



सत्यमेव जयते

INDIA NON JUDICIAL

Government of National Capital Territory of Delhi

e-Stamp

Certificate No.	: IN-DL76769338807922X
Certificate Issued Date	: 30-Apr-2025 01:00 PM
Account Reference	: IMPACC (SH)/ dlshimp17/ SUPREME COURT/ DL-DLH
Unique Doc. Reference	: SUBIN-DLDSLHIMP1792997860470168X
Purchased by	: PRAVEEN KUMAR JAIN
Description of Document	: Article 12 Award
Property Description	: Not Applicable
Consideration Price (Rs.)	: 0 (Zero)
First Party	: PRAVEEN KUMAR JAIN
Second Party	: Not Applicable
Stamp Duty Paid By	: PRAVEEN KUMAR JAIN
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)



Please write or type below this line

BEFORE THE SOLE ARBITRATOR
MR. PRAVEEN KUMAR JAIN, ADVOCATE
INDRP CASE NO. 1960

In the arbitration between:

Société Anonyme des Galeries Lafayette
and
Nikunj Shah

...Complainant

...Respondent



Praveen W. J.

Authority Alert:

The authority of this Stamp certificate should be verified at 'www.sholestamp.com' or using e-Stamp Mobile App of Stock Holding Corporation of India. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid. The onus of checking the legitimacy is on the users of the certificate. In case of any discrepancy please inform the Competent Authority.

BEFORE THE SOLE ARBITRATOR
MR. PRAVEEN KUMAR JAIN, ADVOCATE
INDRP CASE NO. 1960

In the arbitration between:

Société Anonyme des Galeries Lafayette

40, boulevard Haussmann Paris

France -75009

Tel: +33 (0) 1 44 70 07 04

+33(0) 1 40 06 99 64

Email: contact@dreyfus.fr

...Complainant

and

Nikunj Shah

Marve Road, Malad West, Mumbai

Maharashtra, India- 400064

Tel: (91) 7400499902

Email: nikunj99@hotmail.com

...Respondent

ARBITRAL AWARD DATED 19-06-2025

A. INTRODUCTION:

The above-titled Complaint dated 11-03-2025 has been filed by the Complainant - **Société Anonyme des Galeries Lafayette** for adjudication of the domain name dispute in accordance with the *.IN Domain Name Dispute Resolution Policy* (hereinafter referred to as "the Policy), and the *INDRP Rules of Procedure* (hereinafter referred



Praveen Mr. J.

to as "the INDRP Rules") as adopted by the .IN Registry - *National Internet Exchange of India* (hereinafter referred to as "the Registry" for short). The disputed domain name <**gallerieslafayett.in**> is registered with the Registrar, namely GoDaddy.com. LLC. It was created on **2024-11-07** (YYYY/MM/DD) and is set to expire on **2027-11-07** (YYYY/MM/DD). The disputed domain name is registered by **Nikunj Shah**, the Respondent herein.

B. PROCEDURAL HISTORY:

Appointment of the sole Arbitrator:

- 1 *Vide* its email dated 26-03-2025, the Registry sought my consent for appointment as the Sole Arbitrator to adjudicate the above-stated domain name dispute between the above-said parties.
- 2 *Vide* my email dated 29-03-2025, I had furnished to the Registry my digitally signed 'Statement of Acceptance and Declaration of Impartiality & Independence' dated 29-03-2025 in the format prescribed by the Registry.
- 3 Thereafter, *vide* email dated 04-04-2025, the Registry informed the parties that the undersigned had been appointed as the Sole Arbitrator to adjudicate the dispute pertaining to the domain name <**gallerieslafayett.in**>, and accordingly, the matter was assigned INDRP Case No. 1960. Along with the said communication, the Registry also forwarded the soft copies of the Amended Complaint dated 11-03-2025, **Annexures** 1 to 6 and the



Praveen W. J.

undersigned's *Statement of Acceptance and Declaration of Impartiality & Independence*.

Tribunal's Notice to the Parties:

- 4 *Vide* email dated 07-04-2025, this Tribunal issued a Notice of Arbitration under Rule 5(c) of the INDRP Rules, accompanied by the Statement of Independence and Impartiality in compliance with Section 12 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act"), read with the Sixth Schedule thereto. As of date, no objections have been raised by either party.
- 5 The Respondent, Mr. Nikunj Shah, replied to the Tribunal's above-referred email *vide* his communication dated 07-04-2025, stating as follows:

"Let me know if you want to negotiate to buy this portal or for me to disconnect it.. If not u am fine taking this up legally."

Complainant's Acknowledgement and Initial Filings:

- 6 *Vide* email dated 09-04-2025, the Complainant acknowledged receipt of the Notice dated 07-04-2025 and in compliance has attached the amended Complaint dated 11-03-2025 due to the change in the Registrant's address with the enclosed annexures, along with the Power of Attorney in favour of Dreyfus & Associés executed by Mr. Philippe TURCAS, along with the proof of delivery of the Complaint upon the Respondent on 11-03-2025.



Praveen W. Jain

Procedural Order dated 13-04-2025:

- 7 The Tribunal, *inter alia*, noted in its order dated 13-04-2025 that the proof of service dated 11-03-2025 related only to the initial email filing and did not comply with the direction issued in the Tribunal's notice dated 07-04-2025 to serve printed copies upon the Respondent, as no proof of service of hard copies of the complaint and its annexures *via* Registered Post or Authorised International Courier was filed on record.
- 8 The Tribunal also observed in the above-stated order dated 13-04-2025 that the Complainant, *vide* his email dated 09-04-2025, had acknowledged the receipt of the Notice under Rule 5(c) of the INDRP Rules of Procedure dated 07-04-2025 issued by the Tribunal *vide* its email dated 07-04-2025.
- 9 The Tribunal in the same order issued further directions to both parties. The Complainant was directed to comply with the instructions issued *vide* Notice dated 07-04-2025, and in addition, was required to file a notarised copy of the Certificate of Incorporation as a French Company, the Authorisation Letter and the proof of service evidencing the delivery of the Complaint through Post / Authorised International Courier. The Complainant was allowed to respond to the email dated 07-04-2025 sent by the Respondent.



