

ADMINISTRATIVE PANEL DECISION

Khadi & Village Industries Commission v. Patrisha Hilliman, Khadi530
Case No. D2025-3509

1. The Parties

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

The Respondent is Patrisha Hilliman, Khadi530, United States of America.

2. The Domain Name and Registrar

The disputed domain name <khadi530.com> is registered with Wix.com Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2025. On August 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 3, 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 4, 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 September 9, 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 September 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 1, 2025.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on October 7, 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 Complainant's documented allegations, which remained uncontested, it is a body formed in April 1957 by the Government of India.

The Complaint is based – amongst others – on a series of Indian trademark registrations for the word "KHADI" all registered on November 27, 2014, i.e. no. 2851542 (for goods in class 24), no. 2851543 (for goods in class 25), 2851544 (for goods in class 26), no. 2851545 (for goods in class 27) and no. 2851552 (for services in class 35). Furthermore, the Complainant filed further figurative trademark applications including the verbal element "KHADI" in the United States of America, where the Respondent is located.

The Complainant further submitted evidence that the trademark KHADI has been included in the list of well-known trademarks by the Trademarks Registry of India on August 15, 2022.

The disputed domain name was registered on October 7, 2024 as evidenced by the Whois records.

At the time the Complaint was lodged, the disputed domain name resolved to a Registrar parking 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:

(i) By its adoption more than sixty years ago, and extensive use thereof, the trademark KHADI has become exclusively and globally associated with the Complainant in the eyes of consumers. The disputed domain name wholly subsumes the Complainant's trademark combined with a meaningless and random number "530". It therefore remains clearly recognizable within the disputed domain name;

(ii) the disputed domain name has not been used in connection with a bona fide offering of goods or services and there is no demonstrable preparation to use it in connection with such an offering. Moreover, the Complainant has neither authorized, nor somehow given its consent to the Respondent to use any of its trademarks. In addition, the Respondent is not commonly known under the disputed domain name;

(iii) the Respondent has registered the disputed domain name that fully incorporates the Complainant's trademark. The apparent lack of the disputed domain name's active use without any active attempt to sell or to contact the trademark holder does not, as such, prevent a finding of bad faith. In view of the fame of the Complainant's trademark prior to the registration of the disputed domain name, it is extremely unlikely that the Respondent registered the disputed domain name independently without any knowledge of the Complainant's trademark.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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, despite the combination with the number “530”. Accordingly, the disputed domain name is confusingly similar to the mark 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.

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 disputed domain name resolves to a Registrar parking page. The Panel considers this use neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name in the sense of paragraph 4(c)(i) and (iii) of the Policy. Further, the Complainant has not authorized or licensed the Respondent to use any of its trademarks in any way. Furthermore, the Panel does not dispose of any

elements that could lead the Panel to the conclusion that the Respondent is commonly known by the disputed domain name pursuant to paragraph 4(c)(ii) of the Policy or that it has acquired trademark rights.

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.

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.

In the present case, the Panel notes that the disputed domain name resolves to a Registrar parking page without active content. Prior UDRP panels have found that the apparent lack of active use (e.g., to resolve to a website) of the domain name does not as such prevent a finding of bad faith under the doctrine of passive holding (see, e.g. *Caffè Borbone S.r.l. v. Manlidy, GNN*, WIPO Case No. [D2023-1095](#)). The Panel must therefore examine all the circumstances of the case to determine whether the Respondent is acting in bad faith. Factors that have been considered relevant in applying the passive holding doctrine include:

- (i) the degree of distinctiveness or reputation of the complainant's mark;
- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use;
- (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement); and
- (iv) the implausibility of any good faith use to which the domain name may be put (see [WIPO Overview 3.0](#), section 3.3).

In the case at hand, the Panel considers the following circumstances surrounding the registration as suggesting that the Respondent was aware that it has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith:

- (i) the reputation of the trademark which (a) has been in use for many years, and (b) is part of the Complainant's company name which has existed and has been used for roughly six decades;
- (ii) the composition of the disputed domain name, including the Complainant's trademark identically from which the Panel infers that it is more likely than not that by registering the disputed domain name the Respondent intended to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name; and
- (iii) the Respondent's failure to respond to the Complaint and bring forward any plausible arguments for a plausible legitimate active use that the Respondent could make of the disputed domain name.

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 <khadi530.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: October 21, 2025