

ADMINISTRATIVE PANEL DECISION

e-Eighteen.com Ltd. v. Bets Bazi

Case No. D2024-0873

1. The Parties

The Complainant is e-Eighteen.com Ltd., India, represented by Ira Law Firm, India.

The Respondent is Bets Bazi, India.

2. The Domain Name and Registrar

The disputed domain name <moneycontrol18.com> 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 February 28, 2024. On February 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 29, 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 (Registrant of <www.moneycontrol18.com>) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 1, 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 amended Complaint on March 4, 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 March 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 2, 2024.

The Center appointed Maninder Singh as the sole panelist in this matter on April 8, 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 renowned financial news and financial information company. It is a part of the renowned Network18 group of companies (Network18 Group). It operates, inter alia, the website “www.moneycontrol.com”, mobile applications, and social media channels and provides its services to consumers across the world. The Complainant registered the domain name <moneycontrol.com> in 1999.

The Network18 Group is one of the largest media and entertainment conglomerates in India and is engaged in broadcasting, publishing, streaming, etc., in relation to a wide variety of content through television channels, streaming platforms, magazines, and websites, including relating to business and financial information, and news.

The Complainant is the registered proprietor of numerous MONEYCONTROL trademarks, including MONEYCONTROL-formative trademarks, in India across different classes. The Complainant has provided details of 50 trademark registrations in different classes in its Complaint (e.g., India Trademark Application No. 2274496 with application date of January 31, 2012, and citing use since November 5, 1999).

The Respondent registered the disputed domain name on October 18, 2023. It resolves to an active web page requiring the visitors of the website to register with the Respondent through WhatsApp for trading in financial commodities and is requiring a minimum deposit of INR 1000. The Respondent’s Website uses the MONEYCONTROL trademark of the Complainant in the color combination of blue and green, as is being used by the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant, E-Eighteen.com Limited, is a renowned financial news and financial information company. It is a part of the Network18 group of companies. It operates, inter alia, the website “www.moneycontrol.com”, mobile applications, and social media channels through which it provides its services to consumers across the world.

The Network18 Group is one of the largest media and entertainment conglomerates in India and is engaged in broadcasting, publishing, streaming, etc., in relation to a wide variety of content through television channels, streaming platforms and websites, including relating to business and financial information and news.

The Complainant is the registered proprietor of numerous MONEYCONTROL trademarks. The Complainant has overwhelming common law as well as statutory rights in its MONEYCONTROL trademarks and is the sole and legitimate owner and proprietor.

The services provided by the Complainant under the MONEYCONTROL trademarks have grown exponentially since their launch in 1999 and is one of the biggest financial news and information portals in India. The complainant provides news, in text as well as video formats, analysis, data and tools on investing (across diverse asset classes), and information about personal finance, the business sector and the economy.

The Complainant’s website “www.moneycontrol.com” has noted a progressive rise in traffic over the past few years. Presently, the average monthly visitors on the Complainant’s website is more than 59 million. The Complainant’s services are also available through its mobile application available on the Google Play Store and the Apple App Store. The Complainant’s mobile application on the Google Play Store has also been downloaded more than 10 million times.

The Complainant has spent significant amount of time, money and resources on the advertisement and promotion of its business under the MONEYCONTROL trademarks. The Complainant’s business under the

MONEYCONTROL trademarks is also promoted on various social media platforms such as Facebook, X (formerly Twitter), Instagram, LinkedIn, and Telegram.

The Complainant contends that the disputed domain name is confusingly similar to its MONEYCONTROL trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered and is using the domain name in bad faith within the meaning of the Policy

The disputed domain name is identical or confusingly similar to the trademark or service mark of the Complainant.

- The Complainant contends that the disputed domain name is identical to the Complainant's trademark MONEYCONTROL and is deceptively similar to the device mark, of which MONEYCONTROL is an essential feature, and incorporates in full the Complainant's registered MONEYCONTROL trademarks.
- The Complainant also contends that the disputed domain name is also similar to the registered domain name of the Complainant <moneycontrol.com>.
- The Complainant further contends that the unauthorized use of the Complainant's registered and reputed MONEYCONTROL trademarks by the Respondent through the disputed domain name will lead to consumer confusion and the erosion of the distinctive value and strength associated with the said trademark and adversely impact the immense goodwill and reputation accrued thereto.

