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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY
(Appointed by the National Internet Exchange of India)
ARBITRATION AWARD

Disputed Domain Name <daveshotchicken.in>

IN THE MATTER OF

Dave's Hot Chicken Franchise Co., LLC
600 Playhouse Alley,
Suite #504, Pasadena CA 91101, United States of America.

..... Complainant

-----versus-----

Himanshu Bargartra
77/7, Channi Himmat, Jammu,
Jammu and Kashmir- 180015.

..... Respondent

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Vikrant Rana

The Parties

The **Complainant** in this arbitration proceeding is **Dave's Hot Chicken Franchise Co., LLC**, a Limited Liability Company organized and existing under the laws of California, United States of America, of the address *600 Playhouse Alley, Suite #504, Pasadena CA 91101, United States of America*.

The **Respondent** in this arbitration proceeding is '**Himanshu Bargotra**', of the address '*77/7, Channi Himmat, Jammu, Jammu and Kashmir- 180015.*', as per the WHOIS records.

1. The Domain Name, Registrar and Registrant

The present arbitration proceeding pertains to a dispute concerning the registration of the domain name <**daveshotchicken.in**> with the .IN Registry. The Registrant in the present matter is '**Himanshu Bargotra**' as per the WHOIS records provided by NIXI, and the Registrar is **GoDaddy.com, LLC**.

2. Procedural History

The arbitration proceeding is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
September 01, 2025	- NIXI sought the consent of Mr. Vikrant Rana, to act as the Sole Arbitrator in the matter.
September 02, 2025	- The Arbitrator informed of his availability.
September 05, 2025	- The Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
September 12, 2025	- Arbitrator directed the Complainant to furnish a duly notarised Power of Attorney under the company seal (if available) of the Complainant, within ten (10) days.
September 16, 2025	- Complainant requested the Arbitrator to take the amended version of the domain complaint alongwith the annexures on record. - With respect to the notarized POA, the complainant sought a 10-day extension as they are based in the United States. - Arbitrator directed the Complainant to furnish a duly notarised Power of Attorney under the company seal (if available) no later than September 28, 2025.

Vikrant Rana

September 22, 2025	<ul style="list-style-type: none"> - Complainant provided the duly notarized POA. - The Arbitrator asked the Complainant to confirm the status of delivery of the domain complaint upon the Respondent and was directed to serve a full set of the domain complaint and annexures upon the Respondent (by email as well as physical mode) and provide proof of service within seven (7) days, if the same was not yet served upon the Respondent by them.
September 24, 2025	<ul style="list-style-type: none"> - Complainant confirmed having sent the domain complaint and annexures to the Respondent via email and courier. - Complainant stated that service by email is successful as the email did not bounce.
September 26, 2025	<ul style="list-style-type: none"> - Complainant was asked to provide email delivery receipts or reports (if available), to confirm proof of service via email, within three (3) days. - Complainant confirmed that the domain complaint has been delivered through courier and provided a copy of the delivery report as an evidence thereof.
September 30, 2025	<ul style="list-style-type: none"> - The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response.
October 13, 2025	<ul style="list-style-type: none"> - Complainant stated that they have received a response from the Respondent and, therefore, intend to file a rejoinder.
October 15, 2025	<ul style="list-style-type: none"> - It was noted that no response was received by the Arbitrator from the Respondent. - Thus, the Respondent was granted a final and non-extendable period of five (05) days to submit their response to the complaint. - Further, the parties were directed to strictly ensure that all future correspondence includes both the Arbitrator and NIXI in copy.
October 23, 2025	<ul style="list-style-type: none"> - As no response was received from the Respondent (even till a few days of expiration of the deadline of 5 days), the Respondent was again granted a final and non-extendable period of five (05) days to submit their response to the complaint.
October 27, 2025	<ul style="list-style-type: none"> - Respondent filed its response in relation to the domain complaint. - Respondent stated that since he does not use the email address (the one mentioned in the WHOIS records) frequently, the messages were previously unnoticed and the communications were missed. - Complainant was granted time of ten (10) days to submit a rebuttal/ rejoinder.
November 05, 2025	<ul style="list-style-type: none"> - Complainant filed a response to the Respondent's claims.

