

ADMINISTRATIVE PANEL DECISION

Honda Motor Co., Ltd. v. Gaurav
Case No. D2023-4542

1. The Parties

The Complainant is Honda Motor Co., Ltd., Japan, represented by P. S. Davar and Company, India.

The Respondent is Gaurav, India.

2. The Domain Name and Registrar

The disputed domain name <honda2wheelersbharat.com> is registered with BigRock Solutions Pvt Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 1, 2023. On November 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 2023, 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 November 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 6, 2023.

The Center appointed Gary Saposnik as the sole panelist in this matter on January 9, 2024. 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, Honda Motor Co., Ltd. is a Japanese corporation founded in 1948, and a leading manufacturer and seller of a vast array of goods and services, including automobiles, two-wheeler vehicles (including motorcycles and scooters), engines, and power products. As of March 31, 2022, Complaint had global unit sales of 27.30 million units out of which 17.02 million units are of two-wheelers. The Complainant started its two-wheeler business as early as in the year 1949 and reached the 400 million-units milestone for cumulative global motorcycle production in 2019. The Complainant is selling two-wheelers in over 120 countries worldwide, with India accounting for sales of over 40 million two-wheelers in the past 18 years. The Complainant is now producing two-wheelers globally at 35 plants in 21 countries, including in India. The Complainant has also been listed in the Fortune Global 500 Companies of the world and is currently ranked at 61.

According to the evidence submitted by the Complainant, the Complainant owns numerous registered trademarks worldwide for HONDA, including more than 40 registrations in India. Among the worldwide registrations are numerous in Class 12 covering vehicles, including motorcycles and scooters, namely:

- Indian Trademark Registration No. 797154, registered on March 31, 1998;
- United States Trademark Registration No. 826779, registered on April 4, 1967;
- United States Trademark Registration No. 4667771, registered on January 6, 2015.

The HONDA mark has also been held to be a well-known and famous trademark in judgments in various jurisdictions, including by the High Court, Delhi, in India (2003 (26) PTC1).

The Complainant is the registrant of domain names, including <honda.com> which is linked to its principal website, as well as <honda2wheelersindia.com>, registered as early as February 3, 2001, through its subsidiary in India.

The Respondent is the registrant of the disputed domain name, registered on September 5, 2023. Registrant's contact details indicate its location in Gurgaon, India. The Respondent's Whols contact details contain questionable contact information, with a street address of "abc", along with a questionable phone number of "+91[...]". The disputed domain name resolves to a webpage offering to sell the disputed domain name, and linking to a chat page on WhatsApp for one to inquire about purchasing the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name incorporates the Complainant's trademark HONDA in entirety. The Complainant also contends that the disputed domain name is confusingly and deceptively similar to the Complainant subsidiary's domain name in India, "honda2wheelersindia.com", as "Bharat" is a synonym of "India".

The Complainant contends that the Respondent has not used the disputed domain name in connection with any *bona fide* or legitimate business, sale, trading of goods or services. The Complainant further contends that the Respondent is not commonly known by the disputed domain name, and never had any business connection or affiliation with the Complainant or any of its subsidiaries. By using the disputed domain name, the Complainant contends that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by causing confusion with the Complainant with regard to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

The Complainant additionally contends that the Respondent has intentionally adopted the disputed domain name with an intent to sell the disputed domain name either to the Complainant or to a third party for illegal gain, with the website merely listing the disputed domain name for sale, and a link to a WhatsApp page for communicating an offer.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name contains the HONDA mark in its entirety, along with terms related to the Complainant's products and location. The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "2wheelers" and "bharat", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. Thus, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. Among the circumstances in assessing bad faith is a domain name incorporating the complainant's mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant's area of business activity or natural zone of expansion. [WIPO Overview 3.0](#), section 3.2.1.

Panels have also consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names ... incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

This Panel finds that the Respondent's registration of the disputed domain name is clearly identical or confusingly similar to the Complainant's famous or widely-known trademark, incorporating both descriptive and geographic terms related to the Complainant or its subsidiaries, with Respondent being an unaffiliated entity. The disputed domain name is also identical, but for the geographic synonym, to the Complainant's domain name <honda2wheelersindia.com> registered by its subsidiary. Moreover, the disputed domain name resolves to a webpage offering to sell the disputed domain name, and linking to a chat page on WhatsApp for one to inquire about purchasing the disputed domain name. While there may be additional indicia of bad faith registration and use, it is unnecessary for further discussion by this Panel to determine that the Respondent has registered and used the disputed domain name in bad faith.

The Panel finds that the Complainant has established the third 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 <honda2wheelersbharat.com> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: January 23, 2024