

The Bank of Rajasthan Ltd.  
Ext. Counter, Ali India shri  
Shivaji Memorial Society,  
55/56, Shivajinagar,  
Pune-411 005.  
D-5/STP(V)/C.R.1001/19/05/  
1504 to 07



नाव/Name S. C. Inamdar  
पत्ता/Address 274/A, Chaninwar Peth,  
PUNE 411030  
हस्ते/By Rakesh  
पावली क्र./Request No 20347  
For THE BANK OF RAJASTHAN LTD.  
(Signature)  
AUTHORISED SIGNATORY

**AWARD**

**IN ARBITRATION**

**IN DISPUTE**

**BETWEEN**

**ALIBABA GROUP HOLDING LIMITED -**

**THE COMPLAINANT**

Represented by: -

Lovells

11<sup>th</sup> Floor, One Pacific Place

88 Queensway

Hong Kong.

**AND**

**WEBMASTER, ALIBABA CONSULTING LIMITED -THE RESPONDENT**

Represented by: -

M/s Pathy & Pathy

30 (old 18), Chellammal Street, Shenoy Nagar

CHENNAI. 30.

**IN THE MATTER OF DISPUTED DOMAIN NAME: - WWW.alibaba.CO.in**

CASE NO. - NOT ALLOTTED BY NIXI

**BEFORE MR.S.C.INAMDAR, B.COM., LL.B., F.C.S.**

**SOLE ARBITRATOR**

**DELIVERED ON THIS 23<sup>rd</sup> DAY OF OCTOBER TWO THOUSAND EIGHT.**

A handwritten signature in black ink, consisting of a vertical line followed by a cursive flourish.

**I] SUMMARISED INFORMATION ABOUT THE DISPUTE: -**

01. Name and address

of the Complainant:-

Alibaba Group Holding Limited  
c/o Alibaba.com Hong Kong Limited  
24/F Jubilee Centre, 18 Fenwick Street  
Wanchai  
HONG KONG

02. Name of the Authorised

Representative of complainant: -

Lovells  
11<sup>th</sup> Floor, One Pacific Place  
88 Queensway  
HONG KONG  
Email: - [gabriela.kennedy@lovells.com](mailto:gabriela.kennedy@lovells.com)

03. Name and address of

The Respondent: -

Webmaster, Alibaba Consulting Limited  
(previously Webmaster, JF Limited)  
204, Woodwich Road, Concept Office  
London.  
England.  
GREAT BRITAIN (GB)

04. Name of the Authorised

Representative of the Respondent: -

M/s Pathy & Pathy, Advocates  
30, (Old No. 18), Chellammal Street  
Shenoy Nagar  
Chennai. 30.  
Email: - [ashokpathy@gmail.com](mailto:ashokpathy@gmail.com)

05. Date on which case was  
Referred to me for  
Arbitration 20.08.2008
06. Date on which complaint was  
Received by me 01.09.2008
07. Date on which notice of  
Arbitration was sent: - 01.09.2008.
08. Date on which the Respondent  
Submitted his Statement of  
Defense 22.09.2008.
09. Date on which the Complainant  
Submitted his rejoinder 09.10.2008
10. Date on which the Respondent  
Submitted his rejoinder 17.10.2008
11. Date of arbitral award 24.10.2008



**PRELIMINARY: -**

- 1) Alibaba Group Holding Limited is a corporation under the laws of Hong Kong. It has principal place of business in Hong Kong and it does business at many places of the world. **(The Complainant)**
- 2) Since the Complainant is holder of various trademarks and also the word "ALBABA" is a part of its corporate name, it has disputed registration of domain name **alibaba.co.in (the disputed / domain name)** in the name of M/s Webmaster, Alibaba Consulting Limited. **(The Respondent)**.
- 3) Upon Complainant's filing complaint under .IN Domain Disputes Resolution Policy **(INDRP)**, National Internet Exchange of India **(NIXI)** has referred the dispute for arbitration to me.

