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BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2039

IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULE OF PROCEDURE
AND THE ARBITRATION AND CONCILIATION ACT, 1996

FINAL AWARD

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**IN THE MATTER OF THE ARBITRATION ACT 1996 as Amended by
Arbitration & Conciliation (Amendment) Act, 2015
and
INDRP Rules of Procedure;
and
.IN Domain Name Dispute Resolution Policy (INDRP)
and
In the matter of arbitration between**

Whirlpool Properties, Inc.

500 Renaissance Drive,
Suite 101 Saint Joseph,
Michigan 49085,
United States of America

....Complainant

Vs

**MAHADEV IT SERVICES PRIVATE LIMITED
SERVICE**

Sector 7,
Dwarka, New Delhi
INDIA

....Respondent

in respect of Disputed Domain Name(s):

[whirlpoolindia.in]

INDRP Case No; 2039

FINAL AWARD

Date: 29.01.2026

Venue: New Delhi, India



ABHINAV S. RAGHUVANSHI
SOLE ARBITRATOR

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A. THE PARTIES AND THEIR REPRESENTATIVE:

1. Claimant

Whirlpool Properties, Inc.

500 Renaissance Drive,
Suite 101 Saint Joseph,
Michigan 49085,
United States of America

Legal Representative

Sheja Ehtesham & Ashwani Balayan
ALG India Law Offices LLP
A-142 Ground Floor, Neeti Bagh,
New Delhi - 110049
India
Tel: +91 9958918715
Fax: +91 1126562546
Email: domains@algindia.com

2. Respondent

**MAHADEV IT SERVICES PRIVATE LIMITED
SERVICE**

Sector 7,
Dwarka, New Delhi
India
Tel: +91 8077538896
Email: mahadev.it.ser@gmail.com

B. THE DOMAIN NAMES AND REGISTRAR:

The disputed domain name < **whirlpoolindia.in** > is registered through the Registrar GoDaddy.com, LLC is accredited with the .IN Registry and is listed on the website of the .IN Registry having its Contact Address:

**MAHADEV IT SERVICES PRIVATE LIMITED
SERVICE**

Sector 7,
Dwarka, New Delhi
India
Tel: +91 8077538896
Email: mahadev.it.ser@gmail.com



C. PROCEDURAL HISTORY:

1. Sh. Abhinav S. Raghuvanshi was appointed as the sole Arbitrator on 10th October 2025 by the NIXI to act as an Arbitrator in the INDRP case no. 2039 regarding the complaint dated 12th August 2025 filed under the INDRP by the Complainant.
2. On 5th November 2025, the Arbitral Tribunal issued the Notice of Arbitration and further directed the Complainant to effect the service onto the Respondent and file an Affidavit of Service to the effect. The Respondent was given an opportunity to file a response in writing in opposition to the complaint, if any, along with evidence in support of its stand or contention on or within 15(fifteen) days.
3. The Respondent did not respond to the notice issued on 5th November 2025.
4. Service of the Notice of Arbitration dated 5th November 2025 was affected by the counsel for the complainant, and the same was intimated to the Tribunal by ALG India Law Offices LLP representative of the complainant. The complaint (with annexures) was sent to the email address of the Respondent shown in the WHOIS details. Consequently, the service of the Notice of Arbitration on the Respondent was done in accordance with Rule (2) of the INDRP Rules.
5. In the interest of Justice, the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure directed the Complainant to once again affect service of this Notice of Arbitration along with copy of Complaint and Annexure, complete in all respects and Complainant and Annexures, complete in all respects by email on 17th November 2025 to the Respondent.
6. Even after the Service of Notice of Arbitration twice, the Respondent did not respond.
7. There was a delay of 25 (twenty-five) days in passing the present award, primarily due to arbitrator's unavailability, owing to health related issues.



