

ADMINISTRATIVE PANEL DECISION

Infosys Limited v. shoaib Mansuri
Case No. D2023-1159

1. The Parties

The Complainant is Infosys Limited, India, represented by K&S Partners, India.

The Respondent is shoaib Mansuri, India.

2. The Domain Name and Registrar

The disputed domain name <infosysweb.com> 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 March 15, 2023. On March 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 16, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 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 March 24, 2023.

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 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 19, 2023.

The Center appointed Maninder Singh as the sole panelist in this matter on April 26, 2023. 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, Infosys Limited, is a registered company in India, established in the year 1981. The Complainant is a prominent company in the Information Technology (“IT”) industry and claims to be a global leader in next-generation digital services and consulting. The Complainant, with a market capitalization of approximately USD 75.39 billion, is listed at NYSE Euronext’s (NYSE) London and Paris markets, BSE (Bombay Stock Exchange), and NSE (National Stock Exchange). The Complainant claims to have a growing global footprint, with offices and development centers, *inter alia*, in United States of America (“US”), India, China, Australia, Japan, Middle East, United Kingdom (“UK”), Germany, France, Switzerland, Netherlands, Poland, Canada, and many other countries. The Complainant is the registered proprietor of the marks INFOSYS, and several INFOSYS formative marks in India as well as globally in several classes like 9, 16, 35, and 42. The Complainant owns the trademark INFOSYS with No. 873656, registered on August 30, 1999. The Complainant obtained registration of its name and mark in India in the year 1987.

The disputed domain name was registered on December 14, 2022. The disputed domain name resolves to the parked website, indicated, “Get This Domain” and has links to “Related Searches”, comprising pay-per click (“PPC”) links in the area of the Complainant’s activity.

5. Parties’ Contentions

A. Complainant

- The Complainant stated to have been registered in the year 1981, is a global company operating in the IT industry. The name Infosys is the Complainant’s corporate name and trade name. The Complainant claims that since its incorporation in the year 1981, the Complainant has built up a formidable reputation in respect of its business and services worldwide and have garnered tremendous reputation globally in respect of the name Infosys.
- The Complainant has worldwide presence having its operations all over the world through its subsidiary offices. The Complainant is known worldwide by the name Infosys. The trade name and trademark are inherently distinctive and are exclusively associated with the Complainant and its worldwide business. In connection with the Complainant’s business, the Complainant owns and uses numerous INFOSYS trademarks globally and is the registered proprietor of the trade name and mark INFOSYS globally. The Complainant has registrations for the name and mark INFOSYS in US, UK, European Union, *etc.* The Complainant claims that consumers are well aware of the Complainant not just in India but worldwide.
- By virtue of prior adoption, long and continuous use and extensive publicity and promotion, the trade name and mark INFOSYS has acquired tremendous goodwill and reputation worldwide and is associated exclusively with the Complainant and their business, services and products by the trade and public.
- The Complainant has also registered several domain names incorporating the trademark INFOSYS. The Complainant has generic Top-Level Domain (“gTLD”) and country specific domain names registered in its name. The Complainant has been known by the name and mark INFOSYS since 1981 and the name and mark INFOSYS is extremely well-known in India and the same has become a household name in India.

Contentions of the Complainant regarding the disputed domain name being identical or confusingly similar to the trademark or service mark of the Complainant:

- The Complainant contends that the disputed domain name is identical to the Complainant’s trade name and mark INFOSYS. The mark INFOSYS is the Complainant’s corporate name, trade name and the Complainant is known by the name Infosys globally since 1981 in respect of its various businesses – IT, telecommunications, banking, consumer care, healthcare, manufacturing, professional services *etc.*, and the name and mark Infosys is exclusively associated with the Complainant.

- The Complainant also contends that the disputed domain name consists of the Complainant's registered trademark INFOSYS. The Complainant's trademark INFOSYS incontestably is the principal part of the disputed domain name. The Complainant avers that the word "web" used in the disputed domain name is a word indicative of the Internet and all things related to the Internet that the Complainant provides. The use of the word "web" in the disputed domain name is indicative of the business provided by the Complainant. Internet users coming across the disputed domain name will immediately relate and will be misled into believing that the disputed domain name belongs to the Complainant.
- The Complainant further contends that the disputed domain name corresponds to a website wherein it indicates that the webpage is "Parked for free" below which it indicates "Get This Domain". Further, the webpage has links to related searches like Job Openings, Ltd Company, Forrester Digital Asset Management, which leads to likelihood of confusion amongst the consumers.
- The Complainant contends that the Respondent, being well aware of the tremendous goodwill and reputation associated with the Complainant, with the *mala fide* intention to mislead innocent people, has applied for the disputed domain name only to mislead internet users to believe that the disputed domain name belongs to the Complainant, when actually it does not.

