

ADMINISTRATIVE PANEL DECISION

Bennett, Coleman & Co. Ltd. v. Entertainment Technology Press Ltd
Case No. D2024-4988

1. The Parties

The Complainant is Bennett, Coleman & Co. Ltd., India, represented by Intl Advocare, India.

The Respondent is Entertainment Technology Press Ltd, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <etnow.com> is registered with eNom, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 3, 2024. On December 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 4, 2024, providing the registrant and contact information disclosed by the Registrar and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on December 7, 2024.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on December 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2024. The Respondent sent email communications to the Center on December 10 and 13, 2024. However, the Respondent did not file any formal response. Accordingly, the Center notified the commencement of panel appointment process.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on January 3, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a company incorporated under the laws of India with its corporate offices in Film City, Noida, India. The Complainant is a part of The Times Group, an Indian media, entertainment, and communication conglomerate that includes The Times Network in television and its digital arm, “www.etnownews.com” (corresponding to a domain name that was registered in 2017, according to the Whois database). The Times Group comprises more than 45 daily newspapers and two lead magazines, with a combined readership of over 40 million, in addition to seven television channels and 32 radio stations.

One of the Group’s newspapers is *The Economic Times*, which has been published since 1961 and branded since 1998 as both THE ECONOMIC TIMES and ET. The online version is published at “www.economictimes.indiatimes.com”, on pages headed with a figurative ET mark followed by “THE ECONOMIC TIMES”. The Complainant’s “ET Now” television channel broadcasts business news in India. *The Economic Times* publishes supplements and features headed with an “ET” prefix, such as “ET Wealth”, “ET Startup”, “ET Realty”, “ET Auto”, “ET Markets”, “ET Travel”, “ET Telecom”, “ET Business”, “ET Panache”, “ET Brand Equity”, “ET Engage”, “ET Rise”, “ET Prime”, and “ET Edge”. The Complainant operates social media pages for *The Economic Times* with millions of followers.

The Complainant has ET, ET NOW, and related trademark registrations in India and other jurisdictions, including the following:

Mark	Jurisdiction	Registration Number	Registration Date	Goods or Services
ET (word)	India	1216948	July 23, 2003	International Class 9
ET NOW (word)	India	1643599	January 21, 2008	International Class 38
ET NOW (figurative)	United Kingdom	UK00907138787	December 28, 2012	International Classes 9, 16, 35, 38, 41

The Registrar reports that the disputed domain name was created on December 9, 1998, and is registered to the Respondent Entertainment Technology Press Ltd, listing a postal address in Royston, United Kingdom.

The disputed domain name resolves to the Respondent’s website headed “etnow entertainment technology news on web”, a multipage website with news and information about the entertainment technology industry, chiefly focused on the United Kingdom and Europe. The Respondent’s website includes daily postings, advertising for vendors and upcoming events, a feature to subscribe to a weekly newsletter, magazine, and blog, as well as marketing for books, guides, directories, technical publications, and other materials sold by the Respondent. The Panel notes that the Internet Archive’s Wayback Machine has screenshots of the Respondent’s website dating from June 2000 onward.

The Respondent’s website displays the copyright notice, “©1999-2025 ET Press Ltd.” followed by a postal address in “Gt. Shelford, Cambridge”. The Panel notes that information concerning the Respondent found on the Respondent’s website, including the Contacts, Terms, and Privacy Notice pages, comports with the listing found in the United Kingdom’s Companies House online database of registered companies, which shows that “Entertainment Technology Press Limited”, at the same postal address, is an active private limited company, which was incorporated on September 10, 1999. K. S., evidently the person who

corresponded with the Center in connection with the current UDRP proceeding, is listed as a director of the Complainant since December 20, 1999.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to its ET mark and meant to create confusion with it, capitalizing on the "global fame" of THE ECONOMIC TIMES / ET. The Complainant argues that the Respondent has no permission to use the ET mark and must have meant to target the mark: "A mere mention of the said name/mark establishes an identity and connection with the Complainant and no one else." "In fact, due to the continued usage of the Mark THE ECONOMIC TIMES / ET for more than 63 years and its popularity amongst the members of the public in India as well as globally, the said mark/name has acquired secondary meaning as people connect only the Complainant's services with the Mark THE ECONOMIC TIMES / ET."

The Complainant contends that the registration of the disputed domain name is "a clear case of cybersquatting" and that the Respondent "has registered the disputed domain name primarily for the purpose of interfering with and disrupting the business of the Complainant", as shown by the "contents" of the Respondent's website that "prejudicially affect" the Complainant's business.

B. Respondent

The Respondent's emails of December 10 and 13, 2024, did not include a certification of completeness and accuracy as required by the Rules, paragraph 5(c)(viii), which the Panel must take into account, along with the incomplete replies and relative lack of supporting evidence. The emails were sent by K. S., identifying himself as "a director of Entertainment Technology Press Ltd".

Mr. K. S. stated as follows in the first email:

"We registered etnow.com in 2008.

Etnow is short for 'Entertainment Technology News on Web'[,]

We have now operated a website at www.etnow.com for 16 years publishing daily articles about entertainment technology.