The Respondent has no rights or legitimate interests in the disputed domain name:

- The Complainant contends that the Respondent is not commonly known by the disputed domain name and the MONEYCONTROL trademarks are exclusively associated with the Complainant.
- The Complainant further contends that it has not in any way authorized, licensed, or otherwise permitted the Respondent to use its reputed MONEYCONTROL trademarks or to apply for any domain name incorporating its trademark in full or in part. The Respondent thus cannot be permitted to use Complainant's MONEYCONTROL trademarks in the disputed domain name, the same being identical to Complainant's prior registered and reputed trademarks. The Respondent has not made any bona fide use of the disputed domain name since its registration in October 2023; the domain name is only being used by the Respondent to deceive consumers.
- The Complainant also contends that the Respondent's registration of the disputed domain name is not bona fide since he/she is likely to be trading on the fame and recognition of the Complainant's registered and reputed MONEYCONTROL trademarks in order to cause confusion and bait internet users.

Bad faith registration and use of the disputed domain name by the Respondent

- Complainant contends that the Respondent's adoption and registration of the disputed domain name is wholly mala fide.
- The Complainant also contends that the respondent undoubtedly had notice of the Complainant's prior rights in the reputed MONEYCONTROL trademarks before adopting the disputed domain name by virtue of the Complainant's widespread reputation, use, and registrations of the said trademarks.
- The Complainant further contends that the Respondent's bad faith is evident from the website hosted at the disputed domain name which gives a clear impression of being associated with the Complainant, including the color combination of green and blue which is used by the Complainant on its website and mobile applications, and providing services that are identical to those under the Complainant's MONEYCONTROL trademarks.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name, the Complainant is required to prove that:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and,

(iii) the Domain Name has been 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 established its rights in the MONEYCONTROL trademarks, both by virtue of its many trademark registrations and as a result of the goodwill and reputation acquired through its use of the trademarks over many years.

The Respondent has incorporated the numerical "18" in the disputed domain name, but the Panel finds that does not prevent a finding of confusing similarity between the disputed domain name and the Mark.

The entirety of the MONEYCONTROL trademarks are reproduced within the disputed domain name. Accordingly, the Domain Name is identical and confusingly similar to the MONEYCONTROL trademarks 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.

The Complainant has made out a prima facie case that the Respondent does not have any right or legitimate interests in respect of the disputed domain name. The Panel observes that the Respondent is in no way related to the Complainant or its business activities. The Respondent is neither an agent of the Complainant, nor does he carry out activities for the Complainant. There is also no evidence that the Respondent is commonly known by the Domain Name. The MONEYCONTROL trademarks, indisputably vests in the

Complainant as evidenced by various statutory registrations, secured by the Complainant and its continuous use from the year 1999 onwards.

The disputed domain name uses the Complainant's trademark MONEYCONTROL in its entirety with an addition of "18", which is again a part of Complainant's corporate name. It uses the same color combination of blue and green, by interchanging the place of those colors on the website to which the disputed domain name resolves. Such conduct reflects the Respondent's attempt to impersonate the Complainant and mislead Internet users by such fraudulent conduct, which can never confer rights or legitimate interests upon the Respondent per section 2.13 of the [WIPO Overview 3.0](#). The disputed domain requires the visitors to register with the Respondent through WhatsApp for trading in financial commodities on a minimum deposit of INR 1000. In the Panel's view, such activity is neither honest nor permissible and does not amount to a bona fide offering of goods or services by using the disputed domain name.

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 submitted any response or 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.

The Panel observes that there is virtually no possibility that the Respondent was unaware of the Complainant's trademark, its existence or presence in the market. In the present case, the Panel notes that the Respondent has registered and used the disputed domain name to deceive Internet users into believing that the disputed domain name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the MONEYCONTROL trademarks for commercial gain. Furthermore, the Respondent has registered and used the disputed domain name with a mala fide intent to deceive the public and ride off the complainant's immense goodwill and impeccable reputation.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <moneycontrol18.com> be transferred to the Complainant

/Maninder Singh/

Maninder Singh

Sole Panelist

Date: April 22, 2024.