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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 <hirect.in>

IN THE MATTER OF

Hind Rectifier Limited
 Lake Road, Bhandup West,
 Mumbai 400 078

..... Complainant

-----versus-----

Golden Second PTE.LTD.
 60 Paya Lebar Road #08-55 Paya
 Lebar Square, Singapore 409051

..... Respondent

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Vikrant Rana

The Parties

The **Complainant** in this arbitration proceeding is **Hind Rectifier Limited**, of the address *Lake Road, Bhandup West, Mumbai 400 078*

The **Respondent** in this arbitration proceeding is **Golden Second PTE.LTD.**, of the address *60 Paya Lebar Road #08-55 Paya Lebar Square, Singapore 409051*, 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 **<hirect.in>** with the .IN Registry. The Registrar in the present matter is **GoDaddy.com, LLC**, as per the WHOIS records.

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
July 10, 2025	- NIXI sought the consent of Mr. Vikrant Rana, to act as the Sole Arbitrator in the matter. - The Arbitrator informed of his availability.
July 15, 2025	- The Arbitrator provided the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
July 16, 2025	- NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.
July 17, 2025	- Arbitrator directed the Complainant to ensure strict compliance with the page limit requirement of annexures in accordance with Rule 4 of the INDRP Rules of Procedure and refile the domain complaint along with the annexures within seven (07) days. - The Complainant filed the revised domain complaint along with annexures.
July 19, 2025	- The Complainant was asked 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.

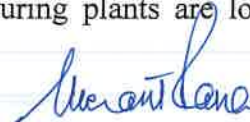
Vikrant Rana

July 26, 2025	- The Complainant confirmed that the domain complaint and annexures were sent to the Respondent via email as well as courier, and also provided the dispatch receipt and courier tracking details.
July 30, 2025	- The Arbitrator accordingly commenced arbitration proceedings in respect of the matter. Respondent was granted time of fourteen (14) days to submit a response.
August 07, 2025	- The Complainant confirmed service of the domain complaint upon the Respondent, to their address 38 Beach Road, #29-11, South Beach Tower, Singapore 189767. However, delivery to the address 60 Paya Lebar Road, #08-55, Paya Lebar Square, Singapore 409051, was unsuccessful.
August 14, 2025	- As no response was received from the Respondent, the Arbitrator granted a final and non-extendable period till August 18, 2025, to submit their response (if any).
August 18, 2025	- The Complainant came across new email IDs of the Respondent and accordingly requested the Arbitrator to take them on record.
August 19, 2025	- The Arbitrator directed the Complainant to serve a complete set of the domain complaint, as filed, along with the annexures, to the newly identified email addresses of the Respondent and to provide proof of service within two (2) days. - The Complainant confirmed that the domain complaint and annexures were sent to the Respondent's newly identified email addresses and also provided dispatch receipts evidencing successful service.
August 20, 2025	- The Arbitrator further granted the Respondent a final, non-extendable period of three (3) days to submit their response, if any.
August 26, 2025	- As no response was received from the Respondent, the Arbitrator concluded the proceedings and reserved the award.

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 public limited Indian company, incorporated over **6 decades** ago under the Indian Companies Act, 1956, and was formerly in collaboration with Westinghouse, Brake & Signal, U.K. Its registered office is in Mumbai, with other offices across India (New Delhi, Kolkata, Chennai) and internationally (Bollinas, Sweden, and Dubai, U.A.E.). The company's manufacturing plants are located in Mumbai, Nashik, and Sinnar, all in India.



- That the Complainant is engaged in the design and production of electrical and power electronics equipment, including power converters, control electronics, transformers, rectifiers, inverters, motors, and HVAC systems. These serve industries such as railways, defense, power, hydrogen, steel, cement, chemical, and paper. It also develops specialized software relevant to its business, such as Battery Charger Software, Electro-Static Precipitator Software, and Diagnostic Tools.
- That the Complainant's company employs over 780 people, including an in-house R&D team of 83 engineers, with an investment of over INR 18.94 crores in research and development. Its client base includes major national and international names such as Bajaj Group, Ambuja Cement, BHEL, the Indian Navy, and the Indian Air Force.
- That the Complainant markets and exports products under the "**HIRECT**" mark to more than 30 countries, including Australia, UAE, UK, Ukraine, Singapore, Kenya, France, Germany, Austria, Turkey, and others. In this regard, the Complainant has provided information on key events in the Complainant's history from 1995 to 2016, as **Exhibit E**.
- The Complainant has openly and continuously used the **HIRECT** mark for its products and services since 1961. Due to the high quality and standards of its offerings, demand has steadily increased. From 1999 to 2024, the Complainant's gross sales turnover amounted to approximately ₹4,102 crores, while advertising and promotional expenses around ₹4.34 crores. In this regard the certified financial statements supporting these figures have been provided by the Complainant as **Exhibits F and G**, and sample invoices showing sales under the **HIRECT** mark as **Exhibit H**.
- That the Complainant has secured registrations for the trademark **HIRECT** and variations thereof in India, in Classes 9 and 35, claiming use since February 01, 1961.
- Through consistent use and maintenance of high standards over more than half a century, the **HIRECT** mark has come to be exclusively associated with the Complainant by both consumers and members of the trade, both in India and abroad. This long-standing use has led to the accrual of significant goodwill and reputation in the market.

