

ADMINISTRATIVE PANEL DECISION

Khadi & Village Industries Commission v. Amit Kumar
Case No. D2025-3491

1. The Parties

The Complainant is Khadi & Village Industries Commission, India, represented by Fidus Law Chambers, India.

The Respondent is Amit Kumar, India, represented by Pushpit Ghosh, India.

2. The Domain Name and Registrar

The disputed domain name <khadifab.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 August 28, 2025. On August 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 amendment to the Complaint on September 5, 2025.

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 September 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2025. The Respondent sent an email communication to the Center on September 28, 2025, requesting additional days to submit its response. The Center granted the automatic four calendar day extension for response under paragraph 5(b) of the Rules on September 29, 2025. In accordance with the Rules, paragraph 5(b), the new due date for Response was October 2, 2025. The Respondent sent an email communication on October 2, 2025,

seeking an extension of 10 days under paragraph 5(e). The Center, in accordance with paragraph 5(e) of the Rules granted the extension of time to file Response until October 8, 2025. The Respondent did not send a formal response. The Center sent an email communication of Commencement of Panel Appointment Process to the Parties on October 10, 2025. On October 16, 2025, the Center received an email communication from the Complainant submitting a supplemental filing.

The Center appointed Meera Chature Sankhari as the sole Panelist in this matter on October 20, 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.

Upon reviewing the documents filed and the contentions raised by both parties, the Panel issued Procedural Order No. 1 dated November 10, 2025. Through this Procedural Order No. 1, the Panel directed the Complainant to clarify the nature and scope of the alleged licensing relationship by November 15, 2025, and the Respondent to file its reply by November 20, 2025. Thereafter, the Complainant sought a one-week extension and accordingly, Procedural Order No. 2 dated November 17, 2025, was issued, wherein, the Complainant was given time until November 21, 2025, to make its submissions, and the Respondent was to submit its response by November 26, 2025. The Complainant submitted its response on November 21, 2025. On November 26, 2025, the Respondent once again requested an extension and via Procedural Order No. 3, the Respondent was given another extension of time until December 3, 2025, to submit their response. No response was received from the Respondent despite multiple extensions of time.

4. Factual Background

The Complainant, Khadi & Village Industries Commission, is a statutory body formed in April 1957 by the Government of India, under the Act of Parliament, Khadi and Village Industries Commission Act of 1956. The Complainant, in April 1957, took over the work of the former All India Khadi and Village Industries Board. The Complainant plays an important role in Indian economy as it generates employment in about 248,000 villages throughout the country. The Complainant has a widespread presence across the country and implements its various programs in all the states.

The Complainant is the proprietor of the trademark KHADI and its variations (“KHADI trademark”) in India and other jurisdictions. The Complainant is the registered owner of the trademark KHADI, bearing registration numbers 2851544 and 2851543, registered on November 27, 2014, with first use dated September 25, 1956, in India. Additionally, the Complainant has registered the mark KHADI INDIA (device) on September 15, 2023, in the United Kingdom under registration number UK00003641002.

The Complainant has actively promoted the KHADI trademarks. The KHADI trademark has also been declared as a well-known trademark by the Indian Courts and included within the list of well-known marks by the Indian Trademarks Registry.

The disputed domain name was registered on December 11, 2024. As indicated above, the Respondent’s representative had sent an informal email to the Center dated September 28, 2025, where the sender identified themselves as representing one “Bastar Adimjati Khadi” and/or the “Respondent”, both of which terms were used interchangeably. The disputed domain name resolves to a “Launching Soon” page.

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 its well-known trademark KHADI is completely subsumed and clearly recognizable in the disputed domain name. The addition of a mere descriptive/generic term “fab” (abbreviation of “fabulous”) within disputed domain name does not prevent a finding of confusing similarity under the first element of the Policy. The Complainant further argues that the term “fab” in the disputed domain name, can be construed to indicate the quality of products under the trademark KHADI.

The Complainant contends that resolving of the disputed domain name to a “launching soon” page does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name. The Complainant further argued in its Complaint that the Respondent has neither been authorized nor licensed to use any of its trademarks in any way. Such unlicensed and unauthorized use of a domain incorporating the Complainant’s KHADI trademark is, according to the Complainant, to mislead and divert consumers.

The Complainant submitted in its Complaint that the Respondent has failed to host any content of the disputed domain name or use it for any bona fide offering of goods/services. This, the Complainant reiterated, demonstrated that the Respondent had registered the disputed domain name in bad faith and with the mala fide intention to extract some commercial advantage from the Complainant. The Complainant further argued that passive holding as by the Respondent in the given case of a website would not prevent the finding of bad faith. The Complainant also contended that the Respondent has prior knowledge of the KHADI trademarks, and hence it is unlikely that the disputed domain names were created independently.