Praveen Mr. J.

- 10 The Respondent was directed to acknowledge the receipt of the Complainant's email dated 09-04-2025 and to file its parawise Reply/Response to the complaint dated 11-03-2025.

Procedural order dated 24-05-2025:

- 11 The Tribunal directed both parties to comply with the previous directions issued *vide* Procedural Order dated 13-04-2025. Additionally, the parties were instructed to file their respective Statements of Admission/Denial of Documents in the format specified in the said Procedural Order dated 24-05-2025.

Request for Extension Due to Non-Receipt of Procedural Order:

- 12 The Complainant, *vide* its email dated 26-05-2025, informed the Tribunal that it did not receive the Procedural Order dated 13-04-2025 and accordingly sought an extension of time to comply with the direction regarding service of the hard copy of the Complaint.

Acknowledgement of Email and Reissuance of Procedural Orders:

- 13 *Vide* email dated 26-05-2025, the Tribunal acknowledged the Complainant's email and re-sent all prior Procedural Orders to the parties. It was further noted that the Tribunal had already forwarded the Order dated 13-04-2025 *vide* its earlier email dated 24-05-2025. The Tribunal also requested the parties to provide alternate email IDs to avoid future lapses and extended the



Praveen M.

deadline for compliance to 31-05-2025, as sought by the Complainant.

Delay in Service and Notarisation - Extension Sought:

- 14 The Complainant *vide* its email dated 28-05-2025 acknowledged the extended deadline and informed that the hard copy of the Complaint, along with annexures, had been dispatched to the Respondent *via* DHL Courier Services on 28-05-2025, but might not be delivered before 31-05-2025 due to factors beyond its control. It was also stated that due to 29-05-2025 being a bank holiday in France, notarisation of documents would not be possible by the said deadline. Accordingly, an extension till 16-06-2025 was sought. The Complainant further submitted that the Complaint, annexures, and Power of Attorney were duly filed with the NIXI Office on 28-05-2025, and a copy of the stamped acknowledgment was annexed to the said email.

Procedural order dated 29-05-2025:

- 15 The Tribunal acknowledged the Complainant's representation regarding non-receipt of the Procedural Order dated 13-04-2025 and the request for extension. It further noted that the Complainant, *vide* email dated 26-05-2025, had provided alternate email IDs and acknowledged the extension of the deadline till 31-05-2025. In the aforesaid order, the Tribunal noted the Complainant's submission that although the Complaint had been dispatched to the Respondent *via* DHL Courier Services, it was



Praveen Kumar Jain

unlikely to be delivered before 31-05-2025. The Tribunal further recorded that the Respondent had failed to respond to or comply with any of the previous communications or orders.

- 16 Though the Complainant had sought an extension till 16-06-2025 on the ground that 29-05-2025, being a bank holiday in France, would delay the notarisation of documents; however, in light of the strict timeline for passing of the award, such an extension could not be granted. Exercising its discretion, the Tribunal extended the deadline till 10-06-2025, allowing submission of documents initially *via* email, followed by hard copies.
- 17 The Tribunal further observed that the arbitration commenced on 07-04-2025, the date on which notice was issued to the Respondent. In accordance with Rule 5(e), the award was to be passed within 60 days, i.e., by 06-06-2025. However, considering the Complainant's request and exceptional circumstances, the Tribunal extended this period by 30 days under Rule 5(e).
- 18 The Tribunal further directed the Respondent to file its para-wise reply and the Statement of Admission/Denial of the Complainant's documents within 7 days from the date of receipt of the Complaint and annexures—either *via* email or courier, whichever is received first. The Complainant was directed to file its Statement of Admission and Denial in the format prescribed in the order dated 24-05-2025.



Praveen W. J.

Procedural order dated 08-06-2025:

- 19 The Tribunal noted that the Complainant had complied with the directions issued *vide* orders dated 13-04-2025 and 24-05-2025 by submitting the notarised Certificate of Incorporation (pertaining to the Complainant, a French company) and an authorisation letter executed in favour of Dreyfus & Associés, authorising the firm to represent the Complainant in the present arbitration. Proof of dispatch of the Complaint and its annexures to the Respondent *via* DHL Courier dated 26-05-2025 was also submitted and taken on record.
- 20 It was subsequently brought to the Tribunal's attention that a new Power of Attorney (PoA), executed by Mr. Nicolas Houze, superseded the earlier PoA in favour of Mr. Philippe Turcas. The newly executed PoA authorised Dreyfus & Associés to continue representing the Complainant. It was also informed that the Complaint could not be delivered *via* DHL Courier due to an incorrect address in the WHOIS records. This was confirmed through an email dated 04-06-2025, enclosing a failed delivery report. In response, the Tribunal, *vide* email dated 06-06-2025, directed the Complainant to dispatch the documents to the Tribunal's office, which was duly complied with and confirmed by follow-up correspondence, including proof of dispatch.
- 21 Since the Respondent had neither filed a Response nor requested an extension of time; hence, in view of the timelines under the



Praveen W. J.

INDRP Policy and Rules, the Respondent's right to file a Response was thereby closed, and the matter was proceeded *ex parte*. Nevertheless, the Respondent was allowed to participate in the proceedings at any later stage. It was also made clear to the parties in the order dated 08-06-2025 that if no request was received by 10-06-2025 from either party for framing any additional issue and/or for an oral hearing, the Tribunal would proceed to decide the issues on the basis of the existing record and pass an award accordingly.

