ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Nalli Chinnasami Chetty v. Kava SONY
Case No. D2026-4176

1. The Parties

The Complainant is Nalli Chinnasami Chetty, India, represented by DePenning & DePenning, India.

The Respondent is Kava SONY, United States of America.

2. The Domain Name and Registrar

The disputed domain name <nallionline.shop> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2026. On September 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 2026, 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 (Super Price Privacy LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 18, 2026, 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 28, 2026.

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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 21, 2026.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on October 27, 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 describes itself as a manufacturer and merchant dealing in clothes, such as silk sarees, clothing and readymade garments, accessories, etc. since 1928 and with its headquarters in Chennai, India.

It results from the Complainant's documented evidence that it is the registered owner of a trademark portfolio for NALLI, including the following trademarks:

- Indian Trademark Nalli (stylized), no. 472754 filed on May 27, 1987 (with use claim dating back to January 26, 1935), for goods in class 24;

- European Union Trade Mark Nalli (stylized), no. 001373786 registered on March 7, 2005, for goods in classes 24, 25.

These marks have duly been renewed and are in force.

The disputed domain name has been created on June 14, 2026. According to the records, it does not resolve to an active website. However, the disputed domain name previously resolved to a website offering sarees for sale under the name "Nalli Silk Sarees Pvt Ltd".

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:

(1) The disputed domain name is identical to the well-known trade/service mark, domain name of the Complainant NALLI by any yardsticks of comparison, be it aural, visual or structural;

(2) The Complainant has not licensed or otherwise permitted the Respondent to use its trademark NALLI or to apply for any domain name incorporating the said trademark. In view of the close similarity between the disputed domain name, the Complainant's trademark NALLI and the manner in which the said domain name is being used, the Complainant submits that the purpose of the Respondent's registration of the disputed domain name is to misappropriate the reputation of the Complainant's trademark;

(3) The Respondent must have been aware of the Complainant's prior rights in the NALLI trademark given its extensive reputation and goodwill. The incorporation of the NALLI mark in its entirety into the domain name, together with the nature and content of the associated website, further supports the inference of bad faith. The Respondent is deliberately seeking to exploit the reputation and goodwill of the NALLI trademark for its own benefit. It further emphasises the commercial importance of domain names as key corporate and marketing assets, whose unauthorised appropriation can unfairly exploit established trademarks.

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 the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain name should 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 is satisfied that the registrant of record for the disputed domain name is the Respondent and 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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of trademarks or service marks NALLI for the purposes of the Policy, WIPO Overview 3.1, section 1.2.1.

In the case at hand, said trademark NALLI is a stylized mark. However, Panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element, WIPO Overview 3.1, section 1.10.

The Panel finds that the trademark NALLI is clearly recognizable within the disputed domain name. In the Panel's view, the addition of the term "online" does not prevent a finding of confusing similarity. The applicable Top-Level Domain ".shop" may be disregarded for the purposes of this comparison. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy, WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "online", 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 3.1, 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 that 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 3.1, section 2.1. Furthermore, the Panel is not aware of any elements or evidence indicating any demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services.

In addition, there are no elements in the available record 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. In particular, the Complainant has not authorized or licensed the Respondent to use any of its trademarks in any way and the information on the Respondent as resulting from the WhoIs and the Registrar Verification Response was not similar to the disputed domain name.

The disputed domain name previously resolved to a commercial website offering sarees for sale under the name "Nalli Silk Sarees Pvt Ltd". The Respondent's website presentation, including its claim of a business history dating back to 1928, reinforces the false impression of an affiliation with the Complainant. In the absence of authorization from the Complainant or evidence explaining a legitimate basis for this presentation, the Panel finds that such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Finally, the Panel shares the view of previous UDRP panels who have found that domain names containing a Complainant's trademark plus an additional term with an "inherent Internet connotation" – as in the present case – carry a risk of implied affiliation and therefore falsely suggest an affiliation with the trademark owner, which is not "fair use" pursuant to paragraph 4(c)(iii) of the Policy.

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 3.1, section 3.2.1.

The disputed domain name previously resolved to a website offering sarees for sale under the name "Nalli Silk Sarees Pvt Ltd". The Panel finds that the Respondent used the disputed domain name intentionally to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website, within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel notes that the disputed domain name is currently inactive. 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 (see WIPO Overview 3.1, section 3.3):

(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.

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 predates the disputed domain name's registration by almost four decades;

(ii) the composition of the disputed domain name, including the Complainant's trademark 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 disputed 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 <nallionline.shop> be transferred to the Complainant.

/Tobias Malte Müller/
Tobias Malte Müller
Sole Panelist
Date: November 10, 2026