Involve Police and IT Officers Fully to get to bottom of Typo-squatting Cases says High Court

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Delhi High Court passes interim injunction against defendants in case involving use of a deceptive domain to defraud genuine customers. Bank ordered to suspend and freeze all transactions of account used to receive proceeds illicitly. Autodesk Inc is a world-renowned software and digital company with a presence in over 150 countries. It is the registered proprietor of the AUTODESK trademark in India and maintains its website at 'www.autodesk.com' and uses '@autodesk.com' to communicate with its customers. The defendant along with other unknown defendants (John Does) deliberately adopted and registered 'www.auotdesk.com', a typographical variation of Autodesk's domain. They then proceeded to send phishing emails to Autodesk's bona fide customers. Autodesk approached the court when it learnt that one of its customers had become a victim of fraud, having made payment against an invoice sent by the defendant which contained the bank account details of the defendant. The fraudulent invoices had been physically delivered to customers by the defendant. The court concluded that a prima facie case of infringement and passing-off had been made out. It granted an ad interim injunction restraining the use and operation of the impugned domain name www.auotdesk.com, including its use as an email address. The bank in which the defendant's account was used to receive the proceeds of crime was joined as a defendant in the matter too. This enabled the court to pass a Mareva injunction, ordering a freezing of the bank account. Typo-squatting cases involving misappropriation of well-recognized domain names are relatively nascent, but significantly on the rise in India. Cognisant thereof, the court was strongly of the view that in matters such as these, it is necessary to involve the police and the authorized officer under the Information Technology Act 2000 in order to fully investigate and catch the perpetrators. A subsequent complaint before the Principal Secretary (IT) Government of Delhi, who is the authorised officer under the Information Technology Act 2000 has been preferred by Autodesk and the same is pending consideration. *Autodesk Inc. v Ms. Priya Das & ors; before the Delhi High Court; order dated 10.10.2017*

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