

\$~40, 3, 8, 9, 12 to 26, 29 to 38, 48 & 53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 03rd August, 2022

+ **CS (COMM) 135/2022 & I.As. 3423/2022, 9363/2022**

DABUR INDIA LIMITED

..... Plaintiff

Through: Mr. Anirudh Bakhru, Mr. Sajid Rayeen, Mr. Tejaswini and Mr. Umang Tyagi, Advocates.
(M:9540887148)

versus

ASHOK KUMAR AND ORS

..... Defendant

Through: Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-7.
(M:8800556341)
MR. Alipak K. Banerjee and Ms. Shweta Sahu, Advocates for D-15.
Mr. Darpan Wadhwa, Sr. Advocate with Mr. Moazzam Khan, Advocate for D-4. (M:9987114749)

(3) **WITH**

+ **CS (COMM) 35/2022 I.As. 819/2022, 3168/2022, 4738/2022, 8767/2022**

KAJARIA CERAMICS LIMITED

..... Plaintiff

Through: Mr. J. Sai Deepak, Ms. Priya Adlakha, Mrs. Bindra Rana, Ms. Tanvi Bhatnagar and Ms. Shilpi Sinha, Advocates. (M:9818202368)

versus

GODADDY.COM LLC & ORS.

..... Defendant

Through: Mr. Moazzam Khan, Ms. Shweta Sahu and Mr. Brijesh Ujjainwal, Advocates for D-1, 3, 4, 26 & 31.
(M:9987115749)
Ms. Deepika Kathuria, Adv. for D-3.
Mr. Rishi Kapoor and Mr. Satish Rai, Advocates for D-4/Vodafone.
(M:8368148214)

Mr. F. Alam, Advocate for D-2.
Mr. M. A. Niyazi and Mr. Arquam
Ali, Advocates for D-5(b).
(M:9810413706)
Mr. Santosh Kumar Roat and Mr.
Abhishek Chakraborty, Advocates for
D-6. (M:9599399885)

(8)
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WITH
CS (COMM) 176/2021
SNAPDEAL PRIVATE LIMITED Plaintiff
Through: Ms. Shwetasree Majumdar, Mr.
Prithvi Singh and Ms. Devyani Nath,
Advocates. (M:7042547106)
versus
GODADDYCOM LLC AND ORS Defendants
Through: Mr. Darpan Wadhwa, Sr. Advocate
with Mr. Moazzam Khan, Ms. Shweta
Sahu and Mr. Mohammad Kamran,
Advs for D-1 & 10. (M:9987115749)
Mr. Alipak Banerjee and Mr. Brijesh
Ujjainwal, Advocates for D-2.
Ms. Kruttika Vijay and Ms.
Aishwarya Kane, Advocates for D-9.
(M:9910083144)
Mr. Praveen Kumar Jain, Mr. Naveen
Kumar Jain, Ms. Shalini Jha, Ms.
Rashmi Kumari and Mr. Rahul
Lakhera, Advocates for D-34.
(M:9871278525)

(9)
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WITH
**CS (COMM) 228/2021 & I.As.1412-13/2022, 12160/2022,
12171/2022**
BAJAJ FINANCE LIMITED Plaintiff
Through: None.
versus
REGISTRANT OF WWW.BAJAJ-FINSERVE.ORG
& ORS. Defendants
Through: Mr. Moazzam Khan, Ms. Shweta

Sahu and Mr. Mohammad Kamran,
Advocates for D-6, 11 & 22.
(M:9987115749)

Mr. Alipak Banerjee and Mr. Brijesh
Ujjainwal, Advocates for D-7, 12, 14
& 17 (M:9987115749)

Mr. Akhil Sibal, Sr. Advocate with
Mr. Aditya Gupta, Ms. Aishwarya,
Mr. Sauhard Alung and Ms. Asvari
Jain, Advocates for D-19.
(M:9910083144)

Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Mohanakkishna C and Ms.
Mansi Sood Trileyal, Advocates for
D-28. (M:9324328752)

Mr. Ashok Kumar & Ms. Chhavi
Arora, Advocates for D-31.
(M:9810011826)

(12)

WITH

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CS (COMM) 26/2022 & I.As. 612-13/2022, 954/2022

HT MEDIA LTD

..... Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin
Sharma, Mr. Yatin Garg, Mr. Ranjeet
Singh, Mr. Vivek Ayyagari, Mr.
Angad Makkar, Mr. M. J. Sudarshan,
Ms. Ramya Aggarwal and Mr. Sohrab
Mann, Advocates. (M:8017571175)

versus

POOJA SHARMA & ORS.