**II] PROCEDURE FOLLOWED IN ARBITRAION PROCEEDINGS: -**

01. National Internet Exchange of India, a regulatory authority in respect of .in domain names allotment, dispute resolution etc., **(NIXI)** vide its communication dated 20.08.2008 appointed me as sole Arbitrator in the dispute.
02. After my sending statement of acceptance and furnishing Statement of Impartiality and Independence, I received a copy of complaint on 01.09.2008.
03. On 1<sup>st</sup> September 2008 I issued Notice of Arbitration to the Respondent under copies to the Complainant and NIXI.
04. The Respondent asked for extension of time and accordingly filed his say on the Complaint on 22.09.2008.
05. The Complainant, after allowing extension of time, submitted his rejoinder on 09.10.2008.
06. The Respondent, after allowing extension of time, submitted his rejoinder on 17.10.2008.
07. Generally the parties to the dispute cooperated in the matter

### III] SUMMARY OF THE COMPLAINT: -

(A) The Complainant has raised, *inter-alia*, following important objections / made contentions in its Complaint: -

- a) The Complainant is a corporation under the laws of Hong Kong engaged in providing B2B services globally, through its subsidiaries headed by Alibaba.com Limited. It has grown into one of the largest online market place in the world and boasts of having more than 24 million members from over 200 countries and regions worldwide. The Complainant's total revenue in the first quarter of current financial year stood at RMB 680 M with net profits at RMB300 M (app. USD 99.13 M & USD 43.73M respectively). Its members in India are more than 400000.
- b) The Complainant is the registered owner and/or proprietor of various trademarks in India including 'ALIBABA', 'ALIBABA.COM' and two more applications are pending for registration in India. In support of its contention the Complainant has furnished copies of trade marks registration certificates.
- c) The Complainant owns and operates its websites using the alibaba.com domain name since 15<sup>th</sup> April, 1999.
- d) Mr.Chen Shengli, a Chinese national, is the sole director of the Respondent company - Alibaba Consulting Limited. According to the WHOIS database, till 18<sup>th</sup> June 2008 the registrant organization for the disputed domain name was recorded as JF Limited. According to the respective WHOIS and company records for Alibaba Consulting Limited and JF Limited, both the companies have same address and telephone



numbers. The Complainant therefore presumes that the two companies are related and / or under common control of the registrant.

- e) The disputed domain name is identical and / or confusingly similar to trade marks in which the Complainant has rights on the basis of its three trade mark registrations and two pending trade mark applications for Alibaba in India. As against this the Respondent has no registered trade mark in India which would entitle him to the disputed domain name.
- f) The Complainant's use and registration of the Alibaba trade mark in India predates the Respondent's original registration of the Disputed Domain Name by almost five years. The disputed domain name is not in use by the Respondent.
- g) Prior to the date of this complaint the disputed domain name was pointed to a website having only one webpage with a link to a Chinese Corporate directory site. In other words the webpage was only a parking site.
- h) Less than two weeks prior to the transfer / change of registrant organization from JF Limited to Alibaba Consulting Limited, JF Limited had offered to sell the disputed domain name to the Complainant's Legal Representatives for US \$ 50000.
- i) The company name was registered approximately 3 years after the registration of the Disputed Domain Name and at the time of registration of disputed domain name Alibaba Consulting Limited did not even exist as a legal entity. Thus registration of Alibaba Consulting Limited in UK was not undertaken in good faith but for the sole purpose of circumventing the application of the INDRP. The timing of transfer / change of registrant organization from JF Limited to Alibaba Consulting Limited was such that would give rise to an irrefutable presumption that the same was solely for



the purpose of establishing rights in the disputed domain name and thereby circumvent the INDRP proceedings.

- j) Even the Guidance Notes issued by the UK Companies House website explain that the registration of a UK company name will not provide a defence to an action for trade mark infringement or passing off brought by a third party who has a registered mark for or is well known by the same name.
- k) JF Limited has previously been the subject of at least one compliant proceeding filed under INDRP in which disputed domain name [www.huawei.co.in](http://www.huawei.co.in) was ordered to be transferred to the Complainant in that case. Thus the Respondent is engaged in domain name hijacking.
- l) The Respondent has registered disputed domain name with full knowledge of the Complainant's prior rights in the same. The Respondent has offered to sell the disputed domain name for a significantly high price than the costs of Respondent's registration of the same. As at the date of filing of the Compliant the Respondent was not using the disputed domain name.
- m) The Respondent has registered the disputed domain name to intentionally confuse internet users and to divert internet traffic to the Respondent's website. The Respondent would have received a commission for each and every hit on the sponsored links set out in the Respondent's website and therefore had a commercial incentive to attract internet users to the site by misappropriating the reputation of a well known brand.

