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V.P. Pathak
V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

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**BEFORE THE .IN REGISTRY OF INDIA
INDRP CASE NO. 2037
IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
DISPUTE RESOLUTION POLICY; THE INDRP RULES OF PROCEDURE
AND THE ARBITRATION CONCILIATION ACT, 1996**

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VP Pathak
V. P. PATHAK
H.J.S.
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**BEFORE THE .IN REGISTRY OF INDIA
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IN THE MATTER OF AN ARBITRATION UNDER THE .IN DOMAIN NAME
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AND THE ARBITRATION CONCILIATION ACT, 1996**

EYEBUYDIRECT INC.
177 E W COLORADO BLVD
PASADENA,
CALIFORNIA UNITED STATES 91105

.... Complainant

Versus

Ye Li ... RESPONDENT
Wenyi Road 115, Xihu District Hangzhou,
Zhejiang, China

.... Respondent

**DISPUTE RELATING IN THE DOMAIN DISPUTE NAME
www.eyebuydirect.in**

Award Dated- 3.11.2025

**BEFORE V.P. PATHAK
SOLE ARBITRATOR
AT NEW DELHI**

⇒ DISPUTED DOMAIN NAME & REGISTRAR-

The disputed domain name is registered through the Registrar of the disputed domain name info@realtimeregister.com, which is accredited with the .IN registry and is listed on the website of the .IN registry.

⇒ ARBITRATION TRIBUNAL-

1. The Complainant has filed this Complaint for the disputed domain name, to be transferred to it. To decide this Complaint, NIXI has appointed the undersigned as Arbitrator. A consent letter with a declaration of impartiality by the undersigned to decide this case was sent to NIXI on 3.09.2025.

V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

2. The Tribunal primarily ordered the Complainant on 23.09.2025, to send the soft & hard copy of the Complaint along with annexures to the Respondent & to send the Postal Slip of the same to the Tribunal. But the Complainant was late in providing the same. Nevertheless, the Complainant finally on 2.10.2025, provided the soft copy of the Complaint to the Respondent & ensured the Tribunal of sending the hard copy of the same by Courier, the receipt of which was sent on 6.10.2025 by the Complainant.
3. As per **Rule 5 of the INDRP Rules** the Tribunal issued a notice dated 3.10.2025 calling upon the Respondent to file its reply on the Complaint within fifteen days from the date of receipt of the notice and rejoinder within fifteen days thereafter.
4. This Tribunal resumed this matter on 3.10.2025, by sending notice to the Respondent for reply, but no reply was filed. Since, no reply was filed by the Respondent so, in the interest of justice, the Tribunal gave an extension to the Respondent of 5 days till 27.10.2025, but there was no response even though the Complainant had sent a hard copy of the Complaint to the Respondent.
5. The Tribunal is constituted under the INDRP Policy and Rules. Under rule 13, the arbitration proceedings must be conducted according to the Arbitration and Conciliation Act, 2019 (as amended up to date) read with the Arbitration & Conciliation Act, Rules, Dispute Resolution Policy and its by-laws, and guidelines, as amended from time to time.
6. As mentioned above, the Respondent has not replied to any of the notices hence, this Tribunal is bound to proceed Ex Parte against the Respondent.

⇒ **PARTIES TO THE ARBITRATION-**

6. The Complainant through his business ventures “EYEBUYDIRECT INC.” has been in the field of online retail of prescription glasses for 20 years since 2005 and has grown from strength to strength. Further, the Complainant is today well known and is the first adopter and prior user of the said trademark EYEBUYDIRECT and domain name eyebuydirect.com respectively. The Complainant is widely registered in various countries including in India.
7. Henceforth, the Complainant being a prior user and first adopter have exclusive rights over the aforesaid trademark and domain name. Also, the list containing the trademark “EYEBUYDIRECT” and its variants registered in various countries thereof is mentioned on **Page 3** of the Complaint. The domain name registrations with date are also mentioned in the Complaint on **Page 4**.
8. The Complainant has its official application to make it easy for everyone to buy products online with the application over the phone at the EYEBUYDIRECT which is available for both Android and iOS devices. The “EYEBUYDIRECT” has been bona fide adopted by the Complainant as its trading name and style in addition to its use as the Complainant’s most integral trade name, and as such, is the most prominent and essential component of the Complainant’s corporate name.

