



The Bank of  
Rajasthan Ltd., Laxmi  
Road, Pune-30

D-5/STP(V)C.R. 1/2004  
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नांव/Name S. C. Inamdar

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हस्ते/By Rakshak Inamdar

पावती क्र./Receipt No. 34466

For THE BANK OF RAJASTHAN LTD.

AUTHORISED SIGNATORY

**AWARD**

**IN ARBITRATION**

**IN DISPUTE**

**BETWEEN**

**REDIFF.COM INDIA LIMITED -**

**THE COMPLAINANT**

**AND**

**1. MR.ABHISHEK VERMA }  
2. iADVANCE MEDIA }  
THE RESPONDENTS**

**IN THE MATTER OF DISPUTED DOMAIN NAME: - REDIFF.IN**

**CASE NO. : - NOT PROVIDED**

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

**SOLE ARBITRATOR**

**DELIVERED ON THIS 3<sup>rd</sup> DAY OF APRIL TWO THOUSAND SIX.**

*[Handwritten Signature]*

I] SUMMARY INFORMATION ABOUT THE DISPUTE:

01. Name and address

of the Complainant:

Rediff.com India Limited  
Mahalaxmi Engineering Estate  
L.J. Road No.1, Mahim(West)  
Mumbai. 400 016.

02. Name of the Authorised

Representative of complainant:

Mr Joy Basu  
[joyb@rediff.co.in](mailto:joyb@rediff.co.in)

03. Name and address of

The Respondent: -

a) Mr. Abhishek Verma  
b) iAdvance Media

Both having address: -  
D 129, Vaishali Nagar  
Jaipur. Rajasthan.

04. Name and address of the

Registrant: -

As above

03. Date on which case was

Referred to trial for

Arbitration

16.02.2006.

06. Date on which notice of

Arbitration was sent: -

17.02.2006.



**WHEREAS: -**

- 1) Rediff.com India Limited (**The Complainant**) is a public limited company incorporated under the provisions of the Companies Act, 1956.
- 2) It has been carrying on business as online media company and as providers of news, information, communication, entertainment and shopping services for Indians.
- 3) Since the Complainant is holder of trademark and also the word rediff is a part of its name it has disputed registration of domain name **rediff.in (the disputed / domain name)** in the name of the Mr. Abhishek Verma and / or his firm iAdvance Media (**The Respondent**).
- 4) Upon Complainant's filing complaint under .IN Domain Disputes Resolution Policy, National Internet Exchange of India (NIXI) has referred the dispute for arbitration to me.

**PROCEDURE FOLLOWED IN ARBITRATION 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 4<sup>th</sup> February 2006 appointed me as 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 16.02.2006.
03. On 17<sup>th</sup> February 2006 I issued Notice of Arbitration to the Respondent under copies to the Complainant and NIXI, by registered post and email.



04. The Respondent sent his statement of defense dated 25<sup>th</sup> February 2006 in response to the notice and complaint.

05. I asked the Complainant to submit his say, if any, on the statement of defense of the Respondent latest by 11<sup>th</sup> March 2006. The Complainant requested for extension of four more days, which was granted on the basis of principles of natural justice.

06. The Respondent objected to this extension stating that the Complainant was trying to delay the matter. However the Complainant submitted **their** fresh say on 11<sup>th</sup> March 2006 well **within** the time frame fixed earlier and without using the extended period.

07. Thereafter I asked the Respondent to submit his reply, if any, on this fresh say of the Complainant within next seven days. To this the Respondent replied stating that his lawyer was out of the country and requested for extension in period, which was duly granted, again on the principles of natural justice.

08. On 21<sup>st</sup> March 2006 the Respondent submitted his response to the fresh say of the Complainant.

09. Thereafter the evidence was closed by issuing a notice to both the parties.

10. None of the parties requested for personal hearing nor were there extra-ordinary circumstances warranting personal hearing. Therefore no personal hearing was granted in the arbitration proceedings.