D. COMPLAINANT CONTENTION:

It is case of the Complainant that:

- i. The Complainant states that the Complainant Company was founded on November 11, 1911 (through its predecessor-in-interest) as the first company to offer consumers an electric motor-driven wringer washer, the Complainant is presently one of the world's largest home appliance makers. As of 2024, the Complainant had approximately \$17 billion in annual sales, 44,000 employees and 40 manufacturing and technology research centers throughout the world. The Complainant has been engaged in innovating, manufacturing, and marketing a wide range of home appliances for more than a century, and also providing services such as maintenance, trouble shooting, customer care services, etc. in relation to its products. The Complainant's products and services are available in more than 170 countries around the world through its more than 100 subsidiaries and several dealers and distributors worldwide. Copies of relevant webpages has been attached by the Complainant as **Annexure 6** alongwith the Complaint.
- ii. The Complainant further states that in 1906, the WHIRLPOOL Mark was first adopted by the Complainant (through its predecessor-in-interest Horton Manufacturing Company) in respect of hand-operated washing machines. In 1938-39, the Complainant introduced the first wringer washer (with motorized agitation) under the WHIRLPOOL Mark. In 1948, the Complainant launched the first automatic washing machine under the WHIRLPOOL Mark. In 1949- 50, the Complainant (then the Nineteen Hundred Corporation) adopted the WHIRLPOOL Mark, its signature brand, as part of its corporate name and trade name by changing the name of the company to "Whirlpool Corporation". Copies of relevant webpages has been attached by the Complainant as **Annexure 7** alongwith the Complaint.
- iii. Furthermore, the Complainant states that the Complainant's flagship WHIRLPOOL Mark is used extensively in relation to its products and



services, as well as the key, leading, prominent, and essential portion of its corporate name, business name, house mark, trade name and trading style in respect of various aspects of its operations and activities. The Complainant provides a range of products under the WHIRLPOOL Mark, including washers, dryers, refrigerators, air- conditioners, dishwashers, water filtration systems, water heaters, cooktops, ovens, microwaves, ventilation hoods, heaters, and dehumidifiers, etc. The Complainant's products are sold globally through physical retail stores as well as online retail stores. Copies of relevant webpages has been attached by the Complainant as **Annexure 8** alongwith the Complaint.

- iv. The Complainant highlights that in India, the Complainant also operates through its subsidiary 'Whirlpool of India Limited', headquartered in Delhi-NCR (which was incorporated in 1960) as well as through various authorized dealers and distributors. In the late 1980s, the Complainant entered into a joint venture with then TVS group and established the first Whirlpool manufacturing facility in Pondicherry for the washing machine category. In India, the Complainant's products under the WHIRLPOOL Mark were first launched in 1990s. In 1995, the Complainant acquired Kelvinator India Limited and marked its entry into the refrigerator category, and in the same year, the Complainant expanded its operations in India to not only washing machines and refrigerators but also to microwaves, ovens, air-conditioners and other appliances. Owing to trans-border reputation from long, extensive and uninterrupted worldwide use, however, the Complainant's WHIRLPOOL Mark had attained goodwill and reputation (amounting to "well-known" status) in India much prior to the actual launch of its products in India. The Complainant owns exclusive rights in the WHIRLPOOL Mark in relation to its offerings, and also as part of its corporate name. Copies of relevant webpages has been attached by the Complainant as **Annexure 9 (Colly)** alongwith the Complaint.
- v. The Complainant further highlights that the Complainant's WHIRLPOOL Mark is a well-known and famous trademark worldwide. In India, the

Complainant's WHIRLPOOL Mark was one of the first marks to be recognized as a "well-known trademark" by the Court (in 1996), as well as the Trade Marks Office (in its list of well-known trademarks in India). In the case of *N.R Dongre and Ors. v. Whirlpool Corporation and Anr. (1996)*, 5 SCC 714, the Supreme Court of India while upholding injunction against use of the mark Whirlpool by the Appellants, also held that the mark WHIRLPOOL has attained the status of "well-known trade mark" as per Section 2(1)(zg) of the Trade Marks Act, 1999. The Complainant's WHIRLPOOL Mark continues to enjoy the status of "well-known trademark". Copies of the abovementioned decision and TM Office list of well-known trademarks has been attached by the Complainant as **Annexure 10 (Colly)** alongwith the Complaint.

