

## ADMINISTRATIVE PANEL DECISION

Nehru Sidhant Kender Trust v. سینا درزی

Case No. D2025-0604

### 1. The Parties

Complainant is Nehru Sidhant Kender Trust, India, represented by Intl Advocare, India.

Respondent is سینا درزی, United Arab Emirates.

### 2. The Domain Name and Registrar

The disputed domain name <nskt.org> (the “Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 14, 2025. On February 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 21, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Anonymous) and contact information in the Complaint. The Center sent an email to Complainant on February 21, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 24, 2025.

The Center verified that the Complaint together with the amended 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”).

Respondent sent two informal communications on February 21, 2025 and the Center acknowledged receipt of them on the same date.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. Respondent did not submit any formal response. Accordingly, the Center notified Respondent’s default on March 18, 2025. Respondent sent a further email communication on March 18, 2025. On the same day, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Robert A. Badgley as the sole panelist in this matter on March 21, 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

According to the Complaint:

“The Complainant is a Trust registered under the Indian Societies Registration Act, 1860. [...] The Complainant is a trust, established in the year 1983 with a mission to provide quality education to the underprivileged and uplift the human society. The Complainant Trust was founded by Late Shri Sat Paul Mittal, who was an eminent Indian politician, philanthropist and social reformer. The Complainant Trust is actively involved in providing help and succour to the poor and weaker sections of society with a special focus on education, art and culture.”

“Since 1983, the Complainant conceived, coined, and adopted the unique and distinctive trade mark/trade name NEHRU SIDHANT KENDER TRUST, as an ode to Pandit Jawahar Lal Nehru, India’s first Prime Minister and a notable contributor to India’s freedom struggle The NEHRU SIDHANT KENDER TRUST was established to advance the ideologies of Pandit Nehru, namely of a more humanitarian world. It is pertinent to note that the Complainant Trust is also referred to by its abbreviation, NSKT (Nehru Sidhant Kender Trust) by the public at large. As a result, NSKT has also become synonymous with the Complainant Trust.”

“The Complainant Trust under the trade mark/trade name NEHRU SIDHANT KENDER TRUST/NSKT has undertaken several activities to provide quality education, scholarships and organise cultural events for the betterment and well-being of the society. NEHRU SIDHANT KENDER TRUST/NSKT is actively involved in promoting the welfare and education of marginalised people belonging to different strata of the society, in particular by organizing cultural events, providing scholarships and awards, access to libraries etc.”

Complainant has annexed nearly 100 pages of screenshots from its websites. These pages show that Complainant routinely refers to itself as NEHRU SIDHANT KENDER TRUST, and occasionally as “the Trust.” With the exceptions discussed below, the record provided reveals that Complainant seldom uses “NSKT” as a source identifier.

Complainant asserts:

“The Complainant instituted the ‘NSKT Vocational Centre’ on 26th March 2022. The said Centre has facilities akin to those of corporate offices in order to impart vocational training and to help people develop skill-sets for day-to-day corporate affairs, interviews, meetings/conferences, etc. These courses inter alia include basics of computers, stock-keeping, MIS, soft skills for communication, personality development.”

Annexed to the Complaint are examples of Complainant using the term “NSKT Vocational Centre” fairly extensively on various social media platforms. There is also a January 12, 2023 article in the Hindustan Times bearing the term “NSKT vocational centre” in the headline.

One of Complainant’s websites is accessible via the domain name <nsktindia.org>.

Complainant alleges:

“[A] simple search for “nskt trust/nskt org” on any popular search engine, reflects the Complainant’s services/websites including its domain names. [...] Thus, the abbreviation NSKT in the field of charity, philanthropy is clearly and indelibly associated with the Complainant.”

Annexed to the Complaint are various screenshots reflecting search results, which screenshots largely corroborate Complainant’s allegation.

The Domain Name was registered on February 24, 2006. The Domain Name currently does not resolve to a website.

Complainant alleges that it was the original registrant of the Domain Name, and Complainant used the Domain Name for 18 years to host its website. Complainant annexes various screenshots from the Wayback Machine ("www.archive.org"). These screenshots show Complainant using the Domain Name to promote its services online between November 6, 2007 and July 12, 2024. Complainant also annexes evidence of its renewal of the Domain Name with the last one dated January 15, 2024 showing a successful renewal for a year.

Complainant asserts that the Domain Name was improperly transferred to Respondent by means of a "hacking/phishing attack." Specifically, Complainant alleges:

"It is submitted that disputed domain name was previously registered by the Complainant with 'SRSPPlus', the brand name of Network Solutions Inc. ['SRS'] and since 2020, the domain was externally managed by one Futura Solutions at the behest of the Complainant ['Complainant's Agent']. On [August 6, 2024], the Complainant's Agent received a notification from SRS apprising of a request for transfer of the disputed domain name. It also received an auth code vide a separate email on the same date. The email stated that in order to cancel the transfer request, the team has to contact the Registrar before [August 11, 2024]. The Complainant had not authorised any such request and accordingly, on [August 7, 2024] its Agent promptly sent an email to SRS to cancel the domain transfer request. However, despite such categorical actions, on [August 15, 2024], the Complainant was informed by its agent that the domain has been forcefully transferred outside its control by the unknown Respondent."

