

ADMINISTRATIVE PANEL DECISION

Mahindra and Mahindra Limited v. Registration Private, Domains By Proxy, LLC

Case No. DAI2023-0018

1. The Parties

The Complainant is Mahindra and Mahindra Limited, India, represented by Saikrishna & Associates, India.

The Respondent is Registration Private, Domains By Proxy, LLC, United States of America.

2. The Domain Name and Registrar

The disputed domain name <mahindra.ai> (the “Domain Name”) is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 10, 2023. On August 10, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 11, 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 August 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 12, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on September 15, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is an Indian vehicle manufacturing corporation and part of the Mahindra Group, a multinational conglomerate. The Mahindra Group has a presence in more than 100 countries and employs over 250,000 people in over 150 companies. The Automotive and Farm Equipment Business is the largest contributor of the Mahindra Group's revenue with it being present in 20 locations and an ecosystem of 1,200 suppliers and 3,500 dealers. The Complainant is present at various social media platforms.

The Complainant owns trademark registrations in MAHINDRA, such as European Union Trade mark number 11768141 (registered on April 25, 2013), United States of America trademark number 85839743 (registered on December 5, 2017), and the Indian trademark number 322911 (registered on February 10, 1977). The Complainant also owns several domain names, such as <mahindra.com> and <mahindraagri.com>.

The Domain Name was registered on September 9, 2020. At the time of drafting the Decision and at filing of the Complaint, the Domain Name resolved to a pay-per-click website with commercial links.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that it has been recognized as a well-known trademark in India. The Domain Name is identical to the Complainant's trademark as it comprises solely of the Complainant's trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent has not been commonly known by the Domain Name. The Complainant has neither authorized, nor given its consent to the Respondent to register or use the Domain Name. The Respondent has registered the Domain Name to divert Internet users to the Respondent's pay-per-click parking page.

The Complainant argues that the Respondent must reasonably have been aware of the Complainant when the Respondent registered the Domain Name which is identical to the Complainant's trademark. The Respondent has registered the Domain Name to make monetary profits by providing a space for advertisement of third-party websites in the same industry as the Complainant. The Respondent's lack of any legitimate, good faith use points to bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has established that it has rights in the trademark MAHINDRA. The Domain Name is identical to the Complainant's trademark.

For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain; see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the 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 Domain Name. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of the Domain Name in connection with a *bona fide* offering of goods or services.

Based on the available record, 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 fact that the Domain Name is identical to the Complainant’s trademark makes it probable that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Name. Based on the Complaint, it appears that the Respondent is intentionally creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement. The use of the Domain Name to resolve to a pay-per-click website with commercial links relating to the Complainant’s business is also evidence of bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <mahindra.ai> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: September 26, 2023