



INDIA NON JUDICIAL



Government of Uttar Pradesh

IN-UP42583801124533X

Signature : Jay Prakash Tyagi

ACC Name : Jay Prakash Tyagi

ACC Code : UP14015404

ACC Address : Dadri, Gautam Buddha Nagar

Mobile No. : 9871591299

License No.: 187

e-Stamp

Certificate No. : IN-UP42583801124533X
Certificate Issued Date : 17-May-2025 10:11 AM
Account Reference : NEWIMPACC (SV)/ up14015404/ GAUTAMBUDDH NAGAR 1/ UP-GBN
Unique Doc. Reference : SUBIN-UPUP1401540482710503311720X
Purchased by : VARUN SINGH
Description of Document : Article 12 Award
Property Description : Not Applicable
Consideration Price (Rs.) :
First Party : VARUN SINGH
Second Party : Not Applicable
Stamp Duty Paid By : VARUN SINGH
Stamp Duty Amount(Rs.) : 100
(One Hundred only)



Please write or type below this line

BEFORE NATIONAL INTERNET EXCHANGE OF INDIA**MR. VARUN SINGH, ADVOCATE: SOLE ARBITRATOR****INDRP CASE NO. 1977****IN THE MATTER OF:-**

Arbitration under the .IN Domain name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India which sets out the legal framework for resolution of dispute in connection with .IN domain name, and the INDRP Rules of Procedure

AND IN THE MATTER OF:-

Dispute relating to domain name <electroluxservicemumbai.in>

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Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at 'www.sholestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App 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.

AND IN THE MATTER OF:-

AB Electrolux

Sankt Goransgatan 143,
112 17 Stockholm,
Sweden

.....Complainant

Versus

Utsav dm

Palanpur,
Mumbai, Andaman and Nicobar Islands,
385001, India
Utsavdm2988@gmail.com

.....Respondent

AWARD

20.05.2025

1. The present arbitration proceedings are initiated under and in accordance with the INDRP, and the INDRP Rules of Procedure which are adopted by the National Internet Exchange of India (NIXI) which governs the dispute in connection with .IN domain name.
2. The Complainant has filed the subject Complaint against the Respondent seeking costs and transfer of the domain name <electroluxservicemumbai.in> from the Respondent to the Complainant.
3. The Registrant/Respondent has registered the <electroluxservicemumbai.in> (hereinafter 'disputed domain name') with the domain name Registrar duly accredited with the NIXI i.e. GoDaddy LLC, since 17 March, 2020.

Procedural history

4. The consent of the Arbitrator was sought for in the present matter by the NIXI vide email dated 26.03.2025 and the

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Arbitrator gave his consent along with his statement of acceptance and declaration of impartiality vide his email dated 26.03.2025.

5. I was appointed as an Arbitrator by the NIXI in the present matter vide their email dated 09.04.2025 which email containing the complaint and all relevant documents was marked to the Respondent (<Utsavdm2988@gmail.com>) as well. The Arbitrator issued a notice dated 10.04.2025 under Rule 5(c) of INDRP Rules of Procedure whereby the Respondent was directed to file its reply to the Complaint till 21.04.2025. The said notice issued by the present Arbitrator was marked via email to the Complainant and to the Respondent, which email did not bounce back. The Respondent was duly served with the complaint and documents vide email dated 09.04.2025 by NIXI. Thereafter, the notice 10.04.2025 of the Arbitrator was also duly served on the Respondent vide Arbitrator's email dated 10.04.2025.
6. In the said Notice dated 10.04.2025, the Complainant was directed to serve again on the Respondent the subject complaint and all accompanying documents, including the said Notice, so that the Respondent is provided with ample opportunity to file his reply.
7. The learned Counsel of the Complainant sought clarifications in this regard via two emails both dated 29.04.2025, and the Arbitrator vide his email dated 29.04.2025 and 30.04.2025 clarified that that if the physical address is not known or not proper then at least serve the Respondent via email. The said emails were marked to the Respondent as well.

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8. The Learned Counsel for the Complainant vide email dated 01.05.2025 to this Tribunal, which email was marked to the Respondent as well, informed this Tribunal that the service of the complaint and all its annexures was done on the Respondent vide the said email. It was clarified by the Complainant that the said email did not bounce back. Therefore, the Respondent was properly served.
9. In view of foregoing, it is apparent that the Respondent was served with domain complaint along with all other documents firstly by NIXI vide their email dated 09.04.2025, secondly by the Complainant vide their email dated 01.05.2025. The Notice dated 10.04.2025, via email dated 10.04.2025, by the Arbitrator was also served on the Respondent. The said email of the Arbitrator did not bounce back. Furthermore, the communications between the learned Counsel of the Complainant and this Tribunal were also marked to the Respondent and they were delivered to him.
10. All possible attempts were made to serve the Respondent. Furthermore, it is apparent that the wrong address is deliberately mentioned by the Respondent while registering the disputed domain name. Therefore, I can safely hold that the Respondent was duly served with the domain complaint along with documents thereto and is aware of the present proceedings. This Tribunal has not received any communication from the Respondent till date. The Respondent has avoided any participation in the present proceedings.
11. Rule 5(d) of the INDRP Rules of Procedure states that the date of commencement of the arbitration proceeding shall be

