Domain Name Protection: Broadening Horizons

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A domain name technically is an internet address identifying a computer site or a website to the internet. In commercial parlance, a domain name can be described as a virtual platform where a brand conducts business and takes up residence. However, there have been various incidents where entities have incorporated names of established brands and well-known trademarks in their domain names with an aim to exploit the goodwill and reputation attached to such brands. This dishonest practice of copying or incorporating established and well known brand names or trademarks in domain names has been considered a violation of intellectual property rights of the proprietor of such brands/trademarks.

Evolving process

The administration of domain names within the ".in" (India) category is overseen by the National Internet Exchange of India (NIXI). Under NIXI, the IN Registry functions as an autonomous body with primary responsibility for maintaining the .IN ccTLD (country code top-level domain) in accordance with the .IN Dispute Resolution Policy (INDRP), formulated in line with UDRP rules and procedure passed by the Internet Corporation for Assigned Names and Numbers (ICANN). Under the INDRP, a sole arbitrator is appointed to decide on complaints filed against infringing/illegitimate domain names. The Indian judiciary has been proactive in protecting the trade interests involved in domain names and in a recent landmark judgment of *Thoughtworks vs Super Software & Anr*, passed by the Delhi High Court, the scope of public policy under section 34 has been interpreted to include that when an arbitral award fails to appreciate the trademark rights of a proprietor against an illegitimate/infringing domain name, the same would be against the fundamental policy of India under the new arbitration law regime. *Authored by Pravin Anand and Shrawan Chopra.* Read the full article on Asia Business Law Journal.

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