- 22 The Respondent, Mr. Nikunj Shah, replied to the Tribunal's above-referred order dated 08-06-2025 *vide* his communication of the same date, stating as follows:

"Since when has arbitration proceeding commenced on Sundays. Also; I have already mentioned earlier if you are interested in put [sic] of court settlement this legally as well."

Conclusion of arbitral proceedings:

- 23 It is noted that the Respondent has failed to comply with the directions issued in previous procedural orders. The Respondent has neither filed its response to the Complaint nor submitted its Statement of Admission/Denial of the Complainant's documents. Both parties were granted ample opportunity to file their respective Statements of Admission/Denial and to propose issues for adjudication. However, no such filings were received, and neither party has requested an oral hearing. Accordingly, the arbitral proceedings are deemed concluded, and the Tribunal finds



Praveen Mr. /

it appropriate to proceed with the award by adjudicating the issues framed *vide* its order dated 08-06-2025.

C. COMPLAINANT'S COMPLAINT:

The Complainant has stated the following facts in its Complaint dated 11-03-2025:

Introduction of the Complainant:

- 1 The Complainant has stated that it is Société Anonyme des Galeries Lafayette, a French company, with its registered office located at 40 boulevard Haussmann 75009 Paris, France.
- 2 The Complainant has stated that the Complainant, Galeries Lafayette Group, is a prestigious French company specializing in city-centre fashion retailing and is recognized both in France and internationally as a leader in omni-channel retail experiences. Through its operations, the Complainant has significantly contributed to promoting the French "Art of Living" and has established itself as a benchmark for premium shopping experiences. For the past 120 years, Galeries Lafayette has been an undisputed pioneer in fashion and event-based retail, consistently offering a curated selection of the world's best brands, ranging from affordable options to luxury products. The Complainant has annexed, as Annexure 3 to the complaint, extracts from various pages of its official website, <https://www.galerieslafayette.com>.



Praveen Mr. J.

- 3 The Complainant has further stated that its global reputation is supported by its vast retail footprint and innovative strategies. With over 290 stores and e-commerce websites, the Group attracts more than 60 million visitors annually. Galeries Lafayette has built strong emotional connections with its customers through its focus on delivering exceptional experiences both online and in-store. The Group's commitment to excellence, customer-centricity, and creative innovation is the foundation of its long-standing success and market leadership.
- 4 The Complainant has further stated that over the years, it has also achieved international recognition for its family of iconic brands, which include Galeries Lafayette, La Redoute, Mauboussin, Eataly Paris Marais, Galeries Lafayette-Royal Quartz Paris, Louis Pion, and BazarChic. It continues to support its brands through initiatives in asset management, digital transformation, and creative ventures such as Citynove and Lafayette Anticipations - Galeries Lafayette Corporate Foundation.
- 5 The Complainant has further stated it is one of France's largest private employers, with nearly 14,000 employees, and is firmly rooted in its core values of client passion, innovation, teamwork, and excellence.
- 6 The Complainant has further stated that Galeries Lafayette's international presence extends to major cities including Beijing,



Praveen M. J.

Chongqing, Doha, Dubai, Jakarta, Luxembourg, Macao, Shanghai, and Shenzhen. Its official website, www.gallerieslafayette.com, serves as a global platform for its products and brand identity. The Complainant is also in the process of expanding into the Indian market, with plans to open flagship stores in Mumbai and New Delhi.

Genesis of the Dispute:

- 7 It is further stated by the Complainant that the present dispute arose when the Complainant discovered that the Respondent had registered the domain name <gallerieslafayett.in>, which closely imitates the Complainant's well-known trademark GALERIES LAFAYETTE. The domain name constitutes an example of typo squatting, where the Respondent has intentionally omitted the final letter "e" from the Complainant's trademark. This minor alteration does not eliminate the likelihood of confusion. Instead, it is likely to mislead internet users into believing that the disputed domain is connected to or endorsed by the Complainant, particularly because the addition of the country-code top-level domain ".in" may suggest a legitimate association with the Complainant's upcoming operations in India.
- 8 The Complainant has further stated that the disputed domain name currently resolves to the registrar's default page and has not been used for any legitimate or commercial purpose. Given the clear attempt to capitalise on typographical errors, and the potential to



Praveen Mr. / ✓

divert internet traffic away from the Complainant's official platform, the Complainant was left with no option but to initiate proceedings under the .IN Domain Name Dispute Resolution Policy (INDRP) to seek the transfer of the disputed domain name in order to protect its trademark rights and prevent consumer confusion.

GROUND OF THE COMPLAINT:

The Complainant has submitted several grounds in support of the Complaint which are stated in brief as under:

I. **The domain name registered by Respondent is identical to the trademarks of Complainant:**

[Para 4 (a) of the Policy read with Clause 4(b)((vi)(1) of INDRP Rules]

- a. The Complainant has submitted that it owns the well-known trademark **GALERIES LAFAYETTE**, registered globally, including in India (Trademark Nos. 3903336 and 3903335 dated July 31, 2018, covering Classes 3, 18, 25, 35). It operates the domain name **<gallerieslafayette.com>** (registered on August 1, 1997) to promote its services.
- b. The Complainant has further submitted that the disputed domain name, **<gallerieslafayett.in>**, is virtually identical to



Praveen Mr. /r

its registered trademark and official domain name, differing only by the omission of the letter "e" in the word "Lafayette" (i.e., "lafayett" instead of "lafayette"). This minor alteration, according to the Complainant, constitutes an act of **typo squatting**—a deceptive practice employed to take advantage of typographical errors made by internet users. In support of its contention, the Complainant has placed reliance on the following decisions:

- **INDRP/1884**, *Wikimedia Foundation Inc. v. Wikipedia Foundation*,
- **WIPO Case No. D2016-1193**, *Sanofi, Genzyme Corporation v. Domain Privacy*,
- **WIPO Case No. D2011-0692**, *Mapfre S.A. y Fundación Mapfre v. Josep Sitjar*, and
- **WIPO Case No. D2009-1050**, *Compagnie Gervais Danone of Paris v. Jose Gregorio Hernandez Quintero*

These precedents have been cited to substantiate the claim that even minor deviations in domain names, when designed to mimic a well-known trademark, are sufficient to establish typo squatting and likelihood of confusion among the public.

