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BEFORE THE SOLE ARBITRATOR UNDER THE .IN DOMAIN NAME DISPUTE RESOLUTION POLICY

(Appointed by the National Internet Exchange of India)

ARBITRATION AWARD

Disputed Domain Name <tissotwatches.in>

IN THE MATTER OF

TISSOT SA
Chemin des Tourelles 17,
2400 Le Locle, Switzerland

..... **Complainant**

-----versus-----

Mr Tong Hao
Xihu, 31000 HangZhou,
ZheJiang, China

..... **Respondent**

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1. The Parties

The **Complainant** in this arbitration proceeding is **TISSOT SA**, a fully owned subsidiary company of The Swatch Group Ltd having its address at Chemin des Tourelles 17, 2400 Le Locle, Switzerland.

The **Respondent** in this arbitration proceedings is **Mr Tong Hao** of the address Xihu, 31000 HangZhou, ZheJiang, CN.

2. The Domain Name, Registrar and Registrant

The present arbitration proceedings pertains to a dispute concerning the registration of the domain **<tissotwatches.in>** with .IN Registry. The Registrant in the present matter, while not clearly outlined in the WHOIS records appears to be **Tong Hao**. Further, the Registrar of the disputed domain is **Dynadot, LLC.**

3. Procedural History

The arbitration proceedings is in accordance with the .IN Domain Name Dispute Resolution Policy (INDRP), adopted by the National Internet Exchange of India (NIXI). The procedural history of the matter is tabulated below:

Date	Event
September 03 2025	- NIXI sought consent of Ms. Lucy Rana to act as the Sole Arbitrator in the matter. - The Arbitrator informed of her availability and gave her consent vide email on the September 04, 2025, along with the Statement of Acceptance and Declaration of Impartiality and Independence in compliance with the INDRP Rules of Procedure.
September 12, 2025	- NIXI handed over the Domain Complaint and Annexures thereto to the Arbitrator.

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September 12, 2025	- The Arbitrator directed the Complainant to provide a duly notarized Power of Attorney, within ten (10) days
September 19, 2025	- Complainant provided the duly notarized Power of Attorney and requested the Arbitrator to proceed with the Arbitration proceedings.
September 22, 2025	- The Arbitrator directed the Complainant to serve a full set of the domain complaint as filed, along with Annexures, upon the Respondent by email as well as physical mode and provide proof of service within (7) days.
September 24, 2025	- Complainant confirmed having sent the domain complaint and annexures to the Respondent via email and courier. Complainant further informed that they shall submit the proof of delivery via Post as soon as it is received.
September 25, 2025	- The Arbitrator directed the Complainant to provide email delivery report/ receipts in respect of service of documents effectuated upon the Respondent via email within (3) days.
September 26, 2025	- The Arbitrator ordered re-delivery of the documents via email with delivery report/receipts enabled.
September 29, 2025	- The Complainant provided proof of service of Complaint along with Annexures on Respondent via email and postal service in compliance with the prior order. - The Arbitrator accordingly commenced arbitration proceedings on the same date in respect of the matter. Respondent was granted time of fourteen (14) days, to submit a response, i.e. by October 13, 2025.
October 15, 2025	- As no response was received from the Respondent within the stipulated time period, the Arbitrator granted a final extension of three (03) days to respond to the complaint.
October 23, 2025	- As no response was received from the Respondent, the Arbitrator concluded proceedings and reserved the present award.