"It is submitted that the Complainant immediately sprang into action, and contacted the erstwhile Domain Registrar, SRS for a clarification. On [August 20, 2024], SRS replied that the domain was transferred out of the Complainant's control on [August 6, 2024], i.e., even before the Complainant had a chance to react and redress the situation by cancellation of the transfer request. The Complainant also filed a request with the ICANN using the ICANN's contractual compliance form. It received an automated response dated [September 11, 2024] that ICANN is looking into the issue, but no further response has been received.<sup>1</sup> Accordingly, the Complainant is constrained to file the present Complaint seeking transfer of the disputed domain name, back to its rightful proprietor."

The foregoing allegations about the allegedly unauthorized transfer of the Domain name are corroborated with emails annexed to the Complaint.

Complainant registered the domain name <nsktindia.org> on August 15, 2024.

Respondent has not denied any of the foregoing allegations or disputed any of the foregoing evidence.

## **5. Parties' Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

### **B. Respondent**

Respondent did not formally reply to Complainant's contentions. As noted above, Respondent sent the Center two emails on February 21, 2025. These emails state, in full:

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<sup>1</sup> The Panel notes that ICANN in fact concluded its investigation and indicated that its review "cannot result in ICANN transferring the domain name back to a previous holder as ICANN does not have the technical ability or contractual authority to take direct action on domain names" and suggested other options are available regarding lost domain names including the UDRP.

“I have received your email regarding WIPO Case No. [D2025-0604](#). However, I would like to clarify that I have not filed any complaint related to the domain nskt.org. Could you please verify whether this email was sent to me by mistake? I would appreciate your confirmation and any further clarification regarding this matter.”

“I have received your email regarding WIPO Case No. [D2025-0604](#). However, I would like to clarify that I am not the registrant of the domain nskt.org, nor do I have any connection to it. It appears that I have been incorrectly identified as the respondent in this case. Could you please review and correct this issue at your earliest convenience? If any additional information is required from me to clarify this matter, please let me know.”

On March 18, 2025, upon receipt of the Center’s Notification of Respondent Default, Respondent sent the following email to the Center: “Don’t send emails to me.”

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### **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 Panel finds that Complainant has rights in the unregistered mark NSKT through use demonstrated in the record. The undisputed record shows that Complainant used the Domain Name – the Second-Level Domain of which is comprised entirely of the NSKT mark – to host its main website from at least November 2007 to July 2024. The Panel also notes Complainant’s use of NSKT on its social media sites, and the unsolicited media coverage of Complainant which included references to “NSKT” reinforces the Panel’s conclusion that NSKT has become a recognized source identifier of Complainant’s services.

The Panel also finds that the Domain Name is identical to the NSKT mark.

Complainant has established Policy paragraph 4(a)(i).

### **B. Rights or Legitimate Interests**

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your 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; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes, on the undisputed record here, that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward to articulate any bona fide basis for registering the Domain Name, and has not disputed the allegations and evidence presented by Complainant. Indeed, the named Respondent has disavowed any involvement with, or interest in, the Domain Name, which fact tends to corroborate that the Domain Name was improperly transferred away from Complainant in August 2024 as part of a phishing scam.

Complainant has established Policy paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes, on the record provided here, that Respondent has registered and used the Domain Name in bad faith. As noted above, the undisputed record shows that the Domain Name was improperly acquired after Complainant had been using it for 17 years. The allegation of hacking into Complainant’s account is plausible based on this record and has not been denied in this proceeding. There is little need to cite any other basis for ordering a transfer of the Domain Name. In *PacketVideo Corporation v. PacketVideo Corporation*, WIPO Case No. [D2023-2702](#), the panel concluded: “Hacking into the account of another to acquire domain names based on that party’s claimed trademarks for purposes of reselling them at an exorbitant price back to their original owner is not only malicious but a pure bad faith act of cyberpiracy.” While the *PacketVideo* case also involved express evidence of the respondent’s intent to sell the domain name at a large profit, which evidence is lacking in the instant record, the Panel here finds that the hacking conduct is sufficiently vile to warrant a finding of bad faith under the Policy. Once Respondent is found to have acquired the Domain Name by hacking or phishing, as has been found here, there is no conceivable good faith use to which the Domain Name can be put.

Complainant has established Policy paragraph 4(a)(iii).

### **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <nskt.org> be transferred to Complainant.

*/Robert A. Badgley/*  
**Robert A. Badgley**  
Sole Panelist  
Date: April 4, 2025