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NON JUDICIAL

₹100

₹100

കേരള സർക്കാർ
GOVERNMENT OF KERALA
e-Stamp

e-Stamp Serial Number : 202425000002713643

Verification Code : 188578125V

Govt. Reference No.(GRN) : KL042640964202425E
Purpose : Bond
Amount of Stamp Paper Purchased in Numeral : ₹ 100
Amount of Stamp Paper Purchased in Words : Rupees One Hundred
Stamp Paper Purchased on : 28/03/2025
First Party Name : Adv SUNIL V MOHAMMED
First Party Address : NIXI, Delhi
Second Party Name : LEGAL
Second Party Address : NIXI, DELHI
Vendor Code & Name : 11112470 - M.R.Padmanabhan
Treasury Code & Name : 1111 - STAMP DEPOT, Eranakulam

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BEFORE THE NATIONAL INTERNET EXCHANGE OF INDIA

Adv. SUNIL V. MOHAMMED BA., LL.B.
(Sole Arbitrator)

AWARD

Dated 10th December, 2025

Venue: New Delhi, India



This can be verified by
https://www.estamp.treasury.kerala.gov.in/index.php/estamp_search using e-Stamp
Serial Number and Verification Code.



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M. R. PADMANABHAN
High Court Stamp Vendor
ERNAKULAM

**In the matter of Arbitration under the .IN Domain Name Dispute
Resolution Policy; The INDRP Rules and Procedure and
The Arbitration and Conciliation Act, 1996**

INDRP CASE No. 1976

Between

Complainant:

MHG IP HOLDING (SINGAPORE) PTE. LTD.,
2, Alexandra Road,
05-04/05, Delta House,
Singapore, 159919.

And

Respondent

ANIKET SINGH,
401B, Wing Bhaunaryan Height Indralok Phase 4,
Mumbai, Maharashtra - 401105, IN.

Disputed Domain Name : "anantaraspandheri.in"
Seat of Arbitration : Office of the NIXI at Delhi, India.
**Date of commencement
of Arbitration Proceeding** : 9th April, 2025



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Adv. SUNIL V. MOHAMMED BA., LL.B.
(Sole Arbitrator)

1. The Parties to the Arbitration:

1.1 The Complainant in the Arbitration Proceedings is MHG IP HOLDING (SINGAPORE) PTE. LTD., having its registered office at 2, Alexandra Road, # 05-04/05, Delta House, Singapore, 159919. The Complainant's authorized representative in these proceedings is Mr. Jesse Lieberman, 2, Alexandra Road, # 05-04/05, Delta House, Singapore, 159919 (Email: jlieberman@minor.com), and its Attorneys in this administrative proceeding is Mr. Rohit Kochhar, Amit Panigrahi, Parul Panthi, Sahil Arora and all Advocates of Kochhar & Co, New Delhi 110025 (Email: trademarks.ip@kochhar.com) as per the Power of Attorney dated 15th July, 2022.

1.2 The Respondent in the proceeding is Aniket Singh, 401B Wing Bhaunarayan Height Indralok Phase 4, Mumbai, Maharashtra-401105 India, (E-mail: gbussiness702118@gmail.com), as per the details publically available in the WHOIS database (**Annexure A**) maintained by the National Internet Exchange of India (hereinafter referred to as NIXI)

2. Applicable Law and Jurisdiction:

2.1 The present Dispute Resolution Process is in accordance with Policy No. 5 of the .IN Domain Name Dispute Resolution Policy (hereinafter referred to as the **.IN Policy**) and .IN Domain Name Dispute Resolution Rules of Procedure (hereinafter referred to as the **INDRP Rules of Procedure**), based on the Arbitration and Conciliation Act, 1996 as amended from time to time, adopted by the NIXI and sets forth the legal framework for resolution of disputes between a Domain Name Registrant and a Complainant arising out of the registration and use of an .IN Domain Name.

2.2 By registering the disputed Domain Name with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the policy and Rules framed there under (See Policy No. 15 and 16 of the .IN Policy and Rule 13 (a) INDRP Rules of Procedure).

3. The Domain Name and Registrar:

3.1 The disputed Domain Name "**www.anantaraspaandheri.in**" was registered on 22nd November, 2024, and is registered with HOSTINGER operations, UAB.



