



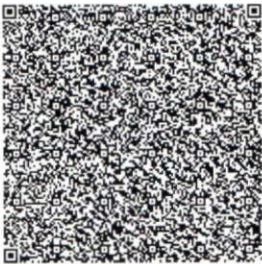
सत्यमेव जयते

## INDIA NON JUDICIAL

### Government of National Capital Territory of Delhi

#### e-Stamp

Certificate No. : IN-DL93652906868956L  
Certificate Issued Date : 02-Dec-2013 02:01 PM  
Account Reference : SHCIL (FI)/ dl-shcil/ HIGH COURT/ DL-DLH  
Unique Doc. Reference : SUBIN-DL DL-SHCIL85078235056908L  
Purchased by : A K SINGH ADVOCATE  
Description of Document : Article 12 Award  
Property Description : NA  
Consideration Price (Rs.) : 0  
(Zero)  
First Party : A K SINGH ADVOCATE  
Second Party : NA  
Stamp Duty Paid By : A K SINGH ADVOCATE  
Stamp Duty Amount(Rs.) : 100  
(One Hundred only)



.....Please write or type below this line.....

#### BEFORE THE SOLE ARBITRATOR UNDER THE .IN DISPUTE RESOLUTION POLICY

##### IN THE MATTER OF:

XOOM CORPORATION  
100 BUSH STREET, SUITE 300, SAN FRANCISCO,  
CALIFORNIA 94104, U.S.A

(Complainant)

Versus

MR. SHIVAKUMAR  
AND/OR DOMAIN ADMIN AND/OR CHANDAN MA  
XOOM SOLUTIONS  
7<sup>TH</sup> CROSS, 5<sup>TH</sup> PHASE, JP NAGAR 3<sup>RD</sup> BLOCK,  
BENGALURU, KARNATAKA 560076

(Respondent)

##### Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shcilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.

2. The user of checking the legitimacy is on the users of the certificate.

**THE PARTIES:**

The Complainant in this proceeding is Xoom Corporation and is an internationally renowned provider of computer accessible remittance products and services which allows users to transmit money to various countries through its website.

The Complainant is represented through their authorized representatives:

Mr. Tarvinder Singh & Mr. Anshuman Sharma,  
Kochhar & Co.,  
Advocates & Legal Consultants,  
Technopolis Building, 3<sup>rd</sup> floor, Tower B,  
Sector 54, DLF Golf Course Road,  
Gurgaon-122002 (NCR) India  
Telephone : +91-124-4545222  
Fax : +91-124-4375596  
E-mail : [tarvinder.singh@kochhar.com](mailto:tarvinder.singh@kochhar.com)  
[anshuman.singh@kochhar.com](mailto:anshuman.singh@kochhar.com)

The Respondent in this proceeding is Mr. Shivakumar and/or Domain Admin and/or Chandan MA, Xoom Solutions, 7<sup>th</sup> Cross, 5<sup>th</sup> Phase, JP Nagar 3<sup>rd</sup> Block, Bengaluru, Karnataka 560076, +91-9448852070, +91-944903490, [chandan123@gmail.com](mailto:chandan123@gmail.com), [xoom.co.in@mailme.in](mailto:xoom.co.in@mailme.in), [xoomitsolutions@gmail.com](mailto:xoomitsolutions@gmail.com).

**THE DOMAIN NAME AND REGISTRAR:**

The domain name in dispute is [www.xoom.co.in](http://www.xoom.co.in). According to the WhoIs Search utility of .IN Registry, the Registrar of the disputed domain name [www.xoom.co.in](http://www.xoom.co.in), with whom the disputed domain name [www.xoom.co.in](http://www.xoom.co.in) is registered is Enames.in D/B/A Pearl Infocom Media Pvt. Ltd., Mumbai, India.

**PROCEDURAL HISTORY:**

I was appointed as the Arbitrator by .IN Registry, to adjudicate upon the complaint of the Complainant, regarding the dispute over the domain name [www.xoom.co.in](http://www.xoom.co.in). .IN Registry has supplied the copy of the Complaint to me.

On 19.10.2013, I sent an email to the parties informing them about my appointment as the Arbitrator, and also directing the Complainant to supply the copy of the complaint with annexures to the Respondent, and in case if they have already served it, then to provide me with the details of service record.



In accordance with INDRP read with INDRP Rules of Procedure, notice of arbitration was sent to the Respondent on 19.10.2013 with the instructions to file his say latest by 04.11.2013.

On 21.10.2013, I received an email from the Complainant confirming the service of both the hard and a scanned soft copy of the Complaint along with the annexures to the Respondent. The details of service were attached in this mail.

On 24.10.2013, the Tribunal was informed by the Respondent vide mail of the same date that he was ready and willing to transfer the domain name in dispute in favour of the Complainant on the payment of \$ 400 as against the expenses incurred by the Respondent with regard to the domain name in dispute. He further stated that the use of the domain name in dispute by the Respondent for his business was creating confusion with other brands, and as such the Respondent no longer intends to use the domain name in dispute and the same can be transferred to the Complainant.

Vide mail dated 29.10.2013 the Tribunal directed the parties to resolve this matter between themselves, and inform the Tribunal accordingly. In case no consensus was reached between the parties, the Respondent was again directed to comply with the instructions mentioned in mail dated 19.10.2013 by the Arbitrator.

Vide mail dated 30.10.2013 the Complainant informed the Tribunal that it was not ready to pay \$400 to the Respondent for the transfer of the domain name in dispute and requested the Tribunal to transfer the same in favour of the Complainant. In the same mail the Complainant further submitted that the Respondent had registered the domain name in dispute mainly for the purpose of selling, renting or otherwise transferring the same to the Complainant for valuable consideration. The Respondent neither responded to this mail of the Complainant nor has he rebutted any of the Complainants contentions.

No response to the Complaint has been filed by the Respondent despite directions of the Tribunal vide mails dated 19.10.2013 and 29.10.2013.

I have perused the record and annexure/ documents.



