

## **ADMINISTRATIVE PANEL DECISION**

Tata Motors Limited v. Avinash Tiwari  
Case No. D2024-0729

### **1. The Parties**

The Complainant is Tata Motors Limited, India, represented by DePenning & DePenning, India.

The Respondent is Avinash Tiwari, India.

### **2. The Domain Name and Registrar**

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2024. On February 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 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 (Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 20, 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 21, 2024.

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 February 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 15, 2024.

The Center appointed Meera Chature Sankhari as the sole panelist in this matter on March 26, 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, formerly known as Tata Engineering and Locomotive Company, began manufacturing commercial vehicles in 1954 with a 15-year collaboration agreement with Daimler Benz of Germany. The Complainant since then developed Tata Ace, India's first indigenous light commercial vehicle; the Prima range of trucks; the Ultra range of international standard light commercial vehicles; Safari, India's first sports utility vehicle; Indica, India's first indigenously manufactured passenger car; and the Nano, the world's most affordable car. The above innovations have attracted positive reviews both in India and internationally for the Complainant.

The Complainant has also consistently expanded its international footprint, through exports since 1961. The TATA MOTORS commercial and passenger vehicles are being marketed in several countries in Europe, Africa, the Middle East, South Asia, South East Asia and South America. The Complainant has consistently grown over the last 70 years and has launched several new generations of cars including Tiago, Hexa, Tigor, Nixon, Harrier, Zest etc.

The TATA, apart from being an iconic brand is an important element of the corporate name of several companies belonging to TATA Group of Companies. The Complainant and its associated companies, their products and services have come to be associated by the consumers and the members of the public exclusively as the TATA Group of Companies. The trademark TATA has been extensively used in respect of the products manufactured and services rendered by the Companies belonging to TATA Group of Companies.

The trademark "TATA MOTORS" is derived from the reputed brand TATA and has gained huge customer base nationally as well as internationally, and is identified, associated and recognized only with the Complainant. The official website of the Complainant is "www.tatamotors.com".

The Complainant owns several trademarks of Tata Motors. Details of some such marks are mentioned below:

S.No	Country	Trade Mark	Class	Regd. No.	Status	Registration dates
1	ALGERIA	TATA MOTORS	16	1/088066	REGISTERED	February 10, 2015
2	AUSTRALIA	TATA MOTORS	12	1576535	REGISTERED	August 23, 2013
3	INDIA	TATA MOTORS	12	1241123	REGISTERED	October 3, 2003

The Complainant owns several domain names of with "Tata Motors" stand alone. Details of a few such domain names are mentioned below:

S.No	Domain Name	Tld	Country	Registrant	Validity
1	Tatamotors	.in	India	Tata Motors Ltd	April 28, 2025
2	Tatamotors	.co.in	India	Tata Motors Ltd	July 1, 2024
3	Tatamotors	.com	India	Tata Motors Ltd	May 9, 2024

The disputed domain name <tatamotors.store> was registered on February 11, 2023. The Complainant alleges that the disputed domain name redirected to "www.nexaexperience.com", which appears to be a

third-party website proposing competing services. As per the record and at the time of this Decision, the disputed domain name resolves to the Registrar parked page.

## **5. Parties' Contentions**

### **A. Complainant**

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

The Complainant contends that the disputed domain name is confusingly similar to Complainant's trademarks as it includes the Complainant's well known trademark TATA MOTORS in its entirety. The Complainant has invested significant time, resources, and effort into promoting and advertising the mentioned mark through print and online platforms. As a result, the mark has become closely identified with the Complainant.

The Complainant argues that the disputed domain name is identical to the Complainant's well known trademark TATA MOTORS. The Complainant alleges that by creating this disputed domain name, the Respondent is creating confusion and the consumers may believe that this disputed domain name refers to the Complainant and there exists an inevitable risk that the disputed domain name will cause confusion, as it could lead average consumers to mistakenly believe that the disputed domain name is related to or approved by the Complainant.

The Complainant argues that the Respondent has no rights/ legitimate interests in the disputed domain name as the Complainant has not licensed/ authorized the Respondent to use its trademark or any domain name including the trademark TATA MOTORS.

Further, the Complainant contends that the sole purpose of the Respondent's registration of the disputed domain name is to misappropriate the reputation of the Complainant's trade/service mark TATA MOTORS and to divert traffic from the Complainant's websites makes it apparent that the Respondent has no rights or legitimate interest in the disputed domain name.

The Complainant claims that given the well-known nature of the mark TATA MOTORS, the Respondent is likely to have had, at least, constructive, if not actual notice, as to the Complainant's mark while registering its name. The Complainant argues that the Respondent acted with bad faith in having registered the disputed domain name in order to make an illegitimate use of it.

Lastly, the Complainant states that the disputed domain name contains links which further redirect Internet users to another third-party website. Such activity on the website of the Respondent will cause direct dilution of the brand value associated with the mark TATA MOTORS, which further confirms the fact that the Respondent intends to attract the Internet users to the disputed domain name to gain an unfair advantage while causing prejudice to the Complainant.

### **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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is well established that the addition of a generic Top-Level Domain ("gTLD") extension (such as ". store" in this case) is generally irrelevant when determining whether a domain name is confusingly similar to a Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

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 alleges that the disputed domain name redirected to a third-party website offering for sale competing products/services. Such use cannot support any claim to rights or legitimate interests.

The Panel finds that the nature of the disputed domain name, being identical to the Complainant's trademark, carries a high risk of implied affiliation to the Complainant which cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

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's registration and use of the disputed domain name demonstrate bad faith, a claim which the Respondent failed to contest. Given the widely recognized

reputation of the TATA MOTORS trademarks, it is evident that the Respondent was aware of these marks when registering the disputed domain name.

The Complainant alleges that the disputed domain name redirected to a third-party website to purchase cars. The Panel finds that the Respondent was targeting the Complainant and certainly had knowledge of the Complainant's trademark and Respondent's intention was likely to exploit the reputation related to its trademark for commercial gain by creating a false impression of association with the Complainant. Such use is likely to mislead Internet users looking for the Complainant's products or services. By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark. [WIPO Overview 3.0](#), section 3.1.4.

The Respondent's unauthorized registration and use of the disputed domain name aimed at luring and redirecting Internet users to a competing third-party website, inherently seek to cause harm or gain commercially. Thus, such actions are deemed as bad faith registration and use.

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. [WIPO Overview 3.0](#), section 3.2.1.

As per the record and at the time of this Decision, the disputed domain name resolves to a Registrar parking page. From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In this case noting (i) the degree of distinctiveness and reputation of the Complainant's trademark, (ii) the failure of the respondent to submit a response, (iii) the Respondent concealing its identity, and (iv) the implausibility of any good faith use to which the inherently misleading disputed domain name may be put.

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 <tatamotors.store> be transferred to the Complainant.

*/Meera Chature Sankhari/*

**Meera Chature Sankhari**

Sole Panelist

Date: April 10, 2024