III] SUMMARY OF **THE** COMPLAINT:

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

- a) The domain name in question is identical or confusingly similar to the Complainant's trademark
- b) The Respondent has no rights or legitimate interests in respect of disputed domain name.
- c) The domain name has been registered in bad faith,
- d) Rediff is a part of corporate name of the Complainant.
- e) The Complainant has also applied for registration of the trademark rediff and other marks with prefix 'rediff' such as Rediff.com, Rediffmail, Rediff Bol in India and several other countries of the world.
- f) The word REDIFF is coined by the Complainant and it has no dictionary meaning or equivalent.
- g) The Complainant also owns and controls domain names with the prefix 'rediff' such as rediff.com', 'rediff.co.in', rediffindia.com' etc.
- h) It has built up good and valuable reputation and goodwill in the name 'rediff' including internet over several years.



i) The Respondent has adopted and registered domain name, which is deceptively similar to the corporate name of the Complainant, thereby wrongfully, illegally and dishonestly trading upon the reputation of the Complainant.

j) Upon the Complainant contacting the Respondent, the Respondent showed willingness to transfer the domain name to the Complainant only on payment of a sum of money mutually agreeable.

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

a. Registration certificate No.264046 dated 30<sup>th</sup> May 2003 in respect of trademark "www.rediff.com" registered under No.822870, J. No. 1282 S, Part A, Class 16, issued by the Trade Marks Registry, Government of India.

b. Copy of application for registration of trade mark 'Rediffmail' duly acknowledged by the Registry of Trade Marks vide Sr. No. 01358320 dated 19<sup>th</sup> May 2005.

c. Copy of application for registration of trade mark 'Rediff.com' duly acknowledged by the Registry of Trade Marks vide Sr. No. 01358321 dated 19<sup>th</sup> May 2005.

d. Copy of application for registration of trademark 'Rediff Bol' duly acknowledged by the Registry of Trade Marks vide Sr. No. 01358316 dated 19<sup>th</sup> May 2005.



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

(A) In response to the Complaint the Respondent has, in his Statement of Defense, raised, *inter-alia*, following points: -

- a. The Complainant, in accordance with the Sunrise policy published by the Department of Information Technology, should have registered the domain name within Sunrise Period. Since the Complainant did not do so within the stipulated period, it lacked interest in the registration of domain name in its own name.
- b. The Respondent has registered domain name only after Sunrise period was over and when it was open for registration by public.
- c. The Respondent registered domain name on 16<sup>th</sup> February 2005 and the Complainant showed its interest in domain name on 22<sup>nd</sup> February 2005.
- d. According to the dictionary.com and American Heritage Dictionary by Houghton Mifflin company, the word REDIFF is a combination of two words RED' and IFF' which means "smart identification of friend or foe" and that he has coined the word by making this combination. Thus it is his own original term and unique business idea.
- e. He chose for .IN TLD (domain suffix or top level domain) because he wanted users to know that people behind the website are from India.
- f. Several parties, other than the Complainant, have registered domain names using the word 'Rediff not only in India but worldwide. He has given several such names along with the names of registered owners thereof.



g. He has also stated the manner in which the domain was to be used for his unique idea of business. According to him he wanted to launch a discussion board website where users can register and post real stories which they had experienced with a person. The other registered users on discussion board (website) would present their views and comment on posted story that would help author to decide whether the person in story behaved like a friend or a foe.

h. In brief it is his innovation in respect of the word 'REDIFF' as also the business venture and therefore he is entitled to the domain name.

(B) DOCUMENTS PRODUCED BY THE REGISTRANT / RESPONDENT:

The Respondent has not produced any document in support of his contentions

V] ADDITIONAL EVIDENCE / CLAIMS BY COMPLAINANT VIDE ITS  
SAY ON THE REPLY OF THE RESPONDENT: -

(A) In reply to the Respondent's statement of defense to the complaint, the Complainant vide its submission dated 11<sup>th</sup> March 2006 has raised following additional points: -

a. There is no bar in the policy of Department of Information Technology or law, to apply for registration of the domain names by the holders of trademarks or service marks, (which were reserved for 90 days under Sunrise policy for holders of trademarks or service marks) even after they were opened for registration by the general public. It therefore does not mean that the Complainant cannot seek registration of the said domain name after Sunrise Period.