..... Defendants

Through: Ms. Deepika Kathuria, Advocate for
D-10.

Mr. Moazzam Khan, Mr. Alipak
Banerjee, Ms. Shweta Sahu and Mr.
Mohammad Kamran, Advocates for
D-19. (M:9987115749)

Mr. Neel Mason, Mr. Vihan Dang,
Ms. Aditi Umapathy and Mr. Parva
Khare, Advocates for D-20.

(M:9911983636)

(13)

WITH

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CS (COMM) 158/2022 & I.As. 3996-97/2022

MICROSOFT CORPORATION & ANR. Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Kha, Mr. Shantanu Sahay and Mr. Apoorv Bansal, Advocates. (M:7044127966)

versus

VACATION RENTAL SERVICES PRIVATE LIMITED
& ORS. Defendants

Through: None.

(14)

WITH

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CS (COMM) 233/2022 & I.As. 5780-81/2022

BAJAJ FINACE LTD & ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

NIKO DAS & ANR. Defendants

Through: Mr. Neel Mason, Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva Khare, Advocates for D-3.

Mr. Rajiv Kapur and Mr. Akshit Kapur, Advocates for D-5. (M:9716076533)

Mr. Rishi Kapoor and Mr. Satish Rai, Advocates for D-7. (M:8368148214)
Ms. Deepika Kathuria, Advocate for D-8.

Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advocates for Reliance Jio.

(15)

WITH

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CS (COMM) 275/2022 & I.As. 6535-36/2022

HINDUSTAN UNILEVER LTD & ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

UNILEVERR1.IN & ORS.

..... Defendants

Through: Ms. Deepika Kathuria, Advocate for D-9.

(16)

WITH

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CS (COMM) 364/2022 & I.As. 8518-20/2022

AMAZON SELLER SERVICES PRIVATE LIMITED
& ANR.

..... Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

AMAZONBUYS.IN & ORS.

..... Defendants

Through: Mr. Sharique Hussain, Advocate for D-5. (M:9540535859)
Ms. Deepika Kathuria, Adv. for D-10.
Mr. Vineet Dhanda, CGSC for
UOI/D-18 & 19.

(17)

WITH

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CS (COMM) 475/2022 & I.As. 10851-52/2022, 12173-74/2022

FASHNEAR TECHNOLOGIES PRIVATE LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

MEESHO ONLINE SHOPPING PVT. LTD

& ANR.

..... Defendants

Through: Ms. Hetu Arora Sethi, ASC, Delhi Police with Mr. Arjun Arora, Advocate along with Mr. Raman Lamba, ACP, IFSO, Special Cell and Mr. Suneel Sidhir, Inspector. Mr. Moazzam Khan and Ms. Shweta Sahu, Advocate for D-7. Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan Siddhant and Mr. Danish Faraz Khan, Advocates for D-19 & 20. (M:9999999045) Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs for Reliance Jio.

(18)

WITH

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CS (COMM) 95/2021 & I.A. 4800/2021

THE HIMALAYA DRUG COMPANY & ORS. Plaintiffs

Through: Mr. Pravin Anand, Ms. Prachi Agarwal and Ms. Mishthi Dubey, Advocates. (M:8800972785)

versus

ASHOK KUMAR & ORS.

..... Defendants

Through: None.

(19)

WITH

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CS (COMM) 154/2021 & I.A. 4692/2021, 10905/2022

GODREJ PROPERTIES LTD

..... Plaintiff

Through: Mr. Jayant Mehta, Sr. Advocate with Mr. Pravin Anand, Mr. Shrawan Chopra and Mr. Adiyut Tewari, Advocates. (M:8604633567)

versus

ASHOK KUMAR & ANR.

..... Defendants

Through: Mr. Darpan Wadhwa, Sr. Advocate with Mr. Moazzam Khan, Mr. Alipak Banerjee & Ms. Shweta Sahu, Advocates for D-2. (M:9987115749)

(20)

WITH

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CS (COMM) 276/2021 & I.A. 7329/2021

MICROSOFT CORPORATION & ANR. Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Kha, Mr.
Shantanu Sahay and Mr. Apoorv
Bansal, Advocates.

versus

TECH HERACLES OPC PRIVATE LIMITED
& ORS. Defendants

Through: None.