**(B) DOCUMENTS PRODUCED BY THE COMPLAINANT:** - In support of its contentions the Complainant has furnished, *inter-alia*, copies of the following important documents: -



- a. WHOIS search records as on 18.06.2008 and also as on the date of filing the Complaint
- b. Documents pertaining to the Complainant's turnover, profits, membership, portal extracts etc.
- c. Copy of the company records for JF Limited obtained from the UK Companies House
- d. Copy of the company records for Alibaba Consulting Limited obtained from the UK Companies House
- e. Copies of the Certificates of Registration for the three trade marks and copies of the applications for the two pending registrations in India.
- f. Copy of the webpage in proof that it was a parking site linked to Chinese business directory.
- g. Copies of emails exchanged in respect of offer for sell of disputed domain name
- h. Copy of cease and desist letter issued by the Complainant
- i. Copy of Guidance Notes issued by the UK Companies House
- j. Copies of the records for Complainant's UK trade marks as extracted from the website of the UK Intellectual Property Office
- k. Copy of award passed by learned Arbitrator in the dispute between Huawei Technologies Co. Ltd. V/s Webmaster JF Limited
- l. Copies of the awards passed by WIPO panel in the disputes between Veuve Clicquot Ponsardin, Malson Fondée en 1772 V/s The Polygenix Group Co. (Case No.D2000-0163) and in the dispute between Madonna Ciccone, p/k/a Madonna V/s Dan Parisi and Madonna.com (WIPO Case No.2000-0847).

#### **IV] SUMMARY OF STATEMENT OF DEFENSE: -**

(A) On the last day appointed for submission of statement of defense the Representatives of the Respondent approached with a request to extend time for submission of the same. To follow the principle of giving just and fair opportunity to represent his case, extension of time was allowed to submit written statement of



defense. Accordingly the Respondent submitted his statement of defense through his legal representatives.

The main contentions of the said statement of defense were as follows: -

- i. The Director of the Respondent Mr. Chen Shengli was in the business of providing the services relating to the formation of companies and the Respondent wanted to have the prefix of his company name as the domain name. He therefore approached M/s JF Limited with a proposal to purchase the disputed domain name vide email dated 02.06.2008. As per the invoice dated 24.06.2008 the said domain name was conveyed. On 11.07.2008 the company in the name of Alibaba Consulting Ltd. was formed.
- ii. The business of the Respondent is mutually exclusive to that of the business of the Complainant and therefore no confusion would be created in the minds of internet users / prospective customers.
- iii. The Complaint is not maintainable as the same has been instituted on the Respondent with incorrect identity. The name of the Respondent is Webmaster, Alibaba Consulting Limited and it was never previously known as Webmaster, JF Limited and due to this defective description the Complainant is to be rejected.
- iv. The Trade mark registration of the Complainant is not with respect to the class of business carried on by this Respondent. The Respondent is carrying on the business under the classification pertaining to Class 45. The Respondent provides the solutions for formation of companies in U.K., India, Ireland, Hong Kong and many other countries. Thus the domain name alibaba.co.in is nothing but the name of the Respondent company.
- v. The Registered Office of the respondent is in U.K.



- vi. Since JF Limited is not a relevant and proper party to this Complaint, averments about the said JF Ltd. are not relevant to this Complaint.
- vii. As a stop gap arrangement the Respondent was using the space and telephone of JF Ltd. There are more than 10 companies having their registered offices in the same premises. Thus it is an anomaly in linking the JF Ltd with this Respondent.
- viii. The word Alibaba is a generic name and related to a character in Arabian stories. The word has been used in numerous films, TV shows, business organizations functioning in the name and style of Alibaba. Due to this name being generic in nature, no person can claim exclusive right over the same. Apart from the Respondent there are many others using the word. Alibaba.
- ix. The Respondent had formed the company even before the Complainant can lodge a complaint which proves that he had genuine intention to commence the business in the name and style of Alibaba Consulting Limited.
- x. The company was formed on 11th July 2008 and domain name has been uploaded with effect from 15<sup>th</sup> July 2008. It has been providing services in India and U.K. and intends to extend its services to Hong Kong and U.S. and others of the country.
- xi. There are many trade marks under the name Alibaba which are not registered by the Complainant.
- xii. The Respondent has paid heavy price for the domain name alone can confirm the genuine interest of the Respondent in the disputed domain name. The Respondent has acquired the domain name in good faith without knowledge of any transaction between the Complainant and JF Ltd. This Respondent can not be equated with JF Ltd. The Complainant has not produced any document to



prove that the Respondent had prior knowledge of the rights / interests of the Complainant in the disputed domain name.