9. The Complainant has made the airfare affordable and comfortable for people from all walks of life from every stratum of society. Since the Complainant adopted the trademark “EYEBUYDIRECT” and its variants, it has been openly, continuously, and extensively being used worldwide till now. The Complainant’s services existing under the trademark “EYEBUYDIRECT” are well known and available, through the Complainant’s website eyebuydirect.com. It is pertinent to note that the internet is not bound by any jurisdictions like the physical world, and anyone can access the website from anywhere in the world.
10. The said website contains extensive information about the Complainant and its services which is sold under the trademark and corporate name “EYEBUYDIRECT”. It is pertinent to note that the website not only depicts the services of the Complainant but also elaborates their functionalities and other characteristics and is undeniably a great source of advertisement for the Complainant.
11. The Complainant has gained huge and ready sales for their said services which are attached to the mark “EYEBUYDIRECT” and the domain name EYEBUYDIRECT.COM spread over the length and breadth of the various countries including India.
12. The Complainant has also taken tremendous efforts to popularize the trademark “EYEBUYDIRECT” and has spent a sizeable amount of money in its promotional activities and has become very popular and well-known throughout the various countries. On account of high and non-compromising standards of quality applied by the Complainant to their services, it has gained great demand for its services.
13. In respect of being vigilant about the protection and enforcement of Intellectual Property Rights, the Complainant has been vigorously safeguarded its trademark “EYEBUYDIRECT” and domain name eyebuydirect.com. The Complainant is a registered proprietor and bona fide adopter of the said trademark and domain name is entitled to prevent any unauthorized use of the deceptively similar or identical trademark and the domain name by others.
14. By virtue of the rights, the Complainant has the exclusive rights to use the said mark “EYEBUYDIRECT” and domain name eyebuydirect.com in respect of services for which it has registered.
15. The Complainant has successfully garnered immense goodwill and reputation in the industry in the due course of time since it has been in the market since more than a decade.
16. The Complainant has filed the instant Complaint challenging the registration of the domain name www.eyebuydirect.in under the “.in” Domain Name Dispute Resolution Policy {INDRP} and the rules framed there under. The Complainant has preferred this arbitration by raising this dispute for the reprisal of its grievances.
17. **Rule 2 of INDRP Rules of Procedure** provides for communication/services of Complaint. Per this rule, the Respondent was sent a copy of the Complaint on the email shown in the domain name registration data in the .IN Registry’s WHOIS database.
18. There is no reply to the Complaint so, we are unaware of the Respondent’s version.