(21) WITH
+ **CS (COMM) 293/2021 & I.As. 7543-44/2021, 10308/2021,
15052/2021**

TATA SONS PRIVATE LIMITED & ANR. Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Khan,
and Mr. Achuthan Sreekumar,
Advocates. (M:999756265)

versus

M/S ELECTRO INTERNATIONAL & ORS. Defendants
Through: Ms. Deepika Kathuria, Advocate for
D-8.

(22) WITH
+ **CS (COMM) 399/2021 & I.A. 10855/2021**
HINDUSTAN UNILEVER LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin
Sharma, Mr. Yatin Garg, Mr. Ranjeet
Singh, Mr. Vivek Ayyagari, Mr.
Angad Makkar, Mr. M. J. Sudarshan,
Ms. Ramya Aggarwal and Mr. Sohrab
Mann, Advocates.

versus

NITIN KUMAR SINGH & ORS. Defendants
Through: Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Kamaldeep, Advocate for
UOI/D-18 & 19.
Mr. K.R. Sasiprabhu and Mr. Tushar
Bhardwaj, Advs for Reliance Jio.

(23) WITH
+ **CS (COMM) 439/2021 & I.As. 11888/2021, 11889/2021,
15655/2021, 15931/2021, 11100/2022**

ELI LILLY AND COMPANY & ORS.

..... Plaintiffs

Through: Mr. Pravin Anand, Ms. Prachi Agarwal and Ms. Mishthi Dubey, Advocates. (M:8800972785)

versus

BRYAN PHARMACEUTICALS THROUGH ITS PROPRIETOR
MR. LAXMI KAND PAL / NAVNEET KAND PAL
& ORS.

..... Defendants

Through: Mr. Gaurav Barathi and Ms. Muskan Arora, Advocates for D-3 & 6. (M:8826865556)
Mr. Manish Paliwal & Mr. Vikas Kumar, Advocates for D-18. (M:9643734321)
Ms. Rhea Dube and Mr. Pulkit Gupta, Advocates for D-19. (M:9893955119)

(24)

WITH

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CS (COMM) 524/2021 & I.A. 13715/2021, 4506/2022
KAMDHENU LIMITED

..... Plaintiff

Through: Mr. Sudarshan Kumar Bansal and Mr. Nikhil Sen Roy, Advocates. (M:7417478967)

versus

RAGHUNATH VIRDHARAM BISHNOI AND ORS. Defendants

Through: Mr. Rishabh Gupta and Mr. Abhishek Kumar Singh, Advocates.
Mr. Rishi Kapoor and Mr. Satish Rai, Advocates for D-3. (M:8368148214)
Mr. Moazzam Khan, Ms. Shweta Sahu and Mr. Mohammad Kamran, Advocates for D-8. (M:9987115749)
Mr. K.G. Gopalakrishnan and Ms. Nisha Mohandas, Advocates for D-9. (M:8800556341)
Mr. Neel Mason, Mr. Vihan Dang, Ms. Aditi Umapathy and Mr. Parva

Khare, Advocates for D-10.
Mr. K.R. Sasiprabhu and Mr. Tushar
Bhardwaj, Advs. for Reliance Jio.

(25) WITH
+ **CS (COMM) 82/2020 & I.A. 2402/2020**
JOCKEY INTERNATIONAL INC. Plaintiff
Through: Mr. Pravin Anand, Mr. Saif Khan,
Mr. Shobhit Agarwal and Mr.
Deepank, Advs. (M:8800520258)
versus
WWW.JOCKEYFRANCHISE.COM & ORS. Defendants
Through: Mr. Vivek Jain and Ms. Pratibha
Varun, Advs for D-4.
(M:9871863446)

(26) WITH
+ **CS (COMM) 118/2020 & I.A. 3764/2020, 2595/2021**
PFIZER INC. & ORS. Plaintiff
Through: Mr. Pravin Anand, Ms. Tusha
Malhotra and Ms. Richa Bhargva,
Advocates. (M:9999954489)
versus
EVEREST PHARMACEUTICALS LIMITED & ORS. .. Defendants
Through: Mr. Vijay Kumar Awana, Mr. Vikrant
Singh and Mr. Deepak Singh
Sinsinwar, Advocates for D-2 with D-
2 in person. (M:9818566612)

(29) WITH
+ **CS (COMM) 251/2020 & I.As. 5544/2020, 7655/2022**
MICROSOFT CORPORATION & ANR. Plaintiffs
Through: Mr. Pravin Anand, Mr. Saif Kha, Mr.
Shantanu Sahay and Mr. Apoorv
Bansal, Advocates.
versus
MS CZONE SOLUTIONS & ORS. Defendants
Through: Mr. Sumit Nagpal, Ms. Nancy and
Ms. Aastha Sood, Advocates for D-1
& 2. (M:9911995000)