This Respondent has never offered to sell the domain name since he wants to use the same for his own business purpose. The usage of domain name by the Respondent is not in bad faith.

The Respondent has incorporated itself only a few days ago and it would be premature to argue that the Respondent has not commenced any business and hence no adverse presumption can be made against this Respondent.

**m. DOCUMENTS FURNISHED BY THE RESPONDENT IN SUPPORT OF HIS STATEMENT OF DEFENSE: -**

The Respondent has furnished, inter-alia, copies of the following documents in support of his contentions: -

1. Copies of emails exchanged for sale of domain names between Only One Ltd. and Mary<alibaba(gionly-one.co.uk)>, JF Ltd.
2. Invoice of Only One in the name of Chen Shengli dated 24<sup>th</sup> June 2008 showing price for sale of domain name at EUR 572.00
3. Extract of company information for Alibaba Consulting Limited
4. Copy of webpage of Alibaba company formation portal
5. Classification descriptions for trade mark classification taken from UK Intellectual Property Office
6. Copy of results of search at UK Intellectual Property Office in respect of trade marks containing the word Alibaba.
7. Company Information for Global Director Limited
8. Copy of search at Google for rankings of Alibaba Consulting Limited
9. Company information for JF Ltd.



## V] CONTENTIONS OF THE COMPLAINANT IN HIS REJOINDER: -

In his rejoinder the Complainant made, inter-alia, the following contentions: -

- a) The reference on the cover page to "(previous Webmaster, JF Limited)" is only to clarify the identity of the previous registrant of the domain name from whom the Respondent claims to have purchased the Disputed Domain Name.
- b) Identity of previous registrant is relevant to these complaint proceedings in light of the timing of and circumstances surrounding the transfer of the disputed domain name.
- c) As a matter of law, a trade mark registration confers upon the trade mark owner exclusive rights in respect of the trade mark in the country where the registration was granted in respect of the designated goods and services.
- d) The Complainant has acquired a substantial reputation in its Alibaba trade mark throughout Asia including in India such that the trade mark has acquired through use distinctiveness in relation to the Complainant and the services offered by him.
- e) Use of the Alibaba trade mark and domain names incorporating the Alibaba trade mark by others, does not in any way diminish or affect the Complainant's legitimate and exclusive rights in Alibaba in those countries where the Complainant has valid trade mark registrations for Alibaba. Similarly it does not confer upon the Respondent any legitimate right or interest in the disputed domain name.
- f) Though it is practically difficult for the Complainant to register its Alibaba trade mark in all ccTLD categories and in all possible combinations, it does



not mean that the Complainant does not have legitimate rights or interests in those domain names.

- g) In respect of the list of domain names having the word Alibaba as part of it, the Complainant stated that three of the seven trade mark registrations are owned by the Complainant and the Respondent has not adduced evidence that it has any Alibaba trade mark rights itself.
- h) In respect of other domain names, they clearly contain in addition to the Complainant's Alibaba trade mark, other words designating the services provided on the relevant website. Similarly these domain names are not registered using country codes relevant to the countries where the Complainant's core business is operated - i.e. Greater China and India.
- i) The claim of the Respondent of having paid significant amount for the purchase of disputed domain name is false since the amount paid by the Respondent of US \$800 is marginally more than the offer made by the representative of the Complainant i.e. US \$ 500. It is far less than the amount of US \$ 50000 as demanded by the previous registrant from the Complainant.
- j) The claim of the Respondent that it has legitimate interest in the disputed domain name is entirely based on its company name and alleged business presence in U.K.
- k) The website was only established after the Complainant filed the Statement of Complaint.
- l) When the Complainant's legal representative Ms. Susan Yiu telephoned the number stated on the website the man over phone refused to provide any confirmation and instead asked Ms Yiu why she was calling.