⇒ **FACTS OF THE CASE –**

• **Complainant-**

9. The Complainant is a more than decade old company by being an online retailer since its inception in 2005 & by advertising its trademark extensively as mentioned in the Complaint because of which the “EYEBUYDIRECT” trademark has acquired unparalleled distinctiveness, enviable reputation, and goodwill and has become a well-known mark.
10. In addition to the afore-mentioned website, the Complainant also provides its services under its trademarks on its official mobile app on the Play Store as well.
11. The details of the Complainant’s operations under its trademarks and information about the Complainant’s services are provided on its official website accessible through the domain name “eyebuydirect.com” which was registered in 2005 and has continuously been renewed and updated since then.
12. The Complainant states that in March 2025, the Complainant became aware of the Respondent’s disputed domain eyebuydirect.in and was shocked that the Respondent has adopted the deceptively similar impugned domain name which has the main element EYEBUYDIRECT, solely based on the Complainant’s domain www.eyebuydirect.com and to showcase some sort of connection with the Complainant consent, permission, authorization or license, portrays mala fide intention on Respondent’s part. A copy of the printout of the WHOIS database search was conducted for the disputed domain name www.eyebuydirect.in is annexed as **Annexure B**.
13. Further, the disputed domain name eyebuydirect.in as opted by the Respondent is identical and deceptively similar to the Complainant’s famous and well-known mark EYE BUY DIRECT and domain name www.eyebuydirect.com. Even the Respondent has no justification for the adoption of the disputed domain name eyebuydirect.in as Respondent has picked the same only based upon the Complainant’s reputed domain name and trademark.
14. The use of the disputed domain name is creating a wrong impression in the minds of the purchasers and traders that it is a subsidiary division of Complainant and/or there exists a business connection and/or the services originate from the Complainant, which is not the case. In view of this, if the Respondent continues to use the Complainant’s trademark and domain name which indisputably led to a violation of the Complainant’s statutory and Common Law rights in the registered trademark “EYEBUYDIRECT” and the domain name www.eyebuydirect.com.
15. On a comparison of Complainant domain name eyebuydirect.com with disputed domain name eyebuydirect.in, it is very obvious that the Complainant domain name has been blatantly, meticulously, and minutely copied and rather imitated the main element EYEBUYDIRECT. Further, on the overall comparison, both the domain names are visually, structurally, phonetically identical, and deceptively similar. In fact, there is more than enough similarity for the general public to get confused into believing that their services are connected and/or affiliated with the Complainant when it not the case.
16. Additionally, the fact that the Complainant’s trademark “EYEBUYDIRECT” and domain name eyebuydirect.com has been in use since 2005, would have been within Respondent’s knowledge at the time of opting the impugned domain name eyebuydirect.in with dishonest

and mala fide from the very beginning being a slavish imitation as well as the blatant copy of Complainant's trademark and the domain name.

17. The attempt over here is to come as close as possible to the names and style of Complainant's trademark and domain name so as to draw upon the goodwill created by the Complainant, for immediate gains and usurp undue benefits and make short-end gains and dilute the goodwill and reputation of the Complainant.
18. The use of the trademark "EYEBUYDIRECT" and domain name eyebuydirect.com and/or any other deceptively similar trademark or domain name by the Respondent in any manner whatsoever is likely to dilute the distinctive character of the Complainant's famous trademark and the domain name, as well as same, is likely to be debased and eroded. Such debasement and erosion of the Complainant's reputation and goodwill stricken at the very root of its existence and is not measurable in terms of money and cannot be compensated monetarily.
19. The Complainant recently came across the Respondent's domain name <eyebuydirect.in> ('disputed domain name') which was registered on 25.05.2024. The Respondent uses the Complainant's registered trademark EYEBUYDIRECT in its entirety in the impugned domain name.
20. In the light of the Complainant's prior adoption of the mark and the reputation and goodwill created by the Complainant, it is recognized as the proprietor of the said mark, which is perceived and identified by consumers and members of the trade, as the Complainant's mark alone. Thus, the adoption and use of a mark by a third party, that is similar and/or identical to the Complainant's Trademark and trading style "EYEBUYDIRECT" with respect to any of the diversified fields of the market, will lead to confusion and deception amongst the relevant class of consumers and the members of the trade.

- **Respondent-**

21. The Respondent has not replied to the Complaint.

⇒ **CONTENTIONS OF THE PARTIES-**

- **By the Complainant-**

22. As per the WHOIS search result of the Respondent's impugned domain name <eyebuydirect.in> it appears to be registered on 25.05.2024. It is to be noted that the impugned domain does host a website and is active for the past 1.5 years, including as recently as on 06.02.2025 and is currently active as on 6.07.2025.
23. That the Respondent is using the impugned domain to sell similar kinds of services which further establishes the misappropriate intention of the Respondent. The Respondent is clearly misappropriating illegally and without authority, the trademark "EYEBUYDIRECT" which is the exclusive property of the Complainant.
24. The disputed domain name <eyebuydirect.in> is identical to the well-known trade/service mark "EYEBUYDIRECT" of the Complainant. The Complainant has overwhelming common law as well as statutory rights in the trade/service mark EYEBUYDIRECT and is its sole legitimated owner and proprietor.
25. Further the disputed domain name <EYEBUYDIRECT.IN> attempts to associate itself with the Complainant by incorporating the name EYEBUYDIRECT in full in their domain