4. Factual Background- Complainant

The Complainant in the present matter, has, inter alia, submitted as follows:

i. That the Complainant, a fully owned subsidiary company of The Swatch Group Ltd, established in Switzerland in 1853, is a renowned designer, manufacturer and marketer of premium wristwatches under the well-known brand "**TISSOT**". The Complainant contends that it is the largest traditional Swiss watch brand, enjoying substantial market presence and international recognition in the industry for more than 160 years. The Complainant claims that it is known for delivering authentic, accessible, high-tech watches with special materials, advance technologies, and meticulous design, including its revolutionary touch screen technology T-Touch watch. Complainant's products and services are promoted online through its website (tissotwatches.com) as per **Exhibit D1**.

ii. That the mark **TISSOT** is the principal trademark of the Complainant and forms the dominant part of their corporate name.

iii. That the Complainant asserts presence of its trade mark **TISSOT** in more than 160 countries worldwide through more than 14,000 points of sale and nearly 200 mono-brand stores.

iv. That the Complainant submits that over the years, they have acted as the Official Timekeeper for prominent sports events worldwide including Tour de France and the UCI World Cycling Championships, the basketball with the NBA, FIBA and CBA; motorsports with MotoGP etc. The Complainant has submitted **Exhibits D2 to D14** in support of the claims.

v. That the Complainant has secured statutory protection for the trademark **TISSOT** in India and worldwide. In this regard, the Complainant has annexed details of **TISSOT** trademark registrations as **Exhibit E1 to E14**.

vi. That the Complainant is operating in India through numerous **TISSOT** boutiques and extensive network of selected authorized resellers.

vii. That the Complainant has generated valuable reputation and a vast amount of goodwill in the brand **TISSOT** through strong physical and digital presence over several years since

its inception in 1853 and long before the creation of the disputed domain in 2020 as per the WHOIS details referred in **Exhibit B1.**

viii. The Complainant has cited WIPO-UDRP cases whereby the Complainant has gained uncontested rights in its TISSOT mark. (*Refer to cases: Tissot S.A. v. Domains By Proxy, LLC / Serkan Ergovan, WIPO Case No. D2018-2301; Tissot SA v. 吴才曾 (Wu Cai Zeng), WIPO Case D2020-2722).*

5. Contentions And Legal Grounds Submitted By The Complainant

In support of the requirements under the captioned provisions of the INDRP (combined with the relevant Rules of Procedure), the Complainant has submitted that:

A. The disputed domain name is identical to a trademark/trade name in which the Complainant has rights

i. It is the case of the Complainant that the Respondent's disputed domain registration comprises the Complainant's protected mark **TISSOT** and the disputed domain is essentially identical and confusingly similar to Complainant's **TISSOT** mark under the policy.

ii. That the disputed domain name **<tissotwatches.in>,** incorporates the complainant's trademark **TISSOT** in its entirety, along with the term "watches", which references to Complainant's product category. The Complainant has relied on the decision in the case of *Asurion, LLC v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico, WIPO Case No. D2019-1650* to support its claims.

iii. That the Respondent's registration and use of the disputed domain <**tissotwatches.in**> is bound to induce the consumers having average attention and imperfect recollection raising the presumption of deceptive similarity. Complainant has placed reliance on the decisions *Exide Industries Limited v. Exide Corporation*, ORA/110/2011/TM/MUM; *Subhash Chand Bansal v. Khadim's*, CS(OS)

2392/2006; *Dr. Reddy's Laboratories Ltd. V. Reddy Pharmaceuticals Ltd.*, 2004 (29) PTC 435 (Del).

iv. That the incorporation of the country-code top-level domain (ccTLD) ".in" is irrelevant for determining identity and confusing similarity. The domain name <**tissotwatches.in**> remains deceptively similar to the Complainant's trademark TISSOT and does not alter the overall impression of an association with the Complainant's mark.

Accordingly, the disputed domain name <**tissotwatches.in**> is clearly confusingly similar to the Complainant's **TISSOT** trademark under the Policy.