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November 07, 2025	<ul style="list-style-type: none"> - Respondent was granted time of seven (7) days, to submit a rebuttal/ rejoinder.
November 14, 2025	<ul style="list-style-type: none"> - Respondent sought an extension of five (5) days to submit a rebuttal/rejoinder, stating that they have only recently engaged a counsel in the captioned matter. This was received in late evening of the last day of the deadline. - Complainant stated that the Respondent has already been afforded sufficient, reasonable, and meaningful opportunity to file its response along with all relevant documents. However, they failed to do so, and granting additional time at this stage carries a clear risk that the Respondent may attempt to introduce new submissions or file fresh documents, which would inevitably prolong the proceedings and prejudice the Complainant. - Respondent requested that, as he is a layman and does not have much knowledge of legal proceedings, he should be granted additional time.
November 17, 2025	<ul style="list-style-type: none"> - In the interest of justice, the Respondent was granted time till November 19, 2025, to submit a rebuttal/ rejoinder.
November 21, 2025	<ul style="list-style-type: none"> - No response was received from the Respondent (even after a few days passed after the expiration of the deadline). - Arbitrator concluded the proceedings and reserved the present award at 12:06 PM IST. - Email received from Respondent counsel at 12:09 PM IST asking the Arbitrator to check their emails properly. - Email received from Respondent's counsel at 12:13 PM IST stating that due to a technical glitch on their end, the mail had not been served on us. - Another email received from Respondent counsel at 12:24:01 PM IST stating that due to a technical glitch on their end, the mail had not been served on us further requesting to take the rejoinder on record – copy thereof was attached with the said email. - Accordingly, Respondent was granted a 24-hour deadline to furnish satisfactory evidence of the email having bounced back or any technical issue encountered while submitted their rejoinder to the Arbitrator, and it was specified that failing the same, the rejoinder will not be taken on record. - Email received from the Respondent Counsel at 06:42 PM IST stating that they were supposedly unaware that the email was sent only to their client and not the Arbitrator. In view of the same, Respondent requested to take the rejoinder on record.

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November 24, 2025	<ul style="list-style-type: none"> - Email sent to the Respondent stating that they been granted multiple extensions and that the failure to provide a timely response is due to negligence rather than any 'technical glitch'. - Accordingly, the arbitral award stands reserved on the basis of the material available on record as of November 19, 2025, in accordance with the applicable law.
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3. Factual Background – Complainant

Counsel for the Complainant, on behalf of the Complainant in the present matter, has submitted as follows:

- That the Complainant is a company established in 2017 by four Armenian-American childhood friends who opened the first Dave's Hot Chicken restaurant in Los Angeles, California. The concept was inspired by the minimalist approach of In-N-Out Burger and the rising demand for fried chicken in Los Angeles. A copy of the Certificate of Status issued by the Secretary of State, California, is enclosed as **Annexure F** to the Complaint.
- Starting with only USD 900 invested to set up a small shop, the Complainant has since grown into the fastest-growing restaurant brand in the United States, operating over 250 restaurants worldwide, including in the United Kingdom, Canada, Qatar, and Saudi Arabia. The Complainant currently operates one outlet in the United Kingdom and has entered into an agreement to open 60 additional UK locations. A copy of the UK-specific webpage is enclosed as **Annexure G**, and a news report dated 08 July 2024 regarding its UK expansion is enclosed as **Annexure H** to the Complaint.
- The Complainant has attracted several high-profile investors, including the rapper and actor Drake, actor Samuel L. Jackson, former First Lady of California - Maria Shriver, athlete and TV personality Michael Strahan, and Boston Red Sox owner Tom Werner. The Complainant also plans to expand into India and has filed trademark applications in India. Copies of the Indian trademark applications are enclosed as **Annexure I** to the Complaint.
- The Complainant adopted its mark/name in 2017 and secured its first trademark registration on March 02, 2018. It owns numerous registrations worldwide for the mark "**DAVE'S HOT CHICKEN**" and its logo variants, including "" and "". Through continuous and widespread use, the Complainant's mark has acquired significant goodwill and global recognition.
- The Complainant's marks are registered in multiple jurisdictions across the world. Copies of trademark registration certificates are enclosed as **Annexure E** to the Complaint.
- The Complainant has also filed trademark applications in India. The details of the Indian applications are reproduced below for ease of reference.