name. The malicious intention of the Respondent is evident from its blatant misappropriation of the Complainant's trade/service mark EYEBUYDIRECT. In the present instance, if any user was to search for the Complainant online as EYEBUYDIRECT India, she/he would be taken to the Respondent's domain name which enhances the possibility of inevitable confusion.

26. Moreover, any use of the word EYEBUYDIRECT is understood only as making a reference to the Complainant since the said trade/service mark of the Complainant is a registered and a well-known trademark.
27. The Respondent's act of registering the impugned domain <eyebuydirect.in>, of which the Complainant's trade/service mark EYEBUYDIRECT forms a conspicuous part is an infringement of the Complainant's overwhelming common law and statutory rights as is vested in its registered and well-known mark EYEBUYDIRECT.
28. The registration of the Complainant's registered and well-known trademark EYEBUYDIRECT, by the Respondent is a mala-fide attempt on its part to squat over the impugned domain name and make illegal economic gains and profits by misusing and free-riding on the enormous good will and reputation associated with the registered and well-known trademark EYEBUYDIRECT of the Complainant.
29. Hence, the impugned domain name of the Respondent <EYEBUYDIRECT.IN > is identical and confusingly similar to the registered and well-known trademark EYEBUYDIRECT of the Complainant in which it has overwhelming common law and statutory rights.
30. That the Complainant has overwhelming common law and statutory right in the trade/service mark EYEBUYDIRECT as well as in various EYEBUYDIRECT formative marks is solely entitled to use the same in relation to its services and services including the incorporation of the said mark as a conspicuous part of domains used to describe the activities of the Complainant.
31. The Complainant has not in any way authorized, licensed or otherwise permitted the Respondent to use its well-known trade/service mark EYEBUYDIRECT or to apply for any domain name incorporating its trade/service mark in full.
32. That the impugned domain name <eyebuydirect.in> was created by the Respondent on 25.05.2024. The factum of argument is that the Respondent has deliberately acquired a confusingly similar name in which the Complainant has substantial interest being its registered trade/service mark.
33. That the Respondent was aware of the commercial value and significance of the domain owned by the Complainant of which the word "EYEBUYDIRECT" forms a conspicuous part. It is for the exact same reason why the Respondent grabbed the impugned domain name <eyebuydirect.in>. The registration of the disputed domain name bearing the registered trade/service mark of the Complainant is nothing but an opportunistic bad faith registration on the part of the Respondent.
34. It is pertinent to mention here that, when the Respondent registered this impugned domain name <eyebuydirect.in>, the Complainant was already selling its services in the market since 2005 and even then the Respondent continued to use this disputed domain name for the purpose of monetary benefit with malicious intentions.
35. Further, the Complainant submits that the domain name eyebuydirect.com was originally registered on 2005/08/13. The Complainant purchased the domain name eyebuydirect.com from Wild West Domains, LLC an American publicly traded Internet domain registrar and

web hosting company. On the other hand, the disputed domain name eyebuydirect.in was registered by the Respondent on 25.05.2024. Hence, such subsequent adoption and registration of the disputed domain name show that the Respondent has no right or legitimate interest in the domain name eyebuydirect.in.