Contentions regarding Respondent having no rights or legitimate interests in the disputed domain name:

- The Complainant contends that it has no relationship whatsoever with the Respondent and has never authorized the Respondent to use the disputed domain name or any other domain name.
- The Complainant avers that its trade and service marks are known in India and globally as the Complainant has been in business since 1981 and is among the top Indian IT services company. The name and mark INFOSYS is extremely well-known in India and is exclusively associated with the Complainant and its business worldwide. The Respondent has no due cause for registering the disputed domain name.
- The Complainant contends that the Respondent chose to register the disputed domain name in order to create a direct association with the Complainant. By registering the disputed domain name the Respondent is intentionally, illegally and fraudulently attempting to divert and attract Internet users into believing that disputed domain name belongs to or is endorsed by the Complainant or is authorized by the Complainant, which is not the case.
- The Complainant has not given any license to the Respondent to use its mark in any domain name or in any manner whatsoever. The Respondent is not commonly known by the disputed domain name and mark INFOSYS.
- The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has no relationship with the Respondent and has never authorized the Respondent to register or use its trademark in a domain name. The extent of fame of the INFOSYS mark which, as an invented word and inherently distinctive mark, makes it extremely difficult for anyone else who is not authorized or licensed by the Complainant to use or register the mark to assert rights or legitimate interests in a domain name incorporating the INFOSYS trademark.
- The Complainant also contends that the Respondent is not commonly known by the name Infosys corresponding to the disputed domain name and it does not appear that the Respondent has rights or legitimate interests to the mark Infosys by virtue of any honest concurrent use through any *bona fide* offering of goods or services.
- The Complainant further contends that the Respondent does not have any trademarks or trade names corresponding to the disputed domain name, nor is there any other indication that the Respondent has

been using the term “Infosys” in such a way as to give the Respondent any rights or legitimate interests in the disputed domain name.

Contentions regarding bad faith registration and use of the disputed domain name by Respondent

- The Complainant contends that the Respondent “knew or should have known” of the registration and use of the trademark Infosys prior to registering the disputed domain name. The Complainant is an extremely well-known IT company in India with wide recognition globally. The name and mark INFOSYS is synonymous with trust and ethical business and consumers associate the same exclusively with the Complainant. The Complainant has major concerns that the disputed domain name has been created for misleading consumers. It is unimaginable that the Respondent is not aware of the Complainant. The Respondent being in India and an Indian is well aware of the Complainant, its business activities and the tremendous goodwill and reputation associated with the Infosys mark of the Complainant.
- The Complainant contends that the Respondent is well aware of all the activities of the Complainant along with the commercial success that the Complainant is associated with. Being well aware of the Complainant’s mark Infosys, the Respondent registered the disputed domain name, more than four decades after the Complainant started its business in India.
- The Complainant also contends that the Respondent is well aware of the Complainant, its trademark and trade name INFOSYS, and the immense goodwill and reputation associated with the name and mark INFOSYS and has therefore slavishly copied in its entirety the Complainant’s well-known trademark on the disputed domain name.
- The Complainant further contends that being fully aware of the goodwill and reputation of the Complainant’s name and mark INFOSYS, the Respondent in bad faith registered the disputed domain name only to ride upon the tremendous goodwill associated with the Complainant’s well-known trademark and create an impression of direct association with the Complainant.
- The Complainant contends that the Respondent registered and used the disputed domain name in bad faith with the *mala fide* intention to mislead and fraudulently attract internet users to its website. The malicious use of the word ‘web’ along with the Complainant’s well-known mark Infosys clearly indicates to the consumers that the disputed domain name has direct connection with the Complainant and its business. Thus, the use of the disputed domain name is hugely detrimental to public interest and is an erosion of the goodwill and reputation associated with the Complainant’s mark and is resulting in dilution of the Complainant’s well-known mark INFOSYS.
- The Complainant contends that the links provided in the disputed domain name resolve to third party websites, which will tarnish the immense goodwill and reputation of the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

- The Panel finds that the Complainant has trademark rights in the mark “INFOSYS”, by virtue of its many trademark registrations in different classes.
- The Panel has considered the documents submitted by the Complainant in support of its claim that the Complainant has been using and has various registrations for the trademark using the mark

“INFOSYS”. There does not appear to be any doubt that the Complainant is the owner of trademark “INFOSYS”. The Complainant’s rights in the trademark “INFOSYS” moreover predate the Respondent’s registration of the disputed domain name.