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Application or Registration Number And Date of Application	Trademark	Status	Class
IRDI-6675318 Date of Application: September 05, 2024	DAVE'S HOT CHICKEN	Objected	43
IRDI-6675317 Date of Application: September 06, 2024		Accepted	43
IRDI-6725321 Date of Application: September 06, 2024		Objected	43

- That the Complainant also owns the copyrights subsisting in the contents and design of the website which may be accessed via the domain names www.daveshotchicken.com and www.daveshotchickenuk.com.
- The said domain names of the Complainant were duly registered comprising the trademark and corporate name of the Complainant **"DAVE'S HOT CHICKEN"** and have been in use since 2017. The Complainant's website can be accessed by people across the world, including in India. Therefore, the said domain names www.daveshotchicken.com and www.daveshotchickenuk.com serve as a platform for consumers to receive detailed information about the Complainant and its goods and services. As a result, the said marks/name enjoy tremendous reputation around the world and in India. Screenshots of the websites of the Complainant have been annexed as **Annexure J** to the Complaint.
- That the Complainant has acquired significant goodwill for its trademark/brand **"DAVE'S HOT CHICKEN"** which has transcended the physical boundaries of the United States of America to numerous jurisdictions around the world including in India. The Complainant bona fide adopted the said mark/name in the year 2017. The Complainant was thus the first to conceive, adopt, use and promote the said marks along with the said domain names www.daveshotchicken.com and www.daveshotchickenuk.com. On account of long and extensive usage of the mark/name/domain name by the Complainant, the same are identified solely and exclusively with the Complainant and none other.
- The popularity and worldwide recognition of the Complainant and its well-known **"DAVE'S HOT CHICKEN"** trademark and name may be gauged from the fact that an exclusive page has been dedicated by Wikipedia, an encyclopedia viewed by the masses, mentioning the Complainant's history and business operations. A copy of the Wikipedia Page is annexed as **Annexure K** to the Complaint.
- That the Complainant has a strong presence over social media websites like Instagram, Facebook, etc., wherein the Complainant's said **"DAVE'S HOT CHICKEN"** mark and its variants have been showcased extensively. It is pertinent to note that the Complainant's Instagram page has over 1.9 million followers and Facebook page has over 89,000 followers. Thus, the Complainant has a strong social media presence, which indicates their

Murant Kane

ever-growing popularity. Extracts of the Complainant's social media pages have been annexed as **Annexure L** to the Complaint.

- That the use of any of the Complainant's trademarks and/or the corporate name of the Complainant on any leading search engine automatically reflects the webpage of the Complainant among the leading hits. Relevant extracts from the search result page of the search engine Google for the keywords "**DAVE'S HOT CHICKEN**" have been provided in **Annexure M** to the Complaint.

4. Disputed Domain Name- <DAVESHOTCHICKEN.IN>

- That the disputed domain name <DAVESHOTCHICKEN.IN> is identical with, or confusingly similar to, the Complainant's trademark and corporate name "**Dave's Hot Chicken**", which is used in respect of services including, but not limited to, restaurants, bars, and catering services.
- That the Respondent has, in bad faith, registered the domain name www.daveshotchicken.in , which is identical with, or confusingly similar to, the Complainant's domain names www.daveshotchicken.com and www.daveshotchickenuk.com , registered on May 05, 2017, and August 22, 2024, respectively. An extract from the Whois records with details of the Complainant's domain name registrations are annexed as **Annexure C** to the Complaint.
- That the Complainant's aforesaid domain names have been in use long prior to the registration of the disputed domain name, which was registered by the Respondent on October 27, 2024, with the intention of cybersquatting, misleading consumers, and thereby attempting to dilute the Complainant's brand. Extracts from Wayback Machine records showing use of the said domain names bearing the Complainant's trademark "**DAVE'S HOT CHICKEN**" have been annexed herewith as **Annexure D** to the Complaint.

5. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure) the Complainant has submitted that:

A. The Domain Name is identical and/or confusingly similar to a name, trademark, or service mark in which the Complainant has rights

- That the Complainant adopted the mark "**DAVE'S HOT CHICKEN**" globally in May 2017 and is the prior international adopter and registered proprietor of the mark. The Complainant has secured registration of its marks in several foreign jurisdictions, including but not limited to Hong Kong, Philippines, Kuwait, Australia, Canada, China, European Union, Mexico, New Zealand, Norway, Oman, Qatar, Korea, and Saudi Arabia.

