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# **DOMAIN NAME DISPUTES: LEGAL FRAMEWORK AND PROTECTION STRATEGIES IN INDIA**

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## **ABSTRACT**

This research study investigates the significance of domain names in the digital environment and their role as valuable assets for both individuals and enterprises. The objective of this article is to examine the manner in which domain names function as distinctive identifiers on the internet, their correlation with brand identification, and the potential conflicts that may arise when multiple parties assert ownership of the same domain. This study examines the increasing frequency of domain name disputes, which are also associated with the challenges associated with safeguarding domain ownership and the various methods for resolving the conflict. Furthermore, this demonstrates the necessity of implementing preventative measures to safeguard domain names in order to prevent misunderstandings, brand dilution, and abuse among target consumers. This paper emphasizes the necessity for individuals and organizations to exercise caution in ensuring the fair use of digital assets and the protection of their online presence in a world that is constantly expanding online. This is achieved by evaluating the broader implications of domain name disputes, which are addressed in the paper.

## INTRODUCTION

A domain name is a unique human readable address which is used to access the websites on the internet. In a domain name there are two parts of it, mainly, second-level domain (SLD) and the top-level domain (TLD). For example, in **goindigo.in**, ‘goindigo’ is termed as SLD whereas ‘.in’ is termed as TLD.<sup>1</sup> There are various types of TLDs, including generic ones like “.com,” “.org,” and “.net,” as well as country-specific ones like “.uk” or “.in” or “.ae.” Domain Names shall be registered through the registrars that are accredited by ICANN organization and certified by the registries to sell domain names. They are bound by the Registrar Accreditation Agreement (RAA) with ICANN organization, and by their agreements with the registries.<sup>2</sup>

Domain names are the most important form of intellectual property on the Internet. According to the Supreme Court of India, a domain name has all of the characteristics of a trademark. The **country-code top-level domain (ccTLD)** for India is ‘.in’ and it is essential that companies and brands protect their domain names in the ‘.in’ category. The ‘.in’ ccTLD is governed by the **IN-Domain Name Dispute Resolution Policy (INDRP)**, which is similar to the Uniform Domain Name Dispute Resolution Policy.<sup>3</sup>

Domain names like [www.google.com](http://www.google.com), are composed of a string of characters separated by dots. Although users may enter a domain name to visit a website, the IP address linked to the domain name is what actually points the user’s computer in the direction of the desired website. As a result, a user may visit the website they want by entering a domain name and having it converted into the appropriate IP address. Domain name resolution, the act of translating a domain name to an IP address, is essential to the operation of the internet.<sup>4</sup>

## WHAT IS DOMAIN NAME DISPUTE?

A Domain Name dispute is nothing but multiple parties that claim their right over a particular or the same domain. Because of the increasing popularity of the Internet, companies have

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<sup>1</sup> AD VALOREM- Journal of Law: Volume 5: Issue IV: Part-VI: October-December 2018: ISSN: 2348-5485, P.30

<sup>2</sup> ICANN, <https://www.icann.org/resources/pages/register-domain-name-2017-06-20-en>, (Last visited March 10, 2025).

<sup>3</sup> Scriboard Advocates & Legal Consultants, India: Managing the IP Lifecycle 2013, P 70.

<sup>4</sup> IP & Legal Filings, <https://www.ipandlegalfilings.com/analysis-of-domain-name-disputes-in-india/>, (Last visited March 10, 2025)

realized that having a domain name that is the same as their company name or the name of one of their products can be an extremely valuable part of establishing an Internet presence. A company that wishes to acquire a domain name must file an application with the appropriate agency. Before doing so, a search is done to see if their desired domain name is already taken or not. An appropriate site for doing such search is provided by Network Solutions. When a company finds that the domain name corresponding to their corporate name or product trademark is owned by someone else, the company can either choose a different name or fight to get the domain name back from its current owners.<sup>5</sup>

Domain name disputes arise when multiple parties claim rights over a specific domain name, often leading to conflicts over ownership, trademark infringement, or unfair competitive advantage. The Information Technology Act, 2000<sup>6</sup>, and the Trade Marks Act, 1999<sup>7</sup>, alongside frameworks such as the **Uniform Domain Name Dispute Resolution Policy (UDRP)**, govern such disputes in India. The **National Internet Exchange of India (NIXI)** administers the .in domain disputes through the **.IN Dispute Resolution Policy (INDRP)**, ensuring fair adjudication and protection of intellectual property rights.<sup>8</sup>

## LEGAL FRAMEWORK PROTECTING DOMAIN NAME IN INDIA

### 1. TRADEMARK ACT, 1999:

The Trademark Act, 1999, is the cornerstone of trademark protection in India. Section 29<sup>9</sup> of the Act deals with trademark infringement, which can occur when a domain name is identical or confusingly similar to a registered trademark. Another aspect is passing off, wherein, in addition to statutory protection, the common law remedy of passing off is available to protect unregistered trademarks. Passing off occurs when a party misrepresents its goods or services as those of another, causing confusion among consumers.<sup>10</sup>

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<sup>5</sup> Bitlaw, <https://www.bitlaw.com/internet/domain.html>, (Last visited March 10, 2025)

<sup>6</sup> Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

<sup>7</sup> Trade Marks Act, 1999, No. 47, Acts of Parliament, 1999 (India).

