



Recent Delhi High Court order tackles major recruitment scam

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Certain unidentified persons were sending out emails using confusingly deceptive email-IDs and were inviting innocent and unsuspecting members of the public for job interviews in the name of the plaintiff No.1, while soliciting money deposits from the said prospective interviewees. Seeing that, the Plaintiffs filed a suit, against the unknown person, for permanent injunction restraining infringement of trademarks, copyright and passing off; damages; rendition of accounts; delivery up; etc, as the unidentified defendants were carrying out a recruitment scam from the domains. National Internet Exchange of India (NIXI), which is an organization formed to facilitate improved internet services in the country, was also made a party to the suit to facilitate the Plaintiff in obtaining an effective remedy against the unidentified infringers. Through their submissions the Plaintiffs were successful in making a *prima facie* case of fraud, passing off, misrepresentation and cyber-squatting against the Defendants. Based upon which the Hon'ble High Court of Delhi, vide the order dated 12.04.2019, passed an *ad-interim ex-parte* injunction against the Defendants with the following directions:

- NIXI was directed to forthwith block the deceptive domains and transfer the said domain to the Plaintiffs;
- State Bank of India and the Oriental Bank of Commerce were directed to block the accounts mentioned by the Plaintiffs which were being used by the scamsters to solicit the money from the unsuspecting members of the public in the name of security deposit for the interviews.

Despite the afore-mentioned order of the Hon'ble High Court, the fraudsters running the scam opened another confusingly deceptive domain name. The Plaintiffs moved another application to bring the same to the knowledge of the court and prayed for an injunction against this newly registered domain. Based upon the submission of the Plaintiffs Hon'ble High Court of Delhi, vide the subsequent order dated 15.05.2019, passed another *ad-interim ex-parte* injunction against the Defendants with the following directions:

- An order directing NIXI to block and transfer the said domain name to plaintiff.
- An order directing NIXI to provide the Plaintiffs with the name and contact details of the Registrant / owner of the original domain name.
- An order directing NIXI to provide the Plaintiffs with the IP addresses from which the deceptive domains and were registered; and
- An order directing the State Bank of India to freeze new account which was held with them and where the scamsters were now soliciting money from the unsuspecting members of the public, along with the name and contact details of the account holder, the referral of the account holders and the complete bank statements.



We highly commend the order as it was passed without knowing the identity of the scamsters and the Plaintiffs proceeded solely upon the bank account, email IDs, websites / domain, etc. which were being used by the fraudsters. As we welcome the aforementioned order, we are also not unaware of the unprecedented growth in the number of cyber frauds like passing off, cyber-squatting, domain name disputes, cyber fraud, etc. and endeavour to use the robust legal framework to combat such cyber disputes and to deliver justice to the victims of cyber fraud. Team Anand and Anand comprised of Pravin Anand, Saif Khan, Achuthan Sreekumar and Akshay Agarwal.



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