the date on which the arbitrator issues notice to the Respondent. Therefore, the date of commencement of arbitration in the present case is 10.04.2025. Rule 5(e) of the INDRP Rules of Procedure states that an Arbitrator shall pass an award within a period of 60 days from the date of commencement of the arbitration proceeding and in exceptional circumstances, the timeline may be extended by a maximum period of 30 days by the Arbitrator subject to a reasonable justification in writing. The present award is passed within the timelines prescribed under the INDRP Rules of Procedure.

Issues for consideration

12. Paragraph 4 of the INDRP provides the grounds on which a Complaint can be filed by the aggrieved Complainant who considers that a registered domain name conflicts with his/her legitimate rights or interests on the following grounds:

- (a) the Registrant's domain name is identical and/or confusingly similar to a Name, Trademark or Service Mark etc. in which the Complainant has rights; and
- (b) the Registrant has no rights or legitimate interests in respect of the domain name; and
- (c) the Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.

Contention of the Parties

13. The Complainant in its complaint, *inter alia*, states the following:-

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- a. The Complainant owns registrations w.r.t trade mark 'ELECTROLUX' in India as well as globally. The trade mark 'ELECTROLUX' was registered in India under trade mark no. 292630 under class 7, and under trade mark no. 1553740 under multi-class in classes 35, 21, 11, 9, 7, 37 and 39.
 - b. The Complainant is a Swedish joint company founded in 1901 and world's leading producers of appliances and equipment for the kitchen, cleaning products, and floor care products.
 - c. The Complainant maintains its official website about its products for Indian jurisdiction at the domain name <Electrolux.in> created on 16 February 2005. The Complainant uses other domain names such as <electrolux.com>, etc.
 - d. The Complainant states that since 2008, it has been successful in over 250 UDRP matters. It states that it has huge social media following on platforms such as Facebook, LinkedIn, Instagram, Youtube.
 - e. The Complainant states that the Respondent has registered the disputed domain name in bad faith to impersonate the Complainant. Complainant states that further research revealed that the Respondent through the disputed domain name on its website mentioned other well-known trademarks. Complainant states that the Respondent has registered the disputed domain name in bad faith
14. The Respondent has not filed any reply to the Complaint filed by the Complainant, despite ample opportunity, as mentioned above.

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Respondent's disputed domain name confusingly similar to Complainant's trade mark

- a. The trade mark 'ELECTROLUX' of the Complainant stands registered in India under trade mark no. 292630 under class 7, and under trade mark no. 1553740 under multi-class in classes 35, 21, 11, 9, 7 and 37. Section 28 of the Trade Marks Act, 1999, confers rights to the Complainant by registration of the trade mark 'ELECTROLUX' including the right to exclusive use of the said trade mark. Furthermore, The Complainant has shown the usage of the trade mark 'ELECTROLUX', inter alia, through the trade mark registrations, articles, publications, website extracts, judgments of WIPO.
- b. The WIPO Administrative Panel has passed the following awards in favour of the Complainant:-
 - i. AB Electrolux v Alexander Kleshchin¹ whereby the domain name <electrolux-servie-centre.com> was ordered to be transferred to the Complainant.
 - ii. AB Electrolux v. Maxim Artamonov² whereby the domain name <Electrolux-climate.com> was ordered to be transferred to the Complainant.
 - iii. AB Electrolux v. Mahdi Alzubaidi³ whereby the domain name <Electrolux-iq.com> was ordered to be transferred to the Complainant.

¹ WIPO Case No. D2022-4515

² WIPO Case No. D2023-0284

³ WIPO Case No. D2020-1152

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- iv. AB Electrolux v. Contact Privacy Inc Customer 0156488856/Junior Natabou, Electrolux TM⁴ whereby the domain name <electrolux-fr.com> was ordered to be transferred to the Complainant.
 - v. AB Electrolux v Domain Admin, Whois Privacy Corp./Alexander Kleshchin⁵ whereby the domain name <Electrolux-helper.com> was ordered to be transferred to the Complainant.
 - vi. AB Electrolux v. Phil Cherry⁶ whereby the domain name <electroluxprofassional.com> was ordered to be transferred to the Complainant.
 - vii. AB Electrolux v. Nguyen Manh⁷ whereby the domain name <Electrolux.homes> was ordered to be transferred to the Complainant.
15. The Complainant's trade mark registrations in India and abroad, WHOIS record, extracts from the website to show the prior use of the trade mark 'ELECTROLUX'. Furthermore, the aforesaid WIPO decisions elucidates that the Complainant is active in protection of its trade mark rights.
16. The website of the Complainant <Electrolux.in> is for Indian customers. The website of the Complainant <electrolux.com> is also visible from India.
17. It is well established law that the specific top-level domain such as '.com', '.net', '.in' etc does not affect the domain

⁴ WIPO Case No. D2020-0061

⁵ WIPO Case No. D2022-0598

⁶ WIPO Case No. D2023-3393

⁷ WIPO Case No. D2022-3789

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name for the purpose of determining whether it is identical or confusingly similar (*Relevant decision:- Rollerblade, Inc. v. Chris McCrady*⁸). Therefore, TLD '.in' is to be disregarded while comparing the disputed domain name with the trademark of the Complainant.

