respondent approached the Complainant's co-owner, Ms. Jessica, who was a batchmate of the Respondent, and who is also a wife of the owner of trademark **CLAP**, for a job opportunity and shared his CV. The CV was then being forwarded by Ms. Jessica to the HR overseeing the CLAP enterprise with the then licensee ADDMIND, which is the management company for all venues under ALPHA MIND group. This proves that the Respondent knew the existence of Complainant's mark **CLAP** being famous, before adopting their mark **KLAP**.
- iii. That the Respondent registered the disputed domain name in the year December 13, 2020, much after the date of registration of Complainant's domain name www.claprestaurant.com.
- iv. That the Respondent is making unfair commercial use of the disputed domain name within the territory of India.
- v. That the disputed domain name was registered primarily for the purpose of disrupting the business of Complainant and to sail on the goodwill of the Complainant's trademark **CLAP**.
- vi. That the Complainant's use of the trademark **CLAP** accrued much before the Respondent's use of the mark **KLAP**.

6. Reliefs claimed by the Complainant

The Complainant has requested that the domain name <KLAP.NET.IN> be transferred to them or cancelled.

7. Respondent's Contentions – vide reply dated December 15, 2025

The Respondent, vide its reply dated December 15, 2025, to the present Domain Complaint, has put forward the below submissions:

- i. That the Respondent, SMANGS HOSPITALITY LLP, has been operating under its well-recognized brand name/ trademark **KLAP** since at least August 23, 2020 in India. And over the course of its operations, the Respondent has earned significant goodwill and recognition in the market for its exceptional services and for offering allied and cognate goods, activities under the **KLAP** brand and trademark.
- ii. That the Respondent's business activities are meticulously curated to provide its customers with an unparalleled experience in the culinary, beverage, cafeteria, and bar sectors. That in addition to utilizing and registering the trademark **KLAP** in connection with its services, the Respondent has also adopted **KLAP** as its official trading name.



- iii. That by the virtue of long-standing and consistent use, the **KLAP** trademark has become exclusively associated with the Respondent's services and area of business activity in the eyes of public.
- iv. That the Respondent has devoted substantial resources, efforts and financial investments towards the promotion and marketing of its trademark **KLAP**, including but not limited to advertising through print media, electronic media, and various digital platforms. In this regard, Respondent has annexed herewith copies of illustrative publications and advertisements of Respondent's trademark **KLAP** as Annexure B.
- v. That the Respondent is the registered proprietor of the trademark **KLAP** in Classes 35 and 43 in India. Details of such registrations along with registration certificate are enclosed herewith as Annexure C.
- vi. That the Respondent operates and maintains an official website www.klap.net.in which prominently showcases its activities and services rendered under the trademark **KLAP**. The said website is publicly accessible and visible. In this regard, Respondent has annexed herewith excerpts of registered webpage evidencing the aforementioned as Annexure E.
- vii. That the Respondent has successfully asserted and enforced its rights in relation to the **KLAP** trademark within India. In this regard, Respondent has annexed herewith copies of successful enforcements of the trademark **KLAP** as Annexure G.
- viii. That the Complainant invoked the present INDRP proceedings only after the Respondent exercised its statutory right to oppose the Complainant's trademark filings. Until the filing of the oppositions, the Complainant had never asserted any rights against the Respondent in India, nor raised any allegation of bad faith, similarity, and imitation.
- ix. That the Respondent is the prior adopter, prior user and the registered proprietor in India of the trademark **KLAP** and its corresponding disputed domain name klap.net.in.
- x. That the Respondent opposed Complainant's application no. 5220431 for the mark **CLAP** vide opposition no 1375562.
- xi. That the Complainant is inconsistent with its own stance in the pending trademarks opposition proceedings initiated by the Respondent. That the Complainant claimed in its Counter Statement dated April 10, 2025 that its mark "CLAP" is neither substantially identical nor confusingly similar to the Respondent's registered trademark "KLAP". However, the Complainant now seeks to rely on a claim of identity/ confusingly similarity before this tribunal. Principles of approbation and reprobation prohibit a party from adopting mutually contradictory positions. In this regard, Respondent has placed its reliance on the matter *Dwijendra Narain v. Joges Chandra De* [AIR 1924 Cal 600],



wherein the Calcutta High Court held that a litigant cannot be permitted to assume inconsistent positions within the same subject matter.

