

## **ADMINISTRATIVE PANEL DECISION**

Soch Apparels Private Limited v. Navya Creation, Navya creation  
Case No. D2025-0870

### **1. The Parties**

The Complainant is Soch Apparels Private Limited, India, represented by Arjun T. Bhagat & Co., India.

The Respondent is Navya Creation, Navya creation, India.

### **2. The Domain Name and Registrar**

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2025. On March 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted / Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 5, 2025, 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 amended Complaint on March 6, 2025.

The Respondent sent email communications to the Center on March 7, 2025, indicating among others that it “decided to take the necessary steps to remove the domain from our end and permanently shut it down.” On the same day, the Center informed the Parties that if they would like to explore settlement options, the Complainant should submit a request for suspension. On March 12, 2025, the Complainant instructed the Center to continue with the proceeding.

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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 14, 2025. In accordance with the Rules, paragraph

5, the due date for Response was April 3, 2025. Accordingly, the Center notified the Parties of the Commencement of Panel Appointment Process on April 4, 2025.

The Center appointed Meera Chature Sankhari as the sole panelist in this matter on April 10, 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, Soch Apparels Private Limited, is a company engaged in the business of manufacturing and marketing a wide variety of clothing and wearing apparels of all types since three decades through its predecessors. The Complainant owns a website “www.soch.com” which was registered on January 30, 1997, along with social media platforms and other e-commerce platforms. The Complainant has been bestowed with multiple recognition and awards.

The Complainant is the owner and subsequent proprietor of various trademarks. One amongst them is the trademark SOCH which is used by the Complainant in respect of its clothing, readymade garments for women, ethnic wear clothing for women including salwar-kameez, kurtis, sarees, dresses and the like goods. Such goods are sold by the Complainant through its retail outlets named Soch.

The trademark SOCH was first conceived and adopted in June 2005 by the Complainant’s predecessor. Eventually and after multiple changes in the proprietors, all rights including the Intellectual Property Rights in the trademarks and copyrights were transferred to the Complainant in 2017.

The Complainant owns trademark registrations for the mark SOCH and its variants, including Indian registration nos. 1465959 for SOCH (word) in class 25 dated June 28, 2006; 1795877 for SOCH (device) in class 25 dated March 16, 2009, and 2817061 for SOCH (label in black and white) (device) in class 3 dated September 24, 2014.

The disputed domain name <sochkurti.com> was registered on November 27, 2024. At the time of filing the Complaint, the disputed domain name was registered through a privacy service, and resolved to a webpage using the Complainant’s registered trademarks and allegedly selling “Soch Kurti”.

#### **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.

The Complainant contends that the dispute domain name is identical with and/or deceptively similar to the Complainant’s trademark and subsumes the Complainant’s trademark SOCH. The word “kurti” in the disputed domain name is a descriptive word.

The Complainant alleges that the Respondent has no rights or any legitimate interests in respect of the disputed domain name because the Respondent has no trademark or license rights or any authorization to use the trademark of the Complainant. The Respondent has no bona fide rights in respect of the disputed domain name and is using the disputed domain name with a mala fide intention of perpetrating fraud by usurping upon the trademark of the Complainant and playing a fraud upon the Complainant and on the gullible consumers.

The Complainant further alleges that fraud by the Respondent is likely to result in personal gains and enrichment to the Respondent. The Complainant further alleges that such use would tarnish and demean the Complainant's trademark, its goodwill and its impeccable reputation.

The Complainant states that the disputed domain name has been registered by the Respondent in bad faith as the dispute domain name reproduces the Complainant's registered trademark SOCH. The Respondent through its website can cause customers to believe that the Respondent is associated with, has some nexus, sponsorship and/or affiliation with the Complainant when no such nexus exists.

Notably, the Complainant contends that the disputed domain name uses their registered trademarks SOCH and its variants in their entirety. Moreover, it is being used in relation to clothing, which is their primary business. The Complainant argues that for these reasons, the disputed domain name ought to be transferred to the Complainant.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions except for the emails dated March 7, 2025 in which the Respondent stated that it "no longer wish to pursue any further complaints regarding the domain name in question" and that it has decided to "take necessary steps to remove the domain" from its "end and permanently shut it down".

## **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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, as in this case, the word "kurti" (a tunic or shirt of a type worn specially by women in South Asia, shorter and typically more closely fitting than a "kurta") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity here, claimed passing off, can never confer rights or legitimate interests on a Respondent. [WIPO Overview 3.0](#), section 2.13.1. In fact, the Respondent responded and confirmed that it would "take the necessary steps to remove the domain" and "permanently shut it down", which can, in the least, be indicative of the knowledge of the wrongdoing as well as the lack of rights or legitimate interests on the part of the Respondent.

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

### **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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a Respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

By using the Complainant's trademark SOCH as well as reproducing the device of "soch" on the website, the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. Panels have held that the use of a domain name for illegitimate activity here, claimed passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent registration and use of the disputed domain name constitutes bad faith under the Policy.

The Respondent has shut down the website after receiving the notice of the proceeding, and the disputed domain name no longer resolves to an active website. Such change does not impact on the Panel's finding of the Respondent's bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

### **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 disputed domain name <sochkurti.com> be transferred to the Complainant.

*/Meera Chature Sankhari/*

**Meera Chature Sankhari**

Sole Panelist

Date: April 24, 2025