

## ADMINISTRATIVE PANEL DECISION

Khadi & Village Industries Commission v. Ritisha HirenKumar Gandhi  
Case No. D2025-5143

### 1. The Parties

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

The Respondent is Ritisha HirenKumar Gandhi, India.

### 2. The Domain Name and Registrar

The disputed domain name <thekhadistore.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2025. On December 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 11, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 December 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 6, 2026.

The Center appointed Vinod K. Agarwal as the sole panelist in this matter on January 15, 2026. 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 statutory body formed by the Government of India under the Act of Parliament, namely, "Khadi and Village Industries Commission Act, 1956". The Head Office of the Complainant is in Mumbai (India) and it has six zonal offices in different parts of India, namely, Delhi, Bhopal, Bangalore, Kolkata, Mumbai, and Guwahati. 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 the 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. Further, the Complainant has offices in 28 states of India for the implementation of its various programmes.

Ever since its formation in the year 1957, the Complainant has been carrying on work related to implementation of programs for the development of Khadi and other Village Industries (KVI) in the rural areas in coordination with other agencies. The programmes offered by the Complainant are to promote products under one of its trademarks, namely, KHADI. There are about numerous sales outlets directly owned by the Complainant spread across the country. In its effort to meet its core objectives the Complainant has introduced several interest subsidies schemes for artisans, weavers, and other members of small-scale village and rural industries.

The programs offered by the Complainant are to promote products under the trademark KHADI. The Complainant also implements the Prime Minister's Employment Generation Program (PMEGP) for the upliftment and improvement of artisans, weavers, and other members of small-scale village and rural industries.

The disputed domain name was registered on January 9, 2025, and does not resolve to an active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

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.

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 and that the Complainant has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In relation to element (i), according to the Complaint, the trademark KHADI is registered in favour of the Complainant and used in connection with goods sold and services offered by the Complainant and its authorised members. The Complainant contends that "The Complainant adopted the trademark KHADI (which forms a part of its tradename, corporate name, and trading style) on 25th September 1956, and the same has been in use continuously till date. 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 Complainant owns numerous registrations of the word mark KHADI. Some of these trademarks are as mentioned below:

TRADEMARK	Registration Number	Class	Date of Registration (Date of Use)
KHADI	2851542	24	November 27, 2014 (September 25, 1956)
KHADI	2851543	25	November 27, 2014 (September 25, 1956)
KHADI	2851544	26	November 27, 2014 (September 25, 1956)
KHADI	2851545	27	November 27, 2014 (September 25, 1956)
KHADI	2851552	35	November 27, 2014 (September 25, 1956)

The Complainant contends that it has also applied for/registered its trademark KHADI and its variations in several other jurisdictions such as Mexico, Canada, Bahrain, France, Estonia, Singapore, United Kingdom, Bulgaria, Malaysia, Bhutan, New Zealand, United States of America, European Union, and Australia.

The Complainant further contends the following:

"The Complainant authorizes various retail sellers, organizations, societies, and institutions to sell products under its trademark KHADI. In order to be listed as an authorized user of the trademark KHADI for sales and promotions of KHADI-certified products and services, each organization has to apply for recognition through the Khadi Institutions Registration & Certification Sewa (KIRCS)."

"For promotion of the KHADI trademarks, the Complainant has also collaborated with the 14th edition of the Lakme Fashion Week, in which collections under the trademark KHADI were made by four designer labels and were exhibited during the Lakme Fashion Week on 23rd August 2018. ... Thereafter, in March 2022, the Complainant showcased its collection at FDCI x Lakmé Fashion Week. Further, the Complainant has also partnered with brands such as Raymond and Titan to promote the products under the trademark KHADI."

The Complainant also contends that the Complainant's trademark KHADI has also been declared in some court cases as a well-known trademark.

"It is submitted that 'store' is a generic term which means *a shop*. Mere addition of a generic or descriptive or arbitrary term, i.e., 'store' with the well-known trademark KHADI of the Complainant, does not serve to distinguish the disputed domain name from the trademark KHADI. Rather, the addition of such a term gives an impression that the website hosted on the disputed domain name is used for selling products under the trademark KHADI or it is the store for the brand KHADI's products. Therefore, the presence of the term 'store' in no way adds to the distinctiveness of the disputed domain. It is a settled principle under the Policy that the first element functions primarily as a standing requirement. It is evident that the disputed domain name completely subsumes the Complainant's trademark KHADI. Accordingly, the essentials of the standing test for confusing similarity have been met."

"In view of the above, it is submitted that the disputed domain name <thekhadistore.com> subsumes the trademark KHADI, with a non-distinctive terms 'the' as prefix and 'store' as a suffix. As such, the Complainant contends that the requirement of the first element under paragraph 4(a)(i) of the Policy stands satisfied."

In relation to element (ii), the Complainant contends the following:

"The Respondent has parked the disputed domain name, and it is not accessible to the public. There is no demonstrable preparation to use or actual use of the disputed domain name in connection with any bona fide offering of goods or services."

"The Complainant has not authorized or licensed the Respondent to use any of its trademarks in any way. Such unlicensed and unauthorized use of a domain incorporating the Complainant's trademark KHADI is solely with a view to misleadingly diverting consumers and to tarnish the trademark of the Complainant."