- vi. Furthermore, the Complainant owns several domain name registrations that include the WHIRLPOOL Mark, including for **whirlpoolindia.com**. A representative list of the registered domains is as follows:

<whirlpoolindia.com> registered since November 01, 2000.

<whirlpool.in> registered since February 14, 2005.

<whirlpool.net> registered since January 16, 1999.

<whirlpool.com> registered since December 10, 1998.

<whirlpoolcorp.com> registered since December 10, 1998.

<whirlpool.co.uk> registered before August 1996.

<whirlpool.com.mx> registered since November 18, 1997

Copies of WhoIs records of these domain name registrations has been attached by the Complainant as **Annexure 11 (Colly)** alongwith the Complaint.

- vii. The Complainant points out that the Complainant has expended considerable financial resources in its 'WHIRLPOOL' brand and enforcement of its rights therein worldwide against infringers over the years. The Complainant has a successful record of enforcing its rights in the WHIRLPOOL Mark in court actions (including in India), as well as domain name disputes under the .IN Domain Name Dispute Resolution Policy

(INDRP) and Uniform Dispute Resolution Policy (UDRP). Some select enforcement actions are listed below:

- a. In *Whirlpool Properties, Inc. v. Arianna Gorska* (INDRP Case No: 1634), the domain name <whirlpool.co.in> was transferred to the Complainant.
- b. In *Whirlpool Properties, Inc. v. DRUVAAN Softech* (INDRP Case No. 1628), the domain name <whirlpool.net.in> was transferred to the Complainant.
- c. In *Whirlpool Properties, Inc. v. Robabeh Behrooz Babil Oliyayi* (WIPO Case No. DIR2020-0026), the domain name <whirlpool.ir> was transferred to the Complainant.
- d. In *Whirlpool Properties Inc. v. Hui Erpu HK Electrical Appliance Co. Limited*, (WIPO Case No. 02008-0293), the domain name <whirlpool-hk.com> was transferred in favour of the Complainant, etc.

Relevant pages of the abovementioned decisions has been attached by the Complainant as Annexure 12(Colly) alongwith the Complaint.

- viii. The Complainant further points out that the Complainant's popularity and international reputation under the WHIRLPOOL Mark can be gauged from the fact that the Complainant has won several awards and accolades for its products under the WHIRLPOOL Mark. The Complainant (through its parent Whirlpool Corporation) has been featuring in the Fortune 500 list for many years and is currently ranked 252. Whirlpool Corporation is also ranked 2 in the Fortune's list of world's most admired companies in home equipment/furnishing industry. In 2025, for the fifteenth consecutive year, Whirlpool Corporation was recognized by Fortune Magazine as one of the World's Most Admired Companies. Whirlpool Corporation is currently ranked 1820 in Forbes Global 2000 list and is also named in Forbes' 2022 list of World's Best Employers. Copies of relevant webpages has been attached by the Complainant as **Annexure 13 (Colly)** alongwith the Complaint.
- ix. The Complainant contends that the Complainant's WHIRLPOOL Mark can also be gauged from the fact that the Complainant's WHIRLPOOL products have been extensively written about in various print media, publications, including journals, newspapers, magazines, etc. across jurisdictions and having circulations in India, such as in The Hindu, Indian Express, Financial Express, among many others. Copies of some relevant webpages has been

attached by the Complainant as **Annexure 14 (Colly)** alongwith the Complaint.

- x. The Complainant asserts that through long years of marketing, advertisement, promotion, and sales, WHIRLPOOL Mark has acquired a significant level of goodwill and reputation and is associated exclusively with the Complainant. A search on the Internet (on any of the popular search engines including Google, Yahoo, Bing, etc.) for the word 'WHIRLPOOL' immediately reveals a direct and exclusive ownership of the mark by the Complainant. Representative prints of the search results has been attached by the Complainant as **Annexure 15 (Colly)** alongwith the Complaint

E. RESPONDENT CONTENTION:

The disputed domain name was registered on 30.05.2025. Pursuant to the notice issued by this Tribunal dated 05.11.2025, the Respondent have failed to file their response- Reply in Opposition to the Complaint. And thus, this Tribunal is not in position to appreciate the exact contentions of the Respondent. However, prima facie it appears that the Respondent's use of disputed domain name is not bona fide. Nevertheless, the Tribunal firmly believes that even in the uncontested matter, the petitioner's case must stand on its own legs and it cannot derive any advantage by absence of the respondents therefore, the complainant must still establish each of the three elements as mentioned in clause 4 of the INDRP policy. Tribunal also notes decision of Hon'ble Supreme Court of India in Sudha Agarwal vs Xth Additional District Judge & Ors (1996) 6 SCC 332.

