NIXI orders transfer of domain name incorporating DELL mark in bad faith

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NIXI concludes 'opportunistic bad faith' by respondents for use of Dell mark for their domain. 'Dellshopping.in' ordered to be transferred to Dell to avoid confusing web users. Dell Inc, one of the largest sellers of computer systems in the world, commenced arbitration proceedings before the National Internet Exchange of India *(NIXI)* against respondents using the DELL mark for their domain name – dellshopping.in. It submitted that the domain name was being used in bad faith as the respondents had no legitimate reason to claim proximity to Dell. The tribunal noted that the use of the generic term 'shopping' with the DELL mark created confusion for consumers, who would be led to believe that the respondents were related to Dell. Particularly since it owns several thousand domain names, including such derivatives as 'dellcenter.in' and 'dellstores.in'. They would expect – and reasonably so – 'dellshopping.in' to be an official website of Dell's, and the goods and services to be advertised by an authorised reseller, which the respondent was not. NIXI concluded adoption of the Dell mark in their domain name a show of 'opportunistic bad faith' by the respondents. 'Dellshopping.in' was ordered to be transferred to Dell. *Dell Inc, USA v Ram Selvam; before the National Internet Exchange of India; order dated 26.10.2017*

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