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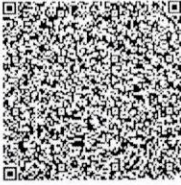
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Certificate No.	: IN-DL91617175029007Y
Certificate Issued Date	: 10-Apr-2026 04:33 PM
Account Reference	: SELFPRINT (PU)/ dl-self/ NEHRU/ DL-DLH
Unique Doc. Reference	: SUBIN-DL DL-SELF99676314362996Y
Purchased by	: KARNNIKA A SETH
Description of Document	: Article 12 Award - Immovable
Property Description	: INDRP ARBITRATION AWARD NO. 2099
Consideration Price (Rs.)	: 0 (Zero)
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Second Party	: KARNNIKA A SETH
Stamp Duty Paid By	: KARNNIKA A SETH
Stamp Duty Amount(Rs.)	: 100 (One Hundred only)

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ARBITRATION AWARD

Before the Sole Arbitrator, (Dr.) Karnnika A Seth

IN INDRP Case No. 2099

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.IN REGISTRY
(NATIONAL INTERNET EXCHANGE OF INDIA)
.IN Domain Name Dispute Resolution Policy (INDRP)

Disputed Domain Name: xoriant.co.in

Dated: 10 APRIL, 2026

IN THE MATTER OF:

Xoriant Corporation
1248, Reamwood Avenue, Sunnyvale,
California 94089,
United States of America Complainant

Vs.

Rehan Khan
Riyaz Khan, H NO 267 sher singh ghore wali gali,
Chattarpur, South Delhi,
Delhi – 110074, India Respondent

1. Parties

- 1.1 The Complainant in the arbitration proceeding is Xoriant Corporation having its registered office address 1248, Reamwood Avenue, Sunnyvale, CA 94089, United States of America. The Complainant's authorized representative is Mr. Omkar Ghate, LegaLogic Consulting.
- 1.2 According to 'WHOIS' database, the Respondent is Rehan Khan, having its address at Riyaz Khan, H NO 267 sher singh ghore wali gali, Chattarpur, South Delhi, Delhi – 110074, India. E-mail id of

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registrant is rehankhan.544@rediffmail.com. Registrant has registered the disputed domain name with GoDaddy.com, LLC.

2. **The Dispute-** The domain name in dispute is Xoriant.co.in registered by the Respondent on 15th October, 2025. According to the .IN 'WHOIS' search, the Registrar of the disputed domain name is www.godaddy.com.

3. Important Dates

S. No	Particulars	Dates (All Communication done in electronic mode)
1.	Date on which NIXI's email was received seeking consent for appointment as Arbitrator.	12 February, 2026
2.	Date on which consent was given to act as an Arbitrator in the case.	12 February, 2026
3.	Date of Appointment as Arbitrator.	13 February, 2026
4.	Soft Copy of complaint and annexures were received from NIXI through email.	13 February, 2026
5.	Date on which notice was issued to the Respondent	13 February, 2026
6.	Date on which proof of service was filed by complainant	8 April, 2026
7.	Date on which Award passed	10 April, 2026

4. Procedural History

4.1 This is mandatory arbitration proceeding in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP) adopted by the

National Internet Exchange of India (NIXI). The INDRP Rules of Procedure (the Rules) were approved by NIXI on 28th June, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. The updated rules are available on <https://www.registry.in/indrprulesprocedure>. By registering the disputed domain name with the accredited Registrar of NIXI, the Respondent agreed to the resolution of the dispute pursuant to the .IN Dispute Resolution Policy and Rules framed thereunder.

- 4.2 In accordance with Rule 5 of INDRP Rules, NIXI formally notified the Respondent of the complaint and appointed (Dr.) Karnnika A Seth as a sole arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996 and the rules framed thereunder. The Arbitrator submitted the statement of Acceptance and Declaration of impartiality and independence, as required by NIXI.
- 4.3 The complaint was filed in accordance with the requirements of Rule 3 of the INDRP Rules.
- 4.4 The Arbitrator issued notice to the Respondent on 13 Feb 2026 at the email address rehankhan.544@rediffmail.com calling upon the Respondent to submit his reply to the complaint within fifteen (15) days of receipt of the Arbitrator's email.
- 4.5 Despite notice, the Respondent failed to file any reply. Therefore, in accordance with the Rule 17 of INDRP Rules, the Arbitration proceedings were conducted ex-parte and the Award is passed which is binding on both parties herein.