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- The earliest application for the Complainant's mark in India dates back to September 05, 2024, whereas the impugned domain name was registered by the Respondent on October 27, 2024.
- The Complainant is the lawful proprietor of the mark "**DAVE'S HOT CHICKEN**" with active websites accessible via www.daveshotchicken.com and www.daveshotchickenuk.com. The Complainant is also the prior adopter and owner of the said domain names, registered on May 05, 2017, and August 22, 2024, respectively.
- That the Respondent has slavishly copied the Complainant's mark and domain names in their entirety to register the disputed domain name. The disputed domain is nearly identical/confusingly similar to the Complainant's name/mark "**DAVE'S HOT CHICKEN**" and is likely to cause the public to believe that the Respondent is affiliated with the Complainant, when in fact no such association exists.
- That an ordinary consumer searching for the Complainant's services is highly likely to encounter the Respondent's domain and website and mistakenly believe it belongs to the Complainant. As the disputed domain is currently not operational, consumers may assume a lack of any active presence by the Complainant. If the Respondent were to activate a website on the disputed domain, the likelihood of confusion among consumers would be substantially increased.

B. The Respondent has no rights or legitimate interests in respect of the Domain Name.

- The Complainant contends that the disputed domain name www.daveshotchicken.in was registered by the Respondent on October 27, 2024, whereas the Complainant had honestly adopted and conceived the mark/name "DAVE'S HOT CHICKEN" in 2017.
- That the Complainant had been operating its business under the said mark/name for a considerable period of time before the registration of the disputed domain name. Therefore, it is obvious that the Respondent was aware of the Complainant's trademark and common law rights in the said marks/names, and its adoption of the nearly identical/confusingly similar domain www.daveshotchicken.in is in bad faith.
- The malafide intent of the Respondent is further evidenced by the fact that the Respondent, **Mr. Himanshu Bargartra**, is not commonly known by the name "DAVE'S HOT CHICKEN", and hence there is no plausible reason for him to have adopted the disputed domain name.
- The Respondent has deliberately registered the domain name www.daveshotchicken.in to prevent the Complainant from securing registration of the said domain name, which comprises the well-known corporate name/brand of the Complainant. As a result, the Complainant is suffering losses due to diverted customer traffic to a defunct domain. Further use of the disputed domain will result in dilution of the Complainant's brand, which cannot be adequately compensated monetarily.
- The registration of the disputed domain clearly represents an attempt to misappropriate the goodwill and reputation accrued by the Complainant under its trademark and

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domain name. The Respondent has no legitimate rights in the domain. The disputed domain has been registered solely to derive undue benefit by attracting internet traffic to an inactive website. This constitutes a clear case of cybersquatting.

- That a perusal of the webpage at the disputed domain confirms that the Respondent does not conduct any business through it. Furthermore, a simple internet search for “**DAVE’S HOT CHICKEN**” yields results exclusively associated with the Complainant. Hence, the mark/name “**DAVE’S HOT CHICKEN**” is solely associated with the Complainant.
- The disputed domain has been wrongfully registered by the Respondent with the intent to either block the domain for sale, extract money from the Complainant, or use it for pay-per-click advertisements. Such passive holding of a domain clearly reflects bad faith. Therefore, the impugned domain name is liable to be transferred to the Complainant.

C. The Domain Name was registered or is being used in bad faith

The Complainant contends that the Respondent has registered the disputed domain name and is using it in bad faith.

- The Complainant is the prior adopter and user of the mark/name “**DAVE’S HOT CHICKEN**” and the prior registrant of the domain names www.daveshotchicken.com and www.daveshotchickenuk.com. The mark “**DAVE’S HOT CHICKEN**” is the main component of the Complainant’s trademark, trade name, and domain name and is distinctive in nature. Therefore, there is no plausible explanation for the Respondent’s adoption of an identical domain name and mark. The adoption of a nearly identical/confusingly similar domain by the Respondent cannot be a coincidence and is therefore in bad faith.
- A simple web search for “**DAVE’S HOT CHICKEN**” would reveal the Complainant’s brand, the services offered, and the goodwill it has generated worldwide. A search on the Whois platform would confirm that the Complainant is the prior registrant of the said domain names. It is highly unlikely that the Respondent did not come across the Complainant’s brand, trademark, and websites before registering the impugned domain.
- The impugned domain is not active, and no legitimate business is conducted on it. Prima facie, it appears that the Respondent is acting solely to sell the domain to the Complainant or a third party at an exorbitant price, and/or to retain the domain to intentionally cause monetary loss and harm to the Complainant. This conduct clearly demonstrates bad faith.
- The Respondent’s actions constitute unfair trade practices such as cybersquatting and trademark infringement, and the Complainant submits that the Respondent ought to be restrained from continuing such conduct.