B. The Respondent has no rights or legitimates interests in respect of the domain name(s)

i. That the Complainant is the sole legitimate owner of the trademark **TISSOT** and has not licensed or authorized the Respondent to use the trademark **TISSOT** or to apply for the domain name incorporating the said trademark. The Respondent is neither related to the Complainant or its business activities in any manner whatsoever.

ii. That there are no signs that the Respondent is commonly known by the disputed domain name.

iii. That the Respondent has not made any actual or contemplated use of the disputed domain name since its registration other than linking it to parking pages showcasing advertisement for watches. That the Respondent is holding the disputed domain passively and lacks legitimate interest. The Complainant has cited *Super Magnificent Coffee Company Ireland Limited v. Ding RiGuo, INDRP Case No. 1575 (<coffeebean.co.in>)* in support of their claim.

iv. That the Respondent has not made any bona fide use of the disputed domain name < **tissotwatches.in** > and appears to have merely registered it to feature PPC links to generate revenue as evident from Exhibit G1 to G5. Thus, the Respondent's conduct of displaying PPC links cannot be seen as bonafide offering of services.

v. That the Complainant averts non-application of doctrine of laches, to the present dispute and reliance is placed on *Subway IP Inc. v. Ramaswamy Nathan, INDRP Case No. 1151, <subway.in>*.

vi. That the Respondent's adoption of the Complainant's mark in the disputed domain name and using the same for monetization is an act of infringement and, by definition, does not constitute a non-commercial nor a fair use of a disputed domain under the Policy.

C. <u>The domain name was registered and is being used in bad faith</u>

The Complainant contends that the Respondent has registered the disputed domain name and is using it in bad faith.

i. That the Respondent has not used the disputed domain at any time since registering the dispute domain, that is in more than five years Respondent has never used the disputed domain for any bona fide offering of goods or services nor for any legitimate non-commercial or fair use of the domain name without the intention of commercial gain.

ii. That the registration of the disputed domain incorporating the term "watches", which is Complainant's main product category, is in bad faith and appears to be with intention to sell to the Complainant at an extortionate monetary consideration. Such registration and/or usage of a domain name is an explicit indication of bad faith under the Policy (see Policy, para. 7(a)). However, the Complainant submits that the Respondent did not make any offer to sell the disputed domain prior to the filing of the present Complaint. The Complainant has placed reliance on several panel decisions, including, *Britannia Industries Limited v. Ramaswamy Nathan*, INDRP Case No. 1817, <britannia.in>; *LOTUS HERBALS PVT. LTD. v. Weisheng Zheng*, INDRP Case No. 1519, <lotus.in>; *ITC Limited v. Jayasankar Kotanath*, INDRP Case No. 1514, <blueleaf.in>.

iii. The Complainant submits that the Respondent did not make any offer to sell the disputed domain prior to the filing of the present Complaint.

iv. That the adoption of Complainant's world-renowned mark by Respondent in the disputed domain is an act of deception and to create confusion with Complainant and its trademarks as to the source, sponsorship, affiliation, or endorsement of Respondent or Respondent's website linked to the disputed domain.

v. That by registering the disputed domain comprising solely of Complainant's protected trademark without any distinguishing elements, the Respondent is depriving Complainant of the chance to reflect its trademark adequately on the Internet in the .in ccTLD and consequently on the Indian (online) market, which is an additional indication of a bad faith registration and/or usage of a domain name Complainant has placed reliance on *Beautiful Retail Private Limited v. Unknown person Bearing Client ID EDTRP-15245813*, INDRP Case No. 1783, <beautiful.in>; *PetSmart International Holdings, Inc. v. Prashant Bhekare*, INDRP Case No. 1764, <petsmart.in>; *Trivago N.V. v. Shiv Singh*, INDRP Case No. 1171, <trivagoholiday.in>.

vi. That the Respondent has deliberately concealed its identity by not providing adequate contact information on the WHOIS database or the website linked to the disputed domain. Therefore, the Respondent has clearly registered and is using the disputed domain(s) in bad faith under the Policy.

6. Reliefs claimed by the Complainant (Paragraph 11 of the .IN Policy and 49(b)(vii) on the .IN Rules)

The Complainant has requested that the domain **<tissotwatches.in>** be transferred to them.