- xii. That the Complainant holds no registration for the mark **CLAP** in India. The trademark application is pending and in fact is sub judice under statutory opposition initiated by the Respondent. That the Complainant is not using the mark **CLAP** in India.

8. Complainant's Submissions/Contentions – vide Rejoinder dated December 24, 2025

The Complainant, vide the abovementioned rejoinder, had responded to the Respondent's reply dated December 15, 2025. Facts, submissions and contentions already stated are not being repeated hereunder for the sake of brevity.

The Complainant in the said rejoinder, outrightly refutes and disavows the submissions made by the Respondent in their Response.

- i. That the Directors of the present company SMANGS HOSPITALITY LLP, Mr. Gurmehar Singh Sethi and Mr. Alekh Vardhan are also the directors of a company named Anaira Bistro LLP, who have filed registration for the mark **CLAP** bearing application no 7038155 dated May 31, 2025 in Class 43.
- ii. That the Complainant has initiated the rectification proceeding against the Respondent's trademark application no. 4637361 for the mark **KLAP**.
- iii. That the Respondent knew the existence of the Complainant's mark **CLAP**, before adopting their mark **KLAP** and **CLAP**.

9. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, the Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
 - ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
 - iii. The Registrant's domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.
- i. **The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights**

(Paragraph 4(a) of the .IN Domain Name Dispute Resolution Policy)

- In the present domain dispute, the Complainant has furnished information about their trade mark rights over the mark 'CLAP' in several countries of the world.
- The Complainant has also submitted that the disputed domain incorporates a mark **KLAP** which is a common, obvious and intentional misspelling of Complainant's trademark 'CLAP' and hence is confusingly similar to the Complainant's trademark.
- The Complainant has also made submissions that they are the prior user, honest adopter who first coined the trademark **CLAP** for the services related to the hospitality and restaurant business.

Thus, in light of the trademark rights presented by the Complainant and the documents placed on record, the Complainant has established its rights over the trademark **CLAP**. Further, the disputed domain name incorporates a mark **KLAP** which is phonetically, conceptually, deceptively similar to the Complainant's trademark **CLAP** and hence is confusingly similar to the Complainant's trademark.

Accordingly, it may be stated that the disputed domain name <**KLAP.NET.IN**> is confusingly similar to the Complainant's trademark **CLAP**.

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the .IN Domain Name Dispute Resolution Policy)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name, by demonstrating any of the following circumstances:

- (a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;*
- (b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights; or*
- (c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.*

- In the present domain dispute, the Complainant has asserted that the Respondent has no rights or legitimate interests in the disputed domain name and that the

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Respondent has registered the disputed domain name mala fide with the sole motive to encash upon the goodwill and reputation of the Complainant.

- The Complainant states that the Respondent having no legitimate interest is corroborated by the fact that the Respondent is not a licensee of the Complainant, nor was authorized to use the Complainant's trademark **CLAP**.

In this regard, Respondent may show legitimate rights and interests in a disputed domain name, by demonstrating any of the circumstances laid down under Paragraph 6 of the .IN Domain Name Dispute Resolution Policy.

- The Respondent has responded in these proceedings and submitted that they are operating under its well-recognized brand name/ trademark **KLAP** since at least August 23, 2020 in India.
- The Respondent registered its trademark **KLAP** in Classes 35 and 43 in India since September 02, 2020 as well as registered its disputed domain name on December 13, 2020.
- By the virtue of long-standing and consistent use, the **KLAP** trademark has become exclusively associated with the Respondent's services and area of business activity in the eyes of public.
- The Respondent has earned significant goodwill and recognition in the market for its services under the **KLAP** brand and trademark.
- The Respondent is the prior adopter, prior user and the registered proprietor in India of the trademark **KLAP**.
- The Complainant does not hold any registration for the mark **CLAP** and is not using the mark **CLAP** in India.
- The Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.
- The Complainant vide its Counter Statement dated April 10, 2025 [in respect of opposition no 1375562 filed by the Respondent against Complainant's application no. 5220431 for the mark **CLAP**] claimed that their mark **CLAP** is neither substantially identical nor confusingly similar to the Respondent's registered trademark **KLAP**.