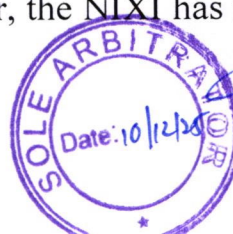
3.2 The particulars of the registration of Domain Name as found in the .IN Registry database are as follows:

DNS Form	anantaraspaandheri.in
User Form	anantaraspaandheri.in
ROID	DB887A8549C4D4C62B4EA912AD5374C8F-IN
Registrar Name	HOSTINGER operations, UAB
IANA ID	1636
Create Date	2024-11-22T10:14:32Z
Expiry Date	2025-11-22T10:14:32Z
Last Updated Date	2025-02-11T11:37:27Z
EPP Status	serverUpdateProhibited serverDeleteProhibited serverRenewProhibited clientTransferProhibited serverTransferProhibited
Domain Status	Registered
Assigned Nameservers	ns1.dns-parking.com ns2.dns-parking.com
Registrant Client ID	H-661F0B4E6E393
Registrant ROID	CC07991ADC24644A9819B6223BDFAE9B7-IN
Registrant Create Date	2024-04-16T23:35:49Z
Email	gbusiness702118@gmail.com
Phone	91.70211812
International Postal Name	Aniket Singh
International Postal Street Line 1	401B wing Bhaunarayan Height Indralok Phase 4
International Postal City	Mumbai
International Postal State	Maharashtra
International Postal Postcode/ Zip Code	401105
International Postal Country	IN

4. Procedural History

4.1 The Sole Arbitrator, Adv. Sunil V. Mohammed was appointed on 9th April, 2025, in the above INDRP case to resolve the domain dispute raised in the Complaint dated 10th March, 2025, in accordance with Rule 2(a) and 4(a) of the **INDRP Rules of Procedure**.

4.2 After obtaining the Statement of Acceptance and Declaration of Impartiality of Independence of the Sole Arbitrator, the NIXI has forwarded the



amended complaint along with **Annexures A to I** and also the WHOIS details of the domain and the Authorisation of Agent.

4.3 Accordingly, on 29th April, 2025, the Tribunal issued Notice under Rule 5(c) of the INDRP Rules of Procedure to the Respondent through e-mail and the Complainant was directed to serve copies of the domain complaint along with complete set of documents in soft copies as well as in physical via courier or post to the Respondent registrant at the address provided in the WHOIS details of the domain, in compliance of Rule 2 and 3(d) of the INDRP Rules of Procedure and to furnish proof of such service and delivery. In the said Notice, the Respondent was directed to file Reply to the Domain Complaint within 15 days.

4.4 Since the Complainant failed to furnish the proof service of notice on the Respondent as mandated under Rule 3(d) of the INDRP Rules of Procedure, the Tribunal vide email dated 30.05.2025 directed the Complainant to comply with Notice dated 29.04.2025 in accordance Rule 3(d) of the INDRP Rules of Procedure and produce proof of the same. Consequently, the Complainant vide email dated 20.06.2025 forwarded the Postal Receipt dated 02.06.2025 and the Consignment tracking to show that Rule 3(d) of the INDRP Rules of Procedure has been complied with.

4.5 After declaring the service of the Domain complaint along with the Annexures and the Notice to the Respondent in compliance of Rule 3(d) and 2(d) of the INDRP Rules of Procedure, the Tribunal in accordance with Rule 13 of the INDRP Rules of Procedure granted further time to the Respondent to submit response/reply to the domain complaint. Since no response/reply to the domain complaint was submitted, the Respondent was set ex parte going by Rule 17 of the INDRP Rules of Procedure. Thereafter, the matter was adjourned for further proceedings in accordance with Rule 5(e) of the INDRP Rules of Procedure.

4.6 In the meantime, vide e-mail dated 18.08.2025, the Tribunal was informed that the team that handled the Arbitration proceedings along with the Complainant have moved from Luthra & Luthra Law Offices, Delhi to Kochar & Co., Delhi and to facilitate the conduct of the matter, POA dated 15th July, 2025 was forwarded substituting the original POA dated 7th July, 2022 issued in favour of Luthra & Luthra Law Offices. Accordingly, the Tribunal accepted the same and allowed the said request vide email dated 18.08.2025. Thereafter, as a



matter of precaution, the Tribunal waited for a reasonable period to complete the procedure in the matter.

