

ADMINISTRATIVE PANEL DECISION

HDFC Bank Limited v. Punit Jain

Case No. D2024-0177

1. The Parties

The Complainant is HDFC Bank Limited, India, represented by SAMVĀD: PARTNERS, India.

The Respondent is Punit Jain, India.

2. The Domain Name and Registrar

The disputed domain name <hdfcinternational.com> is registered with GoDaddy.com, LLC, United States (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 16, 2024. On January 17, 2024, the Center transmitted by email to the Registrar, a request for registrar verification in connection with the disputed domain name. On January 17, 2024, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 18, 2024 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 February 2, 2024.

The Center, on February 7 2024, 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 February 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 28, 2024. This Panel notes that the Center has complied with all of its obligations to serve a formal notice of the Complaint on the Respondent through all known means and modes of communication but however, the Respondent did not submit any response within the stipulated deadline. Accordingly, the Center notified the Respondent's default on March 5, 2024.

The Center appointed Saisunder Nedungal Vidhya Bhaskar as the sole panelist in this matter on March 11, 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, HDFC Bank Limited, claims that it is one of India's largest private banks and was among the first to receive approval from the Reserve Bank of India (RBI), India's central bank, to set up a private sector bank in 1994 with a registered office in Mumbai, India.



The Complainant provides a wide range of banking and financial services catering to diverse needs of customers and claims that it has a nation-wide network of 7,945 branches situated in across 3,836 cities in India.

It is noted that with effect from July 1, 2023, the Complainant's associate and promoter entity, Housing Development Finance Corporation Limited ("HDFC Limited") merged into the Complainant to create a financial sector behemoth, with a full suite of banking and other financial products under it.


The said merger was effected through a scheme of amalgamation duly sanctioned and confirmed by the Hon'ble National Company Law Tribunal, Mumbai Bench, India vide its order dated March 17, 2023. Accordingly, the Complainant claims to have become the successor-in-title to the trademarks and trade name "HDFC" with effect from July 1, 2023.

It is further noted from the various documents and annexes submitted by the Complainant as part of its Complaint that the aforesaid HDFC Limited has been in existence since October 17, 1977, and accordingly, it can be noticed that the trade name and trademark "HDFC" came to be in first use by the Complainant's predecessor as early as in October 1977.

The Complainant claims to hold multiple trademark registrations and/or has applied for registration of various trademarks containing the word HDFC and/or its associated labels and logos in India and other jurisdictions. Some of the relevant trademark applications can be noted as follows:

S.No	Application No	Trademark	Class	Date of Registration	Status
1	1426533	HDFC	36	February 25, 2008	Registered
2	454215		6	June 30, 1993	Registered
3	965388		9	December 22, 2003	Registered
4	2466371	HDFC (WORD)	9	January 24, 2013	Registered
5	2466372	HDFC (WORD)	36	July 6, 2018	Registered
6	2466373	HDFC (WORD)	37	July 6, 2018	Registered
7	2466374	HDFC (WORD)	41	July 6, 2018	Registered
8	2466375	HDFC (WORD)	16	December 11, 2014	Registered

9	2466376	HDFC (WORD)	35	July 6, 2018	Registered
10	2466377	HDFC (WORD)	38	May 30, 2018	Registered
11	2466378	HDFC (WORD)	39	July 6, 2018	Registered
12	2466379	HDFC (WORD)	40	July 13, 2018	Registered
13	2466380	HDFC (WORD)	42	September 20, 2016	Registered
14	2466381	HDFC (WORD)	43	September 20, 2016	Registered
15	2466382	HDFC (WORD)	44	April 18, 2018	Registered
16	2466383	HDFC (WORD)	45	April 18, 2018	Registered

The Complainant also states that it has made an application to the Indian Trademark Registry seeking recognition of the  logo as a well-known mark in India, which has since been accepted by the Indian Trademark Registry, as has now been verified by this Panel.