The Arbitrator finds that the material on record shows that the Respondent, who had registered the disputed domain name, is commonly known by the name/mark **KLAP** forming part of the disputed domain name and is using the same in connection with a bona fide offering of goods and services since August, 2020 which is considerably prior to the filing of the subject complaint. Further, there is no information to refute the Respondent's assertions.

Also, the Arbitrator finds that there is no evidence showing that Respondent's conduct was aimed at creating confusion with the Complainant's trademark at any point in time.

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The Complainant does not provide any proof indicating that Respondent's aim in registering the disputed domain name was to profit from and exploit Complainant's trademark and the Complainant's position is based solely on inference.

In view of the aforesaid, the Arbitrator is not satisfied that the Complainant has met the requirements of Paragraph 4(b) of the INDRP and it is not possible to conclude that on the evidence before the Arbitrator, the Respondent has no rights or legitimate interests in the disputed domain name.

iii. **The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) and Paragraph 7 of the .IN Domain Name Dispute Resolution Policy)**

As per paragraph 7 of the Policy, the Complainant is required to establish that the disputed domain name was registered or is being used in bad faith, by demonstrating any of the following circumstances:

- (a) circumstances indicating that the Registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant, who bears the name or is the owner of the Trademark or Service Mark, or to a competitor of that Complainant, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or*
- (b) the Registrant has registered the domain name in order to prevent the owner of the Trademark or Service Mark from reflecting the mark in a corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or*
- (c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location; or*
- (d) The Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor.*

- In the present domain dispute, the Complainant has asserted that the Respondent has registered and used the disputed domain name in bad faith for the reasons that the Respondent has also registered another domain name bearing the mark **KLAP** i.e., www.klap.website.
- The Respondent had registered the disputed domain name in the year December 13, 2020, much after the date of registration of Complainant's domain name www.claprestaurant.com on October 29, 2018 and the Complainant's use of the trademark **CLAP** accrued much before the Respondent's use of the mark **KLAP**.

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In this regard, Respondent has *inter alia* contended the aforementioned points regarding its bad faith:

- The Respondent has responded in these proceedings and submitted that they have registered its trademark **KLAP** in Classes 35 and 43 in India since September 02, 2020 as well as registered its disputed domain name since December 13, 2020.
- The Respondent is the prior adopter, prior user and the registered proprietor in India of the trademark **KLAP**.
- The Complainant does not hold any registration for the mark **CLAP** and is not using the mark **CLAP** in India.
- By the virtue of long-standing and consistent use, the **KLAP** trademark has become exclusively associated with the Respondent's services and area of business activity in the eyes of public.
- The Respondent has earned significant goodwill and recognition in the market for its services under the **KLAP** brand and trademark.
- The Complainant vide its Counter Statement dated April 10, 2025 [in respect of opposition no 1375562 filed by the Respondent against Complainant's application no. 5220431 for the mark **CLAP**] claimed that their mark **CLAP** is neither substantially identical nor confusingly similar to the Respondent's registered trademark **KLAP**.

The Arbitrator finds that the material on record shows that the Respondent has been able to prove their rights as well as bona fide use of the trademark **KLAP** since the year 2020, whereas the Complainant is not using the mark **CLAP** in India and their trademark application for the mark **CLAP** was filed in the year 2021.

The Arbitrator finds that the Complainant has not provided any evidence of registration and use of the disputed domain name in bad faith as provided in Paragraph 7 of the Policy and failed to demonstrate that the Respondent's conduct is in bad faith as set out in Paragraph 4(c) of the Policy.

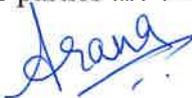
The Arbitrator therefore finds that the Complainant has failed to prove that the Respondent registered the disputed domain name in bad faith and that the Complainant has not met the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.



10. Decision

Based upon the facts and circumstances, the Arbitrator concludes that this dispute is not within Paragraph 4(b) and 4(c) of the Policy, the Complaint is denied and the domain name <KLAP.NET.IN> shall remain registered to the Respondent.

The Award is accordingly passed and the parties are directed to bear their own costs.



Lucy Rana, Sole Arbitrator

Date: February 03, 2026.

Place: New Delhi, India.