**VII] DOCUMENTS FURNISHED BY THE COMPLAINANT IN SUPPORT OF HIS REJOINDER: -**

The Complainant, in support of his contentions in rejoinder, has, inter-alia, furnished the copies of the following documents: -

- 1) The webpage of the disputed domain name
- 2) File note signed by Ms. Uiu in respect of her call on behalf of the Complainant to the Respondent's office
- 3) WHOIS search results as on 8<sup>th</sup> October 2008

**VIII] CONTENTIONS OF THE RESPONDENT IN HIS REJOINDER**

The Respondent has, inter-alia, made the following contentions in his rejoinder:-

- a. The mention of Webmaster, JF Limited in the complaint by the Complainant was intended to make a claim as against him and not against the Respondent.
- b. When Webmaster, JF Limited is not a party to these proceedings, allegations against the said entity have no relevance to the present case.
- c. The Complainant has not registered its trade mark under clause 45 and as such is not entitled to claim any right for the service rendered by the Respondent under clause 45.
- d. The businesses of the Complainant and of the Respondent are exclusive and no way connected with each other. Hence there is no likelihood of any confusion among the internet users about disputed domain name.
- e. Most of the domain names listed in paragraph 4.5 are not functional or all inactive.



- f. The Respondent got disputed domain name transferred in his favour on 11th July 2008 and the same was released on 15<sup>th</sup> July 2008. The Complaint was initiated in August 2008 and thus the Respondent has initiated usage of domain name before the complaint.
- g. It is absurd to expect the website to be wholly functional immediately on its launch.
- h. There are yellow pages in India where the Complainant's name does not figure.
- i. Ms. Yiu's call is deemed to be in bad faith and hence it could not be answered properly.
- j. For convenience sake, the Respondent has registered the domain name alibaba.co.in and not alibaba consulting.com.
- k. The Respondent has specific business for Indian market and the Respondent has provided services for registering companies in India.

**IX] DOCUMENTS FURNISHED BY THE RESPONDENT IN SUPPORT OF HIS REJOINDER: -**

Though the Respondent has stated at few places in the said rejoinder as copies of documents are attached, in fact no documents have been attached. It is interesting to note that the Respondent has not given Annexures numbers also at the said places.

**X] ISSUES & FINDINGS: -**

On the basis of policies and rules framed by NIXI in respect of dispute resolution as also on the basis of submissions of both the parties I have framed following issues. My finding on each issue is also mentioned against it respectively.



| SR. NO. | ISSUE   | FINDING |
|---------|---|---------|
| 01      | Whether the Complainant is holder of any registered trademark or service mark having nexus to the disputed domain name?   | Yes     |
| 02      | Whether the Respondent is holder of any registered trademark or service mark having nexus with the disputed domain name?  | No      |
| 03      | Whether the previous Registrant has registered domain name in bad faith and primarily for selling, renting or otherwise transferring it?  | Yes     |
| 04      | Whether the Registrant is using the domain name before notice to him?   | Yes     |
| 05      | Whether the Registrant has commonly been known by the domain name?  | No      |
| 06      | Whether the Registrant has registered the disputed domain name to intentionally attempt to attract internet users to the website by creating confusion with the Complainant's name? | Yes     |
| 07      | Whether, on the basis of the registered trademarks, the Respondent is entitled to continue to use the disputed domain name?   | No      |

**BASIS OF FINDINGS: -**

1. The Complainant has furnished copies of its three registered trademarks and two applications pending registration.
2. The Complainant has established beyond any doubt its business stature, fields of its services and quantum of annual turnover, including his considerable presence in India.



3. The Complainant has clearly established according to INDRP that: -
  - a) The Registrant has no rights or legitimate interests in respect of the domain name
  - b) The Registrant's domain name has been registered or is being used in bad faith.
  - c) The Registrant has registered domain name for intentionally attempting to attract internet users to the website by creating confusion with the Complainant's name
  
4. The Respondent has heavily relied upon the name of his company to establish his rights or interests in the disputed domain name. Apart from this the Respondent could not furnish any document like registered trade mark or service mark in his name containing the word alibaba entitling him to the disputed domain name.
  
5. The Respondent himself has, in paragraph 2 of his Statement of Defense stated that as per invoice dated 24.06.2008 the said domain name was conveyed. On 11.07.2008 the company Alibaba Consulting Limited was formed. It is usual practice in business world to first incorporate the company and then to register domain name containing its company name. This fact alone goes very seriously against the Respondent.
  
6. The contention of the Respondent that the Complainant has not registered his trade mark(s) under clause 45 is not relevant since the same pertains to UK Intellectual Property Office. Similarly the Respondent does not have any trade mark, much less under clause 45, in support of his claim or legitimate interests in the disputed domain name.