5. Factual Background

- 5.1 The Complainant **Xoriant Corporation** is an American cloud-based software company headquartered in Sunnyvale, California. The

Complainant is a globally recognized technology consulting and software services company founded in 1990, with over three decades of claimed continuous operations in the digital engineering and enterprise solutions sector. The Complainant has been operating under the “**XORIENT**” mark and providing technology consulting, software development, cloud computing, data analytics, artificial intelligence, machine learning, and comprehensive IT services to clients ranging from startups to Fortune 100 companies across multiple industries including banking and financial services (BFSI), hi-tech, healthcare, pharmaceuticals, retail, consumer packaged goods (CPG), industrial manufacturing, telecommunications, and automotive sectors. (The Complainant has filed **Annexure E** showing evidence of global operations and Fortune 100 clientele)

5.2 The Complainant has extensive digital presence through the domain www.xoriant.com and active social media engagement. The Complainant has produced several published case studies, white papers, thought-leadership articles, and industry contributions. (The Complainant has filed **Annexure E** showing evidence of client testimonials and success stories, and industry analyst reports and rankings and **Annexure D** showing evidence of corporate publications and case studies, and services provided under the “**XORIENT**” mark since 1990)

6. Parties Contention

6.1 Complainant’s Submissions

GROUND 1: CLAUSE 4(a) of THE INDRP POLICY – DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO COMPLAINANT’S TRADEMARK/SERVICE MARK

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- 6.1.1 The Complainant has been using the “**XORIENT**” mark extensively and continuously since its establishment for providing technology consulting, software development, cloud computing, data analytics, artificial intelligence, machine learning, and comprehensive IT services to clients ranging from startups to Fortune 100 companies across multiple industries including banking and financial services (BFSI), hi-tech, healthcare, pharmaceuticals, retail, consumer packaged goods (CPG), industrial manufacturing, telecommunications, and automotive sectors. Due to its established reputation across the globe, the mark “**XORIENT**” has been exclusively associated with the Complainant and no one else.
- 6.1.2 The Complainant has registered the mark “**XORIENT**” with Certificate No. 3105874 (Trade Mark No. 5218252) for Class 9 goods dated 22nd November 2021, and Certificate No. 3105151 (Trade Mark No. 5218253) for Class 42 services dated 22nd November 2021, both issued by the Trade Marks Registry, Mumbai, under the Trade Marks Act, 1999. (The Complainant has filed **Annexure A** to support its claim)
- 6.1.3 The Complainant submits that the disputed domain name “xorient.co.in” incorporates the Complainant’s registered trademark “**XORIENT**” in its entirety, has character-for-character likeness and it is visually, phonetically and conceptually identical to the Complainant’s registered trademark and contains no additional words, descriptors, or differentiating elements and creates a misleading commercial impression that it is associated with or authorized by the Complainant.
- 6.1.4 The Complainant submits that the addition of the country code top-level domain “.co.in” is a technical requirement of the Domain Name System and does not distinguish or differentiate the disputed

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domain from the Complainant's trademark. Additionally, the Complainant submits that the ".co.in" suffix amplifies the likelihood of confusion between the disputed domain and the Complainant's domain.

6.1.5 The Complainant submits that the Respondent possesses no registered or common law trademark rights in the term "**XORIENT**". The Complainant conducted searches on the Indian Trade Marks Registry and found no application or registration in the name of the Respondent. It further submits that there is no evidence that the Respondent has ever been commonly known by the name "**XORIENT**" or any derivative thereof, since the WHOIS database information for the disputed domain reveals no business name, trading style, or personal designation associated with "**XORIENT**". (The Complainant has filed **Annexure B** to support this claim.)

**GROUND 2: CLAUSE 4(b) of THE INDRP POLICY –
RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS
IN THE DOMAIN NAME**

6.1.6 The Complainant submits that Respondent has no registered or common-law rights in the disputed mark. Moreover, it has never authorized, licensed, consented to, or otherwise permitted the Respondent to use the "**XORIENT**" trademark in any manner, including but not limited to: (1) Registration of domain names incorporating the "**XORIENT**" mark; (2) Use of the mark in connection with software development or related IT services and/or recruitment or job offer services or related activities; (3) Representation as affiliated with, sponsored by, or associated with Xoriant Corporation or its Indian subsidiary Xoriant Solutions

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Private Limited; (4) Use of the mark in commercial communications, emails, or digital correspondence; and (5) Any form of commercial exploitation of the “**XORIENT**” trademark.