4.7 The Award in the matter ought to have been passed within 60 days from the date of handover. Due to the aforementioned reasons the said time limit could not be followed. That apart, further time was necessitated due to health issues of the Arbitrator and consequent bed rest.

5. Grounds urged for the Administrative Proceedings:



5.1 The disputed domain name is identically and/or confusingly similar to Complainant's domain name/trademark or service marks in which Complainant has rights.

5.2 The Registrant has no rights or legitimate interests in respect of the domain name.

5.3 The Registrant's domain name has been registered or is being used in Bad faith.

6. Complainant's Contentions:

6.1 The Complainant would contend that its chain of '**ANANTARA**' Hotels have been marvelled as one of the most astute luxury hotel developers in the world. It is the case of the Complainant that it is a subsidiary of Minor International PCL, which currently operates over 530 hotels, resorts and serviced suites and over 2,000 restaurants that they have built and developed over the course of over 50 years of operation, in 56 countries across the Asia Pacific, the Middle East, Europe, South America, Africa and the Indian ocean. The Complainant would state the Anantara hotels, resorts and spas have received a total of 11 top accolades at the World Spa Awards, 2020, with Anantara Spa being recognized as the World's Best Hotel Spa Brand for four consecutive years and further, the Anantara Desaru Coast Resort & Villas (Malaysia) has won Asia's Best Resort Spa at the World Spa Awards, 2023. In support of the same, the Complainant has produced **Annexure B**.

6.2 It is the further contention of the Complainant that among other things, it is the owner of the trademarks   (hereinafter collectively referred to as the "ANANTARA Trademarks"), in respect of its resorts and spas since the year 2000, and, have continuously expanded its business under the

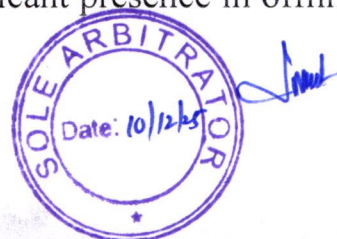


said trademarks by opening 'ANANTARA' resorts and spas in a number of countries around the world. According to the Complainant, it owns, operates and/or manages over 50 luxury hotels, resorts and premium serviced apartments and over 30 spas under the "ANANTARA Trademarks" in Asia, the Middle East, Africa and Europe including in countries such as Thailand, Sri Lanka, Vietnam, Cambodia, China, Indonesia, Maldives, Mozambique, Portugal, the United Arab Emirates, Oman and Qatar, to name a few. The Complainant would point out that through its group companies, it operates and manages hotels, resorts and spas, including those under the "ANANTARA Trademarks" and in addition to that it operates hotels under many other prestigious brands, i.e., AVANI, TIVOLI, NH, NH Collection, NHow, Oaks Hotels & Resorts, and Elewana Collection. Complainant produced **Annexure C** documents regarding the same including its new project and investment in the hospitality sector in India by launching 'ANANTARA' brand in Jaipur, Rajasthan.

6.3 The Complainant would specifically state that it has been using its brand and various trademarks continuously and extensively during the course of its business and each of the Complainant's business segments like resorts, stand alone Spa, collection of high-value experiences for their guest called 'ANANTARA Experiences' etc. are prefixed with the "ANANTARA Trademarks". It is also contended that the Complainant's "ANANTARA Trademarks" by its finest quality services could redefine the standards of luxury in the global hospitality industry, becoming immensely popular to attract huge tourist traffic from all around the world, including India and thereby, several of its hotels, resorts and spas under the "ANANTARA Trademarks" have featured in both the regional and worldwide lists of best hotels published by leading travel magazines and publications around the world. Copies of a few news articles featuring information about the Complainant and the "ANANTARA Trademarks" along with details of Indian customers are shown in **Annexure D**.

6.4 The Complainant through **Annexure E** screenshots from the Google Analytics Report and Geo Market Report of its website evidencing the users, transactions and revenue generated in the recent years would contend that there is substantial global following for its "ANANTARA Trademarks".

6.5 The Complainant has provided with the year wise list of the number of Indian residents visited and stayed at its 'ANANTARA' resorts and spas since 2001. It is also contended that besides a significant presence in offline business,



the Complainant has an extensive presence and outreach to the global base, through its dedicated website, <https://www.anantara.com/en>, which was created in the year 2000. In support of its said contentions, the Complainant relies on **Annexure F** documents.