(30) WITH

+ **CS (COMM) 255/2020 & I.As. 5590-91/2020, 11099/2020, 6402/2022**

INDIAMART INTERMESH LIMITED

.... Plaintiff

Through: Mr. Sidharth Chopra, Mr. Nitin Sharma, Mr. Yatin Garg, Mr. Ranjeet Singh, Mr. Vivek Ayyagari, Mr. Angad Makkar, Mr. M. J. Sudarshan, Ms. Ramya Aggarwal and Mr. Sohrab Mann, Advocates.

versus

MR. AKASH VERMA & ORS.

..... Defendants

Through: Mr. Neel Mason, Mr. Uday Singh Chopra, Mr. Kshitij Dua and Mr. Parva Khare, Advocates for D-2. (M:9911983636)

(31)

WITH

+ **CS (COMM) 373/2020 & I.A. 7995-96/2020, 7999/2020, 9171/2020, 84/2021, 430/2021 & 1371/2021**

ITC LIMITED

..... Plaintiff

Through: Mr. Sudarshan Kumar Bansal and Mr. Nikhil Sen Roy, Advocates.

versus

ASHOK KUMAR & ORS.

..... Defendants

Through: Mr. Rishabh Gupta and Mr. Abhishek Kumar Singh, Advocates.
Mr. Hrithik Goyal and Ms. Lovleen Goyal, Advocates for D-12. (M:8826767020)

Ms. Arti Singh, Mr. Aakashdeep Singh Roda, Ms. Pooja Singh, Mr. Basant Pal Singh and Ms. Shruti Gaur, Advocates for D-13. (M:9718858971)

Ms. Deepika Kathuria, Adv. for D-14.
Ms. Asmita Kumar, Advocate for D-31. (M:9899967516)

(32)

WITH

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CS (COMM) 424/2020

SHOPPERS STOP LIMITED

..... Plaintiff

Through: Ms. Shubhie Wahi, Ms. Ankita Seth
and Ms. Sanya Kapoor, Advocates.
(M:9810907412)

versus

M/S SHOPPERSTOP & ORS.

..... Defendants

Through: Mr. P.S. Sudheer and Ms. Anne
Mathew, Advocates for D-5.
(M:9891760039)
Mr. Prakhar Srivast, DSP, Zone-II.
(M:9452303409)

(33)

WITH

+ **CS (COMM) 498/2020 & I.A. 10520-21/2020, 2506/2021,
2530/2021**

MICROSOFT CORPORATION & ANR.

..... Plaintiffs

Through: Mr. Pravin Anand, Mr. Saif Kha, Mr.
Shantanu Sahay and Mr. Apoorv
Bansal, Advocates.

versus

PCPATCHERS TECHNOLOGY PRIVATE LIMITED
& ORS.

..... Defendants

Through: Mr. Sumit Nagpal, Ms. Nancy and
Ms. Aashita Sood, Advocates for D-1,
2 & 3. (M:9911995000)

(34)

WITH

+ **CS (COMM) 193/2019 & I.A. 5399/2019, 11497/2019, 18216/2019,
15451/2021, 6069/2022**

COLGATE PALMOLIVE COMPANY & ANR.

..... Plaintiff

Through: Mr. Pravin Anand, Mr. Saif Khan,
and Mr. Achuthan Sreekumar,
Advocates.

versus

NIXI & ANR.

..... Defendants

Through: Ms. Akshita Jain, Advocate for D-1.
(M:9990526952)
Mr. Darpan Wadhwa, Sr. Advocate
with Ms. Binsy Susan, Ms. Swati
Agarwal, Mr. Shashank Mishra, Ms.

Akshi Rastogi, Mr. Vaarish Sawlani,
Ms. Vani K and Ms. Neelakshi
Bhadauria, Advocates for D-3 & 4.
(M:9650001297)

(35)

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WITH
CS (COMM) 297/2019 & I.A. 8184/2019
MOTHER DAIRY FRUIT & VEGETABLE PVT. LTD..... Plaintiff
Through: Mr. Pravin Anand, Mr. Saif Khan,
Mr. Shobhit Agarwal and Mr.
Deepank, Advocates.

versus

KUMAR PRAHLAD & ANR. Defendants

Through: None.