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6. Reliefs claimed by the Complainant

The Complainant has requested that the domain name <DAVESHOTCHICKEN.IN> be transferred to them.

7. Respondent's Contentions- vide reply dated October 27, 2025

The Respondent, vide its reply dated October 27, 2025, to the present Domain Complaint, has put forward the below submissions:

- That the domain name www.daveshotchicken.in was registered in good faith with a genuine intention to explore a business venture in India, inspired by a family legacy.
- There was a plan to start a hot chicken-style restaurant, where the name "Dave" was supposedly derived from the name of the Respondent's grandfather, claimed to be 'Dev'. The naming was intended as a tribute to his culinary legacy and influence in the family, particularly in the preparation of traditional spicy chicken dishes.
- At the time of registration and conceptualization of this business idea, the Respondent was unaware of any existing entity operating under the same name in the United States or elsewhere.
- The intent behind the registration was purely rooted in local entrepreneurship and family heritage, with no intention to infringe upon or misappropriate any international brand. The registration was based on a legitimate, independent business plan and not for exploiting or associating with the Complainant's goodwill.

8. Complainant's Submissions/ Contentions-vide Rejoinder dated November 05, 2025

The Complainant's counsel, vide the abovementioned rejoinder, had responded to the Respondent's reply dated **November 05, 2025**. Facts, submissions and contentions already stated are not being repeated hereunder for the sake of brevity.

The Complainant in the said rejoinder, denied all 'false, misleading, and incorrect' averments and assertions made by the Respondent in their Response.

(i) **Adoption of the Impugned Domain Name is Dishonest, in Bad Faith, and an Attempt to Squat on the Rights and Reputation of the Complainant**

- The Respondent has not provided any valid or plausible reason for adopting the impugned domain name, which is a blatant imitation of the Complainant's mark and domain names. The Respondent has failed to justify his adoption of the

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impugned domain name and has not provided any document to substantiate his claims.

- The Respondent's adoption of the impugned domain name is ex-facie dishonest and in bad faith. The Respondent has approached this Hon'ble Tribunal with unclean hands, based on misleading and baseless claims.
- The Respondent, in its Response, has not denied any of the averments or claims made by the Complainant, including the Complainant's rights in the mark/name "Dave's Hot Chicken." In the absence of any specific denial, the contents of the complaint, and in particular the grounds set out therein, shall be deemed admitted by the Respondent. On this ground alone, the complaint deserves to be allowed.
- The Respondent's defense relies solely on the claim, emphatically denied as false by the Complainant, that the name "Dave" was derived from his grandfather's name "Dev." This claim is clearly an afterthought and a feeble attempt to conceal the dishonest adoption of the impugned domain name. Such justification is neither tenable in law nor relevant under the Trade Marks Act, 1999.
- The Respondent alleges a plan to start a hot chicken-style restaurant where "Dave" was derived from his grandfather's name "Dev." Without prejudice, even if the Respondent had adopted or registered the domain www.devshotchicken.in, it would still have violated the Complainant's rights in its trademark/name "DAVE'S HOT CHICKEN."
- The Complainant's mark/name "DAVE'S HOT CHICKEN" is an invented and arbitrary mark. There can be no plausible explanation for the Respondent to have adopted the Complainant's reputed trademark/name in its entirety. The Respondent has failed in his attempt to conceal his wrongful act.

