

ఆంధ్రప్రదేశ్ రాష్ట్రం ఆంధ్ర ప్రదేశ్ ANDHRA PRADESH

Sl. No. 7235 Dt. 21/11/14

Sold to Hanini Narayan Swamy
S/o, D/o, W/o B. Narayan Swamy R/o Hyd
To Whom Self

K. Geetha Rani
BH 322737

KODALI GEETHA RANI
Licenced Stamp Vendor
Licence No 16-04-1/2013
8-3-191/132 167/C Behind E-Sea
Engal Rao Nagar, Hyderabad (South)
Cell 94920 25252

BEFORE THE NATIONAL INTERNET EXCHANGE OF
INDIA

ARBITRATION AWARD

In The Matter of

DELL INC.
One Dell Way
Round Rock , Texas 78682-2244
U.S.A

Complainant

Versus.

NAGENDRAN KATHIRVEL
GBS Systems & Services Pvt. Ltd
No.1070- A, Munuswamy Salai
K.K Nagar Chennai
Tamil Nadu 600078

Respondent

Hanini Narayan Swamy

1. The Parties

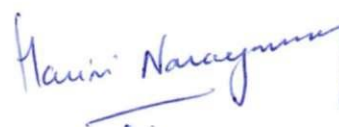
The Complainant is Dell Inc. of Texas, United States of America represented in these proceedings by Anand and Anand, of Noida, India. The Respondent is Nagendran Kathirvel of K.K Nagar Chennai, India, self represented.

2. The Domain name, Registrar and Policy

The present Arbitration proceeding pertains to a dispute regarding the domain name <dellexclusivestore.in> (hereinafter referred to as disputed domain name). The registrar for the disputed domain name is Go Daddy.com LLC. The disputed domain name was registered on November 2, 2014. The Arbitration proceedings are conducted in accordance with the Arbitration and Conciliation Act of 1996 (India), the .IN Domain Name Dispute Resolution Policy (the "INDRP Policy" or "Policy"), and the INDRP Rules of Procedure (the "Rules").

3. Procedural History

The sole arbitrator appointed in the case is Mrs. Harini Narayanswamy. The Arbitrator has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, in compliance with the Rules. The Arbitrator received the Complaint from the .IN registry on January 23, 2016 and on January 24, 2016 the Arbitrator transmitted by email a notification of commencement of the arbitration proceedings to the parties under the INDRP Rules. Copies of the said notification were sent to other interested parties to the dispute.



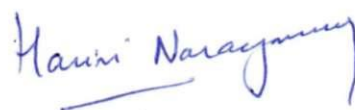
4. Discussion

The Respondent on January 22, 2016, sent an email stating his willingness to transfer the disputed domain name to the Complainant. The Arbitrator notes the unequivocal position taken by the parties, that there is no dispute between the parties concerning the transfer of the disputed domain name to the Complainant. Another email sent by the Respondent on January 25, 2016 is reproduced here:

“This is Sridher, Service Manager from GBS Systems & Services Pvt. Ltd, i takes care all the online promotions, websites & domain registrations of GBS systems & Services Pvt Ltd, with refer to your mail regarding dell domains dispute.

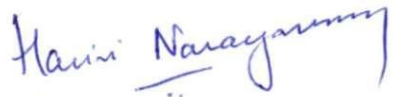
I have no intention to retain the disputed domain name with me. I am ready and willing to transfer the disputed domain name to the Complainant. Please do not impose any cost on me. “

In view of the Respondent clearly stating that he has no intention of contesting or challenging the Complaint, but agrees to transfer the disputed domain name to the Complainant, and the Complainant being satisfied with the Respondent’s unilateral offer of transferring the disputed domain name to the Complainant, the Arbitrator has no hesitation in awarding the relief sought for by the parties. The Arbitrator notes a previous decision involving same parties, INDRP Case 769, February 2, 2016, Dell Inc. v. Nagedran Kathirvel, (<dellaptopadapterprice.in>) the transfer of the domain name disputed was made without going into the merits based to the Respondent’s unilateral statement of agreeing to transfer the disputed domain name to the complainant. Accordingly, the Arbitrator issues the Award based on the parties’ representations and without going into the merits of case, as the Respondent has agreed to comply with the relief sought for by the Complainant.


Harini Narayanasamy

Decision

It is ordered that the disputed domain name <dellexclusivestore.in> be transferred to the Complainant.



Harini Narayanswamy

(Arbitrator)

Date: February 15, 2016