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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: <waterstonehotel.in>

IN THE MATTER OF

Striton Properties Private Limited
Waterstones Hotel,
Off International Airport Approach Road,
Marol, Andheri East, Marol Naka,
Mumbai, Maharashtra, India – 400059.

..... Complainant

-----versus-----

Sudeep Shrivastava
1, Ratu Road,
Ranchi, Jharkhand – 835222.

..... Respondent

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The Parties

The **Complainant** in this arbitration proceeding is **Striton Properties Private Limited**, a company, incorporated under the Companies Act, 2013 having its registered address at 'Waterstones Hotel, Off International Airport Approach Road, Marol, Andheri East, Marol Naka, Mumbai, Maharashtra, India – 400059'.

The **Respondent** in this arbitration proceeding is '**Sudeep Shrivastava**', of the address '1, Ratu Road, Ranchi, Jharkhand – 835222', as per the WHOIS records of the .IN Registry.

1. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**waterstonehotel.in**> with the .IN Registry. The Registrant in the present matter is '**Sudeep Shrivastava**' as per the WHOIS records, and the Registrar is **HOSTINGER operations, UAB**.

2. 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
January 14, 2026	- NIXI sought the consent of Ms. Lucy Rana to act as the Sole Arbitrator in the matter.
January 15, 2026	- The Arbitrator informed of her availability
January 21, 2026	- The Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
January 22, 2026	- NIXI handed over the Domain Complaint to the Arbitrator.
January 23, 2026	- NIXI was requested to provide the annexures at the earliest.
January 27, 2026	- NIXI provided the annexures of the domain complaint.
January 28, 2026	- Complainant's Counsel was asked to confirm the status of delivery of the domain complaint upon the Respondent and was directed to serve a full set of the domain complaint and annexures upon the Respondent (by email as well as physical

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	mode) and provide proof of service within seven (7) days , if the same was not yet served upon the Respondent by them.
January 29, 2026	- Complaints' Counsel confirmed having sent the domain complaint and annexures to the Respondent via email and speed post.
January 30, 2026	- The Arbitrator commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response.
February 13, 2026	- As no response was received from the Respondent within the stipulated time period, the Arbitrator granted a final non-extendible extension of five (05) days to respond to the complaint.
February 19, 2026	- As no response was received from the Respondent within the stipulated time period, Arbitrator concluded the proceedings and reserved the present award.

3. Factual Background – Complainant

Counsel for the Complainant, on behalf of the Complainant in the present matter, has submitted as follows:

- That the Complainant is a company duly incorporated under the Companies Act, 2013 and is engaged in the hospitality and entertainment industry, providing a wide range of services including accommodation, banquets, restaurants, bars, business centres, conference rooms and sports, entertainment and spa services.
- The Complainant through its predecessors, has acquired the rights in the business of developing and managing properties, service apartments, commercial spaces, and hotels. In this regard, the Complainant has annexed extracts from the Registrar of Companies' official database as **Exhibit D**.
- That the Complainant has previously operated a 5-star commercial property under the name and trademark 'WATERSTONES' in Mumbai, Maharashtra which included the Waterstones hotel and the Waterstones Country Club & Spa.
- That the Complainant has obtained registrations and filed applications for the trademark

WATERSTONES and its variations such as  and  **WATERSTONES** (hereinafter collectively referred to as the '**WATERSTONES trademarks**'). In this regard, the Complainant has annexed copies of Registration certificates of the WATERSTONES trademarks as **Exhibit F**.

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- That the Complainant is also the owner of the domains <**waterstonesclub.com**>, <**waterstoneshotel.com**>, <**waterstones.in**> and many other domains carrying reference to the name **WATERSTONES**. In this regard, the Complainant has provided details of the domain names and invoices evidencing the acquisition and renewal of the domain names as **Exhibit G**.
- That the Complainant has continuously used the **WATERSTONES trademarks** since at least 2008 in connection with their flagship establishment, including their Waterstones Hotel and Waterstones Country Club & Spa, located in Andheri (East), Mumbai.
- That the Complainant's Waterstones Hotel was one of the trendiest boutique hotels in the industry and was known for its hospitality services amongst the relevant trade and public. In this regard, the Complainant has provided extracts from the website showing information on the awards/recognitions bestowed to them as **Exhibit I**.
- That, the Complainant had initiated a takedown request with the Domain Name Registrar, Hostinger, on October 15, 2025, pursuant to which all content from the impugned website was taken down. However, the impugned domain name remains registered in the name of the Respondent and as on date, the impugned website does not resolve to any active website.
- That, the Complainant also tried calling on the phone number displayed on the Respondent's earlier website; however all calls made to the said phone number went unanswered. In this regard, the Complainant has provided copies of the email sent to the Domain name Registrar for takedown of the impugned domain as **Exhibit J**.