(ii) Respondent Has Failed to Place on Record Any Documentary Evidence to Show 'Demonstrable Preparations to Use' the Impugned Domain Name

- The Respondent has not placed on record any document to demonstrate any alleged preparation to use the impugned domain name, either prior to or after receiving notice of the Domain Complaint.
- The Respondent is deliberately making misleading assertions before this Panel, to divert attention from the main issues in the present proceedings, namely:
 - That the impugned domain name is identical with, or confusingly similar to, the name, trademark, and service mark of the Complainant;
 - That the Respondent has no legitimate rights or interests in the impugned domain name; and
 - That the impugned domain name has been registered in bad faith and for unlawful purposes.

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- All the above submissions of the Complainant stand deemed admitted due to the Respondent's failure to provide specific denials or supporting evidence.

(iii) The Respondent Does Not Have Any Legitimate Interest in the Impugned Domain Name

- The Respondent has failed to establish any legitimate interest in the impugned domain name.
- The Respondent admits that the impugned domain name has never been actively used by him in any manner whatsoever.

In support of their submissions, the Complainant has relied on the below prior decisions/ cases:

- i. Telstra Corporation Limited v. Nuclear Marshmallows, Case No. D2000-0003.
- ii. World Wrestling Federation Entertainment, Inc. v. Ringside Collectibles, Case No. D2000-1306.
- iii. Société Générale and Fimat International Banque v Lebanon Index/La France DN and Elie Khouri, Case No. D2002-0760
- iv. Wild West Domains, Inc. v. Brynne Heaton, Case No. D2004-0789.

9. Respondent's Submissions/ Contentions- vide Rejoinder dated November 18, 2025 received vide email dated November 21, 2025

The Respondent, vide the abovementioned rejoinder, has responded to the Complainant's reply dated **November 05, 2025**. Facts, submissions, and contentions already stated are not being repeated hereunder for the sake of brevity.

- The Complainant is a self-claimed famous company, but no one in India is aware of the existence of "Daves Hot Chicken." As per inquiries conducted by the Respondent's legal team, it was found that the brand is not known to the public in the United States.
- The Complainant claims to possess copyright over the domain names www.daveshotchicken.com and www.daveshotchickenuk.com. However, it failed to attach relevant documents or material proof of copyright registration, reflecting a fallacious and mala fide approach on the part of the Complainant.
- If a stipulated time period is required, the Complainant should have cited the relevant statutory provisions and clauses. It is noted that an arbitrator has the discretion to consider or rescind time periods without being bound by any specific provision.

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- The Complainant's company is not as widely recognized as established global brands such as McDonald's or KFC. Despite claiming trademark and copyright registrations, the Complainant failed to provide documentary evidence before the Panel.
- The Respondent did not adopt the impugned domain name from the Complainant's brand. The Complainant's brand is unknown in India and has no market value comparable to other well-known brands operating in India. Hence, it is impossible for the Respondent to have been aware of the Complainant's mark.
- The intent of the Complainant is mala fide and malicious, aimed at threatening the Respondent on baseless grounds without citing any statutory or relevant provisions in their rejoinder.

In support of their submissions, Respondent has relied on the below prior decision/ case:

- i. Milmet of the industries and Ors. Vs Allergan Inc.



As noted in the procedural history, the Respondent was granted seven (7) days on November 07, 2025 to file its rejoinder/rebuttal but failed to do so. Subsequently, upon request on November 17, 2025, the Respondent was afforded time till November 19, 2025, to submit its response. Notwithstanding this extension, the rejoinder dated November 18, 2025 was submitted by the Respondent vide email dated November 21, 2025 hence, was time-barred and has therefore not been taken on record. Accordingly, it does not feature in this Panel's discussions or findings.

10. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy, a Complainant is required to satisfy the below three conditions in a domain complaint:

- i. The Registrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights; and
 - ii. The Registrant has no rights and legitimate interest in respect of the domain name; and
 - iii. The Registrant's domain name has been registered or is being used either in bad faith or for illegal/ unlawful purpose.
- i. **The Registrant's domain name is identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights.**
(Paragraph 4(a) of the INDRP)

- The Complainant herein has provided details of their mark **“DAVE’S HOT**

CHICKEN” and its logo variants, including “” and “” in India and across various jurisdictions of the world (enclosed as Annexure-E) which predate the registration of the disputed domain name by Respondent:

- The Complainant has also put on record that the Respondent has, in bad faith, registered the domain name www.daveshotchicken.in, which is identical with, or confusingly similar to, the Complainant’s domain names www.daveshotchicken.com and www.daveshotchickenuk.com, registered on May 05, 2017, and August 22, 2024, respectively.