36. The dishonest and mala fide intention on the part of the Respondent in the registration of the disputed domain name eyebuydirect.in is also apparent from the fact that the Respondent has observed the business values of the prior adopted registered domain name eyebuydirect.com and thereby Respondent has copied the Complainant's domain name with ill intention and applied for the deceptively similar domain name eyebuydirect.in.
37. The Complainant submits that, the action of deceiving consumers, concealing the true trade origin of such services, and dishonestly inducing the public to avail of the services, is a punishable offence under the provision of Section 420 of the Indian Penal Code, 1860 (IPC). Additionally, the Respondent has knowingly using the disputed domain name eyebuydirect.in which contains the main element of the Complainant mark and the domain name "EYEBUYDIRECT", and possessing for sale services with the counterfeited and fabricated domain name and the said action by the Respondent is a punishable offence under the provision of Section 486 of Indian Penal Code, 1830 (IPC).
38. The Complainant submits that the Respondent was aware, prior to its registration of the impugned domain, that there was substantial reputation and goodwill associated with the Complainant's trademark and/or service mark, which insure to the benefit of the compliant.
39. To reiterate the pleadings of the preceding paragraph, the impugned domain name <eyebuydirect.in> incorporates the Complainant's well known and famous mark EYEBUYDIRECT in entirety. It is evident that the Respondent can have no rights or legitimate interest in the disputed domain name and the sole purpose of it having adopted the Complainant's well known and famous mark "EYEBUYDIRECT" was to misappropriate the same along with the goodwill and reputation accruing to it, and to dupe the Complainant into buying similar services from the Respondent.
40. That the actual or potential visitors to the website parked on the impugned domain name <EYEBUYDIRECT.IN> will be induced to believe that the Complainant has authorized, endorsed or licensed the use of its trade/service mark EYEBUYDIRECT by the Respondent including the registration of the impugned domain name <eyebuydirect.in>.
41. The disputed domain name completely incorporates the trademark/service mark of the Complainant and the gTLD **.in** (According to Google, gTLD means- a generic Top-Level Domain – the last part of a domain name after the final dot (that makes up the URL of a web address aka the site's domain name) will not distinguish the disputed domain name from the Complainant's Trademark.
42. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use their registered and famous trademark "EYEBUYDIRECT". The Respondent's domain name is identical to the trading style and trademark in which the Complainant has prior rights.
43. Prior panels have found under the .IN Policy that "where a Complainant makes out a *prima facie* case that a Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element." See *Instagram LLC v. Ding RiGuo.*, INDRP/1183 (<instagram.in>).

44. In *Wacom Co. Ltd. v. Liheng*, INDRP/634 (<wacom.in>) "the Complainant has not licensed or otherwise permitted the Respondent to use its name or trademark or to apply for or use the domain name incorporating said name.
45. The Complainant refers to and relies on the case of "*OSRAM GmbH v. Yuri A Ivanov*" (Case No. D2009-0692)- it was held that incorporating a trademark in its entirety may be sufficient to prove that a domain name used by the Registrant is confusingly or identically similar to a trademark used by the Complainant.
46. The Complainant refers to the case "*SOCIETE DES PRODI ITS NESTLE SA, SWITZERLAND v. NESCAFE Limited*", the United Kingdom decided on 24.05.2009 before NIXI, "Nescafe Ltd. has got the domain name "nescafe.co.in" registered in its name, whereas the Complainant was the proprietor of the mark "NESCAFE" and has got several TLDs registered including nescafe.com, nescafe.co.uk, nescafe.info, nescafe.biz, nescafe.mobi, nescafe.name, nescafe.pk, Nescafe.lk, nescafe.cn, nescafeoffee.com. In the case, Arbitrator's award at page 7 states that-"It appear that, the Respondent has registered the domain name with full knowledge of the Complainant's marks and uses it for the purpose of diverting Internet traffic, which is neither fair use nor non-commercial use. Such facts and circumstances create a rebuttable presumption that the Respondent has no rights in the domain name and is not using it for any legitimate purpose."
47. The Complainant also relies on "*Monster.com (India) Pvt. Ltd. v. Domain Leasing Company*", where the domain name in dispute was monster.in and the Arbitrator articulated that the onus is on the Registrant to ensure that they are not infringing on any third party rights.
48. The Respondent registered the disputed domain name after the Complainant acquired common law trademark rights in its mark "EYEBUYDIRECT". The disputed domain name appears to be registered by the Respondent with the sole purpose of selling it to the Complainant's competitors. This shifts the burden of proof on the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the disputed domain name.
49. Clause 3(d) of the INDRP requires a Respondent to not knowingly use the domain name in violation or abuse of any applicable laws or regulations. The obligations imposed by clause 3(d) are an integral part of the INDRP applicable to all the Respondents, and cannot be ignored, as was observed by the Ld. Arbitrator in the case- *Momondo A/S vs. Ijorghe Ghenrimopuzulu*, INDRP Case No 882.
50. Thus, the Complainant prays for IN Registry of NIXI to transfer the disputed domain name "eyebuydirect.in" to the Complainant along with the costs of the proceedings of the Complainant.