The Complainant also relies on its select illustrative national and international recognitions and achievements such as the recognition for Best Large Bank in India by Fortune India – Grant Thornton Bharat's study of India's Best Banks 2022, the recognition for Best Bank in India by Euromoney Awards for Excellence 2022, recognition for being ranked as India's Most Valuable Brand for the 7th consecutive year as per the survey, '2020 BrandZ™ Top 75 Most Valuable Indian Brands, conducted by Kantar Millward Brown and recognition for the 'Most Committed to High Governance Best Standards' by Finance Asia's Best Companies in Asia Poll 2022.

The Complainant also uses the trademark "HDFC" in the string of approximately 189 domain names and it is also noted that the Complainant is the owner of the ".hdfcbank" Top Level Domain ("TLD").

The disputed domain name was registered on January 25, 2020, and it resolves to the Registrar's parking page displaying pay-per-click links.

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.

1. As regards the first element of the policy the Complainant contends that:

The registration of the disputed domain name is identical or confusingly similar to the Complainant's trademark HDFC in which the Complainant has rights. In support of the contention the Complainant asserts that it is the rightful owner of the trademark HDFC in India and several jurisdictions around the globe as already noted in Section 4- Factual Background.

It has achieved extensive recognition in relation to its use of the trademark and trade name HDFC since its adoption in October 1977.

It is the registered proprietor of the trademark 'HDFC' in India and the trademark "HDFC Bank" in India and several other jurisdictions and relies on the panel decision in the case of *Horten Advokatpartnerselskab v. Domain ID Shield Service CO., Limited / Krutikov Valeriy Nikolaevich*, WIPO Case No. [D2016-0205](#), whereunder the panel held that, "It has been a consensus view among UDRP panels that if the complainant owns a registered trademark, then it generally satisfies the threshold requirement of having trademark rights."

Even though the disputed domain name, <hdfcinternational.com>, differs from the registered trademark by the addition of a descriptive word i.e., 'international', it does not serve sufficiently to distinguish or differentiate the disputed domain name from the Complainant's trademark. The Complainant reiterates that previous UDRP panels have ruled that the mere addition of a non-significant element does not sufficiently differ the domain name from the registered trademark. In the case of *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#), the panel relied on the panel's observation in the case *Britannia Building Society v. Britannia Fraud Prevention*, WIPO Case No. [D2001-0505](#) and set forth that in cases 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.

2. As regards the second element of the policy, the Complainant contends that the Respondent lacks rights or legitimate interests in the disputed domain name for the below mentioned reasons:

The Respondent is an individual with an address in India and neither does he have any relationship or nexus with the Complainant, nor has the Complainant ever authorized the Respondent to use its trademark 'HDFC' as part of the disputed domain name.

The fact that the domain name was registered in 2020 but is still parked, as of February 2024, indicates that the Respondent has no legitimate interest in using the domain name in connection with bona fide offering of goods or services.

The Complainant relies on the panel's decision in *Swarovski Aktiengesellschaft v. Zhang Yulin*, WIPO Case No. [D2009-0947](#), whereunder it was held that- "where the Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the Trade Mark and where the Complainant has prior rights in the Trade Mark which precede the Respondent's registration and use of the disputed domain name, it can be stated that the Complainant has therefore established a prima facie case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby shifted the burden to the Respondent to produce evidence to rebut this presumption".

In relation to paragraph 4 (c) of the policy regarding the illustrative circumstances to be demonstrated by the respondent to show the rights or legitimate interests in the disputed domain name, it has been stated by the Complainant that the Respondent has not used the disputed domain name or the term 'HDFC' in connection with a bona fide offering of goods or services. Secondly, the rightful owner of the trademark 'HDFC' is the Complainant, and the Respondent is not commonly known by the disputed domain name or the term 'HDFC'. Thirdly, the Respondent has not been using the disputed domain name for any legitimate non-commercial or fair use, as the domain name was registered in 2020 but is still parked, as of February 2024 and hence the Respondent does not fall within the ambit of any of the circumstances captured in paragraph 4(c) of the Policy.