- c. The Complainant has further submitted that the **".in"** country-code Top-Level Domain (ccTLD) suffix is not a distinguishing element and must be disregarded while



Praveen W. J.

assessing the similarity between the disputed domain name and the Complainant's trademark. In this regard, reliance has been placed on the decisions rendered in INDRP Dispute No. L-2/1/R1 (*Pepsico.in*) decided on April 24, 2006; INDRP Dispute No. L-2/1/R4 (*Mothercare.in*) decided on April 24, 2006 and INDRP Dispute No. L-2/9/R4 (*sensex.in*) decided on August 17, 2008. It is further submitted by the Complainant that, in view of the Complainant's global brand recognition and its imminent expansion into the Indian market, the disputed domain name is likely to deceive or mislead consumers into believing that it is affiliated with or endorsed by the Complainant's luxury retail business.

II. Respondent has no rights or legitimate interests in respect of the domain name;

[Para 4(b) of the Policy read with para 6 of the Policy and Clause 4(b)(vi)(2) of INDRP Rules]

- a. The Complainant has submitted that the Respondent has no affiliation with Complainant and was never authorized to use the **GALERIES LAFAYETTE** trademark or register derivative domain names. It has been further submitted that the Complainant's trademark registrations (1997-2018) predate the disputed domain's creation (November 7, 2024).



Praveen W. J.

- b. The Complainant has further submitted that the disputed domain name currently resolves to a registrar's default page and has remained inactive since its registration. This, according to the Complainant, evidences a lack of any *bona fide* offering of goods or services, or any legitimate non-commercial use. It is further contended that the very nature of typo squatting inherently negates any legitimate interest in the domain name. In support of the above submission, reliance has been placed on INDRP Case No. 1830, *INDUSTEEL France v. Harvans Lal*, and WIPO Case No. D2010-1237, *FragranceX.com, Inc. v. Argosweb Corp. a/k/a Oleg Techino*. The Complainant has further submitted that given the trademark's global fame, no plausible scenario exists where Respondent could legitimately use <**galerieslafayett.in**> without causing consumer confusion or misappropriating goodwill.

III. The domain name has been registered or is being used in bad faith.

[Para 4 (c) of the Policy read with para 7 of the Policy and Clause 4(b)(vi)(3) of INDRP Rules]

- a. The Complainant has submitted that its global renown (60M+ annual visitors, 290+ stores) makes it implausible that the Respondent was unaware of **GALERIES LAFAYETTE**. A basic trademark search or Google query would have revealed the Complainant's rights.



Praveen Mr. /

- b. The Complainant has further submitted that registering a domain differing by one letter from a famous mark constitutes opportunistic bad faith. Reference has been made to the decisions in WIPO Case No. D2011-1951, *Michelin v. Terranonte Corp*; INDRP Case No. 1876, *Tata Digital Pvt. Ltd. & Anr. v. miiraj miiraj zinmati Pvt. Ltd.*
- c. The Complainant has further submitted that inactivity (default registrar page) does not preclude bad faith. Passive holding of a domain confusingly similar to a well-known mark satisfies bad faith. Reference has been made to the decision in WIPO Case No. D2000-0003 *Telstra Corp. v. Nuclear Marshmallows*.
- d. The Complainant has further submitted that the domain's structure (typo + ".in" extension) creates a false impression of official affiliation, diverting traffic intended for the Complainant's Indian market entry (e.g., upcoming Mumbai/Delhi stores). It has been contended by the Complainant that registration prevents it from using its mark in the ".in" space and risks tarnishment through potential misuse.

RELIEF SOUGHT BY THE COMPLAINANT:

The Complainant has prayed for the relief of transfer of <gallerieslafayett.in> to Société Anonyme des Galeries Lafayette in



Praveen W. J.

accordance with Paragraph 11 of the Policy read with Rule 4(b)(vii) of the INDRP Rules.

D. RESPONDENT'S RESPONSE:

The Respondent has not filed any formal written reply in the matter. However, as recorded in the Procedural History of this Award, the Respondent has submitted communications *via* emails dated 07-04-2025 and 08-06-2025, addressed to the Tribunal and copy-marked to all concerned parties. These communications have been taken on record and are considered as the Respondent's Response.

E. REASONING AND FINDINGS OF THE TRIBUNAL:

I have minutely examined the amended Complaint dated 11-03-2025 and its Annexures 1 to 6, Respondent's email dated 07-04-2025 & 08-06-2025. I have also examined the .IN Domain Name Dispute Resolution Policy and the INDRP Rules of Procedure as adopted by the .IN Registry, as well as the provisions of the Arbitration and Conciliation Act, 1996.

Rules of Procedure and Rules Applicable to the Substance of the Dispute:

This Arbitral Tribunal is mindful of the legal position that, in accordance with Section 19(1) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act"), it is not bound by the provisions of the Code of Civil Procedure, 1908, or the Indian Evidence



Praveen W. J.