7. The Respondent has stated that the businesses of the Complainant and of the Respondent are exclusive and do not have relationship. Therefore internet users can not get confused about entity having domain name. I do not agree with this contention since any internet user searches on internet basically by giving the first or prominent part of the name intended to be searched. In the present case the first or prominent part of the name is Alibaba. Therefore there is every possibility of internet user getting confused till he actually scrutinizes the types of goods and services available on the domain. Till then he has reached the disputed domain name. Thus this act amounts to intentionally creating confusion among internet users and thereby attract them to the disputed domain.
  
8. Though the previous registrant Webmaster, JF Limited is not a direct party to this dispute, it is necessary to take into account its status, nature of business, intention behind registering the disputed domain name and finally history about its credentials. The Complainant has clearly established that Webmaster, JF Limited had no legitimate interests and rights in the disputed domain name. JF Limited had not used the domain name for its business purposes. It had registered disputed domain name in violation of the legitimate rights, interests and claims of the Complainant. Prior to the complaint the disputed domain name was linked to a Chinese business directory, which in turn means that it was only a parking site. The offer to sell domain to the Complainant, for a whopping US \$ 50000, itself establishes its intention of registration as to make profit by selling the same. When JF Limited smelled that the Complainant was going to initiate dispute procedures, it hurriedly transferred the domain to the present Respondent at a paltry amount of US \$ 800, which is slightly higher than the offer made by the Complainant himself. In view of this it becomes abundantly clear that the previous registrant had no legitimate title, interest or right in the domain name and the said registration was in violation of the interests, rights and claims of the Complainant. Assuming, for the sake of assumption, that the present Respondent is innocent buyer and purchased domain name in good faith and for consideration, he can not get proper title, rights, interests in the domain name due to the



principle of passing off. Previous registrant can not pass off good title to the present Respondent, since he himself did not have the same.

9. The disputed domain name was registered about 3 years prior to the incorporation of company by the Respondent. This appears to be an after thought as against the contention of the Respondent that Mr.Cheng Shengli had been in the same business even prior to incorporation of the Respondent. Similarly the Respondent has failed to support this contention by way of evidence to this effect.
10. The Respondent has failed to establish that he has business activities in India, has at least few customers, has done some business so far etc. Mere statement to this effect is not sufficient for this purpose.
11. The explanations / clarifications furnished by the Respondent in respect of having same business address, same telephone numbers etc. as that of previous registrant, are not convincing. Similarly his explanation about telephonic call by Ms. Yiu is also not satisfactory and hence can not be relied upon.
12. The Respondent's contentions that alibaba is a generic name and that several others are using the domain names having the word alibaba, alone do not entitle him to the disputed domain name.
13. The Respondent has provided copies of google search in respect of his rankings on the said search. This alone can not entitle the Respondent to the disputed domain name. Similarly these rankings can be improved by applying various techniques of search engine optimizations.
14. The Respondent's reply to the Complainant's point as to why the Respondent did not register domain name as Alibaba Consulting.com is not satisfactory. Mere statement that he found the present domain name more convenient does not convince me.

15. The Complainant's contention about timing of transfer of domain name and surrounding circumstances is important. If we pierce through the same we can derive intentions of the previous registrant and the present Respondent. Even after assuming that the Respondent has purchased domain name in good faith, the timing of transaction, dates of incorporation of company and date of transfer of domain name, put together, create extreme doubts about the genuine intentions behind the said transfer of domain.
16. The Complainant has pointed out that the Webmaster, JF Limited was involved in similar type of domain registration / hijacking activity and that in arbitration under INDRP he was ordered to transfer the same to the Complainant, throws light on his intentions behind registering such types of domains. This is also strengthened by several other domain names registered by JF Limited.

**XI] AWARD: -**

On the basis of submissions made and documents furnished by the parties and also on the basis of my above findings I pass the following award: -

01. **The Complainant is entitled to the disputed domain name - alibaba.co.in and therefore the same shall be transferred in the name of the Complainant.**
02. **The Complainant shall pay the Respondent documented expenses for acquisition of the disputed domain name.**

Place: - Pune.

Dated: - 23<sup>rd</sup> October 2008

  
(S.C. INAMDAR)  
ARBITRATOR