- b. It also does not mean that the Complainant has waived all its rights to the said domain name.
- c. The Complainant had in fact initiated process to register the said domain name well within the Sunrise Period with Net4India. Ltd,
- d. A delay in registration of domain name does not mean waiver of rights, interests or claims in it, nor does it mean that the Complainant is precluded from safeguarding intellectual property rights.
- e. The Respondent's intention to make monetary gain by selling the domain name to the Complainant and not to start any business is evident from his email dated 22<sup>nd</sup> February 2006.
- f. Since February 16, 2005 till date the Respondent has not put the domain name to any use.
- g. The Respondent's claim about proposed launching a discussion board on the domain name is false and more over a copy of the facility which the Complainant has been offering through its website.
- h. The Respondent has intentionally attempted to create a framework whereby he can attract, for commercial gain, internet users to his website by creating a likelihood of confusion with the Complainant's mark and its group.
- i. The name RFDIFF forms integral pan of the Complainant's various products and offerings. For instance Rediffmail, Rediffmail Pro. Rediffmail Mobile, Rediff Bol. Rediff Matchmaker. Rediff Connexions, Rediff India Abroad and so on.

- j. The mere fact that other parties are using combinations of the word 'rediff does not *per se* give any right to the Respondent to use it. A delay in taking appropriate legal action against these parties does not mean that the Complainant supports, agrees or endorses such usage.
- k. An infringement of the Complainant's intellectual property rights by third parties cannot confer a vested right **in** the Respondent to infringe the same.
- l. The Respondent has vide his mail dated 22<sup>nd</sup> February 2006 voluntarily suggested for easy and straightforward transfer of domain name in favour of the Complainant.

(B) ADDITIONAL DOCUMENTS SUBMITTED BY THE  
COMPLAINANT ALONGWITH FRESH SAY: -

- a. Respondent's email dated 22.02.2006 to the Complainant
- b. Printout of the website - rediff.in

VI] ADDITIONAL POINTS OF DEFENSE RAISED BY RESPONDENT /  
REGISTRANT: -

The Respondent, in his response dated 21<sup>st</sup> March 2006 to the additional points raised by the Complainant, submitted following additional points: -

- a) It is a false statement of the Complainant that they had initiated process of registration of domain within the prescribed period under Sunrise policy.
- b) Assuming that they had initialed the domain name registration process, the fact that they were not allotted the domain name, means they were not eligible for the domain name.



- c) The Complainant has not done anything to get domain name transferred in their name from the Respondent during this entire period except discussion for the same.
- d) There is no message board facility on the website of the Complainant as claimed by them. Hence there is no copying of the idea by the Respondent.
- e) For want of support from venture capitalist, who put the matter on hold due to dispute raised by the Complainant, the Respondent could not commence use of domain name during the year.
- f) Despite friendly offer by the Respondent to transfer the domain name no positive steps were taken by the Complainant to that effect.
- g) Any legal action of the Complainant is subject to Limitation Act.
- h) In general the complaint is bad, discriminatory, arbitrary and unjustified.

**VII] 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 respective issue is also mentioned against it.

SR. NO.	ISSUE	FINDING
01	Whether the Complainant is holder of any registered trademark or service mark?	Yes.
02	Has the Registrant registered disputed domain name primarily for the purpose of selling or otherwise transferring it to the Complainant?	Yes



03	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.
04	Whether the Registrant has exhibited demonstrable preparations to use the domain name before notice to him?	No
05	Whether the Registrant has commonly been known by the domain name?	No
06	Whether the Registrant is making legitimate non-commercial or fair use for the domain name without intent for commercial gain by misleadingly diverting consumers?	No

Villi ABOUT SUNRISE POLICY AND ITS APPLICABILITY TO THE PRESENT DISPUTE: -

The present dispute is in respect of domain name 'rediff.in'. *.in* domain names are being made available to firms, organisations and others in India. There are also other categories like co.in, net.in, org.in, gen.in, finn.in, ind.in etc., which were made available by the Department of Information Technology for registration. Therefore any dispute in respect of these domain names has to be resolved in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP) published on the website of NIXI. This is a set of rules and procedures to be followed in all disputes pertaining to in domain names Arbitration is mandatory according to these rules and procedures.