6.1.7 The Complainant submitted that the Respondent is using the domain for fraudulent recruitment schemes, specifically: (1) Sending fake employment offer letters purportedly from “Xoriant Solutions Private Limited” using the email address career@xoriant.co.in; (2) Impersonating the Complainant’s HR department in official-looking communications; (3) Making false job offers for positions such as “Full Stack Developer”; (4) Conducting fraudulent “technical assessments” and “behavioral interviews”; (5) Creating elaborate deception through multi-page communications that mimic legitimate corporate recruitment materials; and (6) Potentially soliciting personal information, financial payments, or other consideration from job seekers under false pretenses.

6.1.8 The Complainant further submitted that the Respondent is not making any legitimate noncommercial or fair use of the domain name. The use is entirely commercial in nature, albeit criminally fraudulent, and is designed to: (1) Mislead and deceive job seekers into believing they are communicating with the legitimate Complainant; (2) Exploit the Complainant’s goodwill and reputation to lend credibility to fraudulent schemes; (3) Potentially extract money, personal information, or other value from victims; and (4) Damage the Complainant’s reputation when victims discover the fraud and associate it with the genuine “**XORIENT**” brand. It submitted that the Respondent’s use does not fall within any recognized category of fair use, including commentary, criticism, parody, news reporting, or any other protected speech or expression.

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Moreover, there is no disclaimer on the website or in the emails indicating that the domain is not affiliated with the Complainant.

6.1.9 The Complainant submitted that the Respondent is not making any bona fide offering of goods or services through the disputed domain name and instead, is allegedly using the domain name for fraudulent recruitment communications, including issuance of false employment offers, impersonation of the Complainant's HR personnel, and conducting sham recruitment processes. The Complainant contends that such conduct does not constitute use in connection with any legitimate business activity and rather reflects deliberate misuse of the Complainant's trademark and reputation.

6.1.10 The Complainant stated that none of the circumstances under Clause 6 of the INDRP Policy, which may demonstrate a respondent's rights or legitimate interests, are present in the instant case –

- (a) The Complainant stated that there is no evidence of use of the disputed domain name in connection with any bona fide offering of goods or services prior to notice of the dispute. It is contended by the Complainant that the domain name, registered on 15 October 2025, was allegedly used within a short span thereafter for deceptive recruitment communications, indicating absence of any legitimate preparatory use.
- (b) The Complainant further submitted that the Respondent has not been commonly known by the name "**XORIENT**" or by the disputed domain name in any capacity. The Complainant states that the Respondent has no trademark rights in the said name and has not demonstrated any independent association with it.
- (c) The Complainant submitted that the Respondent is not making any legitimate non-commercial use of the domain name and that the use complained of is intended to mislead internet users

and tarnish the Complainant's trademark. The Complainant submits that the Respondent's conduct has compelled the Complainant to issue public advisories warning against fraudulent recruitment communications.

GROUND 3: CLAUSE 7 OF THE INDRP POLICY – DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH

6.1.11 The Complainant submitted that the Respondent has intentionally used the disputed domain name to attract internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of communications sent from the disputed domain.

6.1.12 The Complainant stated that the Respondent has allegedly used the disputed domain to operate an email address through which false recruitment communications were sent, including a purported job offer issued on 8 November 2025 (mentioned in para 9 of the complaint and evidence produced at Annexure C) using the identity of the Complainant's Indian entity. The Complainant submitted that such communications replicate the tone, terminology, and format of genuine corporate recruitment correspondence and are designed to mislead recipients into believing that they originate from the Complainant.

6.1.13 The Complainant submitted that the disputed domain name, being identical to the Complainant's trademark and incorporating the India-specific ccTLD, is likely to cause confusion among internet users regarding the source/sponsorship/affiliation or endorsement association with the complainant.