<sup>8</sup> <https://www.ahlawatassociates.com/domain-names-law>, (Last visited March 11, 2025)

<sup>9</sup> Information Technology Act, 2000, § 29, No. 21, Acts of Parliament, 2000 (India).

<sup>10</sup> Mondaq, <https://www.mondaq.com/india/trademark/1495376/domain-name-disputes-a-comprehensive-overview>, (Last visited March 12, 2025)

## 2. INFORMATION TECHNOLOGY ACT, 2000:

While the Information Technology Act, 2000, is primarily focused on electronic commerce and cybercrime, it also plays a role in domain name disputes. Section 43<sup>11</sup> of the Act offers remedies for unauthorized access and misuse of data, which may be applicable in specific domain name conflicts.<sup>12</sup>

## 3. UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY (UDRP)

India acknowledges the Uniform Domain-Name Dispute-Resolution Policy (UDRP) established by the Internet Corporation for Assigned Names and Numbers (ICANN), which offers a fast and cost-effective way to resolve domain name disputes. This policy applies to generic top-level domains (gTLDs) like .com, .net, and .org. Under the UDRP, a complainant must demonstrate that the disputed domain name is identical or confusingly similar to a trademark, that the domain owner lacks legitimate rights or interests in the name, and that it was registered and is being used in bad faith.<sup>13</sup>

## 4. .IN Dispute Resolution Policy (INDRP)

In India, disputes related to the .in country code top-level domain (ccTLD) are governed by the .IN Dispute Resolution Policy (INDRP), which is overseen by the National Internet Exchange of India (NIXI) and is modeled after the UDRP. Under the INDRP, a complaint can be filed if the disputed domain name is identical or confusingly similar to a trademark, the registrant lacks legitimate rights or interests in the domain, and the domain name has been registered or is being used in bad faith.<sup>14</sup>

## JUDICIAL PRECEDENTS IN INDIA

The courts in India have played an immense role in shaping the legal landscape of the domain name disputes. Some of the landmark judgements are as followed:

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<sup>11</sup> Information Technology Act, 2000, §43, No. 21, Acts of Parliament, 2000 (India).

<sup>12</sup> *Supra*

<sup>13</sup> *Supra*

<sup>14</sup> *Supra*

### 1. Yahoo! Inc. Vs. Akash Arora and Anr<sup>15</sup>.

In this particular case, Yahoo! Inc. sued the owner of “**www.yahooindia.com**” for using a deceptively similar domain name to “**www.yahoo.com**” to offer similar services. Yahoo! Inc. argued this amounted to “passing off,” misleading users into believing the two were connected. The hon’ble court, referring to **Montari Overseas vs. Montari Industries Ltd.**<sup>16</sup>, ruled that if a name closely resembles a well-known trademark and misleads the public, it constitutes passing off. Finding the domain names nearly identical and likely to cause confusion, the court granted an injunction, preventing the defendant from using any similar domain name to “Yahoo!”.

### 2. TATA Sons Ltd. Vs. Manu Kasuri<sup>17</sup>

In this particular case, the Hon’ble Delhi High Court has emphasized that the domain names are not merely an internet address but also trademark with significant commercial value. The defendant had registered domain names similar to **Tata’s trademarks**, leading to **trademark infringement** and **passing off**. The court ruled in Tata’s favor, reinforcing that unauthorized use of a well-known name can mislead users and harm the brand’s reputation.

### 3. Satyam Infoway Vs. Sifynet Solutions Pvt. Ltd<sup>18</sup>.

Satyam Infoway, sued Sifynet for using similar domain names to mislead users. The trial court ruled in Satyam Infoway’s favor, granting an injunction. However, the Karnataka High Court reversed the decision, stating that the businesses were not similar. On an appeal, the Apex Court held that “*Sify*” was a well-known trade name and that similar domain names could confuse users and divert customers. The court issues a stay order on the defendant and restricted them from using the disputed domain names, reinforcing domain names as valuable trademarks.

## CONCLUSION

A domain name is a critical asset in the digital environment, as it serves as both an identity and

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<sup>15</sup> Yahoo! Inc. Vs. Akash Arora and Anr., 78 (1999) DLT 285

<sup>16</sup>Montari Overseas vs. Montari Industries Ltd, 1996 PTC 142.

<sup>17</sup> TATA Sons Ltd. Vs. Manu Kasuri, 90 (2001) DLT 659.

<sup>18</sup> Satyam Infoway Vs. Sifynet Solutions Pvt. Ltd., (2004) 6 SCC 145.

a form of intellectual property. Companies are obligated to implement preventative measures to protect their domain names from illicit use and infringement due to the increasing significance of an online presence. The Trademark Act of 1999, the Information Technology Act of 2000, and domain dispute resolution procedures such as UDRP and INDRP, which are part of the legal framework in India, provide a structured approach to the preservation of legitimate owners and the resolution of disputes. Due to the financial significance of domain names, it is imperative for businesses to safeguard their online reputation by registering trademarks, monitoring for potential infringements, and promptly pursuing legal action when necessary. In order to preserve the integrity of extant brands, prevent consumer misunderstandings, and ensure an equitable and competitive online economy, it is crucial to ensure that intellectual property rights are effectively enforced.