We strongly dispute any claims of irregularity and ask for this dispute to be dismissed forthwith."

In his second email, Mr. K. S. added an archival link to the Respondent's website as it appeared in February 2008, commenting that the website had been "updated almost daily ever since".

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (in particular here, the registered ET and ET NOW marks) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant also asserts “a common law proprietary right” in THE ECONOMIC TIMES since launching a publication with that name in 1961 and associating the abbreviation ET with it since 1998. The record here supports the likelihood that both terms acquired distinctiveness as marks at some point since in the Indian market, based on circulation and duration of use. [WIPO Overview 3.0](#), section 1.3. However, this finding is not necessary for the first element of the Complaint, given the trademark registrations.

The entirety of the ET and ET NOW marks are reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent used the disputed domain name in connection with an apparently bona fide offering of goods or services. [WIPO Overview 3.0](#), section 2.2. The Respondent’s emails claim continuous use of the disputed domain name for the Respondent’s website since 2008, as the Respondent internally archived a version of the website from February 2008. However, Panel finds substantial evidence that the Respondent registered and used the disputed domain name earlier than that. The Respondent’s website claims copyright from 1999-2025, and this is likely correct. As the Companies House database shows, the Respondent was incorporated in the United Kingdom in September 1999, and the Internet Archive’s Wayback Machine has archived screenshots of the Respondent’s website beginning in June 2000. Thus, the Respondent’s incorporators may have been the original registrants of the disputed domain name in December 1998 and certainly controlled the disputed domain name by June 2000. On this record, then, it is evident that the Respondent has been using the disputed domain name to advertise its specialty publishing business for some 25 years. This would have to be considered use in connection with a bona fide offering of goods or services consistent with the Policy, paragraph 4(c)(i), unless the Complainant offered persuasive evidence in support of its claim that the Respondent chose the disputed domain name to capitalize on the reputation of the Complainant’s ET mark. The facts surrounding that claim are more fully addressed in the following section on bad faith.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Complainant assumes the Respondent's awareness of the Complainant's ET mark at the time the disputed domain name was first registered in 1998 and infers that the Respondent registered and subsequently used the disputed domain name in bad faith to capitalize on the "global fame" of the ET mark. This could conceivably be considered bad faith in terms of the Policy, paragraph 4(b)(iii) (disrupting the business of a competitor), as the Complainant points to the "content" of the Respondent's website involving the entertainment technology industry, given that the Complainant is active in television and radio, or paragraph 4(b)(iv) (attempting to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark).

However, the evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name in 1998 or at least by 2000, when the first archived instances of the Respondent's website appear, was to profit from or exploit the Complainant's trademark. The Respondent was incorporated as "Entertainment Technology Press Limited" in September 1999 and was publishing a website associated with the disputed domain name and headed "etnow" by at least June 2000. The Complainant asserts that "people connect" the mark ET "only with the Complainant's services", and the record demonstrates such an association in the Indian market at present and by some time in the 2000s. The Complainant cites Indian court decisions recognizing the reputation of the marks THE ECONOMIC TIMES, ET, and formative marks in the 2000s in the Indian market. The record does not, however, establish such a unique association of the letters "ET" with the Complainant outside the Indian market, and not so early as 1998 or 2000. The Complainant by its own account started branding THE ECONOMIC TIMES as ET only in 1998 and obtained Indian trademark registrations starting in 2003. The Complainant did not obtain ET NOW trademark registrations in India and the United Kingdom until 2008. The Complainant operates a website at "www.etnownews.com", but this domain name was not registered until 2017.

The Complainant supports its claim to global recognition of the ET mark by referring to collaboration and syndication agreements with foreign publications, embassies, and airlines, but this does not necessarily equate with wide consumer recognition or warrant the conclusion that "the public at large associates the Mark ET NOW with the Complainant alone", and certainly not as early as 1998 or 2000. The Complainant offers as further evidence of its global fame, and therefore the Respondent's necessary awareness, an annexure showing that the first general Internet search result for "ET" refers to the Complainant's website for THE ECONOMIC TIMES. But that seems to be true only for such Internet searches conducted with a regional default to India. The Panel notes that a similar search conducted from a browser with the settings configured for a United Kingdom or United States regional search default produces a link referring to the Complainant only after eight or ten screens of results, respectively. Moreover, the search results today say nothing about the fame of the Complainant's ET mark in 1998 or 2000, even in India.

In sum, it does not appear that the Complainant's ET NOW mark was established by the time the Respondent registered or acquired the disputed domain name. The available evidence also indicates that the Complainant was at that time only beginning to use the then unregistered ET mark, chiefly in the Indian market, and it was not yet part of a domain name. The Respondent had already incorporated a publishing company for which "ET" was an abbreviation, and by 1999 or 2000 the Respondent was using the disputed domain name for an associated website. The Complainant bears the burden on this point, and it is simply more probable on these facts that the Respondent in the United Kingdom selected the disputed domain name in reference to its company name rather than to the Complainant's new branding for its Indian business publications.

The Panel finds the third element of the Policy has not been established.

Based on this analysis of claimed bad faith in the operation of the Respondent's commercial website associated with the disputed domain name, the Panel also finds that the second element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: January 10, 2025