

ADMINISTRATIVE PANEL DECISION

Khadi & Village Industries Commission v. Chirag Prajapati
Case No. D2023-5013

1. The Parties

The Complainant is Khadi & Village Industries Commission, India, represented by Fidus Law Chambers, India.

The Respondent is Chirag Prajapati, Australia.

2. The Domain Name and Registrar

The disputed domain name <khadi.life> (the “Disputed Domain Name”) 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 December 1, 2023. On December 1, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 1, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 12, 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 December 16, 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 December 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 23, 2024.

The Center appointed Mariia Koval as the sole panelist in this matter on January 31, 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 is a statutory body formed in 1957 by the Government of India, being established as an apex organization under the Ministry of Micro, Small and Medium Enterprises, with regard to khadi and village industries within India, whose principal mission is to plan, promote, facilitate, organize and assist in the establishment and development of khadi and village industries in the rural areas. The Complainant plays an important role in Indian economy having a widespread presence across the country and has the implementation of its various programs in all the states, namely having offices in 28 states.

The Complainant is the owner of, among others, the following KHADI trademark registrations (the “KHADI Trademark”):

- International Registration No. 1272626, registered on December 2, 2014, in respect of goods and services in classes 1, 3, 5, 16, 18, 20, 21, 23, 24, 25, 26, 27, 29, 30, 32, 35;
- Indian Trademark Registration No. 2851543, registered on November 27, 2014, in respect of goods in class 25;
- Mexican Trademark Registration No. 0119852439023, registered on October 15, 2020, in respect of goods in class 25.

The Complainant established a social media presence and uses the KHADI Trademark to promote its activity on social media platforms such as Facebook, Instagram, LinkedIn, X (Twitter), and YouTube.

The registration date of the Disputed Domain Name is January 9, 2023. As of the date of this Decision the Disputed Domain Name resolves to a parked webpage, containing different pay-per-click (“PPC”) links to third party websites.

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 that the Disputed Domain Name is confusingly similar to the KHADI Trademark in which the Complainant has rights since the Disputed Domain Name completely includes the Complainant’s KHADI Trademark with no additional elements.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Complainant has not authorized or licensed the Respondent to use any of its trademarks in any way. Such unlicensed and unauthorized use of the Disputed Domain Name incorporating the Complainant’s KHADI Trademark is solely with a view to misleadingly divert consumers and to tarnish the Complainant’s Trademark. Moreover, the Respondent has merely parked the Disputed Domain Name. There is no demonstrable preparation to use or actually use the Disputed Domain Name in connection with any bona fide offering of goods or services.

The Complainant further asserts that the Respondent has registered and is using the Disputed Domain Name in bad faith. The Disputed Domain Name wholly incorporates the Complainant’s KHADI Trademark.

The primary aim of the Respondent is to sell or transfer the Disputed Domain Name to the Complainant or any third party, for valuable consideration. The fact that the Respondent has failed to host any content of the Disputed Domain Name or use them for any bona fide offering of goods and/or services demonstrates that the Respondent has registered the Disputed Domain Name in bad faith and with the mala fide intention to extract some commercial advantage from the Complainant.

The Complainant points out that its KHADI Trademark has been acknowledged as well-known by the previous Panels. The fame and unique qualities of the KHADI Trademark make it extremely unlikely that the Respondent registered the Disputed Domain Name independently without any knowledge of the Complainant's KHADI Trademark.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

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 Panel finds the entirety of the Complainant's KHADI Trademark is reproduced within the Disputed Domain Name with addition of the generic Top-Level Domain ".life". Accordingly, the Disputed Domain Name is identical to the Complainant's KHADI Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 Complainant has not licensed or otherwise authorized the Respondent to use its KHADI Trademark (or to register the Disputed Domain Name which is identical to the KHADI Trademark).

The composition of the Disputed Domain Name – being identical to the mark – carries a high risk of implied affiliation with the Complainant (see [WIPO Overview 3.0](#), section 2.5.1). The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the KHADI Trademark of the Complainant. As of the date of this Decision the Disputed Domain Name resolves to the website with PPC links to third party websites related to different Khadi products that are competitive of the Complainant. In accordance with [WIPO Overview 3.0](#), section 2.9, panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. Therefore, such use of the Disputed Domain Name by the Respondent gives no grounds for considering its use in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Respondent neither responded to the Complaint, nor participated in this proceeding nor, as well did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

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.

In the present case, the Panel notes that the Respondent has registered and is using the Disputed Domain Name in bad faith in view of the following.

The registration date of the Disputed Domain Name predates the registration of the Complainant's KHADI Trademark by 10 years – and the date of use by more than 60 years. The Disputed Domain Name incorporates the Complainant's KHADI Trademark in whole and resolves to a website with PPC links to third party websites related to different Khadi products. Such use of the Disputed Domain Name indicates that the Respondent was well aware of the Complainant's KHADI Trademark when he registered the Disputed Domain Name. The Respondent obviously chose to register the Disputed Domain Name, which is identical to the Complainant's KHADI Trademark, for the purpose of attracting, for commercial gain, the Internet users to its website by creating a likelihood of confusion with the Complainant's KHADI Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

In view of the absence of any evidence to the contrary and that the Respondent did not file any response to claim otherwise, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

Therefore, 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 <khadi.life> be transferred to the Complainant.

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: February 14, 2024