



दिल्ली DELHI

K 318766

BEFORE THE INTERNET EXCHANGE OF INDIA  
ARBITRATION AWARD  
ARBITRATOR : S. SRIDHARAN  
DATED : 26<sup>th</sup> JANUARY 2010

MOBIE PETROLEUM COMPANY INC ... COMPLAINT  
VERSUS  
HR MICHAEL TROMMSDORFF ... RESPONDENT

*S. Sridharan*  
(ARBITRATOR)



asking him to express his availability and consent to take up the Complaint for arbitration. By return mail, the Arbitrator agreed to take up the complaint for arbitration; informed that he had no conflict with either of the parties and he could act impartially and agreed to send a signed hard copy of Statement of Acceptance and Declaration of Impartiality and Independence.

- 2.2 On 22<sup>nd</sup> January 2010, Arbitrator received hard copy of the Complaint along with annexures.
- 2.3 On 23<sup>rd</sup> January 2010, Arbitrator issued by email a Notice to the Respondent setting forth the relief claimed in the Complaint and directing him to file his reply to the Complaint within 15 days. Arbitrator also sent an email about his appointment to arbitrate the complaint to the Complainant and asking him to transmit a soft copy of the Complaint.
- 2.4 On 24<sup>th</sup> January 2010, the Respondent informed me by email that mobil in German means mobile in English. He had plans developing this website under the disputed domain name <[mobil.in](http://mobil.in)>. He came to know that Exxon Mobil had an interest too in the disputed domain name <[mobil.in](http://mobil.in)>.
- 2.5 The Respondent has not even been aware that Exxon Mobil internationally uses the domain mobil and there can be a conflict. And he is not in the least interested in any form of using domains of big, international companies. Considering all this he agreed to give this disputed domain name <[mobil.in](http://mobil.in)> to the Complainant. He was ready to send the transfer code for a fast processing via email.



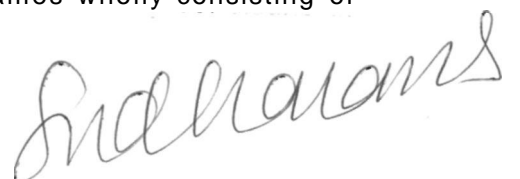
- 2.6 On 24th January 2010, by return mail the arbitration informed his understanding that the Respondent did not want to continue with the dispute. Respondent agreed to transfer the domain name <mobil.in> to the complainant. Respondent was asked to confirm his undertaking by sending the transfer codes to the Complainant.
- 2.7 On 25<sup>th</sup> January 2010, Respondent asked me to intimate the Complainant's email address to send the transfer code. This again confirmed his resolve not to continue with the dispute and his readiness to transfer the disputed domain name <mobil.in> to the Complainant.
- 2.8 On 25<sup>th</sup> January 2010, the Complainant sent soft copy of the complaint and undertook to file the authorization shortly.

### **3. Discussion and Findings**

- 3.1 A brief discussion of facts and the findings thereon is given below.
- 3.2 A perusal of the Complaint shows that the Complainant is the world leader in petroleum and petroleum related products. The Complainant has been using the mark Mobil since June 15, 1934 in respect of its products.
- 3.3 The Complainant's trade mark Mobil is famous and well-known in relation to a diverse variety of oil and petroleum goods and services, in various countries of the world including India. The Complainant has registrations for the mark Mobil in India in classes 1 and 4. The first Indian registration dates back to 1947.

*Sudhakarans*

- 3.4 The trade mark Mobil is an essential part of the corporate name of the Complainant and its distinctive style of trading. The Complainant has incurred substantial expenditure on promotion and advertisement of its Mobil products in India and all over the world.
- 3.5 The Complainant is also running a web site under a domain name <mobil.com> wholly consisting of its trade mark Mobil. The website is equally popular among the viewers all over the world including India.
- 3.6 In October, 2009 the Complainant became aware of the website under the disputed domain name <mobil.in> registered by the Respondent. Immediately, the Complainant has filed this complaint for the transfer of the disputed domain name <mobil.in> from the Respondent to the Complainant.
- 3.7 As seen above in the paragraph 2, Respondent responded immediately after receiving the Notice from the Arbitrator that he is not aware that:
- (a) The Complainant internationally uses the domain "mobil" ; and
  - (b) The use of the disputed domain name <mobil.in> would lead to a conflict with the Complainant.
- 3.8 The Respondent has further agreed to transfer the disputed domain name <mobil.in> to the Complainant. Respondent has again confirmed his readiness to transfer the same to the Complainant.
- 3.9 It may be noted that the Complainant is the prior adopter and user of the trade mark Mobil and web sites under domain names wholly consisting of



its trade mark Mobil. The Respondent registered the disputed domain name only in the year 2005.

3.10 It is obvious that the disputed domain name <mobil.in> is wholly comprised of the Complainant's prior registered trade mark Mobil and is identical to the Complainant's mark Mobil.

3.11 I have visited the web site of the Respondent. It is clear that the web site under the disputed domain name <mobil.in> is not in use. Respondent has just parked the disputed domain name <mobil.in> for sale. These facts indicate that Respondent has no rights or legitimate interests in respect of disputed domain name <mobil.in> and the disputed domain name <mobil.in> was registered in bad faith.

3.12 Thus the Complainant has established all the three elements for sustaining an action under Paragraph 4 of .IN Domain Name Dispute Resolution Policy (INDRP) and has succeeded in his action.

#### 4. **Decision**

4.1 For all the foregoing reasons, the Complaint is allowed as prayed for in the Complaint.

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

4.3 Parties must bear their own costs associated with this arbitration.



S.Sridharan  
Arbitrator