"Additionally, the Hon'ble High Court of Delhi in Khadi and Village Industries Commission v. Yogesh Kharb and Anr., CS(COMM) 584/2023; in the suit for trademark infringement and passing off filed by the Complainant, observed that 'Firstly, the plaintiff holds registrations for the mark KHADI per se. As such, any mark which uses KHADI as a prominent part thereof would ipso facto be infringing the plaintiff's registered trademark. Secondly, as the plaintiff's mark stands declared as a well-known mark by this Court, it is entitled to enhanced decree of protection under Section 29(4) of the Trade Marks Act. As such, no party can be permitted to use a mark which involves KHADI as a part thereof, as would infringe the plaintiff's registrations or confuse a customer into believing an association between the said marks'."

"The Complainant has, therefore, established a *prima facie* case that the Respondent has no rights and legitimate interests in the disputed domain name. ... In view of the above, Complainant has satisfied paragraph 4(a)(ii) of the Policy."

In relation to element (iii), the Complainant contends the following:

"The fact 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 demonstrates that the Respondent has registered the disputed domain name in bad faith and with the *mala fide* intention to extract some commercial advantage from the Complainant."

"The disputed domain name wholly incorporates the trademark KHADI of Complainant. UDRP Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

"The same overwhelmingly supports the conclusion that the Respondent registered the disputed domain name in bad faith. The fame and unique qualities of the trademark KHADI, which were adopted and applied for by the Complainant well prior to the registration of the disputed domain name, make it extremely unlikely that the Respondent created the disputed domain name independently without any knowledge of the Complainant's trademark."

"Moreover, paragraph 2 of the Policy implicitly requires a registrant to make some good faith effort to avoid registering and using a domain name corresponding to trademarks in violation of the Policy. The obligations imposed by paragraph 2 are an integral part of the Policy applicable to all registrants, cannot be ignored. ... Hence, the Respondent had an onus to ensure that the registration of the disputed domain name did not violate the Complainant's trademark rights."

"The disputed domain name does not resolve to an active website at the time of filing. However, it is submitted that the apparent lack of active use (e.g., to resolve to a website) of the domain name without any active attempt to sell or to contact the trademark holder (passive holding) does not, as such, prevent a finding of bad faith."

"Factors that have been considered relevant in applying the passive holding doctrine include:

- a. the degree of distinctiveness or reputation of the complainant's mark; and
- b. the implausibility of any good faith use to which the domain name may be put."

"In the present case, the Complainant's trademark is not only registered in India with a use claim of 1956 but has also been declared as a well-known trademark. ... Therefore, it is highly unlikely that the Respondent was unaware of the Complainant's rights in the trademark KHADI, and it is clear that the impugned domain name has been registered by the Respondent solely to benefit from the immense goodwill and reputation associated with the Complainant's trademark KHADI, and to take advantage of such rights. Accordingly, both elements of the passive holding doctrine are satisfied in the present case."

"In view of the above submissions, the disputed domain name has been registered and is being used in bad faith."

## **B. Respondent**

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

## **6. Discussion and Findings**

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**

According to the information submitted by the Complainant and mentioned above, the Complainant is the owner of several KHADI trademark registrations in India and other jurisdictions.

The disputed domain name includes the trademark of the Complainant and is confusingly similar to the trademark of the Complainant.

Mere addition of descriptive or dictionary terms, i.e., "the" and "store", to the well-known trademark KHADI of the Complainant does not prevent a finding of confusing similarity between the disputed domain name and the trademark KHADI.

Therefore, the Panel finds that the disputed domain name is confusingly similar to the trademarks of the Complainant.

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

According to paragraph 4(c) of the Policy, the Respondent may demonstrate its rights to or legitimate interest in the disputed domain name by proving, in particular but without limitation, any of the following circumstances:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the Respondent (as an individual, business or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 above.

There is no evidence to suggest that the Respondent has been commonly known by the disputed domain name anywhere in the world. The Complainant has not licensed, authorised, or otherwise permitted the Respondent to use the disputed domain name and the trademark KHADI.

It is evident that the Respondent has no rights or legitimate interests in the disputed domain name as the Respondent has made no active use of the disputed domain name, and so has not made a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use. Moreover, the composition of the disputed domain name falsely suggests affiliation with the Complainant as it uses the trademark KHADI, plus the descriptive terms "the" and "shop", seeking to create an impression of an association with the Complainant.

Based on the evidence in the Complaint, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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

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

As per paragraph 4(b) of the Policy, any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of the disputed 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 the Respondent's documented out-of-pocket costs directly related to the disputed 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 web site 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 web site or location or of a product or service on its web site or location.

Noting the strong reputation of the Complainant and its trademark, in particular in India, the Panel finds the disputed domain name was likely registered with the intent to deceive the members of the public deliberately and intentionally, with a view to benefit from the name, fame, reputation, image, and goodwill acquired by the Complainant. Panels have found that the non-use of a domain name (including a blank or "coming 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 and 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 concludes that the evidence submitted by the Complainant leads to the presumption, on the balance of probabilities, that the disputed domain name was registered and used by the Respondent in bad faith. The Panel concludes that the registration of the disputed domain name amounts to the registration and use of the domain name 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 name <thekhadistore.com> be transferred to the Complainant.

*/Vinod K. Agarwal/*

**Vinod K. Agarwal**

Sole Panelist

Date: January 29, 2026