7. Discussion and Findings

As mentioned in Paragraph 4 of the .IN Domain Name Dispute Resolution Policy. The Complainant is required to satisfy the below three conditions in a domain complaint:

i. *The Resigrant's domain name is identical and confusingly similar to a name, trade mark or service mark in which the Complainant has rights: and*

ii. *The Registrant has no rights and legitimate interest in respect of the domain name; and*

iii. *The Registrant's domain name has been registered or is being used either in bad faith or for illegal/unlawful purpose.*

i. **The Registrant's domain name is identical and confusingly similar to a name, trade mark or service in which the Complainant has rights**

(Paragraph 4(a) of the .IN Domain Name Dispute Resolution Policy)

- In the present domain dispute, the complainant has furnished information about their trade mark rights over the mark **TISSOT** in several jurisdictions including India.
- The Complainant has submitted that the disputed domain incorporates the Complainant's trade mark **TISSOT** in its entirety and hence is confusingly similar to the Complainant's trade mark.
- The Complainant has also made submissions and provided evidence in respect of its prior adoption and use, as well as reputation in its **TISSOT** trademarks.
- The Complainant has further submitted that the mere addition of the term "watches" is indicative of Complainant's main product category and is not sufficient to distinguish the disputed domain name from the Complainant's trademark and it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain names associated.
- Further, the Complainant submitted that the addition of domain extension ".IN" is not sufficient to escape the finding that the domain is confusingly similar to its trademark **TISSOT** and does not change the overall impression of the designation as being connected to the trademark of the Complainant, and the Arbitrator accepts the submission.

Thus, in light of the trademark rights presented by the Complainant and the documents placed on record, the Arbitrator finds that the Complainant has been

successful in establishing their rights in the trademark **TISSOT**. It is well established that trademark registration is recognized as prima facie evidence of rights in a mark, the Complainant. By filing documents showing the ownership over registered trademark **TISSOT**, has established its prior rights in the same in India (the jurisdiction where the disputed domain is registered).

In this regard it is pertinent to point out that it has been held by numerous prior INDRP panels that there exists confusing similarity wherein the disputed name incorporates the Complainant's trade mark, including but not limit to decisions in *Amazon Technologies, Inc. v. Jack Worli*, INDRP Case No. 868; *Petsmart International Ip Holdings, Inc. vs. Mr Prashant Bhekare*, INDRP Case No. 1764; *Amazon Technologies, Inc. v. Surya Pratap*, INDRP Case No. 868; *Kenneth Cole Productions Inc v. Viswas Infomedia*, INDRP Case No. 093; *Inter IKEA Systems B.V. v. Lee Jin Ho*, WIPO Case No. D2017-1649. *Nike Inc. v. Nike Innovative CV Zhaxia*, INDRP Case No. 804; *Metropolitain Trading Company v. Chandan Chandan*, INDRP Case No. 811; *Lego Juris A/s v. Robert Martin*, INDRP Case No. 125;

In view of the aforesaid, the Arbitrator accepts that the Complainant's rights in its trademarks, under the paragraph 4(a) of the INDDRP has been established.

ii. **The Registrant has no rights and legitimate interest in respect of the domain name**

(Paragraph 4(b) and Paragrah 6 of the .IN Domain Name Dispute Resolution Policy)

As per paragraph 6 of the Policy, a Registrant may show legitimate rights and interest in a domain name, by demonstrating any of the following circumstances:

a) *before any notice to the Registrant of the dispute, the Registrant's use of, or demonstrable preparations to use the domain name or a name*

corresponding to the domain name in connection with a bona fide offering of goods or services;

b) *the Registrant (as an individual, business, or other organization) has been commonly known by the domain name, even if the Registrant has acquired no Trademark or Service Mark rights; or*

c) *the Registrant is making a legitimate non-commercial or fair use of the domain name, without the intention of commercial gain by misleadingly or diverting consumers or to tarnish the Trademark or Service Mark at issue.*

In this regard, in the absence of any formal response from the Respondent within the time period provided, and in the light of the Complainant's submissions, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