• **By the Respondent-**

51. The Respondent has not replied to the Complaint.

⇒ **ANALYSIS-**

52. According to the above-mentioned facts of the case, the Tribunal has to decide the following points-

A. Whether the Respondent's domain www.eyebuydirect.in is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.?

As per the Complainant, EYEBUYDIRECT is a 20-year-old company & the website www.eyebuydirect.in was registered long back. The Complainant has established that it has statutory and common law rights in the trademarks EYEBUYDIRECT and its variants as mentioned above and such rights predate the registration of the disputed domain name by years. The Complainant is also the holder of a domain name registration for www.eyebuydirect.in which is much prior to the disputed domain name and wherein the Complainant's services under the EYEBUYDIRECT trademarks and its variants have been advertised and offered to customers for many years. As mentioned above, the Respondent's website is involved in advertising and offering services identical to that of the Complainant. Unwary customers would avail the Respondent's services which would be of inferior quality. The mala fide of the Respondent is evident as they seek to ride on the goodwill and reputation accrued by the Complainant for its services bearing its EYEBUYDIRECT trademark.

In *ITC Limited v. Travel India (INDRP Case No.065)*, wherein it was opined that- the fact that a disputed domain name wholly incorporates a Complainant's Trademark is sufficient to establish the identity or confusing similarity for the purpose of INDRP and similarly in *Jaguar Land Rover v. Yitao (INDRP Case No. 641)*.

In the past INDRP decision of *Nike Inc. v. Nike Innovative CV Zhaxia (Case No. INDRP/804)*; *Lego Juris A/s v. Robert Martin (Case No. INDRP/125)*, it was held that if a disputed domain name completely incorporates the trademark / service mark of the Complainant, then the mere addition of domain codes such as ".in" will not distinguish the Respondent's disputed domain name. This proves that the Respondent is running its business under the Complainant's domain name making the Respondent's domain name unauthentic. Thus, the Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights, and the Respondent should not think of it as its own and run its business using this name.

B. Whether the Respondent has any rights or legitimate interests in respect of the domain name?

The Respondent has not replied to the Complaint. This point was to be proved by the Respondent. The Complainant's domain name and the Respondent's domain name are similar since it has used the gTLD ".in" and the Complainant has used ".com" which are identical and confusing. The disputed domain name has not been used in connection with bona fide offering of goods or services by the Respondent. The disputed domain name is being used by the Respondent to attract consumers by portraying itself as an affiliate of the Complainant and making commercial gains by offering services bearing the Complainant's trademarks EYEBUYDIRECT and its variants. Respondent's use of the disputed domain name is for commercial gain as the Respondent's website offers services identical to that of the Complainant under the EYEBUYDIRECT trademarks and its variants. The Respondent's use of Complainant's EYEBUYDIRECT trademarks is unauthorised. Respondent's acts are probative of its intention to make illicit profit from unauthorised use of Complainant's EYEBUYDIRECT trademarks. Therefore, the Respondent has no legitimate interest in the disputed domain name, rather the sole purpose of its registration is to

misappropriate the reputation associated with the Complainant's famous trademark EYEBUYDIRECT and mislead unsuspecting customers into availing its services who might believe they are availing the Complainant's services. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the trademark EYEBUYDIRECT. The Complainant clearly has prior rights in the trademark EYEBUYDIRECT and its variants, which precedes the registration of the disputed domain name. The Complainant has therefore established a prima facie case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby the burden of proof shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the domain name.

