Banks, e-wallet platform ordered to disclose details of perpetrators running recruitment scam

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Delhi High Court puts a stop to a recruitment scam being perpetrated under HCL Technologies' name and trademarks. Court orders website set up by defendants, disguised as HCL's, be blocked; perpetrators' bank accounts and e-wallet account be frozen; and their Aadhaar, PAN and other details be furnished. HCL Technologies Ltd. had received complaints from persons who had been netted into a fraudulent recruitment scheme. The company took immediate steps to notify the general public that it does not demand money from candidates during the recruitment process. In light of the misuse of its trademarks and the immense potential for harm to its reputation, HCL commenced investigation and legal proceedings before the Delhi High Court. From investigation and information shared by those entrapped, the identities of those perpetrating the recruitment scam were revealed. They had posed as an arm of HCL using a website with a deceptive domain name, email addresses and counterfeit documents. The HCL trademark was used prominently on all such collateral; the illicit domain name hosting the fraudulent website mentioned HCL as the registrant; and the fraudulent scheme was advertised on social media as well. In addition, six bank accounts and an e-wallet account were opened by the defendants, disguised as HCL accounts to lure gullible candidates to deposit fees for 'applications' and 'interviews' with HCL. As such, in addition to the perpetrators running the scam, the banks and the popular e-wallet service provider were impleaded as defendants in the suit. The court accepted that HCL and formative trademarks were being illegally used by the defendants, and the domain name incorporating the HCL name was in violation too. Noting that HCL and the public at large would suffer irreparable loss if the defendants' fraudulent activities were allowed to continue, the court granted an interim injunction against the defendants restraining them from carrying out any recruitment activity using HCL's marks. The infringing domain name was ordered to be blocked; the accounts in banks and the e-wallet service provider with whom the defendants had opened accounts to defraud aspirants were frozen. The court ordered documents pertaining to the accounts - including Aadhaar and PAN card details of the account holders (defendants) – to be furnished. The order is landmark for its scope, protecting the reputation and credibility of the HCL brand and trademark, and for saving thousands of innocent job aspirants from being duped. The case also highlights courts' acceptance of digital modes of serving summons: the court allowed issue of summons and notice in the ordinary course "and all other modes including email". *HCL Technologies Ltd. & Anr. vs. Ajay Kumar & Ors; before the Delhi High Court; order dated 18.07.2017.*

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