F. DISCUSSIONS AND FINDINGS:

The complainant seeks to rely upon paragraph 4 of the .IN Policy, which reads as: "Any Person who considers that a registered domain name conflicts with his legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:

- 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 Respondent 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 in bad faith."

And the Complainant seeks to assert that each of the aforementioned factors.

A. Whether the Respondent's domain name < whirlpoolindia.in > is identical to a name, trademark/ Trade name or Service mark, in which the Complainant has right?

- i. The Complainant stated that the Complaint is based on the Complainant's prior, exclusive, and statutory rights in the WHIRLPOOL Mark, which have been established in the preceding section [10]. Complainant owns rights in the WHIRLPOOL Mark since at least 1906 internationally and 1960 in India. The WHIRLPOOL Mark is well-known, registered, unique, and distinctive. In [*Perfetti Van Melle Benelux BV v. Lopuhin Ivan, IPHOUSTER \(WIPO Case No. D2010-0858\)*](#) and [*Inter-Continental Hotels Cooperation v. Abdul Hameed \(NIXI Case No. INDRP/278, February 10, 2012\)*](#) it was held that trademark registration constitutes *prima facie* evidence of the validity of trademark rights.
- ii. Furthermore, the Complainant stated that the disputed domain name <whirlpoolindia.in> is identical to the Complainant's registered WHIRLPOOL Mark, which is incorporated fully in the disputed domain name and the disputed domain name <whirlpoolindia.in> is also identical to Complainant's registered domain name <whirlpoolindia.com>, at which domain name the Complainant is hosting its India specific website. Notably, the addition of the geographical term "india" in the disputed domain name does not render any dissimilarity (vis-à-vis Complainant's WHIRLPOOL Mark), distinctiveness or distinguishing character to the disputed domain name. On the contrary, addition of country name in domain

name tends to enhance the scope of confusion since it is a common practice for multi-national companies, like Complainant, to include the country name in domain name and host country specific websites thereat (such as <whirlpoolindia.com>). Further, with respect to the ccTLD suffix in a domain name (such as “.in”), it is a well-established principle that the ccTLD suffix should be disregarded for the purpose of comparison and similarity since it is a technical requirement of registration of domain names. A side-by-side comparison of the disputed domain name with Complainant’s mark is provided below:

Disputed Domain Name	Complainant’s registered and well-known trademark and domain names
whirlpoolindia.in	WHIRLPOOL whirlpoolindia.com whirlpool.in

Hence, the Complainant has been able to show that the disputed domain name <whirlpoolindia.in> is identical to the Complainant’s WHIRLPOOL Mark.

The Complainant has relied upon following decisions:

- [Slickdeals LLC v. Srujan Kumar \(NIXI Case No. INDRP/907, September 12, 2017\)](#), the panel held that ‘it is also well-established that the extensions in a disputed domain name does not affect a finding of similarity’.
- [Williams Sonoma, Inc. v. Liheng \(NIXI Case No. INDRP/910, September 26, 2017\)](#), the panel held that ‘This panel comes to a conclusion that when a domain name contains a trademark in its entirety, the domain name is identical or at least confusingly similar to the trademark’.
- [Oki Data Americas, Inc. v. ASD, Inc., \(WIPO Case No. D2001-0903\)](#), the panel held “[T]he fact that a domain name wholly incorporates a complainant’s registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy despite the addition of other words to such marks”.

- iii. Thus, it is prima facie clear that the disputed domain name <whirlpoolindia.in> is identical and/or confusingly similar to the Complainant’s trademarks.