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- 6.1.14 The Complainant submits that the Respondent's conduct indicates an intention to derive commercial benefit through deceptive means, including potential extraction of personal information or monetary payments, and that the systematic nature of the communications reflects a calculated misuse of the domain name rather than any casual or non-commercial misuse.
- 6.1.15 The Complainant submitted that such conduct targets the Complainant's reputation and goodwill, particularly its reputation as an employer, and undermines public trust in its recruitment processes.
- 6.1.16 The Complainant further submitted that the Respondent had actual knowledge of the Complainant's trademark at the time of registration of the disputed domain name, given the distinctive nature of the mark and the Respondent's alleged impersonation of the Complainant's Indian entity.
- 6.1.17 The Complainant submitted that the Respondent's use of privacy protection and the rapid deployment of the domain for deceptive communications indicate that the domain name was registered with the consciousness of wrongdoing, a pattern of behaviour consistent with criminal fraud rather than legitimate business operations and with the premeditated intention of perpetrating fraud.
- 6.1.18 The Complainant submitted that the Respondent's conduct amounts to passing off and misrepresentation and reflects a pattern of cybercrime consistent with phishing or fraudulent domain name registrations.
- 6.1.19 The Complainant has submitted that the Respondent's actions pose risk not only to the Complainant but also to members of the public, especially job seekers who are often in vulnerable economic positions and may suffer financial loss or misuse of personal

information. Therefore, the Complainant submitted the Respondent's actions amounting to fraud threaten public harm by undermining trust in online recruitment processes, victimizing individuals who may lose money or suffer identity theft, eroding confidence in the 'co.in' domain namespace and creating broader cybersecurity risks as victims' personal information is compromised.

6.1.20 The Complainant relies upon documentary evidence annexed to the complaint, including screenshots of the impugned recruitment emails and other materials demonstrating alleged misuse of the disputed domain name. (The Complainant has filed **Annexure C** to support this claim)

6.2 Respondent's defence

6.2.1 Despite service of notice by email, the Respondent failed to reply to notice within stipulated time.

6.2.2 The INDRP Rules of Procedure require under Rule 13(b) that the Arbitrator must ensure that each party is given a fair opportunity to present the case. Rule 13(b) reads as follows:

"The Arbitrator shall at all times treat the parties with equality and provide each one of them with a fair opportunity to present their case."

6.2.3 Further, the INDRP Rules of Procedure empowers the Arbitrator to proceed with arbitration proceedings ex-parte and decide the arbitration in case any party does not comply with the stipulated time limit to file its response. Rule 17 reads as follows:

"In the event any party breaches the provisions of INDRP rules and/or directions of the arbitrator, the matter can be decided ex-

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parte by the Arbitrator and such arbitral award shall be binding in accordance with law.”

6.2.4 In present arbitration, despite due service, the Respondent has failed to file any reply to the Complaint and has not sought any further time to answer the Complainant’s assertions, contentions or evidences in any manner. The Arbitrator thus finds that the Respondent has been given a fair chance to present its case. Since the Respondent has failed to reply to Notice to submit its response, Arbitration has been conducted ex-parte in accordance with Rule 17 of the INDRP rules and decided on merits ex-parte.

7. Discussions and Finding

7.1 The .IN Domain Name Dispute Resolution Policy in para 4 requires Complainant to establish the following three requisite conditions: -

- a) The disputed domain name is identical or confusingly similar to the trademark in which Complainant has right, and
- b) The Respondent has no rights or legitimate interest in the domain name, and
- c) The Respondent’s domain name has been registered or is being used in bad faith.

7.2 The Registrant’s domain name is identical or confusingly similar to a name, trademark or service mark in which the Complainant has rights (Paragraph 4(a))

The Complainant has registered the mark “XORIENT” with Certificate No. 3105874 (Trade Mark No. 5218252) for Class 9 goods dated 22nd November 2021, and Certificate No. 3105151 (Trade Mark No. 5218253) for Class 42 services dated 22nd November 2021, both issued by the Trade Marks Registry, Mumbai,

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under the Trade Marks Act, 1999. (The Complainant has filed **Annexure A** to support its claim)

The Arbitrator finds that the disputed domain name “xoriant.co.in” incorporates the Complainant’s registered trademark “**XORIENT**” in its entirety, and it is visually, phonetically and conceptually identical to the Complainant’s registered trademark and contains no additional words, descriptors, or differentiating elements. Thus, the disputed domain name is identical /deceptively similar to Complainant’s mark. As per WIPO Synopsis 3.1, while each case is judged on its own merits, 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 the mark for the purposes of UDRP standing (Ref. *Disney Enterprises, Inc. v. John Zuccarini, Cupcake City and Cupcake Patrol*, **WIPO Case No. D2001-0489**; *EAuto, L.L.C. v. Triple S. Auto Parts*, WIPO Case No. D2000-0047).