It would be pertinent here to look at the procedure that was framed under Sunrise policy for making applications and allotment of domain names, which is as follows:

Department of Information Technology had announced Sunrise policy on 20 December 2004. According to this policy two different queues were formed.

Queue 1 was open only to trademark or service mark holders who were Indian citizens or Indian registered companies.

Queue 2 was open to foreign entities that own Indian trademarks or service marks.

The methodology to be adopted by the Registry as published under the Sunrise policy for awarding domain names was as follows: -

- a. Applications in Queue 1 had priority over applications in Queue 2.
- b. The priority of applications in a queue was to be assigned based on the applications timestamp as recorded by the Registry.
- c. For each unique domain name applied for, the Registry was to perform a facial examination of the first priority applicant's trademark certificate.
- d. If the priority application satisfied all the Sunrise criteria, the Registry would award the domain to the priority applicant.
- e. If the priority applicant's trademark did not satisfy all of the Sunrise criteria that application was to be considered failed.
- f. The Registry was then to examine the trademark of the next priority application for that domain name.

The process was to repeat until: -

1. a valid application was found and an award was made or
2. the queues of applications for that domain name were exhausted. If no valid application was received, then the domain name was to be made available in open registration.



Applications for both queues were to be accepted from 1st January 2005 at 12.00 IST to 21st January 2005 at 17.00 IST. Open registration for general public was to begin from 16<sup>th</sup> February 2005 at 12.00 IST.

The Complainant has produced under Exhibit 'A', a certificate No. 264046 dated 30<sup>th</sup> May 2003 issued by the Trade Marks Registry, Government of India that clearly establishes registration of Trade Mark No.822870 in Part A, Class 16, in the name of www.rediff.com. Similarly the Complainant has also produced copies of three applications for registration of trademarks all acknowledged on 19 May 2005. They pertain to Rediffmail, rediff.com and Rediff Bol.

Admittedly the Complainant was holder of trademark on 1<sup>st</sup> January 2015 and was eligible to be included in Queue 1. However the Complainant has failed to produce any evidence to show that it had applied for domain registration within the period prescribed under Sunrise policy. Since the Complainant made no valid application during the prescribed period, the domain name automatically became open to general public from 16<sup>th</sup> February 2005. The Complainant has admitted in its complaint in Para 6(iii) that it came to know about registration of disputed domain name in the name of the Respondent only on 22<sup>nd</sup> February 2005.

Admittedly the Respondent is not an owner of any trademark or service mark making him eligible to apply for disputed domain name in Queue 1.

Therefore, under the Sunrise Policy, there was a difference in the statuses of Complainant and Respondent till 21<sup>st</sup> January 2005. However delay on the part of the Complainant to register the disputed domain name within the prescribed period made it open to general public. At this point of time the statuses of the Complainant and Respondent became same, so far as priorities set out by/in Sunrise Policy are concerned

IX] BASIS OF FINDINGS: -

1. Email dated 22<sup>nd</sup> February 2006 sent by the Respondent to the Complainant has been produced before me. The Respondent in his additional say dated 21<sup>st</sup> March 2006 has also admitted in paragraph No.5 having sent such email. Important contents in this email are as follows: -

i) I believe that there is not any dispute for this domain name as far because I have never used the said domain to promote my business, goods and services as of yours before and after the issue has been brought up.

j) I suggest you to concentrate on easy and straightforward transfer of domain name to you in a matter of few hours.

k) Further I wholeheartedly welcome any suggestions from Rediff ([Rediff.com](http://Rediff.com)) to settle the aforesaid matter in fair, friendly and healthy manner.

From the above statements of the Respondent it is clear beyond doubt that he did not mind to transfer domain name to the Complainant. Other words used such as 'easy and straightforward transfer in few hours' clearly indicate that the Respondent was intending to earn money out of it.

Therefore I am of the opinion that the Registrant registered disputed domain name primarily for the purpose of selling or otherwise transferring it to the Complainant.

2. The Respondent has not produced any evidence to show past co-relationship of his proposed business activity with the word 'rediff. There is no nexus between his firm's name and the word 'rediff. In absence of any such evidence it can be inferred that the Respondent intentionally attempted to attract internet users to the proposed website by creating confusion in respect of the Complainant's names.

