

ADMINISTRATIVE PANEL DECISION

Biba Fashion Limited v. Apex Trade Links, The Biba Jewels Jangir
Case No. D2025-3018

1. The Parties

The Complainant is Biba Fashion Limited, India, represented by Arjun T. Bhagat & Co., India.
The Respondents are Apex Trade Links and The Biba Jewels Jangir, India.

2. The Domain Names and Registrar

The disputed domain names <bibakurti.co> and <bibaindia.co> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2025. On July 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 29, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy LLC) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 31, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on August 5, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondents sent email communications to the Center on August 20, 2025, and August 21, 2025.

The Center appointed Vinod K. Agarwal as the sole panelist in this matter on September 8, 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 and existing under Indian Companies Act, 2013. The Complainant was formerly known as Biba Apparels Private Limited and Biba Apparels Limited, which name has since been changed to its present name as Biba Fashion Limited.

The Complainant is engaged in the business of manufacturing, marketing, exporting and selling of clothing and wearing apparels and accessories mainly dealing in designer women's clothing and ethnic wear for the past three decades. The Complainant's first BIBA store was opened in Mumbai, India in the year 2004 and currently has around 210 exclusive BIBA branded stores. The Complainant markets and sells its BIBA branded women's clothing through shop-in-shop arrangements at over 400 other locations of multi brand style stores such as Pantaloons, Shoppers Stop, Meena Bazaar, etc. Further, the Complainant also offers its products and services through its website "www.biba.in" and also has online presence on various e-commerce platforms such as Amazon, Myntra, Nykaa Fashion, and Tata Cliq.

The Complainant further has stores across various countries, and exports its goods to different jurisdictions across the globe including Australia, United Arab Emirates, Canada, Malaysia, and Mauritius.

The Complainant is the registered proprietor of the trade mark BIBA and of marks wherein BIBA occupies an essential feature, being the BIBA variants/formative marks, in several jurisdictions, including the following registrations in India (the "BIBA mark"):

- BIBA (word): Registered trade mark No. 720327 dated November 4, 1996, in class 25, having been published in the Trade Marks Journal No. 1296. The said registration has been renewed and is valid, subsisting, and in force.
- BIBA (combined): Registered trade mark No. 2839634 dated November 10, 2014, in class 25, having been published in the Trade Marks Journal No. 1944. The said registration has been renewed and is valid, subsisting and in force.
- BIBA (combined): Registered trade mark No. 4384057 dated December 20, 2019, in class 25, having been published in the Trade Marks Journal No. 1938. The said registration is valid, subsisting, and in force.
- BIBA (combined): Registered trade mark No. 2554148 dated June 25, 2013, in class 24, having been published in the Trade Marks Journal No. 1857. The said registration has been renewed and is valid, subsisting, and in force.
- BIBA (combined): Registered trade mark No. 2554156 dated June 25, 2013, in class 35, having been published in the Trade Marks Journal No. 1857. The said registration has been renewed and is valid, subsisting and in force.

The disputed domain names <www.bibakurti.co> and <www.bibaindia.co> were registered on January 21, 2025, and October 2, 2024, respectively. At the time of filing the Complaint, the disputed domain names resolved to websites that offer clothing and apparel under the name "Biba Kurti" and "Biba India" respectively.

5. Parties' Contentions

A. Complainant

The Complainant contends that each of the three elements specified in paragraph 4(a) of the Policy mentioned above are applicable to the present dispute.

In relation to element (i), the Complainant contends that, the Complainant is the registered proprietor of the trade mark BIBA in respect of clothing, readymade garments for women, ethnic wear clothing for women including salwar-kameez, kurtis, sarees, dresses and the like goods. The disputed domain names are identical with and/or are deceptively similar to the Complainant's trade mark BIBA. In fact, the whole of the Complainant's trade mark is subsumed and is to be found in the disputed domain names. The word "kurti" appearing in the disputed domain name <bibakurti.co> is a descriptive word, referring to an Indian traditional wear clothing which is descriptive of the goods sold by the Complainant. The addition of the term "india" in the disputed domain name <bibaindia.co> is a purely geographical connotation and does not add any distinctiveness to the disputed domain name. It rather reinforces the impression that the disputed domain name is related to the Complainant, who is a well-known Indian ethnic wear brand.