- The Complainant contends that neither license nor authorization has been granted to the Respondent to make any use of the trademark or apply for registration of the disputed domain name by the Complainant.
- The Respondent's disputed domain **<tissotwatches.in>** is identical to the Complainant's trademark **TISSOT** and the Respondent has no plausible reason to adopt the disputed domain other than to exploit the commercial goodwill and reputation of the Complainant's trademark **TISSOT**.
- The disputed domain **<tissotwatches.in>** is bound to induce members to the public and trade to believe that the Respondent has trade connections, association, relationship, or approval of the Complainant, when it is not so.
- That the disputed domain name **<tissotwatches.in>** resolves to a parking page with commercial links and the Complainant submits that the past panels have found that it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

As such, Respondent, by choosing not to respond to the Complaint, has failed to satisfy the conditions enshrined in paragraph 6 of the INDR Policy. As held by

numerous prior panels, including recently in *Amundi v. GaoGou (Case No. INDRP/776)*, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests, and once such case is established, then it is the Respondent upon whom there is the burden of proof, to demonstrate rights or legitimate interests in the disputed domain name. In this regard, if the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(b) of the Policy.

In the present domain dispute, the Complainant has established a prima facie case of its rights in the mark **TISSOT**. Thus, as mentioned above, in view of the lack of assertions on the part of the Respondent, coupled with the other contentions put forth by the Complainant, the Arbitrator accepts the Complainant's assertion, that the Respondent has no rights or legitimate interests in the disputed domain name in accordance with Paragraph 4(b) of the INDRP.

iii. **The Registrant domain name has been registered or is being used in bad faith (Paragraph 4(c) of the .IN Domain Name Dispute Resolution Policy)**

In this regard, the Complainant has inter alia contended the below points regarding Respondent's bad faith:

- That it is the identical imitation of the Complainant's renowned mark **TISSOT** indicating the Respondent's intention to withhold/occupy the disputed domain name for selling the same to the Complainant and extort monetary compensation in lieu thereof.
- The Respondent's awareness that the trademark **TISSOT** is popular and famous world over including in India. As the Complainant has been using the trademark **TISSOT** extensively and continuously since the year 1853 and the domain names **"tissotwatches.com"** since 2002. Therefore, the Respondent had constructive notice of the Complainant and its rights in the mark **TISSOT**.

- That the use of the domain name by someone with no connection with the Complainant suggests opportunistic bad faith.
- That the Respondent is depriving the Complainant of the chance to reflect its trademark adequately on the Internet in the .IN ccTLD and consequently on the Indian (online) mark, which additional indication of bad faith registration and usage.
- The use of the disputed domain name by the Respondent is solely with mala fide intentions to attract internet users for commercial gain to his own website for its own commercial gain, which is evidence of bad faith

In this regard it is pertinent to reiterate that the Respondent has not submitted any reply or rebuttal to the Complainant's contentions, or any evidence in support of its bona fide registrations or use of the disputed domain name.

In the view of the consolidated submissions of the Complainant, including the above, specifically regarding the relevance of Paragraph 7(c) of the .IN Policy in the present domain dispute, the Arbitrator finds that the Respondent's registration and use of the disputed domain name prima facie appears to constitute conduct as mentioned in Paragraph 7(c) of the policy, namely *"(c) by using the domain name, the Registrant has intentionally attempted to attract Internet users to the Registrant's website or other on-line location, by creating a likelihood of confusion with the Complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of the Registrant's website or location or of a product or service on the Registrant's website or location"*.

In view of the aforesaid, the Arbitrator concludes that the Complainant has satisfactorily proved the requirements of Paragraph 4(c) and Paragraph 7 of the INDRP.

8. Decision

Based upon the facts and circumstances, the Arbitrator allows the prayer of the Complainant and directs the .IN Registry to transfer the domain **<tissotwatches.in>** to the Complainant.

The Award is accordingly passed and the parties are directed to bear their own costs.



Lucy Rana, Sole Arbitrator

Date: November 27, 2025

Place: New Delhi, India