4. 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 Domain Name is identical and/or confusingly similar to a name, trademark, or service mark in which the Complainant has right

- That the Disputed Domain Name is identical and confusingly similar to the Complainant's **WATERSTONES trademarks**.
- That the mere omission of the letter 'S' from WATERSTONES i.e., transforming it into WATERSTONE does not meaningfully distinguish the disputed domain name from the Complainant's **WATERSTONES trademarks**.

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- That, given the Complainant's reputation in its **WATERSTONES trademarks**, an ordinary internet user encountering the disputed domain name comprising the word 'WATERSTONE' is very likely to perceive it as a simple variant of the Complainant's **WATERSTONES trademarks** and not as a wholly different brand. This misperception gives rise to a high likelihood of confusion, satisfying the test for identity or confusing similarity.
- That, since the previously operational website www.waterstonehotel.in was seeking bookings from customers at the Complainant's facility, the internet users are bound to be confused into thinking that the Respondent enjoys authorisation of the Complainant to operate the impugned website at the disputed domain name and accept bookings on their behalf, when this is not the case.
- In support of their submissions, Complainant has relied on the below prior decisions/cases:
 - i. WhatsApp Inc. v. Warrick Mulder (INDRP/1233)
 - ii. Viatrix Speciality LLC v. Merimed (INDRP/1815)
 - iii. Morgan Stanley v. Barat Jain (INDRP/156)
 - iv. Elizabeth Arden, Inc v. Liheng (INDRP/735)
Accor v. Maixueying Jokemine (WIPO Case No. D2010-2233)

B. The Respondent has no rights or legitimate interests in respect of the Domain Name.

- That, the Complainant has not licensed, authorized, or otherwise permitted the Respondent to use its **WATERSTONES trademarks** whether in domain names or in any other form of trade representation.
- That, the Respondent cannot reasonably pretend that the registration of the Disputed Domain Name is aimed to develop a legitimate activity. There is no evidence on record to suggest that the Respondent is commonly known by the name "Waterstone", nor is there any bona fide offering of goods or services under this name.
- That, the Respondent via the impugned website hosted at the Disputed Domain Name was attempting to offer bookings at the Complainant's Waterstones Hotel which is currently not operational which establishes that the Respondent has no legitimate interest in the Disputed Domain Name which was obtained merely to impersonate the Complainant and mislead the consumers into believing that the Complainant's Waterstones Hotel continues to remain active and is available for making reservations/bookings.



C. The Domain Name was registered or is being used in bad faith

- That, the Respondent's bad faith is evident from its registration of a virtually identical and confusingly similar Disputed Domain Name and the impugned website hosted thereat, which lured ordinary consumers to make bookings at the Complainant's non-operational Waterstones Hotel.
- That, the Respondent is well aware of the Complainant's **WATERSTONES trademarks**, and the Disputed Domain Name was registered with the sole purpose of misappropriating the Complainant's goodwill and reputation in the hospitality sector.
- That, the Respondent's concealment of its identity through privacy masking and its failure to make any legitimate use of the Disputed Domain Name further underscores the element of bad faith.
- That, the Respondent has not actively used the Disputed Domain Name, such passive holding constitutes bad faith.
- That, the Complainant's **WATERSTONES trademarks** have acquired distinctiveness and secondary meaning in relation to hospitality and related services and Respondent's registration of a virtually identical domain name, without any nexus or plausible business interest, is clearly intended to mislead consumers and divert potential internet traffic intended for the Complainant.

5. Reliefs claimed by the Complainant

The Complainant has requested that the domain name <**waterstonehotel.in**> be transferred to them, and further seeks an award for the costs of the proceedings.

6. Respondent's Contentions

As already mentioned in the procedural history of the matter, despite having been duly served with a copy of the Domain complaint as filed, and thereafter granted adequate time and opportunities to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to the Arbitrator during the pendency of the arbitral proceedings in the captioned matter.

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7. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, a 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 INDRP)

- The Complainant herein has provided details of their **WATERSTONES** trade mark registrations (**annexed as Exhibit-F**), which predate the registration of the disputed domain name by Respondent. The Complainant has also provided details of various domain names **<waterstonesclub.com>**, **<waterstoneshotel.com>**, **<waterstones.in>** and many other domains comprising its **WATERSTONES** trade mark, establishing their longstanding rights in their trademark **WATERSTONES**.
- The omission of one letter does not materially change the phonetic structure or the visual impression. The term 'WATERSTONE' remains aurally and visually similar to 'WATERSTONES' and is likely to deceive or cause confusion among the relevant public

This view finds support in numerous UDRP Panels over the years, such as *Reuters Ltd Vs. Global Net 2000 Inc. WIPO Case No. D2000-0441*, *Playboy Enterprises v. Movie Name Company WIPO Case No. D2001 – 1201.*, etc.

