

Bond



**Indian-Non Judicial Stamp
Haryana Government**



Date :12/01/2018

Certificate No. G0L2018A1961



Stamp Duty Paid : ₹ 101
(Rs. Only)

GRN No. 32659575



Penalty : ₹ 0
(Rs. Zero Only)

Deponent

Name: Ranjan Narula

H.No/Floor : Na

Sector/Ward : Na

Landmark : Na

City/Village : Gurugram

District : Gurugram

State : Haryana

Phone : 0



Purpose : ALL PURPOSE to be submitted at Other

RANJAN NARULA

ARBITRATOR

Appointed by the .IN Registry – National Internet Exchange of India

In the matter of:

Future Lifestyle Fashions Limited
Knowledge House, Shyam Nagar
Off. Jogeshwari Vikhroli Link Road
Mumbai-400 060

....Complainant

Udayashankar M.N.
#98, 1st Floor, 9th Cross, Navilu Road
Kuvempunagar, Mysore
Karnataka – 570023, India
Phone: +91 9448872237
Email: meetprogrammer@yahoo.com

....Respondent.

Disputed Domain Name: <WWW.BRANDFACTORY.CO.IN>

AWARD

1) **The Parties:**

The Complainant in this arbitration proceeding is Future Lifestyle Fashions Limited, of the address Knowledge House, Shyam Nagar, Off. Jogeshwari Vikhroli Link Road, Mumbai-400 060. The Complainant is represented by its authorized representative, Krishna & Saurastri Associates LLP.

The Respondent in this arbitration proceeding is Mr. Udayashankar M.N. of the address #98, 1st Floor, 9th Cross, Navilu Road, Kuvempunagar, Mysore, Karnataka – 570023, India as per the details available in the whois database maintained by National Internet Exchange of India (NIXI).

2) **The Domain Name, Registrar & Registrant:**

The disputed domain name is <www.brandfactory.co.in>.

The Registrar is GoDaddy.com, LLC.

The Registrant is Mr. Udayashankar M.N. of the address #98, 1st Floor, 9th Cross, Navilu Road, Kuvempunagar, Mysore, Karnataka – 570023, India.

3) **Procedural History:**

This arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28th June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

As per the information received from NIXI, the history of the proceedings is as follows:

In accordance with the Rules 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint and appointed Mr. Ranjan Narula as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.

- The Complaint was produced before the Arbitrator on February 22, 2019 and the hard copy of the Complaint sent by NIXI was received in the Arbitrator's office on February 26, 2019.
- The notice was issued to the Respondent on February 26, 2019 at his email address meetprogrammer@yahoo.com outlining that the Complainant had prayed for transfer of the disputed domain name "www.brandfactory.co.in" in its favour. The Respondent was called upon to submit their response within ten (10) days of receipt of the Arbitrator's email i.e. until March 8, 2019.

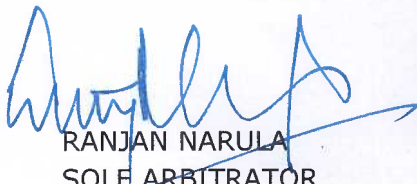
- In response to aforementioned email, the Respondent sent an email on March 2, 2019 to Arbitrator via email address meetprogrammer@yahoo.com denying all the allegations made in the Complaint against him. The Respondent, however, agreed to transfer the domain name in favour of the Complainant.
- The Arbitrator thereafter provided 10 days' time i.e. until March 12, 2019 vide email dated March 3, 2019 to parties to explore settlement between themselves and provide a settlement document/agreement to conclude the arbitration proceedings on that basis.
- In response to aforementioned email, the Respondent sent an email dated March 4, 2019 and requested to consider his instant email as a proof of agreement/settlement giving full rights and ownership on the domain 'www.brandfactory.co.in' to the Complainant without any objection and expectations.
- In response to the Respondent's email dated March 4, 2019 the Complainant vide its email dated March 6, 2019 requested to pass a consent Order without insisting on a formal documentation on the settlement terms or cost.

4) **Decision:**

On the basis of express consent from both the parties, I hereby direct that the disputed domain name www.brandfactory.co.in be transferred to the Complainant.

The Respondent is ordered to cooperate in every capacity for completing the transfer the disputed domain name in favour of the Complainant. Further as it is a consent order, the mandatory 90 days period for implementation of the order is hereby waived or dispensed with. The transfer may be made immediately in favour of the complainant.

No order as to cost.


RANJAN NARULA
SOLE ARBITRATOR
NIXI
INDIA
March 13, 2019