6.6 It is further submitted by the Complainant that by virtue of extensive and widespread use, advertisement and promotional activities, including the credibility and privileges of being member of an association of hotels called “Global Hotel Alliance” since 2006, public renown of ‘ANANTARA’ and goodwill and reputation arising therefrom, internationally including in India, the “ANANTARA Trademarks” have acquired a very high degree of distinctiveness and qualify to be considered as **well-known trademarks**. The Complainant has resorted to the extracts from its various social media pages like Instagram (191k lakh followers), YouTube page (22k subscribers), Twitter(X) and Facebook pages (an average of more 200k followers each) to establish the above contention which is produced as **Annexure G**.

6.7 The Complainant would assert that the highly acclaimed favourable reviews, reputation and goodwill earned by it globally by relentless investments and resources expended in the form of time, effort and money for promoting is established by the tabulation presented with the annual promotional and marketing expenditure incurred it, for the services provided under the “ANANTARA Trademarks” in the last few years. In relation thereto, cautiously protecting its intellectual property and other rights, interest, titles, goodwill and reputation in and around its well-known “ANANTARA Trademarks” and brand, worldwide, the Complainant has obtained several trademark registrations for the well-known mark ‘ANANTARA’ and its formatives in India and in over 65 jurisdictions of the world. A comprehensive list entailing details of trademark registrations obtained by the Complainant in relation to the “ANANTARA Trademarks” is produced as **Annexure H**.

6.8 The Complainant would state that the trademark ‘ANANTARA’ qualifies as a well known trademark, enjoying exclusivity across all classes of products and services and thus is entitled to exclusive proprietary rights therein and therefore, the use of an identical or similar mark in relation to identical/similar or cognate and allied services/goods of another would likely be taken as indicating a connection between those services/goods with the Complainant. The Complainant has pointed out by relying on **Annexure I** that it had obtained



injunction orders and decree from Indian Courts against infringement and misuse of its trademark 'ANANTARA' along with various favourable orders in a number of UDRP/INDRP domain complaints against third party infringers, who were found making use of identical/similar domain names.

6.9 According to the Complainant, on a bare perusal of the website hosted from the disputed Domain name *www.anantaraspandheri.in.*, it is apparent that the Respondent is flagrantly and prominently using its well-known brand and registered trademark and trade name 'ANANTARA' in respect to identical services being spa/wellness services. The Complainant relies on screenshots reproduced in the complaint from the Respondent's website to establish the malicious intention and dishonest adoption of its trademark.

6.7 Accordingly, the Complainant sought to transfer to it the disputed domain name under the .IN Policy as it is identical, deceptive and confusingly similar and used in bad faith, to protect its rights and legitimate business and to award cost of the proceedings.

7. Respondent's Contentions:

7.1 Despite service of Notice dated 29th April, 2025 to the Respondent's e-mail *gbusiness702118@gmail.com* and even after the extended time period, the Respondent failed to submit reply/response to Domain Complaint. Accordingly, the Tribunal proceeded further in the matter by setting the Respondent set ex-parte.

7.2 Rule 13(b) of the INDRP Rules of Procedure provides that the Arbitrator shall ensure that at all time treat the parties with equality and provide each one of them a fair opportunity to present their case. Further, Rule 17 of the said Rules of Procedure empowers the Arbitrator to proceed with an ex-parte Award in case any party breaches the provisions of the INDRP Rules of Procedure or directions of the Arbitrator.

7.3 Infact, the Respondent was given notice under Rule 2(a) of the INDRP Rules of Procedure to employ reasonably available means calculated to achieve actual notice to the Respondent of the Complaint. As stated above, the Respondent failed to submit any reply to the domain complaint and never answered the Complainant's assertions, evidence or contentions in any manner. Therefore, it is clear that despite the Respondent being given a fair opportunity



to present its case, the Respondent does not comply with the direction of the Tribunal.

7.4 Further, as per Rule 18(a) of the INDRP Rules of Procedure, the Arbitrator shall decide the Complaint based on the pleadings submitted in accordance with the Arbitration and Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2019, the .IN Policy, INDRP Rules of Procedure and any law that the Arbitrator deems to be applicable. Therefore, the Tribunal is justified in drawing inferences as are appropriate from the Respondent's failure to reply to the Complainant's assertions and evidence or to otherwise contest the Complaint.

