

ADMINISTRATIVE PANEL DECISION

Jindal Stainless Limited v. Nelson Shelby, Shelby Company
Case No. D2023-2658

1. The Parties

The Complainant is Jindal Stainless Limited, India, represented by Sarad Kumar Sunny, India.

The Respondent is Nelson Shelby, Shelby Company, United States of America.

2. The Domain Name and Registrar

The disputed domain name <jindelstainless.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 21, 2023. On June 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 21, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 29, 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 June 29, 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 July 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 23, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2023.

The Center appointed Alistair Payne as the sole panelist in this matter on August 14, 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 was founded in 1980 and has traded under the name or mark “Jindal Stainless” since that time. It is India’s largest and only fully integrated stainless-steel manufacturer and has global offices which are located in Belgium, Germany, Italy, Spain, Turkey, United Arab Emirates, United States of America, Republic of Korea, Taiwan Province of China, Indonesia, Viet Nam, Singapore and Brazil. It owns various Indian registered trade marks, which incorporate the term “jindal stainless” including Indian combined logo-word mark registered under number 3161577 registered on January 18, 2016. It also owns the domain name <jindalstainless.com> from which it operates its main website and has done so since 1999.

The disputed domain name was registered on May 22, 2023, and at the date of this decision it resolves to a Name Cheap place keeper website featuring third party pay-per-click (“PPC”) links to a range of sites including some in the steel industry

5. Parties’ Contentions

A. Complainant

The Complainant submits that it owns common law rights and registered trade mark rights for its JINDAL STAINLESS mark, including its Indian combined logo-word mark registered under number 3161577 registered as of January 18, 2016. It essentially says that the disputed domain name differs from its JINDAL STAINLESS trade mark, which is the dominant element of trade mark 3161577, only by one letter, namely the “a” in “jindal”, as it has been replaced in the disputed domain name by an “e”. The Complainant says that the disputed domain name is therefore confusingly similar to its registered mark.

The Complainant further submits that the disputed domain name is a misspelling of its JINDAL STAINLESS trade mark, which it has used substantially for decades and which is very well reputed and that the Respondent is simply trying to associate itself with the Complainant and to trade off the reputation attaching to the JINDAL STAINLESS mark which is not *bona fide* conduct and is not consistent with the Respondent having legitimate rights or interests in the disputed domain name. It says that the Respondent is not commonly known by the disputed domain name and has not made demonstrable preparations to use the disputed domain name in connection with a commercial or *bona fide* purpose. It further says that the Respondent is not a licensee of the Complainant and that the Complainant has not consented to any such use and has not shown any demonstrable preparation to use the disputed domain name in connection with a *bona fide* offering of goods or services.

As far as bad faith is concerned, the Complainant says that this amounts to a case of typosquatting of its mark, which is very well-reputed in India and elsewhere, and that it amounts to opportunistic bad faith on the part of the Respondent. It says also that based on the substantial reputation attached to its mark, the Respondent was no doubt well aware of the Complainant’s mark and business before it registered the disputed domain name.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated that it owns Indian combined logo-word mark registered under number 3161577 as of January 18, 2016. Although this is a combined logo and word mark the dominant element of the mark is the distinctive word element “Jindal stainless”. The disputed domain name only differs from this

JINDAL STAINLESS word mark by the replacement of the “a” in JINDAL by an “e”. The replacement of a letter in the disputed domain name is considered as a common, obvious, or intentional misspelling of a trademark (*i.e.*, “typosquatting”). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9. The Panel, therefore, finds that the disputed domain name is confusingly similar to the Complainant’s registered trade mark right and that the Complaint succeeds under this element of the Policy.

B. Rights or Legitimate Interests

It appears that this is a typosquatting case and the Panel notes that the disputed domain name currently resolves to a Registrar place keeper page that features PPC links to various other businesses including some in the steel industry. From the record, there are no circumstances in which the Respondent can claim to be making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant has also submitted that the Respondent is not commonly known by the disputed domain name and has not made demonstrable preparations to use the disputed domain name in connection with a commercial or *bona fide* purpose. It has further asserted that the Respondent is not a licensee of the Complainant and the Complainant has not consented to any such use and has not shown any demonstrable preparation to use the disputed domain name in connection with a *bona fide* offering of goods or services.

The Panel finds that the Complainant has made out a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has failed to respond to or to rebut the Complainant’s case or to explain its conduct that appears to amount to typosquatting and the Panel, therefore, finds that the Complaint also succeeds under this element of the Policy.

C. Registered and Used in Bad Faith

The Complainant has traded under its JINDAL STAINLESS trade mark since 1980, and its trade mark was registered in 2016 long before the registration of the disputed domain name in 2023. The Complainant’s mark is distinctive and its business is extremely well-established in India, and features a range of international offices for the distribution of its products. The disputed domain name differs from the Complainant’s mark by one letter, which in the Panel’s view cannot be a coincidence. It is most likely that the Respondent was well aware of the Complainant’s mark when it registered the disputed domain name.

As far as use in bad faith is concerned this case appears to be a case of straightforward typosquatting that previous UDRP panels have found in numerous cases to be indicative of bad faith. The Panel notes in this regard that there is no explanation or response from the Respondent as to its choice of registration of the disputed domain name and that the Respondent registered the disputed domain name using a privacy service in an apparent effort to mask its identity, which is also not consistent with use in good faith. For an example of a previous typosquatting case, see *The Sportsman’s Guide Inc. v. Vipercom*, WIPO Case No. [D2003-0145](#).

Under paragraph 4(b)(iv) of the Policy, there is evidence of registration and use of the disputed domain name in bad faith where the Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trade marks as to the source, sponsorship, affiliation or endorsement of the website.

There is no evidence that the disputed domain name has ever been used in relation to the provision of *bona fide* goods or services. It currently resolves to a Registrar placekeeper website, which features PPC links to various businesses including some in the steel industry. Internet users seeking the Complainant’s website are likely to be confused by the disputed domain name and redirected to the placekeeper site featuring links to other businesses, including some in the steel industry. The Panel finds that the requirements of paragraph 4(b)(iv) of the Policy are fulfilled and that this amounts to evidence of registration and use of the disputed domain name in bad faith.

Accordingly, the Panel finds that the disputed domain name has been registered and used in bad faith and that the Complainant also succeeds under this element of the Policy.

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 <jindelstainless.com> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: August 28, 2023