B. Whether the Respondent has rights or legitimate interests in respect of the domain name?

- i. The Complainant asserted that the Complainant has never authorized or licensed the Respondent to use the WHIRLPOOL Mark in any way or for any purpose and the Respondent does not have any association, affiliation or past dealing with the Complainant. The Respondent therefore has no reason to adopt “whirlpool” as part of the disputed domain name <whirlpoolindia.in>.

The Complainant has relied upon following decisions: [TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited \(WIPO Case No. D2016-1973\)](#), wherein the panel while transferring the domain name <www.moneycorp.com> held that “Respondent is not affiliated with Complainant and has not been authorized by Complainant to use and register its trade marks or to seek the registration of any domain name incorporating Complainant’s Trade Mark. The registration and use of Complainant’s Trade Mark preceded the registration of the Domain Name. The Domain Name makes an obvious and direct reference to Complainant’s Trade Mark and services supplied in the financial services industry, particularly the online financial services sector, all of which are closely associated with Complainant.”

[Compagnie de Saint Gobain v. Com-Union Corp, \(WIPO Case No. D2000- 0020\)](#), while transferring the domain name <saint-gobain.net>, the panel held “Complainant has not licensed or otherwise permitted Respondent to use any of its trademarks or to apply for any domain name incorporating any of those marks...it appears that Respondent has not registered nor used the name "Saint-Gobain" as a trademark, nor has it ever been known by this name... Panel therefore finds that Respondent has no right or legitimate interest in the Domain Name.”

- ii. The Complainant highlighted that the disputed domain <whirlpoolindia.in> was registered on May 30, 2025 and the disputed domain does not resolve to any active website & currently directs to a landing page hosted by the Registrar, which does not host any original content pertaining to the Respondent. In fact, links provide on the landing page on the disputed domain name often refers to listings under the Complainant’s WHIRLPOOL Mark, such as Whirlpool Home Appliances, Whirlpool Washing Machine Service Centre etc. Many of these links redirect the users to sponsored links

of third-party/competitor products that are unrelated and unaffiliated to the Complainant's official channels. There is no known legitimate, non-commercial or justifiable fair use in the disputed domain name by the Respondent. Copies of the webpages of the Respondent's disputed domain has been attached by the Complainant as **Annexure 16 (Colly)** alongwith the Complaint.

- iii. The Complainant pointed out that the Respondent does not have any trademark rights in the WHIRLPOOL Mark. Moreover, the Complainant is not aware of any trademark registration for WHIRLPOOL Mark in the name of the Respondent.
- iv. The Complainant relied upon on the decision [*Emirates of Emirates Group v. Zhan Yun* \(NIXI Case No. INDRP/606\)](#) - shifting the burden on the Respondent to show rights or legitimate interests in the domain name Reliance.
- v. Thus, it is evident that the Complainant has established a *prima facie* case of Respondent's lack of legitimate rights and interests in the disputed domain name and therefore is not making a legitimate, fair or bona fide use of the domain name.

C. Whether the Registrant's domain name has been registered or is being used in bad faith?

- i. The Complainant contended that the bad faith is implicit in the registration as well as current use of the disputed domain name without any legitimate interest therein and that bad faith in the Respondent's registration of the disputed domain name is evident from the following:

Respondent had prior knowledge of the Complainant's WHIRLPOOL Mark, and the domain name was registered in bad faith:

The Complainant's WHIRLPOOL Mark is a well-known trademark in India, which has garnered impeccable reputation and goodwill

owing to its longstanding and continuous use across the world, including in India. Therefore, it is unlikely and inconceivable that the Registrant did not have knowledge, constructive if not direct, about the Complainant's earlier, registered, and well-known WHIRLPOOL Mark. Registration of a domain name based on awareness of a Complainant's trademark rights is recognized as bad faith registration.

The Complainant has relied upon following decisions:

- In [Merck KGaA v. Zeng Wei \(NIXI Case No. INDRP/323, February 28, 2012\)](#)

, it was held that 'The choice of the domain name does not appear to be a mere coincidence, but is a deliberate use of a well-recognized mark to attract unsuspecting users to the Respondent's site, such registration of a domain name, based on awareness of a trademark is indicative of bad faith registration under the Policy.'