It is clear from the record that the Complainant started its business, before the Respondent, which establishes that the Complainant is the first and only user of the domain name "EYEBUYDIRECT" and not the Respondent. It is also important to note that the term "EYEBUYDIRECT" is the disputed domain name, and any gTLD or ccTLDs are irrelevant, as the Complainant is the sole holder of the disputed domain name. So, to answer the above-mentioned question, the Respondent has no rights or legitimate interests concerning the domain name "eyebuydirect.in".

C. Whether the Respondent's domain name is registered or is being used in absolute bad faith?

The Complainant in its statement supported with evidence has contended that the Respondent registered the disputed domain on 25.05.2024 and is providing similar services to its consumers as is the Complainant. The Complainant is a very well-known website in many countries including India so, the doubt that the Respondent could have missed such an important fact about the Complainant is not believable. The Respondent has registered this website to mislead and divert customers and to tarnish the trademark or service mark "EYEBUYDIRECT" along with gaining monetarily benefits which does not belong to the Respondent since the disputed domain name used by it is not for the Respondent or anyone else to use other than the Complainant. It is to be noted that, the practice of selling domain names is a common practice but the practice is valid only when the domain name is of the rightful and legitimate owner.

The Complainant registered the domain name "EYEBUYDIRECT.IN" earlier in time (2005) in comparison to the Respondent which was registered in 2024. Again, the registration by the Respondent was for reasons un-known since it has not bothered to comply with the orders of this Tribunal we can only presume that it was done for malicious reasons and to probably get monetarily benefits.

The above-mentioned facts themselves disclose the malice of the Respondent. To answer the question above - the Respondent's domain name registered is being used in absolute bad faith and such use demonstrates that the Respondent has used the disputed domain name to derive a commercial benefit and to tarnish the Complainant's website and domain name image.

V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator

⇒ **CONCLUSION-**

53. Considering the above facts, this Tribunal is of the view that the Complaint has merit. The Respondent did not have the Complainant's permission to use its domain name and hence it had no right to treat the domain name as its own. It is being mentioned again, that without the domain name, there is no gTLD/ccTLD. So, even though the Respondent's domain name is "eyebuydirect.in", the name "EYEBUYDIRECT" belongs to the Complainant. The whole dispute in this Complaint is for the domain name and the mere alteration of a domain name or its extension does not affect or alter the ownership thereof.
54. The Complainant brought the name "EYEBUYDIRECT.IN" to life, so the Respondent does not have any standing in this domain name anymore.
55. In addition to everything mentioned above, it is pertinent to mention that the Respondent is using the Complainant's domain name, but it has not once responded to the Complaint made against it. The Respondent was given notice by the Complainant and by the tribunal. The hard copy of the Complaint was also sent to it through courier (receipt enclosed). This clearly shows that the Respondent has nothing to say and is not interested in its domain name and it's all just fable.
56. The Complainant has the full right and ownership of the domain name "EYEBUYDIRECT.COM" & "EYEBUYDIRECT.IN" So, the Complaint is allowed.
57. This Award is being passed as per Clause 5 (e) of the INDRP Rules, and Arbitration Act, 1996.

⇒ **ORDER-**

39. The.IN Registry of NIXI is directed to transfer the disputed domain name "eyebuydirect.in." to the Complainant forthwith. Registry to do the needful.
40. Parties to bear their own costs.
41. This Award is passed today at New Delhi on 3.11.2025.

V.P.Pathak

V. P. PATHAK
H.J.S.
Former Judge
Sole Arbitrator
Sole Arbitrator
Date- 3.11.2025