Act, 1872 (now replaced by the *Bharatiya Sakshya Adhiniyam*, 2023). Further, Section 19(3) of the Act provides that, failing any agreement referred to in sub-section (2) of Section 19, the arbitral tribunal may conduct the proceedings in such manner as it considers appropriate. Section 19(4) of the Act vests the arbitral tribunal with the power to determine the admissibility, relevance, materiality, and weight of any evidence. In a similar vein, Rule 13(d) of the INDRP Rules also empowers the Arbitrator to determine the admissibility, relevance, materiality, and weight of evidence. However, it has been consistently held by Courts of law that, while arbitral tribunals are not bound by the strict rules of evidence, they must nevertheless adhere to the basic principles underlying the Indian Evidence Act, 1872, as well as the principles of natural justice.

It may be noted that the Tribunal, in the present matter, has not insisted upon the hyper-technical requirement under the *Bharatiya Sakshya Adhiniyam*, 2023 (hereinafter referred to as "the BSA") to file a certificate for electronic evidence filed by the parties.

Rule 18 of the INDRP Rules provides as under:

18. Arbitral Award:

- a. An Arbitrator shall decide a Complaint on the basis of the pleadings submitted and in accordance with the Arbitration & Conciliation Act, 1996 amended as per the Arbitration and Conciliation (Amendment) Act, 2019 (as amended up to date) read with the Arbitration & Conciliation Rules, Dispute Resolution Policy, the Rules of Procedure and any by-laws, and guidelines and any law that the Arbitrator deems to be applicable, as amended from time to time.



Praveen W. J.

- b. An Arbitrator shall give his/ her award in writing, mentioning the name of the parties; the complete name of the Arbitrator; the impugned domain name; the date of passing of the award and observations made while passing such award.

Accordingly, *vide* its order dated 29-05-2025, the Tribunal had stated as under:

"8. It is made clear that the issues to be framed by the Tribunal shall be examined in accordance with the provisions of the Arbitration & Conciliation Act, 1996 (as amended up to date), the INDRP Rules of Procedure, the .IN Domain Name Dispute Resolution Policy, as well as the well-established principles of natural justice and the basic principles of the Code of Civil Procedure, 1908, and the Indian Evidence Act, 1872 (now 'The Bharatiya Sakshya Adhiniyam, 2023'), which have been held by the Courts of Law to be applicable in arbitral proceedings."

Further, Rule 17 of the INDRP Rules provides as under:

17. Default by Parties:

In the event any party breaches the provisions of INDRP rules and/or directions of the Arbitrator, the matter can be decided *ex parte* by the Arbitrator and such arbitral award shall be binding in accordance to law.

Further, Section 25 of the Act provides as under:

25. Default of a party: Unless otherwise agreed by the parties, where, without showing sufficient cause,-

- (a) the claimant fails to communicate his statement of claim in accordance with sub-section (1) of section 23, the arbitral tribunal shall terminate the proceedings;
- (b) the respondent fails to communicate his statement of defence in accordance with sub-section (1) of section 23, *the arbitral tribunal shall continue the proceedings without treating that failure in itself as an admission of the allegations by the claimant* and shall have the discretion to treat the *right of the respondent to file such statement of defence as having been forfeited*.



Praveen Kumar Jain

- (c) a party fails to appear at an oral hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the arbitral award on the evidence before it.

(emphasis added)

As the Respondent neither submitted a Response nor sought an extension of time to do so, and keeping in view the timelines prescribed under the INDRP Policy and Rules, the Respondent's right to file a Response was forfeited *vide* Tribunal's order dated 08-06-2025, and the matter was directed to proceed *ex parte*. However, the Respondent was permitted to participate in the proceedings at any subsequent stage, should he so choose. As per Section 25(2) of the Act, failure of the Respondent in filing its Response cannot be treated as an admission of the allegations made by the Complainant in its complaint dated 11-03-2025; hence, the Tribunal is to examine the facts and grounds as stated in the complaint and the documents annexed therewith.

Issue No. 1:

Whether the Complainant is entitled to the relief of transfer of the disputed domain name <gallerieslafayett.in> from the Respondent?

Analysis:

To decide the Issue No. 1 in the present case, the Paragraph No. 4 of the Policy may be referred which provides as under:

4. **Class of Disputes:** Any Person who considers that a registered domain name conflicts with his/ her legitimate rights or interests may file a Complaint to the .IN Registry on the following premises:



Praveen W. J.

- (a) the Registrant's domain name is identical and/ or confusingly similar to a name, trademark or service mark *in which the Complainant has rights*; and
- (b) the Registrant has *no rights or legitimate interests* in respect of the domain name; and
- (c) the Registrant's domain name has been *registered or is being used in bad faith*.

(Emphasis added)

Thus, for the maintainability of its complaint, the Complainant has to first prove that it has a right in a particular name, trademark or service mark. Thereafter, the Complainant has to prove that the Registrant's domain name is identical and/ or confusingly similar to its name, trademark or service mark; or the Registrant has no rights or legitimate interests in respect of the domain name; or the Registrant's domain name has been registered or is being used in bad faith.

Further, Paragraph 7 of the Policy clarifies the meaning of "bad faith" as referred to in Clause 4(c), as under:

7. **Evidence of Registration and use of Domain Name in Bad Faith:** For the purposes of Clause 4(c), the following circumstances, in particular but without limitation, *if found by the Arbitrator to be present*, shall be *evidence* of the registration and use of a domain name in bad faith:
 - (a) *circumstances indicating* that the Registrant has registered or acquired the domain name primarily for the purpose of *selling, renting, or otherwise transferring the domain name registration to the Complainant*, who bears the name or is the owner of the trademark or service mark, *or to a competitor of that Complainant*, for valuable consideration in excess of the Registrant's documented out-of-pocket costs directly related to the domain name; or
 - (b) the Registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a



Praveen Mr. /

corresponding domain name, provided that the Registrant has engaged in a pattern of such conduct; or

- (c) by using the domain name, *the Registrant has intentionally attempted to attract Internet users to the Registrant's website* or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location.