In view of the aforesaid, the Arbitrator finds that Complainant has been successful in establishing their rights in the trademark **“DAVE’S HOT CHICKEN”**. It is well established that trade mark registration is recognized as prima facie evidence of rights in a mark. This has been held in numerous prior INDRP and UDRP panels over the years, including but not limited to - *Perfetti Van Melle Benelux BV v. Lopuhin Ivan, IPHOSTER WIPO Case No. D2010-0858*; *Remy Cointreau Luxembourg. S.A v. Shaklee Studio (Shaklee Wong) INDRP Case No. INDRP/559*; *TransferWise Ltd. v. li, Chenggong INDRP Case No. INDRP/1122*; *Dell Inc. v. Raja Synergy INDRP Case No. INDRP/1330*; etc.

Accordingly, it may be stated that the disputed domain name **<DAVESHOTCHICKEN.IN>** is confusingly similar to the Complainant’s **“DAVE’S HOT CHICKEN”** trademark and incorporates the same in entirety.

In this regard, it has been held by numerous prior INDRP panels over the years that there exists confusing similarity wherein the disputed name incorporates the Complainant’s trade mark, including but not limited to decisions in *Petsmart International Ip Holdings, Inc. vs. Mr Prashant Bhekare*, INDRP Case No. 1764; *Kenneth Cole Productions Inc v. Viswas Infomedia*, INDRP Case No. 093; *Inter IKEA Systems B.V. v. Lee Jin Ho*, WIPO Case No. D2017-1649. *Nike Inc. v. Nike Innovative CV Zhaxia*, INDRP Case No. 804; *Metropolitan Trading Company v. Chandan Chandan*, INDRP Case No. 811; *Lego Juris A/s v. Robert Martin*, INDRP Case No. 125; etc.

In view of the aforesaid, the Arbitrator accepts that the Complainant’s rights in its trademarks, under Paragraph 4(a) of the INDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name (Paragraph 4(b) and Paragraph 6 of the INDRP)**

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interests in a domain name by demonstrating any of the following circumstances:

Registrant Name

(a) before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services;

(b) the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights; or

(c) the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.

In the present case, the Respondent's claim that the name "Dave" was derived from his grandfather "Dev" is entirely unsubstantiated and unsupported by any documentary evidence and prima facie appears to be an afterthought.

Even assuming that the Respondent's grandfather's name was 'Dev' supposedly, then also the same would not be a plausible and legally sustainable reason for adopting a domain name that is **identical** to the Complainant's distinctive and well-established trademark. The Respondent's justification therefore fails both on facts and in law and does not satisfy any of the circumstances under Paragraph 6 of the INDRP.

In view of the aforesaid, the Arbitrator accepts that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. The Registrant's domain name has been registered or is being used in bad faith (Paragraph 4(c) and Paragraph 7 of the INDRP)

- The registration of a domain name that closely resembles a globally recognized trademark, without a plausible explanation, is an indication of bad faith.
- The Complainant's trademark <DAVESHOTCHICKEN.IN> is distinctive and well-known .
- The Respondent has not offered any credible reason for adopting a name so closely resembling this mark.
- The disputed domain name is being used to offer services similar to that of the Complainant.

In view of the consolidated submissions of the Complainant, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to

constitute conduct as mentioned in paragraph 7(c) of the Policy, namely “(a) 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;”

In view of the aforesaid, the Arbitrator finds that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

11. Decision

Based upon the facts and circumstances and further relying on the materials as available on the record, the Arbitrator is of the view that the Complainant has statutory and proprietary rights over the trade mark **DAVE'S HOT CHICKEN**. The Complainant has herein been able to prove conclusively that:

- i. The Registrant's domain name <**DAVESHOTCHICKEN.IN**> is confusingly similar to a name, trade mark or service mark in which the Complainant has rights;
- ii. The Registrant has no rights and legitimate interest in respect of the domain name;
- iii. The Registrant's domain name has been registered or is being used in bad faith.

The Arbitrator therefore allows the prayer of the Complainant and directs the .IN Registry to transfer the domain <**DAVESHOTCHICKEN.IN**> to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



Vikrant Rana, Sole Arbitrator

Date: December 05, 2025.

Place: New Delhi, India.