

## **ADMINISTRATIVE PANEL DECISION**

Super Cassettes Industries Private Limited v. Muhammad Irfan  
Case No. D2022-0557

### **1. The Parties**

The Complainant is Super Cassettes Industries Private Limited, India, represented by Ira Law Firm, India.

The Respondent is Muhammad Irfan, Saudi Arabia.

### **2. The Domain Name and Registrar**

The disputed domain name <tserais.com> (the “Domain Name”) 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 February 17, 2022. On February 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 18, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 2022, 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 March 1, 2022.

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 March 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on April 21, 2022. 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 leading film and music production company incorporated in India in 1983. It is popularly known as “T-Series”, the name coined by the founder of the company when he started in business in 1979. The T-SERIES mark has been continuously used by the Complainant and its predecessors since that date. The Complainant has more than 35 channels on YouTube incorporating the T-SERIES mark, and its official T-SERIES YouTube channel has over 207 million subscribers in India and elsewhere.

The Complainant is the proprietor of a number of registered trademarks in respect of T-SERIES, including India trademark number 415159 stylised word mark T-SERIES registered on December 28, 1983, and India trademark number 501305 T-SERIES registered on November 28, 1988.

The Complainant operates a website at “www.tseries.com” and holds more than 45 domain name registrations comprising the term “tseries”.

The Domain Name was registered on October 20, 2019. It does not presently resolve to an active website. The Respondent has evidently set up an email server at the Domain Name and used it to send emails from the email address “[xxx]@tsereis.com” with a signature block comprising his name, purporting falsely to be the “Distribution Head at T-Series Ltd”, and including an address of the Complainant as well as a T-SERIES device mark of the Complainant. The Respondent has sent emails to licensees of the Complainant alleging copyright infringement.

#### **5. Parties’ Contentions**

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

The Complainant contends that the Domain Name is confusingly similar to its T-SERIES trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

##### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in the Mark, both by virtue of its various trademark registrations and as a result of the goodwill and reputation acquired through its use of the Mark over many years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises a misspelling of the Mark swapping the letters “i” and “e”. In the Panel’s view, this misspelling does not prevent a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

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

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. Although there is no evidence that the Respondent has used the Domain Name for an active website, the Respondent has used the Domain Name for an email account from which it has sent emails in the name of the Complainant, featuring the Complainant's T-SERIES Device Mark and referring to the Complainant's website address "www.tseries.com".

The Respondent has not used the Domain Name in connection with a *bona fide* offering of goods or services and there is no suggestion that it has ever been known by the Domain Name. The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. Using a domain name for an email account from which to send emails falsely purporting to be from the Complainant cannot, in the Panel's view, give rise to rights or legitimate interests in respect of the domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

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

In view of the nature of the Domain Name (comprising a minor misspelling of the Complainant's Mark) and the use to which the Domain Name has been put, namely to send emails purporting to be from the Complainant, there can be no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. The Respondent appears, in the view of the Panel, to be using the Domain Name to deceive Internet users into believing that the Domain Name is associated with, or authorized by, the Complainant. The Respondent no doubt intended that the recipients of its emails would not notice the minor misspelling in the email address and assume, as recipients of the emails did, that they were indeed sent by the Complainant. The legitimate presumption is that the Respondent had some fraudulent intent in sending forged emails and that the Respondent intended to derive commercial gain from using the Domain Name in this way.

The Panel considers that this amounts to paradigm bad faith registration and use within the meaning of paragraph 4(b) of the Policy. In the circumstances, the Panel finds that the Domain Name has been registered and is being used in bad faith.

## **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 Domain Name, <tseries.com> be transferred to the Complainant.

*/lan Lowe/*

**Ian Lowe**

Sole Panelist

Date: May 5, 2022