4. Disputed Domain Name- <HIRECT.IN>

- That the disputed domain name <**hirect.in**>, was registered on August 27, 2020. A copy of the said WHOIS report has been provided as **Exhibit A**.
- That the website hosted on the disputed domain name www.hirect.in is a job portal specifically focused on job postings and hiring within India. In this regard, the Complainant has provided excerpts from the Respondent's website as **Exhibit B**.

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- That the Respondent has applied to register the mark “**HIRECT**” in India, either on a proposed-to-be-used basis or claiming its first use on September 27, 2020. All of these trademark applications have been opposed by the Complainant. In this regard the Complainant has annexed the status pages of the impugned marks from the Trade Marks Registry’s website as **Exhibits “C1” to “C5”**.
- That the Complainant registered the domain name “hirect.com” on December 15, 1998. Further they have been using the trademark “**HIRECT**” since February 1, 1961, which is at least 60 years prior to the adoption of the impugned mark and disputed domain name of the Respondent.
- That on **October 29, 2021**, the Complainant filed **Commercial IPR Suit No. 158 of 2022** and an interim application before the **Hon’ble Bombay High Court** against **Chrome21 India Pvt. Ltd., Golden Second PTE Ltd. (the Respondent), and Hirect Inc., USA**. The Complainant sought to restrain them from infringing or passing off its registered trademark “**HIRECT**”, including but not limited to the use of the domain names <**www.hirect.in**> (which is the disputed domain name in this case) and <**www.hirect.us**>.
- That on **November 26, 2024**, the Hon’ble Court passed an interim order in favor of the Complainant, restraining the Defendants (which includes the Respondent herein) from, inter alia, using the mark “**HIRECT**” and the domain <**hirect.in**>. In this regard, the Complainant has annexed a copy of the said order as **Exhibit D**.
- That vide the said order dated **November 26, 2024**, the Hon’ble Court declared the mark, **HIRECT**, as a WELL-KNOWN MARK in India.
- That the Complainant submits that Defendants, though having been represented and given ample opportunity to appear before the Hon’ble Court, failed to appear before it.
- That the Respondent appears to have no interest in the disputed domain name or mark, as it did not appear in the legal proceedings and has not filed any appeal against the court’s order. As of now, the Complainant has not been informed of any such appeal by the Respondent.
- That while the Respondent has obtained a valid registration for the mark **HIRECT** in the **USA**, the Complainant also holds a valid U.S. registration for **HIRECT** in **Class 09**. In this regard, the Complainant has claimed to annex the certificate as **Exhibit “B3”**, however, no such document is available with the annexures.
- However, this U.S. registration does not prevent the disputed domain name **hirect.in** from being blocked, taken down, or transferred to the Complainant because:

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- a) The Respondent is legally restrained from using the mark by an Indian court order.
- b) The domain “.in” is an Indian country-code TLD, indicating an Indian presence or connection, and the Respondent is prohibited from using the mark **HIRECT** within India at the same is contempt of the said order of the Hon’ble High Court of Bombay.

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 the below in addition to demonstrating that the disputed domain name is similar/ identical to their ‘HIRECT’ trademark:

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

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Domain Name.

- That the Complainant has been actively using the trademark **HIRECT** since its creation and has maintained an official website, where it advertises job opportunities and accepts applications through a dedicated email ID (careers@hirect.com). The Complainant was the first to coin, adopt, use, and register both the trademark HIRECT and the domain name hirect.com.
- In contrast, the Respondent’s use of the disputed domain name and mark occurred decades later, with no legitimate rights or interests in the same. The Respondent does not even appear to use the domain directly; instead, as evidenced by **Exhibit I**, the platform “**Hirect**” is operated by Philocalist Jobs Private Limited and described as a hiring solution for startups.
- The Complainant holds valid trademark registrations for **HIRECT** in Classes 9 and 35 in India. The Respondent’s use of an identical mark and domain name for goods and services in the same classes constitutes trademark infringement and passing off, as it is likely to mislead the public into believing the services originate from the Complainant. The Respondent is not the registered proprietor of the mark **HIRECT** in India.
- A court order has already been passed in a suit filed by the Complainant, restraining the Respondent from using the domain <**hirect.in**> in any manner. Despite being given multiple opportunities, the Respondent failed to appear for final hearings and has not challenged the order dated 16th October 2024, thereby effectively conceding to the findings of the Hon’ble Court.