3. As regards the third element of the policy, the Complainant contends that the disputed domain name was registered and is being used in bad faith for the below mentioned reasons:

The Complainant states that the disputed domain name was registered in 2020 but however, the Complainant has applied for registration of the 'HDFC' trademark as early as 2000 with earliest usage date recorded as September 1978.

The Complainant states that it has demonstrated that it holds a number of trademark registrations for 'HDFC' and HDFC formative trademarks and also owns several domain names comprising the trademark 'HDFC', most of which predate the date of registration of the disputed domain name on January 25, 2020 and hence the Complainant submits that the Respondent's act of registering the disputed domain name which contains the Complainant's trademark as a dominant feature, in itself, is suggestive of bad faith. In this regard, the Complainant has also placed reliance upon the panel decision in *Sanofi-Aventis v. Abigail Wallace*, WIPO Case No. [D2009-0735](#), wherein the panel noted that "It is suggestive of the Respondent's bad faith that the trademark of the Complainant was registered long before the registration of the disputed domain name."

The Complainant further submits that it ought to be presumed that the Respondent had constructive notice of the Complainant's trademark owing to the fact that the trademark 'HDFC' is well established and such knowledge of the Respondent is an indicator of bad faith on its part in having registered the disputed domain name. In this regard, the Complainant relies on the panel decision in *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#), whereunder the panel concurred with previous WIPO UDRP decisions holding that registration of a well-known trademark as a domain name is a clear indication of bad faith in itself, even without considering other elements.

The Complainant reiterates that: (i) the disputed domain name was registered in 2020 and is still parked and not operational, as of February 2024; (ii) the Respondent has, therefore, never used the domain name in dispute; (iii) additionally, the Respondent is from India where the Complainant is a financial sector behemoth and the Complainant's mark 'HDFC' is well established and recognized. This being the case, the Complainant contends that the Respondent has intentionally registered the disputed domain name which would create a likelihood of confusion with the Complainant's trademark, in the minds of Internet users.

Thus, the Complainant submits that the Respondent has intentionally attempted to attract Internet users to the disputed domain name, for commercial gain, by creating a likelihood of confusion with the Complainant's mark.

Lastly, the Complainant also contends that since the Complainant's line of business, which is providing financial services, is a strictly regulated space if the disputed domain name becomes functional and operative, it could deceive the general public to believe that the disputed domain name belongs to the Complainant and that this would, in turn, mislead consumers, divert them to the disputed domain name that does not belong to the Complainant, thereby leading to severe customer grievances and financial losses. This would consequently tarnish the Complainant's reputation and goodwill garnered in the market.

B. Respondent

The Respondent did not furnish its response to the Complaint herein and bearing this in mind and in this background, the Panel shall draw such adverse inferences from the absence of the Respondent's reply as it considers appropriate in the circumstances.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed in the administrative proceeding the Complainant must prove that:

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

As expressly stated in the Policy, the Complainant must establish the existence of each of these three elements in any administrative proceeding.

Further, as is the case in all UDRP proceedings, while this Panel notes that the burden of proof is on the Complainant, a respondent's default (i.e., failure to submit a formal response) would not by itself mean that the Complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. Further to paragraph 14(b) of the UDRP Rules however, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent.

A. Identical or Confusingly Similar

This Panel is satisfied that the Complainant has been able to establish that it has both statutory and common law rights over the word "HDFC", by virtue of both its trademark registrations across several jurisdictions for the same and also owing to its extensive usage of the trademark and trade name "HDFC" in relation to its business.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The disputed domain name plainly contains the Complainant's HDFC trademark, in addition to the word "international" and this addition (and the generic TLD extension ".com") does nothing to preclude a finding of confusing similarity. In support of these findings the Panel relies on *Advanced Magazine Publishers Inc. d/b/a Conde Nast Publications v. MSA, Inc. and Moniker Privacy Services*, WIPO Case No. [D2007-1743](#) and also *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#).