3. The Respondent / Registrant has elaborated in Para 2 of his statement of defense dated 25<sup>th</sup> February 2006 how he conceived business idea and what was the logic behind it. Apart from these contentions the Respondent has not produced any evidence to support his contentions, nor has he produced any document of understanding between him and his venture capitalist. In my opinion only conceptualizing some thing cannot be treated as demonstrable preparations to use the domain name.

In his response dated 21<sup>st</sup> March 2006 to fresh say of the Complainant, vide Para 4 he has slated *it was not possible for me to pur the project into risk due to its web-name especially when someone else (venture capitalist) was funding the project. ... This led to disrupt my venture capitalist's interest in the project, which is causing delay in the launch.*

The Complainant, under Exhibit B, has produced a copy of letter sent to The Respondent, which is dated 23<sup>rd</sup> February 2005, Neither at that time nor till the date of complaint, demonstrable preparations were made by the Respondent. Further more the Respondent himself has admitted in his email and other statements that even today he has not done anything material in this regard. I am therefore of the opinion that the Respondent has not exhibited demonstrable preparations for the use of disputed domain name.

4. The Registrant / Respondent has not produced any document or other evidence to establish that any of his business ventures has commonly been known by the domain name. Similarly the name of his firm is also totally different and does not have any resemblance with the word rediff. Therefore my finding is that the Registrant has not commonly been known by the domain name.





5. Admittedly the Registrant / Respondent has not put the domain name to any use. Moreover the Registrant / Respondent has admitted in his statement of defense dated 25<sup>th</sup> February 2005 in Para 2.a, that author would buy and send a personalized certificate of 'Friend' or 'Foe' from website for US \$15.00 which would generate revenue from the website. It clearly shows that ultimate intention of the Registrant / Respondent was to make commercial use of the domain name. I am therefore of the opinion that the Registrant was not intending to make legitimate non-commercial or fair use of the domain name without intent for commercial gain.

**X] ADDITIONAL ISSUES: -**

A. The Complainant has pointed out that the word "rediff has been integral part of its corporate name since its incorporation on 9<sup>th</sup> January 1996. Since then they have been doing business with the same corporate name and have generated substantial amount of business and reputation.

This is a factual position and contentions of the Complainant are admitted.

B. The Complainant in Para 7 of its complaint has claimed that due to Respondent's registration of disputed domain name, they have incurred a loss of Rs.20 lakhs. They have also requested for order for interest @ 24% p.a. on this amount from the Respondent.

The Complainant has not produced any evidence to support its claim of loss. It is also to be noted that admittedly the Respondent has not commenced any use of domain name for business purpose till today, which could have caused such loss to the Complainant. Therefore this claim is not tenable.



C. The Respondent in Para 2.b of his statement of defense has elaborated about the meaning of the word 'rediff.' He has also mentioned about dictionary.com and American Heritage Dictionary by Houghton Mifflin company, where the meanings of the words RED and IFF have been given.

I have personally visited the site and found that the contentions of the Respondent about the meanings of two different word 'RED' and 'IFF' are by and large correct. Hence I admit his contention to the limited extent of meanings of the words.

D. The Complainant in its say dated 11<sup>th</sup> March 2006, on the statement of defense, has pointed out that there is no bar under Sunrise Policy or any other law to apply for registration of the said domain name by the applicants eligible in Queue 1, i.e. applicants holding trademark or service mark applying when the domain names were opened to general public for registration.

The contention is in consonance with the Sunrise policy, other policies and rules laid down by Department of Information Technology. Hence it is admitted.

E. The Complainant in Para 3 of its say on the statement of defense, has stated that they had initiated the process to register the said domain name well before the said period of 90 days and had requested Net4India to register the same.

However no evidence has been submitted by the Complainant to support this contention. Hence it is rejected.

F. The Respondent in Para 3 of his statement of defense dated 25<sup>th</sup> February 2006 has furnished a list of several domain names already registered by third parties, with the word rediff. I have personally verified status of these sites. Information about owners / registrants furnished by the Respondent is correct.

However the status of all these sites is 'client transfer prohibited', 'client update prohibited', 'renewal prohibited' and in case of rediff.com it is 'locked'. It can be inferred that they are not legitimate registrants or some legal action has been already initiated against them.