18. When the trade mark, tradename and the domain names of the Complainant and the disputed domain name are considered, there is no doubt that the disputed domain name is confusingly similar to the registered trade mark 'ELECTROLUX', the trade name and domain name <Electrolux.in> and <electrolux.com> of the Complainant. Furthermore, the Respondent has used the whole of the registered trade mark of the Complainant in disputed domain name.
19. In view of foregoing, it is apparent that the disputed domain name <electroluxservicemumbai.in> is confusingly similar to the registered trade mark 'ELECTROLUX' of the Complainant, the domain names <electrolux.com> and <Electrolux.in> and trade name of the Complainant. Therefore, The Complainant has established its case under paragraph 4 (a) of the INDRP.

Respondent has no rights or legitimate interests in disputed domain name

20. The Respondent has used the entire trade mark 'ELECTROLUX' of the Complainant, in the disputed domain name. The Respondent is not known by the domain name. Furthermore, the registration of the disputed domain

⁸ WIPO Case No. D2000-0429

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name is created and used without any consent of the Complainant.

21. The disputed domain name also makes a hopeless attempt to make an association with the Complainant's trade mark and domain name which can never be termed as legitimate use of the disputed domain name. The disputed domain name uses in its entirety the word 'ELECTROLUX' which is the registered trade mark of the Complainant to divert the users from the Complainant's platform.
22. The Respondent cannot be said to have any legitimate right or interest in the disputed domain name which is confusingly similar to a registered trade mark of the Complainant.
23. The disputed domain name incorporates a trade mark which is neither owned by the Respondent nor the Respondent is known by the name 'ELECTROLUX'.
24. Furthermore, the Respondent is not the authorized service center of the Complainant. Therefore, the Respondent is not using the disputed domain name for a bona fide offering of goods or services or a legitimate non-commercial fair use.
25. Therefore, the Respondent/Registrant has no rights or legitimate interests in respect of the disputed domain name. The Complainant has established its case under paragraph 4 (b) of the INDRP.

Baid Faith

26. The registration of the disputed domain name affects the rights of the Complainant vis-à-vis its registered trade mark 'ELECTROLUX' which finds its place prominently in its

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domain name i.e. <electrolux.com> and <Electrolux.in> and its trade name as well. Therefore, the Complainant's right to exclusively use its registered trade mark 'ELECTROLUX' is affected by the registration of the disputed domain name.

27. The disputed domain name will negatively affect the goodwill and reputation of the Complainant thereby disrupting business of the Complainant. The disputed domain name which diverts the internet users to itself who otherwise would have visited the websites of the Complainant acts in disrupting the business of the Complainant. Therefore, the registration of the disputed domain name is in bad faith according to paragraph 7(d) of the INDRP.
28. A bare look at the webpage under the disputed domain name shows that it is portraying itself as the service center of the Complainant. There is no consent of the Complainant to use its registered trade mark for the said purpose. The use of the registered trade mark 'ELECTROLUX' of the Complainant in the disputed domain name to divert customers/clients from the Complainant to the Respondent is a case of bad faith.
29. Therefore, the said registration of the domain name is in bad faith to confuse internet users as to a possible association between the disputed domain name and the Complainant. The registration of the disputed domain name is in bad faith according to paragraph 7(c) of the INDRP.
30. Furthermore, the Respondent's use of an arbitrary address during the registration of the disputed domain name evidences a deliberate attempt to conceal identity, indicating

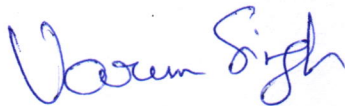
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awareness of their infringement upon the Complainant's trademark rights.

31. In view of foregoing, it is apparent that the registration of the disputed domain name is in bad faith to hurt the commercial activity of the Complainant. The Complainant has established its case under paragraph 4 (c) of the INDRP.

Decision


32. In view of the foregoing, it is ordered that the disputed domain name <electroluxservicemumbai.in> be transferred to the Complainant. Parties are ordered to bear the cost of the present proceedings.



(VARUN SINGH)
Sole Arbitrator

Varun Singh

Advocate-on Record

**1203, Tower-8, SDS NRI Residency,
GH 04/A, Sector-45, Noida, 
Uttar Pradesh-201303**