Upon receiving both the informal responses from the Respondent, the Complainant filed an unsolicited supplementary filing. Through its supplementary filing, the Complainant, on the basis of the emails sent by the Respondent, clarified that the Respondent “appears to be a directly aided institution of the Complainant receiving financial and administrative assistance as a part of the Complainant’s scheme for KHADI institutions”. Furthermore, the Complainant reiterated that even assuming the Respondent is the licensee of the Complainant, a licensee cannot assert independent proprietary rights in the licensed marks or adopt variations thereof as domain names or trademarks. According to the Complainant, “Any (sic) such act is in direct contravention of the principle of licensee estoppel, which precludes a licensee from claiming adverse rights in the licensor’s trademark.” The Complainant further argued that licensees who register domain names incorporating their licensor’s marks act in bad faith and lack legitimate interests. The Complainant further contends that the Respondent claiming to be a proprietor of the mark “khadifab” has failed to substantiate the same with evidence.

The Complainant in its response to the Procedural Orders dated November 10, 2025, and November 17, 2025, reiterated that the Respondent is only a certified Khadi institution under Section 2(c) of the Khadi Mark Regulations, 2013, i.e., it is merely recognized for the limited purpose of producing or trading in genuine Khadi textiles as per the Khadi and Village Industries Commission Act, 1956 (“KVIC Act”). The Complainant asserts that under the Regulation, no institution may manufacture, sell, or trade KHADI products without affixing the standardized KHADI Mark tags issued by KVIC. Further, the Complainant submits that Certified institutions may only use standardized KHADI Mark labels and tags on KHADI products and are not permitted to create or affix their own brand labels on KHADI products. This certification does not constitute a trademark license, a right to create independent branding, or a right to use the KHADI mark as part of any domain name, trade name, or derivative mark. Thus, the Respondent is not entitled to use the KHADI mark in relation to the disputed domain name.

B. Respondent

The Respondent did not submit a formal reply to the Complainant’s contentions. Via the email dated September 28, 2025, the Respondent, inter alia, claimed that the Respondent was the “owner of the Trademark ‘Khadifab’ and has used the same for 34 years, since 1994”. It was further claimed that the Respondent is a licensee of the Khadi Village Industries Commission and that he has been using KHADI in relation to its trade since 1987. In the said email, the Respondent has sought 4 additional days and subsequently made multiple requests to file its written response.

The Respondent did not formally reply to the Complainant's contentions nor substantiate its claims and shortly thereafter, the Panel was appointed.

The Respondent did not reply to the submissions made by the Complainant nor provide evidence of any potential implied or explicit authorization / proof of license to use the Complainant's trademark KHADI to substantiate its arguments on registration or use of the disputed domain name incorporating the Complainant's trademark KHADI.

6. Discussion and Findings

The Complainant submitted a Supplementary Filing, after both informal replies were sent by the Respondent. As mentioned in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.6 "Unsolicited supplemental filings are generally discouraged, unless specifically requested by the Panel." Moreover, "In all such cases, Panels have repeatedly affirmed that the party submitting or requesting to submit an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response (e.g., owing to some "exceptional" circumstance)."

The Respondent's claims, although informal and unsubstantiated, do nevertheless indicate a claim of fair and/or legitimate use-based defence. In fact, through the Supplemental Filing, the Complainant confirms that the Respondent appears to be a "directly aided institution", which according to the Panel, cannot be ignored. Once that is an admitted position, the dispute no longer remains one between two unrelated parties but translates potentially to that of a dispute where a relationship of a licensor and licensee exists i.e., one of a contractual dispute and not merely a domain name dispute.

The Panel notes that the Complainant purportedly did not know or anticipate that the Respondent was "Bastar Adimjati Khadi", particularly given that neither the Whois details nor the records of the Registrar reflected this name as the "registrant" of the disputed domain name. Regardless, and in order to adjudicate upon this matter, one must take the factum of the claim of the licensing relationship and/or contractual relationship into account.

Pursuant to section 4.7 of the [WIPO Overview 3.0](#), it is within the sole discretion of the Panel to request any further statements or documents it deems necessary. The Panel, accordingly, issued Procedural Order dated November 10, 2025, directing the Complainant to clarify the nature and scope of its purported licensing relationship to the Respondent, and the Respondent to reply to the Complainant's submission and/or provide evidence of any potential implied or explicit authorization to use a modified version of the Complainant's trademark KHADI or register domain names incorporating the Complainant's trademark KHADI. Thereafter and as noted above, multiple Procedural Orders were issued granting extensions of time, and eventually, the Respondent did not submit any further response apart from its claims made initially and the Complainant reiterated its assertions that the Respondent is not an "authorized" licensee.

With this background, the Panel can now proceed to analyse the three elements.

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 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. 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, here, “fab”, 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 failed to substantiate its claims with any evidence to demonstrate rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise. The Panel acknowledges that the Respondent appears to be a certified KHADI institution, however, there is no information before the Panel suggesting such certification grants any right to register a domain name using the mark KHADI. Moreover, despite having been given ample opportunities to respond, the Respondent has failed to provide evidence supporting its assertions, under which circumstances the Panel deems that the Complainant has satisfied the second element.

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, despite being given multiple extensions and opportunities to do so.

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.

In the present case, the Panel notes that the Respondent’s registration of the disputed domain name wholly incorporates the Complainant’s well-known trademark KHADI itself demonstrates bad faith.

Panels have found that the non-use of a domain name (including “Launching soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <khadifab.com> be transferred to the Complainant.

/Meera Chature Sankhari/

Meera Chature Sankhari

Sole Panelist

Date: December 10, 2025