- The Panel is satisfied that the Complainant’s “INFOSYS” trademark is recognizable in the disputed domain name.
- The Panel finds it useful to refer to the decision in the case of:
 - (i) *Advance Magazine Publishers Inc. Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#), holding that – “where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”.
 - (ii) *AREVA v. St. James Robyn Limoges*, WIPO Case No. [D2010-1017](#), holding that: “In numerous UDRP decisions, panels have found that the fact that a domain name incorporates a complainant’s registered mark in its entirety is sufficient to establish confusing similarity for the purpose of the first element of paragraph 4(a) of the Policy.”
- The Complainant has therefore succeeded in establishing the first element of the test in paragraph 4(a) of the Policy

B. Rights or Legitimate Interests

- The second element requires the Complainant to first make a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name; while the burden of proof always rests with the Complainant, a *prima facie* case shifts the burden of production of evidence to the Respondent.
- The Panel observes that the Complainant has made out a case proving its rights in the trademark INFOSYS. The Complainant enjoys goodwill and reputation for the marks registered by it. The Panel has no doubt that the disputed domain name incorporates the well-known and famous trademark INFOSYS of the Complainant by adding word “web” to it. The Panel is of the view that such an attempt on the part of the Respondent is to create confusion and to cash on/ride over the name, goodwill and reputation of the Complainant.
- The Panel observes that the Respondent is in no way related to the Complainant or its business activities. The Respondent is neither an agent of the Complainant, nor does he carry out activities for the Complainant. The mark INFOSYS, indisputably vests in the Complainant as evidenced by various statutory registrations not only in India, but other jurisdictions as well, secured by the Complainant.
- The Complainant has argued that the disputed domain name resolves to the parked webpage, indicated, “Get This Domain” and has links to “Related Searches”, comprising PPC links in the Complainant’s industry. The Respondent did not respond to these allegations. In the facts and circumstances of the present case, the Panel accepts and agrees that that the Respondent has not proved any *bona fide* use of the disputed domain name as he has failed to submit any response to the contentions made by the Complainant.
- The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

- Under the third element, the Complainant is required to establish that the disputed domain name has been registered and is being used in bad faith by the Respondent.
- The Panel observes that the disputed domain name comprises the Complainant’s trademark INFOSYS plus the term “web”. The Respondent’s use of the mark INFOSYS in the disputed domain

name in the context of this case takes unfair advantage of the Complainant's INFOSYS trademark. The Panel also observes that the Respondent has been found not to have any rights or legitimate interest in the disputed domain name.

- The Panel observes that there is virtually no possibility that the Respondent was unaware of the Complainant's trademark, its existence, or presence in the market. In this regard, the Panel refers to and relies upon the previous UDRP decision in *Consitex S.A. Lanificio Ermenegildo Zegna & Figli S.p.A. Ermenegildo Zegna Corporation v. Mr. Lian Ming*, WIPO Case No. [DWS2003-0001](#) – holding that a respondent could not ignore the existence of a well-known trademark at the time of registering a domain name.
- As it was mentioned in Section 6B of the Decision, the disputed domain name resolves to a website that includes competitive PPC links. Therefore, the Panel considers that the Respondent is trying to use the reputation of the Complainant by misleading the Internet users, for commercial gain, to the website to which the disputed domain name resolves by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the mentioned website, which concludes bad faith under paragraph 4 (b) (iv) of the Policy. See [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition 3.1.4.](#)
- The Panel, therefore, finds that the disputed domain name was registered and being used in bad faith by the Respondent.

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, <infosysweb.com>, be transferred to the Complainant.

/Maninder Singh/

Maninder Singh

Sole Panelist

Date: May 15, 2023