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- In view of the above, it is evident that the Respondent has no legitimate right, interest, or legal basis to use the domain name <hirect.in> or the trademark **HIRECT**, which rightfully belongs to the Complainant.

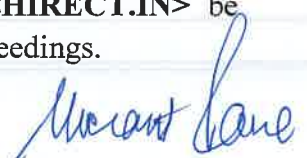
B. The Domain Name was registered or is being used in bad faith

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

- The Complainant submits that the Respondent adopted, used, and registered the disputed domain name <hirect.in> in bad faith, as noted in paragraph 47 of the court order dated November 26, 2024. The Respondent acted dishonestly and with malafide intent to pass off its services as those of the Complainant, who holds significant goodwill and reputation associated with the mark **HIRECT**.
- It is common knowledge that entities prefer domain names with popular top-level domains like .com, which the Complainant had already secured with www.hirect.com. The Respondent was aware of this but still chose to register and use the disputed domain name, indicating bad faith. The disputed domain name is structurally, phonetically, and visually identical or deceptively similar to the Complainant's mark, further highlighting the Respondent's dishonest intent.
- The Respondent does not appear to be the actual user of the disputed domain name as Exhibit J shows that the domain name is controlled by **Philocalist Jobs Private Limited**, suggesting the Respondent is merely renting it. The similarity between the impugned domain and the Complainant's mark has already caused confusion, as evidenced by Exhibits "K" and "L."
- By using the disputed domain name, the Respondent is infringing on the Complainant's registered marks, aiding in passing off its goods and services as those of the Complainant, and diluting the Complainant's goodwill, reputation, and exclusivity. Therefore, the adoption of the impugned domain name is clearly in bad faith.
- The Hon'ble High Court of Bombay has also concluded that the Respondent prima facie is not entitled to use the disputed domain name <hirect.in> or the mark **HIRECT** due to the involvement of bad faith.

6. Reliefs claimed by the Complainant

The Complainant has requested that the disputed domain name <HIRECT.IN> be transferred to them, and further seeks an award for the costs of the proceedings.



7. Respondent's Contentions

As already mentioned in the procedural history of the matter, despite having been duly served with a copy of the Domain complaint, and thereafter granted adequate time and multiple opportunities to respond to the same, the Respondent had not submitted any response thereto, or in fact any communication of any kind to the Arbitrator during the pendency of the arbitral proceedings in the captioned matter.

8. Discussion and Findings

Prior to discussing the legal submissions of the domain dispute, considering the submissions and evidence placed on records, the Arbitrator finds that:

- The Complainant has filed Commercial IPR Suit No. 158 of 2022 and an Interim Application (L) No.25655 of 2021 before the Hon'ble Bombay High Court against Chrome21 India Pvt. Ltd., Golden Second PTE Ltd. (the Respondent), and Hirect Inc., USA wherein, the Complainant sought to restrain the parties from infringing or passing off its registered trademark "**HIRECT**", including use of the domain names <www.hirect.in> and <www.hirect.us>.
- That on November 26, 2024, the Hon'ble Court granted an interim injunction in favor of the Complainant, restraining the Respondent and other Defendants from using the mark "**HIRECT/Hirect**" and the domain <hirect.in>.

9. Decision

Based on the facts and circumstances, and further relying on the materials available on record, the Arbitrator is of the view that the matter is currently *sub judice* before the Hon'ble Bombay High Court.

Accordingly, the Policy is not the appropriate mechanism to investigate or resolve the issues raised in this matter.

In view of the principle of *sub judice*, and in the interest of maintaining judicial propriety and avoiding parallel proceedings, the Arbitrator finds it inappropriate to proceed with or render a decision on the matter at this stage.

Therefore, the Complaint is dismissed. The Complainant remains entitled to pursue relief through the appropriate judicial forum. Consequently, the Complainant's request for relief under this proceeding is denied.

Vikrant Rana, Sole Arbitrator

Date: September 25, 2025.

Place: New Delhi, India.