Potential for harm enormous on the internet rules Delhi High Court

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Delhi High Court grants permanent injunction and costs against defendants using well-known YAHOO trademark as a trade name and infringing domain. "Enormous" potential for harm on the internet", it notes. Yahoo Inc., renowned for its pioneering internet-based services and platforms, initiated proceedings against the defendants before the Delhi High Court for infringement of its well-known YAHOO trademark and misuse of its brand upon learning of the defendants' travel and tourism agency operated under the name YAHOOKOCHI. The defendants maintained a website under the domain name www.yahookochi.com, and their premises and their business card displayed the unique and recognisable YAHOO logo, which had been used by Yahoo till 2014. The court noted that the YAHOO trade mark has been declared well-known and is registered in the list of well-known trademarks maintained by the Trade Mark Registry. The services offered by the defendants were in Class 39 of the Nice Classification, the same for which Yahoo has registered YAHOO formative marks. It concluded that that adoption of the YAHOO mark by the defendants was dishonest, made evident by the fact that the font used by the defendants to represent YAHOO in their trading name was identical to YAHOO's unique stylised font. Moreover, the defendants had no justification for the adoption of the YAHOO mark. Given the vast internet presence of Yahoo, and its diverse offerings, the court opined that "the potentiality of harm is enormous on the internet". Compensatory damages of Rs.200,000 and punitive damages of Rs.300,000 were awarded in favour of Yahoo, as well as costs assessed at just under Rs.500,000. *Yahoo, Inc v Mr Rinshad Rinu & Ors; before Delhi High Court; judgment dated 3 July 2017* Read more about Yahoo's Yodel, the first sound mark to be registered in India.

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