- This view has also been supported by various INDRP panels, including but not limited to in the cases of *Hotelcrownplaza.in [INDRP/203]*, *Wholetruth.in [INDRP/1873]*, *Matrixrossional.in INDRP/1554*, *Vigra.in [INDRP/1815]*, *Whatsap.in [INDRP/1233]*, *MATRIXPROFESSINAL.IN [INDRP/1553]*, etc.
- Further, it is pertinent to point out that it has been held by numerous prior INDRP panels that there exists confusing similarity wherein the disputed name incorporates the Complainant's trade mark, including but not limited to in the decisions in

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Kenneth Cole Productions v. Viswas Infomedia INDRP/093, Indian Hotel Companies Limited v. Mr. Sanjay Jha, INDRP/148 <Gingerhotels.co.in>, Carrier Corporation, USA v. Prakash K.R. INDRP/238 <Carrier.net.in>, M/s Merck KGaA v. Zeng Wei INDRP/323 <Merckchemicals.in>, Colgate-Palmolive Company & Anr. v. Zhaxia INDRP/887 <Colgate.in>, The Singer Company Limited v. Novation In Limited INDRP/905 <singer.co.in>, Tata Digital Private Limited & Tata Sons Pvt Limited v. Miiraj Miiraj INDRP/1876, Radisson Hospitality Belgium BV/SRL v. NAJIM INDRP/1818, Tata Communications Limited v. Chandan [INDRP/1880], etc.

In view of the aforesaid, the Arbitrator finds that the disputed domain name is confusingly similar to the Complainant's trade mark.

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 INDRP)

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.*

- The Complainant has not licensed or otherwise permitted the Respondent to use its Subject Mark, nor to apply for or use any domain name incorporating the Subject Mark. Accordingly, the Respondent has no rights in respect of the Disputed Domain Name.
- The Complainant is the rightful proprietor of the Subject Mark and has been using it continuously since at least 2008, during which it has acquired significant reputation and goodwill for providing a wide range of services including accommodation, banquets, bars, restaurants, business centres, conference rooms and sports, entertainment and spa services. The Respondent's adoption of a

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confusingly similar domain name clearly demonstrates an intention to ride on the established goodwill of the Complainant.

- The bookings were being offered via the Disputed Domain Name by the Respondent which is not currently operational and shows that the Respondent has no legitimate interest in the Disputed Domain Name and the same was obtained merely to impersonate the Complainant and mislead the consumers into believing that the Complainant's Waterstones Hotel continues to remain active and is available for making reservations/bookings.

In the present domain dispute, the Respondent has not joined the arbitral proceedings, despite being duly served with the domain complaint, and consequently, not come forward with any assertion or evidence to show any bonafides. Thus, as mentioned above, in view of the lack of assertions on part of the Respondent, coupled with the other contentions put forth by the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. The Registrant's domain name has been registered or is being used in bad faith and for illegal/ unlawful purpose (Paragraph 4(c) and Paragraph 7 of the INDRP)

- The Complainant had initiated a takedown request with the Domain Name Registrar, Hostinger, on October 15, 2025, pursuant to which all content from the impugned website was taken down. However, the impugned domain name remains registered in the name of the Respondent and as on date, the impugned website does not resolve to any active website.
- The Disputed Domain Name hosted threat and lured consumers to make bookings at the Complainant's non-operational WATERSTONES hotels.

In view of the consolidated submissions of the Complainant, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in paragraph 7(c) of the Policy, namely "*(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*".

The Complainant has successfully established that the Respondent acted with mala fide intent in registering and using the disputed domain name. The evidence demonstrates that the Respondent sought to freeride upon the Complainant's established goodwill and reputation by deploying the disputed domain for identical services, thereby creating a likelihood of confusion amongst consumers. Such conduct clearly indicates that the Respondent's adoption and use of the domain name was not in good faith, but rather

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intended to exploit the commercial value and recognition associated with the Complainant's mark.

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

8. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and hereby directs the .IN Registry to transfer the domain <waterstonehotel.in> to the Complainant.

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



Lucy Rana, Sole Arbitrator

Date: March 18, 2026.

Place: New Delhi, India.