G. The Respondent has repeatedly stated in his various submissions that representatives of the Complainant who talked to him were extremely rude to him and at times they even threatened to him.

The Respondent has not produced any concrete evidence in this regard. Similarly his email-dated 22.02.2006 also does not make any mention of any such incidence. On the contrary he has used word like friendly. I therefore reject his contentions.

H. The Respondent in his fresh submission dated 21<sup>st</sup> March 2006, in Para 5 has mentioned that he has been planning to make some slight *modification in* the business model and *name of website*.

It therefore appears that disputed domain name in its present form is not of much importance to him. Otherwise he would not have thought of such modification in the name.

#### XI] SUMMARY OF FINDINGS: -

I. The Complainant is a holder of trademark and also applicant of few other trademarks. It is a renowned company engaged in web-based services. The word 'rediff' has been always a part of its corporate name. It has also generated considerable name, fame and business during this period of business.



2. According to the Sunrise policy the Complainant had a privilege to apply in Queue 1 for registration of the disputed domain name. However the Complainant has not produced any evidence to show that they had in fact applied for the disputed domain name within the prescribed period. As such after closure of the stipulated period for Queue 1, available domain names were opened for registration to general public. Accordingly the Respondent has applied and registered the domain name in his name.

3. On the other hand the Respondent is not holding any trademark or service mark with the word 'rediff'. Similarly the Respondent has failed to establish any past relationship with the word 'Rediff'.

4. The Respondent has failed to show that he had taken any demonstrable steps to set up his business and commence use of the domain name. Similarly he has also failed to establish that his intention behind registration of this domain name was not to wrongfully and misleadingly attract visitors / customers of the Complainant. He has also failed to establish that he had taken effective steps to set up his business venture, to raise finance for his business or any other step to commence his business.

5. The contention of the Respondent that others have used the word "rediff and registered domain names which are not related to the Complainant in any way, is also not tenable on the ground that merely because others have infringed intellectual property rights of the complainant do not *per se* confer any legal rights upon the Respondent. Similarly these websites are locked in one or the other way. Therefore he cannot take shelter of these registrations by unrelated parties.



6. As admitted by the Respondent himself in his own fresh say dated 21<sup>st</sup> March 2006, he has plans to make some changes in the web site name. It clearly establishes that the disputed domain name in its present form is not so important for him.

7. Most importantly the Respondent's email dated 22<sup>nd</sup> February 2006 has established beyond doubt that the Respondent is willing to transfer disputed domain name to the Complainant. No person who is serious and strongly desirous of commencing or continuing business activity in a particular domain name shall *voluntarily* offer the same to other party.

XII] OBSERVATIONS IN RESPECT OF INDRP RULES: -

Based on the above findings and in accordance with Clause 6 of .In Disputes Resolution Policy (INDRP) I am of the opinion that: -

- a) There are circumstances indicating that the Registrant has registered the disputed domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration, to the Complainant who owns trademark, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name.
- b) By registering the domain name the Registrant has intentionally attempted to attract Internet users to the Registrant's proposed website by creating a likelihood of confusion with the Complainant's name or mark.



XIII] JUSTIFICATION FOR THE AWARD: -

- a) The Complainant has failed to protect his preferential status by registering the disputed domain name in Queue I under Sunrise Policy, within the prescribed period.
- b) The Respondent, has registered domain name before the Complainant, for selling, renting or otherwise transferring the same for monetary gains over and above documented registration expenses.
- c) On the basis of above findings and principles of equity I make the following award:

XIV] AWARD:

- a. I order the Respondent to immediately and permanently stop using the domain name 'rediff.in' in any way.
- b. The Respondent is ordered to immediately **transfer the** disputed domain name to the Complainant.
- c. The Complainant is ordered to reimburse to the Respondent actual registration fees and other direct expenses incurred by the Respondent in connection with the registration of disputed domain name, against production of documentary evidence to that effect.
- d. The parties shall bear their own expenses and costs.

Place: - Pune.

Dated: - 3<sup>rd</sup> April 2006.



(S.C. INAMDAR)

ARBITRATOR