8. Discussions and Findings:

8.1 Accordingly, the Tribunal framed the following issues for consideration:

- (i) Whether the Respondent's Domain name is identical and/or deceptively similar to domain name and trademarks of the Complainant?*
- (ii) Whether the Respondent has any rights or legitimate interests in respect of the domain name?*
- (iii) Whether the Respondent's domain name was registered or is being used in absolute bad faith?*
- (iv) Reliefs and cost.*

8.2 The Complainant has produced Annexure A to I to substantiate its contentions. As per Rule 13(d) of the INDRP Rules of Procedure, the Arbitrator is to determine the admissibility, relevance, materiality and weight of the evidence placed for consideration in the proceedings while deciding the Complaint.

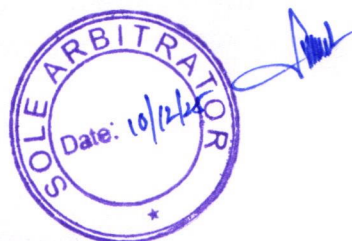
8.3 Policy No. 4 of the .IN Policy categorises the class of disputes on three premises. **The Complainant's specific case is that the Respondent's domain name is identical and confusingly similar to its name/marks or services, that the Respondent has any rights or legitimate interests in respect of the disputed domain name and that the Respondent's domain name was registered and is being used in absolute bad faith.**

8.4 Accordingly, now the issues raised in the matter are answered separately for the sake of brevity.



8.5 **Issue No. I:** As per Policy No. 3(b) of the .IN Policy, the Respondent Registrant is to ensure that to its knowledge the registration of the domain name will not infringe upon or otherwise violate the rights of any third party. In this case, the Respondent's domain name is identical to the trademark and domain name of the Complainant in accordance with Policy No. 4(a) of the .IN Policy. To prove the same, the Complainant has produced sufficient documents and would submit that the Respondent has registered the domain name on 22.11.2024 with malafide intention to gain leverage from it and make illicit gains by adopting the Complainant's trademarks and domain name 'ANANTARA' in its entirety. According to the Complainant, the Respondent has registered the disputed domain name with full knowledge of the Complainant, its business activities and IPR Rights. It is clear from the WHOIS records (**Annexure A**) that the domain name *www.anantaraspandheri.in* was registered on 22.11.2024, which is much after the registration of the Complainant's domain name dedicated website *https://www.anantara.com/en* which was created in the year 2000. Further, going by **Annexure H** and the compliant, it is clear that the Complainant had registered trade name 'ANANTARA' in various other countries including India from 2018 onwards.

8.6 The Hon'ble High Court of Delhi in the matter of **Thoughtworld Inc. Vs. Super Software Pvt. Ltd. & Others (MANU/DE/0064/2017)** has held that *"with the domain name taking up the entire name of the petitioner, there could be no doubt that the use of such domain name by the Respondent would be deceptively confusing and erroneously indicate a connection of Respondent with the Petitioner where there is none"*. In **F Hoffmon-La Roche AG Vs. Relish Enterprises (WIPO) D2007-1629**, it was held that *"If the Complainant owns a registered trademark, then it satisfies the threshold requirement of having the trademark rights and the domain name is confusingly similar to Complainant's trademark because the disputed domain name looks and reads like Complainant's trademark"*. Moreover, in the decisions in **Kenneth Cole Productions Vs. Viswas Infomedia (INDRP/093)**, **Inter-Continental Hotels Corporation Vs. Jaswinder Singh (INDRP/278)**, **Starbucks Corporation Vs. Mohanraj (INDRP/I18)** and, **Raddison Hospitality Belgium BV/SRL Vs. Najim (INDRP/I818)** deceptive similarity is answered in similar lines. Thus, it is clear that the Respondent's domain name is identical to the trademark of the Complainant. Accordingly, Issue No. I is answered in favour of the Complainant.