(Emphasis added)

Burden of proof:

The Complainant, to prove its averments made in the complaint, has filed documents as Annexure 1 to 6. It is to be noted that the present arbitral proceedings shall be guided by the basic principles of the BSA which has come in to force w.e.f. 1st July 2024 while the present complaint is dated 11-03-2025. Section 104 of the BSA provides as under:

- 104. Burden of proof.-** Whoever desires any Court to give judgment as to any legal right or liability *dependent on the existence of facts which he asserts must prove that those facts exist*, and when a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.
(Emphasis added)

A reference to Section 105 of the BSA may also be made:

- 105. On whom burden of proof lies.-** The burden of proof in a suitor proceeding lies on that person *who would fail if no evidence at all were given on either side*.
(Emphasis added)

Accordingly, the burden to prove the Issue No. 1 is on the Complainant. Thus, the Tribunal is to examine as to whether the Complainant has been able to discharge his burden. My above view is fortified by the judgment in *Dudh Nath Pandey (dead) by LRs. v. Suresh Chandra*



Praveen M. J.

Bhattasali (dead) by LRs. AIR 1986 SC 1509, wherein Hon'ble Supreme Court has categorically held that the plaintiff has to stand on his own strength. Further, in the case of *State of M.P. v. Nomi Singh*, (2015)14 SCC 450, Hon'ble Supreme Court has held as under:

"10...It is settled principle of law that in respect of relief claimed by a plaintiff, he has to stand on his own legs by proving his case. On perusal of the impugned order passed by the High Court, this Court finds that the High Court has wrongly shifted burden of proof on the defendants..."

It is to be noted that in the present case, the Respondent has not filed its Response either admitting or denying the facts as stated in the complaint and/ or the documents filed with the complaint. The Tribunal notes that the Respondent has not denied the claims or engaged with the merits of the dispute in a substantive manner. Instead, the Respondent has adopted a dismissive and confrontational tone, raising a rhetorical objection to the procedural schedule and reiterating an open-ended offer for an out-of-court settlement, failing to clarify his stance in the proceedings or provide any defence on record. Such conduct demonstrates a lack of procedural seriousness and an unwillingness to engage with the arbitral process in good faith. The Tribunal finds the Respondent's approach to be non-cooperative and evasive, aimed more at challenging the legitimacy of the process than at resolving the dispute constructively. Hence, I am inclined to examine the complaint and its annexures to determine the Issue No. 1 with regard to the Complainant's right to get the disputed domain transferred from the Respondent without requiring the Complainant to technically prove its case by leading witness.



Praveen W. J.

Entitlement of the Complainant for transfer of the disputed domain:

The issue now is whether the Complainant is entitled to have the disputed domain name transferred on the basis of the facts as stated in the complaint and documents annexed to it.

It is to be noted that the domain name disputes in India are primarily addressed through the lens of trademark law, particularly under the Trade Marks Act, 1999, which provides remedies for trademark infringement and passing off. Although there is no standalone legislation governing domain name disputes, legal principles drawn from trademark jurisprudence are routinely applied to prevent the registration and misuse of confusingly similar domain names. A reference can be made to the judgments in the cases of *Satyam Infoway Ltd. vs. Siffynet Solutions Ltd.*, (2004) SCC OnLine SC 638; *Yahoo! Inc. vs. Akash Arora & Anr.* 1999 IIAD Delhi 229, 78 (1999) DLT 285 and *Tata Sons Ltd. vs. Manu Kasuri & Ors*, 90 (2001) DLT 659. In the case of *Satyam Infoway Ltd.* (supra), the principal question raised was whether internet domain names were subject to the legal norms applicable to other intellectual properties, such as trademarks. The Hon'ble Supreme Court held as follows:

"25. As far as India is concerned, there is no legislation which explicitly refers to dispute resolution in connection with domain names. But *although the operation of the Trade Marks Act, 1999 itself is not extraterritorial and may not allow for adequate protection of domain names, this does not mean that domain names are not to be legally protected to the extent possible under the laws relating to passing off.*"

(Emphasis added)

Praveen W. J.



Further, in the case of *World Book Inc. vs. World Book Company (P) Ltd.* 215 (2014) DLT 511, Hon'ble High Court of Delhi has laid down as under:

"48. ...So far as the issue of protection of domain names is concerned, the law relating to the passing off is well settled. The principle underlying the action is that no one is entitled to carry on his business in such a way as to lead to the belief that he is carrying on the business of another man or to lead to believe that he is carrying on or has any connection with the business carried by another man. *It is undisputed fact that a domain name serves the same function as the trade mark and is not a mere address or like finding number on the Internet and, therefore, is entitled to equal protection as a trade mark.* A domain name is more than a mere Internet Address for it also identifies the Internet site to those who reach it, much like a person's name identifies a particular person, or as more relevant to trade mark disputes, a company's name identifies a specific company."

(Emphasis added)

To establish the three conditions laid down in Clause 4 of the Policy, the Complainant has annexed, as Annexure 3 to the Complaint, extracts from various pages of its official website, <https://www.gallerieslafayette.com>, which provide information about the corporate profile of Société Anonyme des Galeries Lafayette - the Complainant - including its history, organisational structure, and brand operations. As per the details made available in the above-stated web extracts, the Complainant is a family-owned French retail group founded in 1894, operating over 290 stores worldwide and attracting more than 60 million visitors annually. The group's iconic brands include *Galleries Lafayette*, *La Redoute*, *Mauboussin*, among others. With headquarters at 40, Boulevard Haussmann, Paris, France, the Complainant is recognized for its leadership in omni-channel fashion retail and its longstanding association with the French "Art of Living."



Praveen W. J.