- In [Lego Juris v. Robert Martin, \(NIXI Case No. INDRP/125, February 14, 2010\)](#), it was held that 'The Respondent ought to have been aware when he registered the disputed domain name that such registration would impede the use of the domain name by the legitimate owner of the trademark: such practice is found to be bad faith'.

- ii. Further, the Complainant contended that the Respondent has not made any bona fide offering of goods/services under the mark/name WHIRLPOOL or through hosting at the disputed domain name <**whirlpoolindia.in**> and the website merely contains redirectable links to webpages of the Complainant's competitors. Notably, the Complainant stated that the Respondent does not have any legitimate rights and interest in the disputed domain name and has evidently registered the same with the mala fide intent of making illegitimate and undue commercial enrichment by attracting consumers to the domain name. Hence, it is clear that the Respondent intended to register an identical domain to divert traffic and exploit the goodwill and reputation of the Complainant's WHIRLPOOL trademark to make financial gains. Numerous panels have found that registrants have no rights or legitimate interests in domain names that resolve to pay-per-click sites with links to the Complainant's or its competitor's services, such as in [Zurich American Insurance Company v.](#)

[Administrator, Domain, \(WIPO Case No. D2007-0481, May 18, 2007\)](#), where the panel observed that “...the use of a confusingly similar or identical domain name to divert Internet users to competitor’s websites per se is not a use in connection with a bona fide offering of goods or services nor a legitimate non- commercial or fair use”.

In [Factory Mutual Insurance Company v. Rhianna Leatherwood \(WIPO Case No. D2009-0144\)](#), the panel held that the Respondent has registered the disputed domain name, based on its trademark value, in order to generate Internet traffic to derive income; and such use is not recognized as bona fide use under the Policy. Misleading users by incorporating others’ trademarks in a domain name gives a false impression to users and does not constitute a bona fide offering of goods and services under the Policy.

- iii. The Complainant pointed out that the Respondent’s particulars, including name, address, email, phone number, etc. provided in the WhoIs records appear to be masked, redacted, and fictitious. Reliance is placed on [Philip Morris USA Inc. v. Domains by Proxy / Ray A Board \(WIPO Case No. D2016-0840\)](#) where panel held “...when registering the Disputed Domain Name, the Respondent shielded its identity by using a masking service. This is an indication of bad faith registration and use under the Policy.”
- iv. The Complainant further pointed out that the Complainant is the Registrant of the domain names <whirlpoolindia.com>, <whirlpool.in>, among many other domain names that incorporate the WHIRLPOOL Mark as the significant part of the domain along with different Top Level Country Codes. This is bound to give rise to consumer confusion as to whether the disputed domain name <whirlpoolindia.in> is associated with the Complainant.
- v. The Complainant asserted that in the view of (i) Complainant’s registered and common law rights in the WHIRLPOOL Mark, (ii) Complainant’s WHIRLPOOL Mark having been recognized as well-known trademark in India in 1996; (iii) use of the WHIRLPOOL Mark by Complainant for over a century prior to Respondent’s registration of the domain name, (iv) Complainant’s prior use of the WHIRLPOOL Mark on the Internet and in other domain name(s), and

(iv) tremendous fame, goodwill, and reputation associated with the WHIRLPOOL Mark, it is impossible to conceive of any circumstance in which Respondent could have registered and used the domain name in good faith or without knowledge of the Complainant's rights in the WHIRLPOOL Mark.

- vi. Thus, it is established that the Respondent has registered the disputed domain name and is using it in bad faith.

G. DECISION:

In the light of the foregoing discussions, it is abundantly clear that the disputed domain name is confusingly similar to a mark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in respect of disputed domain name. It can be clearly held that the Complainant succeeded in establishing that the disputed domain name was registered by the Respondent in bad faith and being used in bad faith in accordance with the policy and rules.

This Tribunal, therefore, orders that the domain name < **whirlpoolindia.in** > be transferred to the Complainant.



Abhinav S. Raghuvanshi
Sole Arbitrator

Place: New Delhi

Date: 29.01.2026