8.7 **Issue No.2:** It is the contention of the Complainant that the Respondent has no rights or legitimate interests in respect of the Domain Name 'ANANTARA' as the Respondent has not established one or more of the circumstances enumerated in Policy No. 6 of the .IN Policy. The Complainant's specific case is that the Respondent's adoption of the disputed domain name, its dishonest use and confusing similarity would not constitute a bonafide offering of services and that intentional ignorance of the Respondent while registering the domain name is mala fide. Policy No. 3(d) of the .IN Policy provides that the registrant while applying to register a domain name must represent that the registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations and infringing or violating someone else's rights. In this context, it is relevant to note that nothing is brought on record to show that prior to any notice of this dispute, the Respondent was using, or had made demonstrable preparations to use the Domain Name in connection with a bonafide offering of services in accordance with Policy No. 6(a) of the .IN Policy. Further, there is nothing to show that the Complainant had authorised, licensed or otherwise allowed the Respondent to make any use of its domain name. Therefore, it is clear that the Respondent's adoption of the disputed domain name, its dishonest use and confusing similarity would not constitute a bonafide offering of services and that intentional ignorance of the Respondent while registering the domain name is mala fide. Policy No. 3(d) of the .IN Policy provides that the registrant while applying to register a domain name must represent that the registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations and infringing or violating someone else's rights. In **Wacom Co. Ltd. Vs. Liheng, INDRP/634 (<wacom.in>)**, it was held that no legitimate interest is made out where *"the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name"*.

8.8 Mere technical requirement of the addition of the TLD and CCT.Ds does not grant any distinction to the Respondent (See the decisions of the INDRP Panel in **Urban Outfitters Inc. Vs. Hua An Holdings (H.K.) Limited (INDRP/601)**, **Starbucks Corporation Vs. Aditya Khanna (INDRP/614)** and **Sudhir Kumar Segar Vs. John Doe (INDRP/645)**). Infact, a generic TLD/CCTLD such as ".in" is a standard registration requirement and therefore cannot be said to distinguish the Respondent's domain name from the Complainant's registered trademark or its domain name as held in



Equifax Inc. Vs. Nikhlesh Kunwar (INDRP/1038) and Walmart Stores, Inc. v. Richard MacLead (WIPO Case No. D2000-0662). As such, when the disputed domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name, it is to be considered identical or confusingly similar for the purposes of the Policy as held by the Hon'ble Supreme Court of India in **Satyam Infoway Ltd. Vs. Sifynet Solutions Pvt. Ltd. (2004 Supp. (2) SCR 4651)** that the domain name has acquired the characteristic of being a business identifier when it identify the subject trade or service that an entity seeks to provide to its potential customers (See the decisions in **Dell Inc. Vs. Mani, Soniya (INDRP/753)**, **Patagonia Inc. Vs. Doublefist Ltd. (INDRP/I185)**, **Factory Mutual Insurance Company Vs. Rhianna Leatherwood (WIPO Case No. D 2009)** and **Avanti Feeds Limited Vs. Pradeep Chaturvedi (INDRP/I388)** that followed the dictum of the Hon'ble Supreme Court of India). Further, in **Zippo Manufacturing Company Inc. Vs. Zhaxia (INDRP/840)**, it has been observed that *"the Respondent has picked up the mark without changing even a single letter and when a domain name wholly incorporates a complainant's registered mark that is sufficient to establish identity or similarity for purpose of the Policy."*

8.9 In view of the above discussion, the Respondent herein cannot legitimately claim that it is commonly known by the Domain Name in accordance with Policy No. 6(b) of the .IN Policy. Moreover, in light of the nature of the domain name, comprising the Complainant's "ANANTARA Trademarks", preceded by the term ".in", it can be concluded that the Domain Name carries with it an implied risk of affiliation with the Complainant, which cannot constitute fair use. Therefore, it is found that the Respondent has no rights or legitimate interests in the Domain Name, in accordance with Policy No. 4(b) of the .IN Policy and Issue No. 2 is answered in favour of the Complainant,

8.10 **Issue No. 3:** The Complainant would point out that its domain and trademarks were registered much prior to the registration of the disputed domain name of the Respondent and that it has obtained several trademark registrations for the well-known mark 'ANANTARA' and its formatives in India and in over 65 jurisdictions of the world. As per Annexure H, following are the Complainant's "ANANTARA Trademarks" registered in India:



APP. No.	YEAR	CLASSES	COUNTRY
5175781	2021	03	INDIA
5175784	2021	43	INDIA
5175777	2021	35	INDIA
5175776	2021	3	INDIA
5175780	2021	44	INDIA
5175783	2021	36	INDIA
5175782	2021	35	INDIA
5175785	2021	44	INDIA
5175779	2021	43	INDIA

