



தமிழ்நாடு தமில்நாடு TAMILNADU

Dr. SUDHIR RAJA RAVINDRAN

27519

06-01-2015

AT 587778

A. ROUFBASHA, B.A.,  
STAMP VENDOR LIC No: 8/B3/97  
NEW No: 17, OLD No: 9,  
P.P.V. KOIL STREET, MYLAPORE,  
CHENNAI-600 004. Ph: 24982427

BEFORE THE SOLE ARBITRATOR, DR. SUDHIR RAJA RAVINDRAN  
.IN REGISTRY  
(NATIONAL INTERNET EXCHANGE OF INDIA)  
.IN DOMAIN NAME DISPUTE RESOLUTION POLICY (INDRP)

ARBITRATION AWARD

DATED: 06 JANUARY 2015

HotelTravel Limited

C/o. TricorTrustco (Labuan) Ltd.,  
Level 15 (A2) Main Office Tower,  
Financial Park Labuan, 87000  
Labuan, Malaysia.

COMPLAINANT

2011

**Versus**

**BenitoSanchezZabala**

Fernando Zobel,  
Edificio ProgresoOficina 5  
Sevilla ES  
Phone: +34.607510610  
[cavalcanti@arrakis.es](mailto:cavalcanti@arrakis.es)

**RESPONDENT**

**Disputed Domain: "HOTELTRAVEL.IN"**

**1. The Parties:**

The Complainant in this arbitration proceeding is HotelTravel Limited, represented by Mohan Associates, Chennai.

The Respondent in this arbitration proceeding is BenitoSanchezZabala.

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

The disputed domain name is [www.hoteltravel.in](http://www.hoteltravel.in). The Registrar with which the disputed domain name is registered is Webiq Domains Solutions Private Limited.

**3. Calendar of Major Events:**

S. No	PARTICULARS	DATE
1.	Date on which NIXI'S letter was received for appointment as Arbitrator	17.11.2014
2.	Date on which consent was given to act as an Arbitrator	17.11.2014
3.	Date of appointment of Arbitrator	18.11.2014
4.	Date on which the Hard copy of the complaint was received	19.11.2014
5.	Date on which notice was issued to the Respondent	20.11.2014

*2014*



6.	Due date for filing of Counter Statement by the Respondent	27.11.2014
7.	Date on which the email received from the Respondent	20.11.2014
8.	Date on which the email received from Mohan Associate in response to Respondent email dated 20.11.2014	01.12.2014

#### 4. Procedural History [Arbitration Proceedings]:

This arbitration proceeding is 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 June 28, 2005 in accordance with the Indian Arbitration and Conciliation Act, 1996. By registering the disputed domain name with the NIXI accredited Registrar, the Respondent agreed to the resolution of the disputes pursuant to the IN Dispute Resolution Policy and Rules framed thereunder.

According to the information provided by the National Internet Exchange of India ["NIXI"], the history of this proceeding is as follows:

In accordance with the Rules, 2(a) and 4(a), NIXI formally notified the Respondent of the Complaint, and appointed Dr. Sudhir Raja Ravindran as the Sole Arbitrator for adjudicating upon the dispute in accordance with the Arbitration and Conciliation Act, 1996, and the Rules framed thereunder, .IN Domain Name Dispute Resolution Policy and the Rules framed thereunder. The Arbitrator submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by NIXI.

The Complainant, based on illustrative list of international applications for registration of the trademark '**HotelTravel.com**', and based on the use of the said trademarks internationally submitted that it is the sole proprietor of and has sole and exclusive rights to use the said trademarks '**HotelTravel.com**'.

On November 20, 2014 the Respondent wrote to the Arbitrator that the *"This domain is not mine because I did not like and expired in October. It is a domain that does not interest me, nor I care no dispute about it. If anyone wants is free to register. regards"*.

On December 01, 2014, the Complaint wrote to the Arbitrator that *"we caused a search in the whois look up at www.registry.in and found that the website is due for expiration only on 05<sup>th</sup> October 2015. The website is still registered in the name of BenitoSanchezZabala and is therefore not free to be registered or used by anyone else."*

*2014*

**5. Discussion and Findings:**

In line with previous decisions, *Idea Cellular Limited v. Nick Cardew*, Case No. INDRP/629, since the Respondent has expressed that the domain does not interest him and he does not care to dispute it, the Panel finds that in this case there is no need to assess the facts supporting the claim.

The Respondent has stated that any third party is free to register the domain name in the response to transfer [without admitting to the elements of paragraph 4 of the Policy]. Therefore, as held in *Idea Cellular Limited v. Nick Cardew*, supra, "*this Panel deems it appropriate to grant the request to transfer. No further consideration or discussion of the elements of the Policy is deemed necessary*", no further consideration or discussion of the Policy is deemed necessary by the Panel.

**6. Decision:**

For the above mentioned reasons, in accordance with Paragraphs 4(i) of the Policy and 14 of the Rules, the Panel orders that the domain name, [www.hoteltravel.in](http://www.hoteltravel.in) be transferred to the Complainant.

Place: Chennai  
Date: 06.01.2015

  
Df. Sudhir Raja Ravindran  
Sole Arbitrator