This Panel also notes that the "HDFC Bank" Logo of the Complainant has also been recognised as a well-known trademark in India by the Indian Trademark Registry and hence it is stated that a moral duty has been cast on panels such as this, to protect the bonafide and genuine proprietary rights of such complainants in reputed trademarks against blatant cases of cybersquatting indulged in by the third parties as in this instant dispute.

This Panel also takes specific note of the panel's decision in *Housing Development Finance Corporation Ltd. v. Shomprakash Sinha Roy*, WIPO Case No. [D2019-2567](#) in which it was observed that "the Complainant's trademark 'HDFC' has no established meaning or generic value but as a well-established brand and is distinctive only of the Complainant and its services." The Panel is therefore satisfied that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

The Panel accepts the contentions of the Complainant that the Respondent has "neither used nor made any demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services" and for this reason has inter alia failed to demonstrate a right or legitimate interest in the disputed domain name as per paragraph 4(c) of the Policy.

The Panel agrees with the contention of the Complainant that the domain name was registered in 2020 but is still parked, as of February 2024, thereby indicating that the Respondent has no legitimate interest in using the domain name in connection with bona fide offering of goods or services.

This Panel holds that the Complainant has successfully demonstrated that it is the honest and rightful proprietor and prior user of the trademark 'HDFC'. The Panel notes that there is no evidence to show that the Respondent is affiliated to the Complainant nor has it been authorised or licensed by the Complainant to register the disputed domain name or any entity containing the Complainant's trademark. In support of these findings the Panel relies on the *Swarovski Aktiengesellschaft v. Zhang Yulin*, WIPO Case No. [D2009-0947](#).

On a perusal and careful analysis of 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 and hence the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Accordingly, the Panel finds that the Complainant has established that the Respondent does not have any rights or legitimate interests in the disputed domain name as specified in paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel notes that the registration of the disputed domain name and its use of the same is evidently in bad faith for the various reasons as stated hereinbelow:

Firstly, the trademark registrations of the Complainant pre-date the creation date of the disputed domain name and that the trademark HDFC of the Complainant has acquired substantial recognition through the various publicity and marketing efforts of the Complainant. The Panel agrees with the Complainant's submissions that it ought to be presumed that the Respondent had constructive notice of the Complainant's trademark owing to the fact that the trademark 'HDFC' is well established and such knowledge of the Respondent is an indicator of bad faith on its part in having registered the disputed domain name.

Secondly, the Panel is of the view that the registration and usage of the disputed domain name is ex facie in bad faith as stipulated under paragraph 4(b)(iv) of the Policy as all the evidence placed on record only seems to indicate that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's HDFC mark. In this regard, reliance is also placed upon [WIPO Overview 3.0](#), section 3.1.4, wherein "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or 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". In support of these findings the Panel relies on decision in *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#).

Thirdly, this Panel agrees with the Complainant's contention that since the Complainant's line of business, which is providing financial services, is a strictly regulated space if the disputed domain name becomes functional and operative, it could deceive the general public to believe that the disputed domain name belongs to the Complainant and that this would, in turn, mislead consumers, divert them to the disputed domain name that does not belong to the Complainant, thereby leading to severe customer grievances and financial losses and this would also consequently tarnish the Complainant's reputation and goodwill garnered in the market. This indeed is a valid concern of the Complainant that cannot be brushed aside, more so owing to the fact that in the recent past there has been an increasing trend of online financial scams and frauds where innocent Internet users are being duped of their money, which needs to be nipped in the bud by discouraging blatant cases of cybersquatting being indulged in by third parties as is the case in the instant dispute.

Hence, it has to be concluded that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark, which clearly establishes bad faith.

Accordingly, the Panel finds that the Complainant has established the third element of the Policy and that the Respondent has registered and used the disputed domain name in bad faith.

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 <hdfcinternational.com> be transferred to the Complainant.

/Saisunder Nedungal Vidhya Bhaskar/

Saisunder Nedungal Vidhya Bhaskar

Sole Panelist

Date: March 25, 2024