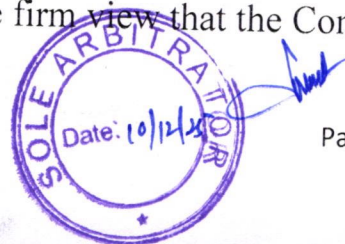
8.11 Moreover, the Compliant has succeeded in proving evident identity between Respondent's domain name and that the Complainant's marks, domain name incorporating 'ANANTARA' is likely to mislead, confuse and deceive Complainant's customers as well as the general lay public as to the source, sponsorship, affiliation or endorsement of Respondent's domain name. The documents produced by the Complainant would show that the disputed domain name is identical and confusingly similar to that of the name and mark of the Complainant. As such, it is to be concluded that actual knowledge of a well-known trademark at the time of registration of a domain name constitutes evidence of bad faith. In the decision dated 16th June, 2005 in **Viacom International Inc & MTV Networks Europe Vs. Web Master (Case No. D2005-0321-WIPO)**, it was observed that *"Given long and widespread reputation of the Complainant's mark, the compelling conclusion is that the Respondent, by choosing to register and use a domain name which is not only confusingly similar to the Complainant's widely known and distinctive mark but identical thereto, intended to ride on the goodwill of the Complainant's trademark in an attempt to exploit, for commercial gain, Internet traffic destined for the complainant. Potential partners and end users are led to believe that the website is either the Complainant's site, especially made up for bearings, or the site of the official authorized partners of the Complainant, while, in fact, it is neither of these"*. In **QRG Enterprises Limited & Havells India Limited Vs. Zhang Mi (INDRP/852)** it was held that *"Such registration*



of a domain name based on awareness of a trade mark is indicative of bad faith registration under the Policy." Further, in **Amazon Technologies Inc. Vs. Mr. Alex Parker (INDRP/I166)** it was held that *"The Respondent's registration of the domain name <amazonemi.in> is likely to cause immense confusion and deception and lead the general public into believing that the said domain name enjoys endorsement or authorized by or is in association with and/or originates from the Complainant. The foregoing circumstances lead to the presumption that the domain name in dispute was registered and used by the Respondent in bad faith."* The Tribunal is also of the view that the case of the Complainant is well supported by the decision in **M/s. Merck KGa Vs. Zeng Wei (INDRP/323)**, wherein it was held that *"The choice of the domain name does not appear to be a mere coincidence, but a deliberate use of a well-recognized mark....Such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration."* In that view of the matter, it is to be presumed that the Respondent has adopted identical name as opportunistic bad faith as held in **Mozilla Foundation and Mozilla Corporation Vs. LINA Double fist Limited (INDRP/934)**. In the decision dated 5th April, 2008 in **ITC Ltd Vs. Travel India (Case No. L-2/5/R4 OF 2008-NIXI)**, it has been held that *"Registration of domain name which is identical to trademark, with actual knowledge of the trademark holder's rights is strong evidence that the domain name was registered in bad faith"*. Further, in **Wockhardt Ltd. Vs Kishore Tarachandani: (INDRP No: INDRP/382)**, it has been held that *"The Respondent cannot have a right or legitimate interest in the disputed domain name when it incorporates the entire mark of the Complainant, a clear case of abusive registration of a well-known mark."*

8.12 Therefore, it is be concluded that the Respondent's use of the Domain Name, is an intentional attempt to attract internet users to online locations by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website, in accordance with Rule 4(c) of the INDRP Rules of Procedure and Policy No.7(c) of the IN Policy. Accordingly, Issue No. 3 is also answered in favour of the Complainant.

