

ADMINISTRATIVE PANEL DECISION

Snap Fitness, Inc. v. Lekha Reddy, Snap Fitness India
Case No. D2022-3688

1. The Parties

The Complainant is Snap Fitness, Inc., United States of America (the “United States”), represented by G&W Legal, India.

The Respondent is Lekha Reddy, Snap Fitness India, India.

2. The Domain Name and Registrar

The disputed domain name <snapfitnessindia.com> (the “Disputed Domain Name”) 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 October 4, 2022. On October 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 5, 2022, 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 October 17, 2022. The Center received on October 17, 2022, a communication from the Respondent claiming to not have any interest over the Disputed Domain Name and her willingness to transfer the Disputed Domain Name. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2022. The Respondent did not submit any formal response. Accordingly, the Center notified the Respondent’s default on November 8, 2022. On November 8, 2022 the Center received a further email from the Respondent referring back to her email of October 17, 2022. On November 9, 2022, the Complainant indicated it wished the proceeding to continue. The Center sent a communication of possible settlement to the parties on November 10, 2022. On November 14, 2022, the Complainant confirmed it was not interested in a settlement and requested the Center to move forward with the proceeding.

The Center appointed Nick J. Gardner as the sole panelist in this matter on November 17, 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 health and fitness club franchisor founded in 2003 with its headquarters in Chanhassen, Minnesota, United States. Currently, the Complainant has a network of more than 1000 clubs with more than a million members over 15 countries across the world.

The Complainant owns a range of registered trademarks, which comprise or include the words "SNAP FITNESS" for example Indian trademark 2805179, registered on November 30, 2008. These trademarks are collectively referred to as the "SNAP FITNESS trademark" in this decision.

The Disputed Domain Name was registered on December 15, 2008. It does not currently resolve to an active website. It has in the past resolved to a website promoting the SNAP FITNESS brand in India. The background to the registration of the Disputed Domain Name is a franchise agreement relating to the development of a SNAP FITNESS branded business in India. This is discussed further below.

5. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarized as follows.

The Disputed Domain Name is similar to the SNAP FITNESS Trademark.

The Respondent has no rights or legitimate interests in the Disputed Domain Name. Specifically it says the relevant franchise agreement expressly prohibited the franchisee from registration of any domain name including the term "snap fitness". See further the discussion below.

In consequence the Complainant alleges that the Disputed Domain Name was registered and is being used in bad faith. In this regard the Complainant relies on an extensive history of dealings (and dispute) between itself and its Indian franchisee.

B. Respondent

No formal response has been filed. It appears however from the email correspondence described above that the Respondent does not object to the transfer of the Disputed Domain Name to the Complainant. Specifically the email dated October 17, 2022 (which was sent in the name of Srileka Reddy from an email address which was in the format slehkareddy@{...}) reads as follow; "This is to place on record that I have resigned from Force Fitness as Marketing Director in 2019 and have no relation or concern with the company or its matters from then onwards. All controls are with current directors and I have no connection to this and also not aware of the other affairs of the company after my resignation. There have been other directors appointed post my resignation and duly accepted by the board of directors.

The ROC can be checked to authenticate this. My resignation, acceptance by the board and appointment of new directors have been filed with the Registrar of Companies and documents can be sent to authenticate if needed.

I have no interest in the domain name and have already given controls to the current directors and am willing to surrender/ dissolve any domain or whatever the complainant requires. Moreover, I have no objection for domain name surrender and willing to sign any documents to surrender the domain name and do not wish to contest this or take this matter further Request you get in touch with the current directors of the company for any issues regarding Force Fitness or Snap Fitness”.

See further the discussion below.

6. Discussion and Findings

Preliminary Matters – No Response

The Panel notes that no formal Response has been received from the Respondent. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to “employ reasonably available means calculated to achieve actual notice”. Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent’s failure to file any Response. While the Respondent’s failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent’s default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)). The Panel also notes that an informal response has been received from the Respondent (see discussion below).

Preliminary Matters – Respondent Identity

The Respondent of record is Lekha Reddy, Snap Fitness India. The franchise arrangements the Complainant relies upon appear to involve a number of agreements between a subsidiary of the Complainant called Snap Fitness (India) Private Limited and a company called Force Fitness India Private Limited. It would appear that one of the shareholders in Force Fitness India Private Limited is (or was) a Srilekha Reddy who was also a director of the company and who was possibly also a signatory to at least one of the agreements concerned (although on the copy of the agreement concerned which is in evidence no actual signature appears in the relevant space for her signature). The email correspondence to the Center was sent in the name of Srileka Reddy from an email address which was in the format slehkareddy@[...].

It appears to the Panel that Lekha Reddy, Srilekha Reddy and Srileka Reddy are all alternative versions of the name of the same person (there is nothing to suggest that more than one person is using this name or names) and references to the Respondent in this decision are to that person. It would appear that acting in her capacity as director and/or shareholder in Force Fitness India Private Limited she registered the Disputed Domain Name for use in the proposed franchise venture that was being established at the time providing as the registrant name “Lekha Reddy” and as the registrant organization “Snap Fitness India”. Whether she was entitled to do so is not something the Panel needs to determine, given its reasoning below.

Substantive Matters - Finding Based on Consent

Given the content of the email from the Respondent (see above) the Panel adopts the approach set out in [WIPO Overview 3.0](#), section 4.10 as follows:

“How do panels handle cases involving a respondent’s informal or unilateral consent for the transfer of the domain name to the complainant outside the ‘standard settlement process’ described above?

Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the ‘standard settlement process’ described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In

such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).”

See for example *Infonxx.Inc v. Lou Kerner, WildSites.com*, WIPO Case No. [D2008-0434](#), where the Panel stated as follows:

“However, this Panel considers that a genuine unilateral consent to transfer by the Respondent provides a basis for an order for transfer without consideration of the paragraph 4(a) elements. As was noted by the Panel in *The Cartoon Network LP, LLLP v. Mike Morgan*, WIPO Case No. [D2005-1132](#), when the Complainant seeks the transfer of the disputed domain name, and the Respondent consents to transfer, the Panel may proceed immediately to make an order for transfer pursuant to paragraph 10 of the Rules. Accordingly, and in light of the parties’ stipulations set forth above, the Panel will order the transfer of the disputed domain name to the Complainant. This is clearly the most expeditious course. Id.; *Williams-Sonoma, Inc. v. EZ-Port*, WIPO Case No. [D2000-0207](#).”

Accordingly given the content of the Respondent’s e mail communications (see above), the Panel’s determination on the Respondent’s identity and pursuant to paragraph 10 of the Rules the Panel orders that the Disputed Domain Name be transferred to the Complainant. Given this finding it is not necessary for the Panel to consider the detail of the franchise arrangements the Complainant relies upon or the facts as to what happened in relation to those arrangements.

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 <snapfitnessindia.com> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: December 1, 2022