Cyber-squatter ordered to pay punitive compensation for appropriating well-known name

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In a case of cybersquatting the Delhi High Court acknowledged the need to protect personality rights on the internet and ordered the infringer to transfer the infringing websites and pay compensation punitive. In rapid pursuance to the meteoric rise of Cyrus Pallonji Mistry's (plaintiff) cachet after his appointment as Deputy Chairman of Tata Sons Limited (plaintiff), one of India's largest conglomerates, the defendant registered two domain names, www.cyrusmistry.co.uk and www.cyrusmistry.co without permission of the plaintiffs. The plaintiffs approached the court when attempts to resolve the matter amicably proved unsuccessful; the defendant failing to honour his own assurances about transferring the impugned domain names. The court took cognisance of the mala fide conduct with the view to extort the plaintiff into purchasing the domains for exorbitant sums, presaging a besmirching of the plaintiff's goodwill and reputation on non-compliance. Reiterating trademark jurisprudence extending to cover the internet and domain names, the court observed that well-known personal names being so akin were accorded trademark protection as well. "'Cyrus P. Mistry' falls within the category of personal names that besides being a personal name has attained a distinctive indicia, connotation, character or identity of their own", it held. The court passed a decree of permanent injunction restraining the defendant from infringing the plaintiff's right to privacy and publicity, issued directions to transfer the impugned websites to the plaintiff and awarded Rs. 500,000 as punitive compensation and costs. *Tata Sons Limited & Anr v Aniket Singh*

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