8.13 The fact that in identical circumstances, the Complainant has obtained **Annexure B** Awards in UDRP/INDRP domain complaints against third party infringers assumes importance in this context. In the light of the above discussions and on an analysis of the documents produced and on the facts and circumstances of this case, the Tribunal is of the firm view that the Complainant



has succeeded in establishing that the registration of the disputed domain prima facie conflicts with its legitimate rights and interests, that the registration is in bad faith, that the Respondent did not produce evidence to rebut the Complainant's case, that in the absence of such evidence, the Complainant is deemed to have satisfied the requirements of Policy No. 4(b) of the .IN Policy, that the Complainant has also succeeded in establishing that the disputed Domain Name is identical and confusingly similar to the inherently distinctive and known trademark of the Complainant (Policy No. 4(a) of the .IN Policy), that it was registered or is being used in bad faith (Policy No. 4(c) and 7 of the .IN Policy), that the Respondent by all means is presumed to have knowledge of the Complainant's name/marks when it registered the Domain Name and therefore the registration of the domain name constitutes evidence of bad faith, that through the Respondent's use of the Domain Name, it has intentionally attempted to attract customers by creating a likelihood of confusion with the Complainant's trademarks/name as to the source, sponsorship, affiliation or endorsement of the website, in accordance with Policy No. 7(c) of the .IN Policy and that the Respondent ultimately derives commercial advantage from the Respondent's unauthorized use of the Complainant's domain name and marks, which is covered by Policy No. 7(d) of the .IN Policy.

8.14 As regarding, the claim to award of cost of the proceedings, the Complainant has succeeded in persuading the Tribunal to allow the same. From the very nature of the duplication of the trade mark, name and service and the business generated by misusing the same clearly proves that the Respondent was acting fraudulently with the sole intent of making financial gain at the cost of the Complainant. In such circumstances, the Tribunal feels that the Respondent is to be mulcted with exemplary compensatory cost.

8.15 Therefore, on the basis of the aforementioned findings, the Tribunal is pleased to order as follows:

Decision

- i) *The disputed domain name is confusingly similar to Complainant's name/trademarks or services.*
- ii) *The Registrant has no rights or legitimate interests in respect of the domain name.*



- iii) *The Registrant's domain name has been registered or is being used in bad faith.*
- iv) *The NIXI is to transfer the registration of the Domain Name in dispute "www.anantaraspaandheri.in" to the Complainant, as prayed for, after of receipt of this decision. The Complainant shall also be at liberty to contact NIX for implementation of this decision.*
- v) *The Respondent shall pay a cost of Rs. 1,00,000/- to the Complainant.*

9. Dispositions

9.1 The complainant has given sufficient material evidence to prove extensive trademark rights over the disputed domain name and the Respondent's adoption and registration of the impugned domain name is dishonest and malafide.

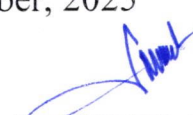
9.2 The various Panels have recognized that the Complainant if makes out a prima facie case that the Respondent lacks rights or legitimate interest, it is sufficient that the case put forward by the Complainant is to be accepted. In this case, the Complainant has proved a prima facie case that the Respondent is using the disputed domain name in bad faith.

9.3 The Respondent has no rights or legitimate interests in respect of the domain name in accordance with .IN Policy and INDRP Rules of Procedure and the Tribunal directs that the disputed domain name be transferred from the Respondent to the Complainant with a request to NIXI to monitor the transfer and the Respondent to pay costs to the Complainant.

9.4 A cost of Rs 1,00,000/- is awarded to Complainant for the reason that by the very nature of the duplication of the trade mark, name and service, the Respondent has generated business and that the Respondent acted with the sole intent of making financial gain at the cost of the Complainant.

Dated this the 10th December, 2025





Adv. SUNIL V. MOHAMMED
(Sole Arbitrator)

List of Annexures

- Annexure A:** Copy of the WHOIS details of the disputed domain.
- Annexure B:** Copies of a few awards obtained by the Complainant for its excellence.
- Annexure C:** Documents showing the various services and facilities offered by the Complainant in the hospitality sector.
- Annexure D:** Copies of a few articles featuring information about the Complainant and its trademarks and the details of the Indian customers.
- Annexure E:** Screen short from the Google Analytics Report and Geo Market Report of the Complainant's website evidencing the users, transactions and revenue generated in recent years.
- Annexure F:** Document showing the extensive presence and outreach to global customer base of the Complainant through its website.
- Annexure G:** Extracts from the Complainant's social media pages to show the popularity of its trademarks.
- Annexure H:** Copies of a few trademark registrations obtained by the Complainant.
- Annexure I:** Copies of Awards passed in identical circumstances in UDRP/INDRP domain complaints against third party infringers.




Adv. SUNIL V. MOHAMMED
(Sole Arbitrator)