The Complainant has further placed on record copies of its Indian trademark registrations for the mark "GALERIES LAFAYETTE". TM Application No. 3903336 (Device Mark) and TM Application No. 3903335 (Word Mark) were filed on 31-07-2018 before the Trademark Registry. Certificates were issued on 28-01-2019 and 01-02-2019 respectively. Both marks are valid until 31-07-2028. The registrations span multiple classes, including Class 3 (cosmetics), Class 18 (leather goods), Class 25 (clothing), and Class 35 (advertising and retail services), clearly reflecting the Complainant's serious intention to enter and establish its business operations in India in the near future. Hence, I am of the view that the Complainant's trademark 'GALERIES LAFAYETTE' is entitled for protection as per the provisions of the Trade Marks Act, 1999. Section 28 of the Trade Marks Act, 1999 provides as under:

28. Rights conferred by registration.—(1) Subject to the other provisions of this Act, the registration of a trade mark shall, if valid, give to the registered proprietor of the trade mark *the exclusive right to the use of the trade mark in relation to the goods or services in respect of which the trade mark is registered* and to obtain relief in respect of infringement of the trade mark in the manner provided by this Act.

xxx

xxx

xxx

(emphasis added)

Further, Section 31 of the Trade Marks Act, 1999 provides as under:

31. Registration to be prima facie evidence of validity.—(1) In all legal proceedings relating to a trade mark registered under this Act (including applications under section 57), *the original registration of the trade mark and of all subsequent assignments and transmissions of the trade mark shall be prima facie evidence of the validity thereof.*

xxx

xxx

xxx

(emphasis added)



P. Praveen W. J.

Thus, the trademark registration certificates issued by the Trade Marks Registry of the Government of India, filed by the Complainant as 'Annexure 4', constitute *prima facie* evidence of the validity of the trademark "GALERIES LAFAYETTE." Section 28 of the Trade Marks Act, 1999, confers upon the Complainant the exclusive right to use the trademark in relation to its GALERIES LAFAYETTE.

'Annexure 5' contains the WHOIS report for the domain name <galerieslafayette.com>, which has also been filed by the Complainant. This domain, serving as the Complainant's principal website, was registered on 01-08-1997 through the Registrar SafeBrands SAS. The domain is currently active and is set to expire on 31-07-2025. The WHOIS record reflects multiple protective statuses, such as *clientTransferProhibited* and *serverUpdateProhibited*, and lists the registrant's country as France. The administrative, technical, and billing contact details have been redacted in accordance with applicable privacy norms.

'Annexure 1' contains the WHOIS extract for the disputed domain name <galerieslafayett.in>, which indicates that the Respondent first registered the domain on 07-11-2024, with the registration valid until 07-11-2027. The extract includes the Respondent's name, phone number, email address, and physical address, all of which were used for serving the Complaint through email and DHL courier service. The Complainant served soft copies of the Complaint and its annexures *via* email to the Respondent. It is pertinent to note that the DHL courier



Praveen W. J.

could not deliver the hard copies of the Complaint and its annexures due to an incorrect address provided by the Respondent in the WHOIS record. Despite this, the Respondent neither updated its correct address nor raised any grievance regarding non-receipt of the hard copies. Accordingly, the service of the Complaint along with its annexures has been treated as duly effected upon the Respondent.

Moreover, there is nothing on record to explain the rationale behind the Respondent's acquisition of the disputed domain name. Consequently, the criteria prescribed under Paragraph 6(a) of the Policy stand unfulfilled, as the Respondent, prior to any notice of the present dispute, was not offering any goods or services through the disputed domain. The domain name has remained inactive since registration, and no website has been hosted thereon to date. Therefore, by no stretch of imagination can it be concluded that the Respondent is using or intends to use the disputed domain in connection with a *bona fide* offering of goods or services.

Similarly, the requirement under Paragraph 6(b) of the Policy is not satisfied, as the Respondent is not commonly known by the disputed domain name. There is no material on record to indicate that the Respondent is engaged in any business activity whatsoever. Paragraph 6(c) is also not met, as there is no evidence of any legitimate non-commercial or fair use of the disputed domain name by the Respondent.



Praveen Jain

The Respondent's continued non-use of the disputed domain reinforces the conclusion that there was no *bona fide* behind its acquisition. Further, the Respondent has chosen not to appear before this Tribunal or file any formal written submissions in defence. On the contrary, in his emails dated 07-04-2025 and 08-06-2025, the Respondent explicitly proposed that the Complainant negotiate for purchase of the disputed domain name, thereby making clear that the only intention behind its registration was to sell it for commercial gain. Such conduct falls squarely within the mischief contemplated under Paragraph 7(a) of the Policy, which has been referred to hereinabove.

In view of the foregoing, this Tribunal is satisfied that the Respondent has registered and is holding the disputed domain name in bad faith.

Identical or Confusingly Similar Domain Name:

Upon a comparative analysis of the domain names of both parties, this Tribunal is of the considered view that the disputed domain name <gallerieslafayett.in> is identical or, at the very least, confusingly similar to the Complainant's domain name <gallerieslafayette.com>. A reasonable and unwary internet user is highly likely to be misled or deceived into believing that the disputed domain name is affiliated with or endorsed by the Complainant.

Following compelling factors support my above conclusion:



Praveen M.J.

1. **Visual and Phonetic Similarity:** The disputed domain name incorporates the dominant and distinctive portion of the Complainant's trademark "GALERIES LAFAYETTE," with the sole variation being the omission of the final letter "e" in "lafayette." Such a minor typographical alteration appears insufficient to render the domain name distinguishable. On the contrary, it is likely to cause confusion, particularly when typed or pronounced by an average internet user possessing ordinary intelligence and imperfect recollection.
2. **Typo-Squatting Indicator:** The omission of a single character is a common technique in "typo-squatting," where domain names are deliberately chosen to resemble well-known trademarks with the intention of capitalising on user typing errors. The Respondent's choice of domain falls squarely within this pattern.
3. **Use of Country-Code Top-Level Domain (ccTLD):** The mere addition of the country-code top-level domain ".in" does not diminish the likelihood of confusion. Rather, it enhances the deceptive similarity, especially considering that the Complainant holds valid trademark registrations in India and has expressed a clear intention to expand its operations into the Indian market. An average internet user is likely to interpret the disputed domain name <gallerieslafayett.in> as the Indian extension of the Complainant's global website, thereby falsely assuming a connection or affiliation.



