

ADMINISTRATIVE PANEL DECISION

Info Edge (India) Limited v. Corporate Brand Protection, DNS Admin Case No. DIO2023-0045

1. The Parties

The Complainant is Info Edge (India) Limited, India, represented Rahul Chaudhry & Partners, India.

The Respondent is Corporate Brand Protection, DNS Admin, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <naukri.io> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 10, 2023. On November 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 10, 2023, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on November 14, 2023, 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 November 16, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 November 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 19, 2023.

The Center appointed Peter Burgstaller as the sole panelist in this matter on January 4, 2024. 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 an Internet company with its headquarter in Noida, India. The Complainant runs *inter alia* under the domain name <naukri.com>, registered on March 27, 1997, a job site in India; it also owns various other domain names containing the mark NAUKRI, such as <naukri.net>, <naukri.in>, <naukri.us>, <naukri.co.in> or <naukri.xxx>.

The Complainant has a network of numerous offices located throughout India and as of August, 2023 more than 5500 employees.

The Complainant owns a variety of NAUKRI trademarks, e.g. Indian Registered Trademark Certificate No. 315920 for NAUKRI (word), registered February 11, 2005, in class 9; Indian Registered Trademark Certificate No. 834490 for NAUKRI (word), registered March 4, 2010, in class 16 or Saudi Arabian Registered Trademark No. 1403/78 for NAUKRI (word), registered February 20, 2013.

The disputed domain name was registered on January 2, 2019; it refers to a website where the disputed domain name was offered for sale.

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 it is *inter alia* the proprietor of the registered trademarks NAUKRI, NAUKRI.COM and NAUKRI formative marks in different jurisdictions around the world. It is among the leading Internet companies in India and runs leading websites such as <naukri.com> - India's No. 1 job site, <jeevansathi.com> – one of the leading matrimonial portals, <99acres.com> - India's leading real estate portal and <shiksha.com> – India's leading education portal.

Further, with its headquarter located in Noida, India, the Complainant submits that it has a network of 75 offices located in 55 cities throughout India and as of August, 2023 has 5568 employees engaged in innovation, product development, integration with mobile and social media, technology and technology updation, research and development, quality assurance, sales, marketing and payment collection. The domain name <naukri.com> was first created by the Complainant on March 27, 1997, for providing online recruitment classifieds and related services for job seekers and corporate customers.

The Complainant asserts that it has spent considerable amounts for acquiring/developing technical expertise for making and promoting services under the trademark NAUKRI and for popularizing the said trademark in relation to its services; hence, the Complainant's trademark NAUKRI is internationally well-known and the website under the domain name <naukri.com> is the single most frequented source for reaching out to Indian talent.

The Complainant submits that it is therefore inconceivable that the Respondent would not have been aware of the Complainant's trademarks and domain names when registering the disputed domain name since it is identical with its NAUKRI marks and domain names, or that there would be any legitimate use for the disputed domain name. The Complainant notes that the disputed domain name is not used for a *bona fide* offering of goods or services; the disputed domain name only redirected users to a website where the disputed domain name was offered for sale.

The Complainant asserts that passive holding of a domain name may amount to bad faith when it is difficult to imagine any plausible future active use of the disputed domain name by the Respondent that would be legitimate and not infringing the Complainant's well-known mark.

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 with respect to the disputed domain name; and
- (iii) the disputed domain name has been registered or is being used in bad faith.

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 1.7¹.

Based on the available record, the Panel finds 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 Panel finds the entirety of the mark NAUKRI is reproduced within and is alphanumerically identical to the Second-Level Domain of the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Top-Level Domain ("TLD") is typically viewed as a standard registration requirement and as such is disregarded under the first element identity or confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 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 Complainant focuses on the fact that its trademark is well known and provides suitable evidence of its reputation, adding that it is inconceivable that the Respondent would not have been aware of this when registering the disputed domain name. The Complainant also notes that the disputed domain name is not being used for a *bona fide* offering of goods or services.

¹ The Panel, noting the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (the "UDRP"), has referred to the [WIPO Overview 3.0](#), where appropriate.

The Respondent did not reply to the Complainant's contentions and hence has not rebutted the Complainant's *prima facie* showing.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered or Used in Bad Faith

As stated in many decisions rendered under the Policy, the Complainant must show either registration or use in bad faith. Consequently, the Complainant must show that:

- the disputed domain name was registered by the Respondent in bad faith, or
- the disputed domain name is being used by the Respondent in bad faith.

(i) The Complainant has rights and is the owner of the registered trademark NAUKRI, which is registered and used in various jurisdictions. Moreover, the Complainant registered and is using various domain names containing the mark NAUKRI e.g., <naukri.com>, <naukri.us> or <naukri.net> among others, for many years and long before the registration of the disputed domain name.

It is inconceivable for this Panel that the Respondent registered the disputed domain name without knowledge of the Complainant's rights, which leads to the necessary inference of bad faith.

[WIPO Overview 3.0](#), section 3.2.2. This finding is supported by the fact that the disputed domain name incorporates the Complainant's trademark NAUKRI entirely.

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The disputed domain name is also being used in bad faith.

This Panel concludes that the disputed domain name is being used in bad faith, putting emphasis on the following:

- the disputed domain name incorporates the Complainant's trademark in its entirety, and is thus suited to divert or mislead potential web users from the website they are actually trying to visit (the Complainant's site);
- the disputed domain name resolves to a website, where it is offered for sale;
- the Respondent has failed to present any evidence of any good faith use with regard to the disputed domain name; and
- there is no conceivable plausible reason for good faith use with regard to the disputed domain name.

Based on the available record, the Panel finds the third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(a) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <naukri.io> be transferred to the Complainant.

/Peter Burgstaller/

Peter Burgstaller

Sole Panelist

Date: January 18, 2024