7.3 The Registrant has no rights or legitimate interest in respect of the domain name (Para 4(b))

Under para 6 of the INDRP policy, a Respondent can prove rights or legitimate interest in the domain name. The Complainant has filed sufficient evidence to prove disputed domain name is identical to “Xoriant” trademarks, in which the Complainant enjoys rights, substantial reputation and goodwill. Complainant alleges Respondent has no legitimate interest in the disputed domain name which is allegedly being used to send fake recruitment messages to persons (The Complainant has filed **Annexure C** to support its claim).

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Despite service of notice to file its reply, the Respondent failed to file its reply to the averments and claims made in the Complaint. Arbitrator is of the view that the Respondent has failed to prove any rights or legitimate interests in the disputed domain name / trademark 'Xoriant'. (Ref. *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. D2003-0455, *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. D2004-0110, *Banco Itau S.A. v. Laercio Teixeira*, WIPO Case No. D2007-0912, *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393, and *Accor v. Eren Atesmen*, WIPO Case No. D2009-0701.)

Further, Complainant has also submitted that it has not authorized nor licensed Respondent to use its 'Xoriant' marks nor has any relationship with Respondent and Respondent has failed to rebut the same. The Arbitrator is of the considered view that unlicensed and unauthorized use of domain name incorporating Complainant's trademark also proves respondent has no legitimate rights nor interest in the domain name pursuant to ICANN Policy 4(b). (Ref. *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. D2004-0110, <belupo.com>)

7.4 The Registrant's domain name has been registered or is being used in bad faith (Para 4(c))

For the purpose of Para 4 (c) of .IN Policy, under paragraph 7 of the policy, the Complainant is required to establish that the domain name was registered or is being used in bad faith.

The Complainant has submitted that it adopted its mark much prior to that of Respondent and that the Respondent has intentionally adopted disputed domain name despite prior knowledge to make unfair gains which amounts to bad faith registration. The

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Complainant stated that the Respondent has allegedly used the disputed domain in bad faith to operate an email address through which false recruitment communications were sent, including a purported job offer issued on 8 November 2025 (mentioned in para 9 of the complaint and evidence produced at Annexure C) using the identity of the Complainant's Indian entity.

The Complainant further alleged that the Respondent has intentionally used the disputed domain name to attract internet users by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of communications sent from the disputed domain, in particular by using a '.co.in' to indicate India specific ccTLD.

Despite service of notice, the Respondent has produced no evidence of authorization from Complainant or justification for registering the disputed domain name or its honest adoption or bonafide use.

It is a settled principle that registration of a domain name with the intention to create confusion in the mind of internet users and attract internet traffic based on the goodwill associated with the trademark is considered bad faith registration (*PepsiCo Ins. Vs. Wang Shaung*, INDRP case no.400, December 13, 2012). Adoption of Complainant's mark by Respondent (in the disputed domain name) to unauthorizedly sell similar products and services to make commercial gains is held to be bad faith registration. (Ref. *Prada S.A. v. Domains For Life*, WIPO Case No. D2004-1019 , *Karen Millen Fashions Limited v. Belle Kerry*, WIPO Case No. D2012-0436).

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In the aforesaid facts, the Arbitrator in the present case finds bad faith in the registration and use of the disputed domain name.

The Arbitrator finds the third ground is also established by the Complainant under the .IN Policy.

8. DECISION

On the basis of the abovesaid findings the Sole Arbitrator finds that:

- a) The Complainant has successfully established three grounds required under the policy to succeed in these proceedings.
- b) Respondent has failed to rebut averments, contentions and submissions of the Complainant

The Arbitrator directs the .IN Registry of NIXI to transfer the domain name www.xoriant.co.in to the Complainant.

The Award is passed on 10th APRIL, 2026

Place: Noida

Karnnika A Seth

(Dr.) Karnnika A Seth

Sole Arbitrator