The Complainant has acquired statutory rights in its trade mark BIBA, and such rights are sought to be infringed and violated by the Respondent, who has otherwise no rights in the disputed domain names. The registration of the disputed domain names has been obtained by the Respondent much subsequent to the acquisition of statutory rights in the Complainant's favour.

As has been stated above, the Complainant is the registered proprietor of the BIBA mark under the provisions of the Indian Trade Marks Act, 1999.

On account of its use and registrations, being the registered proprietor, the Complainant thus has the exclusive right to the trade mark BIBA.

In relation to element (ii), the Complainant contends that, the Respondent has no rights or legitimate interests in respect of the disputed domain names because the Respondent has no trade mark or license rights or any authorization to use the trade mark of the Complainant. The Respondent has never been known by the name BIBA or by any name similar thereto.

The Complainant states that the adoption of the disputed domain names is unjustified. The Complainant claims valuable common law and statutory rights in the said trade mark BIBA. The Complainant states that their widespread fame precedes the registration of the disputed domain names. In fact, the whole of the Complainant's registered trade mark BIBA is subsumed in the disputed domain names. The Respondent does not have any legitimate interests in the disputed domain names.

Further, the Respondent has no bonafide rights in respect of the disputed domain names but is using such registrations with a malafide motive of perpetrating fraud by usurping upon the trade mark of the Complainant, with the motive of playing a fraud upon the Complainant and on the gullible consumers by practicing deception. Though the Respondent has no rights or legitimate interests in the disputed domain names, it is seeking to demean and tarnish the Complainant's goodwill. The Complainant apprehends that by using the disputed domain names, the Respondent is likely to indulge in extorting large sums of money from innocent citizens. The disputed domain names thus appear to have been registered by the Respondent with the ulterior motive of practicing deception and committing fraud. Such actions are likely to result in personal gains and enrichment to the Respondent whilst tarnishing the Complainant's trade mark, its goodwill, and reputation. The Complainant contends that all of this has been knowingly undertaken by the Respondent, who has otherwise no right or interest in the trade mark BIBA. Thus, the disputed domain names have been knowingly and fraudulently obtained by the Respondent to piggy-back and ride upon the goodwill and reputation earned by the Complainant.

In relation to element (iii), the Complainant contends that the disputed domain names have been dishonestly adopted by the Respondent. The same have been adopted by the Respondent by using the Complainant's trade mark BIBA in its entirety. By registering and using the disputed domain names the intention of the Respondent is to prevent the Complainant, who is its rightful owner, from using the said domain names for its personal use.

The Complainant further contends that the impugned registration in favour of the Respondent is done with the sole motive of disrupting and usurping the Complainant's business and with a motive of attracting, for commercial gains and for making illegal profits, Internet users to its web site and causing them to wonder and believe that the Respondent is associated with, has some nexus, sponsorship and/or affiliation with the Complainant when no such association exists. The Complainant apprehends that the Respondent has knowingly registered and used the disputed domain names to derive illegal gains and benefits to which it is not entitled and/or with the ulterior motive of selling, renting, or transferring the disputed domain names to the Complainant for a valuable consideration.

The Complainant states that the purpose of enactment of the Policy is to prevent the extortionate behavior or the usurping of the rights held by the actual trade mark owner, which is commonly known as cybersquatting, in which parties register domain names in which trade mark owners have a particular interest. This is done also with the intent of depriving the actual proprietor/trade mark owners from using the domain names on the Internet, extort money from such actual owners, and/or otherwise earn illicit profits by using the domain names. The Complainant states that the disputed domain names have been registered by the Respondent without any sufficient cause, except for personal enrichment.

The Complainant claims that the disputed domain names cannot be used by way of business, without there being a severe risk of confusion or deception. The Complainant reiterates that the adoption of the disputed domain names by the Respondent has been undertaken in utter bad faith to practice deception and fraud. The adoption of the disputed domain names is clearly tainted and is undertaken with dishonest motives. In view of what has been stated hereinabove, the impugned registration and use of disputed domain names by the Respondent has been undertaken in bad faith.