Praveen W. J.

4. **Well-Known Mark Doctrine:** "GALERIES LAFAYETTE" is a well-established and reputed mark in the luxury retail industry. In cases involving such marks, a higher standard of protection is applied, and even a slight deviation may be sufficient to constitute confusing similarity.
5. **Absence of Disclaimer or Differentiation:** The disputed domain is not associated with any distinct brand, business, or disclaimer that might mitigate the confusion. Its sole resemblance to the Complainant's mark strengthens the inference of deliberate imitation.

In *Info Edge (India) Pvt. Ltd. and Anr. v. Shailesh Gupta and Anr.*, 98 (2002) DLT 499; 2002 (24) PTC 355 (Del.), the Hon'ble High Court of Delhi held that where the plaintiff was conducting business under the domain name 'Naukri.com' and the defendant had adopted the domain name 'Naukari.com', both marks were deceptively similar. The Court observed that where the parties are engaged in the same field of business, there exists a grave and substantial possibility of confusion and deception. While the element of conducting business in the same area is not present in the instant case, this Tribunal finds that the Respondent ought not to be permitted to register domain names that closely resemble well-established and reputed trademarks belonging to others, particularly where such resemblance is likely to mislead or confuse internet users. In this context, Paragraph 3 of the INDRP Policy provides as follows:



Praveen W. J.

3. Registrant's Representations: By applying to register a domain name, or by asking a Registrar to maintain or renew a domain name registration, the Registrant hereby represents and warrants that:

- (a) the credentials furnished by the Registrant for registration of Domain Name are complete and accurate;
- (b) *to the knowledge of Registrant, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;*
- (c) the Registrant is not registering the domain name for an unlawful and *malafide* purpose; and
- (d) the Registrant will not knowingly use the domain name in violation or abuse of any applicable laws or regulations. It is the sole responsibility of the Registrant to determine whether their domain name registration infringes or violates someone else's rights.

(emphasis added)

Thus, the Respondent has also violated the above-mentioned undertaking given to the Registrar at the time of applying for the disputed domain name.

As noted above, protection is to be granted under the provisions of the Trade Marks Act, 1999. Section 29 of the said Act provides as follows:

29. Infringement of registered trade marks.—(1) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which is identical with, or deceptively similar to, the trade mark in relation to goods or services in respect of which the trade mark is registered and in such manner as to render the use of the mark likely to be taken as being used as a trade mark.

XXX

XXX

XXX



P. Praveen M. J.

The Complainant has successfully established all three elements required under Paragraph 4 of the .IN Domain Name Dispute Resolution Policy (INDRP), namely:

1. The disputed domain name is *confusingly similar* to the Complainant's registered trademark "GALERIES LAFAYETTE," and the slight typographical deviation in the spelling does not mitigate the likelihood of confusion, either visually, phonetically, or contextually.
2. The Respondent has *no rights or legitimate interests* in the disputed domain name. No evidence has been brought on record to show that the Respondent has been commonly known by the domain name, has made any legitimate use of it, or intends to use it in connection with a *bona fide* offering of goods or services.
3. The domain name was registered and is being used in *bad faith*. The Respondent has neither developed any legitimate content nor demonstrated any genuine intent to use the domain name except for negotiating its sale. In fact, emails dated 07-04-2025 and 08-06-2025 show the Respondent's offer to transfer the domain for monetary consideration, which is a clear indicator of bad faith as contemplated under Paragraph 7 of the Policy.



Praveen W. J.

4. In addition, the Complainant has filed sufficient documentary evidence, including Indian trademark registrations, extracts from various pages of its official website, and WHOIS records, to support its claims of ownership, prior use, goodwill, and reputation in the mark "GALERIES LAFAYETTE". The fact that the Complainant is yet to commence operations in India does not diminish its statutory and proprietary rights in the mark, particularly given its expressed intent and preparations to enter the Indian market, as evidenced by its trademark registrations in multiple relevant classes. On the other hand, the Respondent has chosen not to contest the Complaint, nor offered any evidence to demonstrate a legitimate purpose or good faith use of the disputed domain name. In the absence of any such rebuttal, and in view of the Respondent's demonstrated attempt to profit from the domain registration, the Tribunal finds that continued ownership of the domain by the Respondent would cause irreparable harm to the Complainant's commercial and brand interests. Thus, the Complainant, being registered proprietor of the trade mark "GALERIES LAFAYETTE" has the exclusive right to the use of the said trade mark in relation to the goods or services in respect of which the trade mark is registered.

Accordingly, and in view of the reasons and findings set out hereinabove, Issue No. 1 is decided in favour of the Complainant and against the Respondent.



Praveen Jain

Issue No. 2: Relief, if any.

Analysis and Finding:

In light of the foregoing analysis, reasoning, and findings of the Tribunal on Issue No. 1, this Tribunal is of the considered view that the Complainant is entitled to the relief as prayed for in the Complaint. Accordingly, the prayer is hereby allowed, and the disputed domain name <**gallerieslafayett.in**> is directed to be transferred to the Complainant.

As the Complainant has neither sought costs from the Respondent nor filed any statement of costs before this Tribunal, both parties are directed to bear their own respective costs.

New Delhi

19-06-2025

(Praveen Kumar Jain)

The Sole Arbitrator

