

## **ADMINISTRATIVE PANEL DECISION**

Jindal Stainless Limited, Jindal Stainless (Hisar) Limited v. antonio Giovanni  
Case No. D2022-1957

### **1. The Parties**

The Complainants are Jindal Stainless Limited and Jindal Stainless (Hisar) Limited, India, represented by Sarad Kumar Sunny, India.

The Respondent is antonio Giovanni, Germany.

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

The disputed domain name <jindalstainless.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 30, 2022. On May 30, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 31, 2022, 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 Complainants on June 7, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint in English on June 8, 2022.

On June 9, 2022, the Center transmitted an email communication to the Parties in English and Japanese regarding the language of the proceeding. On June 10, 2022, the Complainants submitted a request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in English and Japanese of the Complaint, and the proceedings commenced on June 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 7, 2022.

The Center appointed Masato Dogauchi as the sole panelist in this matter on July 19, 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**

Whereas the Respondent has not submitted any formal response, the following information from the Complaint is found to be the factual background of this case.

The Complainants are two related Indian companies. One of the Complainants (Jindal Stainless Limited) (hereinafter cited as "the first Complainant") is the India's largest and only fully integrated stainless-steel manufacturer. Since its incorporation in year 1980, this first Complainant has continuously used the mark JSLA JINDAL STAINLESS in connection with its products and services. The other Complainant (Jindal Stainless (Hisar) Limited) (hereinafter cited as "the second Complainant") is the world's largest producer of slabs and blooms, hot rolled coils, strips, plates, coin blanks, precision strips and cold rolled coils. In addition, the second Complainant has 32.02% shares in the first Complainant. Subsequent to incorporation of the second Complainant in 2013, the first Complainant transferred its trademark rights in JSLA JINDAL STAINLESS to the second Complainant.

The second Complainant owns a large portfolio of JSLA JINDAL STAINLESS trade marks in relation to various goods and services such as follows:

- Indian Registration Nos. 3161577 through 3161584, registered on January 18, 2016:
- Indian Registration No. 3161590, registered on January 18, 2016.

The first Complainant owns the domain name <jindalstainless.com> registered and used since August 15, 1999.

The disputed domain name <jindalstianless.com> was registered on December 6, 2021. The disputed domain name does not resolve to an active website.

The Complainants request that the disputed domain name be transferred to the first Complainant.

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

##### **A. Complainants**

The Complainants' contentions are divided into three parts as follows:

First, the Complainants assert that the disputed domain name is confusingly similar to their trade mark and their domain names associated. The word "jindalstianless" in the disputed domain name is an obvious misspelling of the Complainants' trade mark and a part of the first Complainant's domain name, <jindalstainless.com>, *i.e.* the reversal of the letters "a" and "i" in "STAINLESS". Hence, the disputed domain name is substantially and confusingly similar as a whole to the registered trademarks of the Complainants.

Second, the Complainants assert that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Further, the Complainants contend that the Respondent is not a licensee of either of the Complainants and neither have the Complainants granted any permission or consent to the Respondent

to use their trademark, and that the Respondent has not shown any demonstrable preparation to use the domain name in connection with a *bona fide* offering of goods and services. Hence, the Respondent has no rights and legitimate interest in the disputed domain name.

Third, the Complainants assert that the bad faith of the Respondent in registering the disputed domain name can be simply established from the fact that the Respondent's activity is a typical typosquatting which is intended to trick users seeking to locate an official website of the Complainants into visiting the disputed domain name. Hence, the disputed domain name has been registered in bad faith and is being used in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1. Preliminary Issue: Language of Proceedings**

In respect of the language to be used in the administrative proceeding, in accordance with the Rules, paragraph 11(a), the language of the administrative proceeding shall be, in principle, the language of the registration agreement. However, the same provision allows the panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

In the present case, the Registrar has confirmed that the language of the Registration Agreement is Japanese.

The Panel determines that the language of this proceeding shall be English rather than Japanese on the following grounds:

- the Complainants' request to that effect;
- the Respondent did not reply to the Center's Language of Proceedings email or Notification of Complaint in English and Japanese;
- the disputed domain name is in Latin script and not in Japanese script; and
- the use of Japanese language would produce undue burden on the Complainants in consideration of the absence of a Response from the Respondent.

### **6.2. Substantive Matters**

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any substantive arguments in this case, the following decision is rendered on the basis of the Complainants' contentions and other evidence submitted by the Complainants.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainants must prove each of the following:

- (i) The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainants have 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**

The Panel finds that the Complainants have rights in the JSLA JINDAL STAINLESS trade mark.

The last part of the disputed domain name, *i.e.* “.com” represents one of the generic Top-Level Domains, which is irrelevant in the determination of the confusing similarity between the disputed domain name and the JSLA JINDAL STAINLESS trade mark.

The first part of the disputed domain name, *i.e.* “jindalstainless” is different from the trade mark in that the letters “jsla” are omitted and the sequential order of the letters “a” and “i” in “stainless” is reversed. The inversion of letters is a typical example of typosquatting. A dominant feature of the JSLA JINDAL STAINLESS trade mark is recognizable in the disputed domain name.

Therefore, the Panel finds that the disputed domain name, being a typosquatted version of the JSLA JINDAL STAINLESS trade mark, is confusingly similar to the trade mark in which the Complainants have rights. The above requirement provided for in paragraph 4(a)(i) of the Policy is accordingly satisfied.

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

There is no evidence that shows the Respondent is commonly known by the name “jindalstainless” or that the Respondent is affiliated with the Complainants or authorized or licensed to use the first Complainant’s trade mark.

The disputed domain name resolves to an inactive page. This suggests that the Respondent has not used the disputed domain name in connection with a *bona fide* offering of goods or services or for any legitimate noncommercial or fair use.

Since the Respondent did not reply to the Complaint in this proceeding, the Panel finds on the available record that the Complainants have established an un rebutted *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The above requirement provided for in paragraph 4(a)(ii) of the Policy is accordingly satisfied.

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

The Complainants are large manufactures of stainless and other metal products. In consideration of the Complainants’ business using the JINDAL STAINLESS trade mark, it is highly unlikely that the Respondent would not have known of the Complainants’ rights in the trade mark at the time of the disputed domain name’s registration. In addition, in light of the fact that nothing in the disputed domain name bears a reasonable relevance to the name of the Respondent and number of letters in the Complainants’ JSLA JINDAL STAINLESS trade mark, there can be found no reasonable possibility of fortuity in the Respondent’s registration of the disputed domain name. The Respondent’s intentional misspelling of the Complainant’s trademark in the disputed domain name and the fact that the disputed domain name is almost identical to the Complainant’s domain name<jindalstainless.com> are both evidence of bad faith.

The fact that the disputed domain name resolves to an inactive page does not prevent a finding of bad faith. See section 3.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)).

Since the Respondent did not reply to the Complaint in this proceeding, based on the available record the Panel finds that the disputed domain name has been registered in bad faith and is being used in bad faith. The above requirement provided for in paragraph 4(a)(iii) of the Policy is accordingly satisfied.

In conclusion, all three cumulative requirements as provided for in paragraph 4(a) of the Policy are determined to be 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 <jindalstianless.com> be transferred to the first Complainant.<sup>1</sup>

*/Masato Dogauchi/*

**Masato Dogauchi**

Sole Panelist

Date: August 2, 2022

---

<sup>1</sup> The Complainants request that disputed domain name be transferred to the first Complainant. In consideration of the fact that the two Complainants are related companies, the Panel admits the above request.