The Complainant further submits that the Respondent does not deserve exercise of any discretion in its favour. Having regard to the principles of natural justice, fair play and equity, the Respondent ought not to be allowed to use the disputed domain names especially when the adoption thereof is tainted since its very inception.

B. Respondents

The Respondents did not reply to the Complainant's contentions, but sent informal email communications to the Center expressing their apology for the inconvenience caused to the Complainant, with the following message "Please note that the account has been permanently closed, and the domain is no longer active. We truly appreciate your patience and understanding in this matter, and assure you that we are taking stronger preventive measures to ensure such situations do not occur again in the future."

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The Respondents did not comment on the Complainant's request. Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Complainant has provided Internet research supporting the contention that the disputed domain names are operated by the same individual. In addition, the panel notes that the websites available at both the disputed domain names offer clothing and apparel, the disputed domain names follow similar naming structures, and the postal contact details are both located in the same city.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

Substantive Matters

As has been stated above, according to paragraph 4(a) of the Policy, the Complainant must prove that:

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

A. Identical or Confusingly Similar

The Complainant is the owner of several trade mark registrations for the BIBA mark. The Complainant has provided sufficient evidence of its trade mark registration certificates and/or online status pages of the aforementioned registrations of the BIBA mark.

The disputed domain name entirely incorporates the BIBA mark. The addition of the terms "kurti" and "india" in the disputed domain names do not prevent a finding of confusing similarity between the disputed domain names and the trademark of the Complainant.

Therefore, the Panel finds that the disputed domain names are confusingly similar to the BIBA trademark. Accordingly, the requirement under the first element of the Policy has been satisfied.

B. Rights or Legitimate Interests

There is no evidence to suggest that the Respondent has become known by the disputed domain names anywhere in the world. The Complainant has not authorized the Respondent to use the name and their trademark. Further, the Complainant has not licensed or otherwise permitted the Respondent to use its trademark or to apply for or use the disputed domain names incorporating the BIBA mark of the Complainant.

The Respondent has no rights or any legitimate interests in respect of the disputed domain names because the Respondent has no trade mark or license rights or any authorization to use the trade mark of the Complainant. The Respondent has never been known by the name BIBA or by any name similar thereto.

Further, the Respondent has no bona fide offering in respect of the disputed domain names but is using such registrations with a mala fide motive of perpetrating fraud by usurping upon the trade mark of the Complainant, with the motive of playing a fraud upon the Complainant and on gullible consumers by practicing deception, in effect impersonating the Complainant.

Based on the evidence in the Complaint, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names that has not been rebutted by the Respondent. Rather, in reaction to the Complaint, the Respondent shut down the websites and indicated it would take steps to avoid the issues raised in the Complaint.

Therefore, the Complainant has satisfied Policy, paragraph 4(a)(ii) that the Respondent has no rights or legitimate interests in the domain names.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration or use of the domain name in bad faith:

- (i) Circumstances indicating that the Respondent has registered or acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- (ii) The Respondent has registered the disputed 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 it has engaged in a pattern of such conduct; or
- (iii) The Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on its website or location.

The Complainant has contended that the disputed domain names are being used by the Respondent with the intention to deceive the members of the public intentionally, with a view to trade upon or encash on the name, fame, reputation, image, and goodwill acquired by the Complainant. Further, the Respondent has registered the disputed domain names with the ill intention to harm the goodwill of Complainant and to confuse the public at large. The Respondent uses the disputed domain names to attempt to attract internet users for personal gain by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website.

The fame and unique qualities of the BIBA mark, which was adopted and applied for by the Complainant well prior to the registration of the disputed domain names, makes it unlikely that the Respondent created the disputed domain names independently without any knowledge of the Complainant's trademark.

This and the other evidence submitted by the Complainant leads to the presumption that the disputed domain names were registered and used by the Respondent in bad faith.

Therefore, the Panel concludes that the registration of the disputed domain names amount to the registration and use of the domain names in bad faith. Paragraph 4(a)(iii) of the Policy is satisfied.

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 names <bibakurti.co> and <bibaindia.co> be transferred to the Complainant.

/Vinod K. Agarwal/

Vinod K. Agarwal

Sole Panelist

Date: September 22, 2025