(36)

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WITH
CS (COMM) 317/2019 & I.As. 8404-05/2019, 3270/2020
DHARAMPAL SATYAPAL LIMITED Plaintiff

Through: None.

versus

RAJNIGANDHA DISTRIBUTORS PRIVATE LIMITED
& ORS Defendants

Through: Mr. V.P. Singh and Mr. Vansh
Malhotra, Advocates for D-10.

(37)

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WITH
**CS (COMM) 587/2019 & I.As. 14668/2019, 14671/2019,
1857/2020, 2483/2020, 11571/2020**
PFIZER INC. & ORS. Plaintiffs

Through: Mr. Pravin Anand, Ms. Tusha
Malhotra and Ms. Richa Bhargva,
Advocates.

versus

BEACON PHARMACEUTICALS LIMITED
& ORS. Defendants

Through: Ms. Rhea Dube, Advocate for D-6.

(38)

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WITH
**CS (COMM) 732/2019 & I.As. 3865/2020, 9234/2020, 4171/2021,
4172/2021**
MONTBLANC SIMPLO GMBH Plaintiff

Through: Mr. Pravin Anand, Mr. Manish Biala,

Mr. Devesh Ratan and Mr. Ashutosh
Upadhyaya, Advs. (M:9810333571)

versus

MONTBLANCINDIA.COM & ORS. Defendants

Through: Mr. Yajur Bhalla, Mr. Deepak
Samota and Mr. Sumer Ahuja,
Advocates for D-1, 2, 4 to 10 & 20.
(M:9711009378)

Mr. Moazzam Khan, Mr. Alipak
Banerjee, Ms. Shweta Sahu and Mr.
Brijesh Ujjainwal, Advs for D-18.

Mr. Rajiv Ranjan Dwivedi, Mr.
Vishal and Mr. Kapil Chaturvedi,
Advocates for D-23. (M8802002580)

Ms. Asiya Khan, Advocate
(M:9971644936) for D-25 with
Inspector Gyanender Rana, DIU,
South East PS Amar Colony in FIR
No.374/20 (M:9654013325)

(48)

WITH

+ **CS (COMM) 350/2020 & I.A. 7456/2020, 9624/2020, 9629/2020,
996/2021, 9204/2022, 12166/2022, 12172/2022, 12175/2022**

**GUJARAT COOPERATIVE MILK MARKETING FEDERATION
LTD & ANR. Plaintiff**

Through: Mr. Abhishek Singh and Mr. J. Amal
Anand, Advocates. (M:9910291290)

versus

AMUL-FRANCHISE.IN & ORS. Defendant

Through: Mr. Alipak Banerjee and Mr. Brijesh
Ujjainwal, Advocates for D-27, 28 &
30. (M:9987115749)

Ms. Rashmi and Mr. Lalit
Maheshwari, Advocates for D-24.

Mr. Anil Soni, CGSC for UOI.
(M:9560238258)

Mr. Darpan Wadhwa, Sr. Advocate
with Mr. Moazzam Khan, Ms. Shweta
Sahu and Mohd. Kamran, Advocates

for D-26.

Mr. Praveen Kumar Jain, Mr. Naveen Kumar Jian, Mr. Rahul Lakhera, Ms. Rashmi Kumari and Ms. Shalini Jha, Advocates for D-37. (M:9871278525)
Mr. Neel Mason, Mr. Vihan Dang and Mr. Parva Khare, Advs for D-52.

(53)

AND

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CS (COMM) 298/2019 & I.As.8189/2019, 13215/2019, 13631/2019, 15695-96/2019, 14210/2021, 16707/2021

ULTRATECH CEMENT LIMITED & ANR. Plaintiff

Through: Mr. Kushal Gupta, Advocate.
(M:8447400234)

versus

WWW.ULTRATECHCEMENTS.COM & ORS. Defendants

Through: Mr. Darpan Wadhwa, Sr. Advocate with Ms. Binsy Susan, Ms. Swati Agarwal, Mr. Shashank Mishra, Ms. Akshi Rastogi, Ms. Vani Kaushik and Mr. Amer Vaid, Advocates for D-5 & 7. (M:9650001297)

Mr. Ananta Prasad Mishra, Mr. Gagan Gupta, and Ms. Anania Mishra, Advs for D-9.
(M:9868066879)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. The present set of suits and proceedings have been filed before this Court, by a large number of trademark and brand owners, seeking reliefs against misuse of their marks / names / brands by unauthorized persons, who register such marks as part of their domain names. The said domain names are sometimes dormant, however, in a number of cases, the said domain names have also been used for hosting websites. In some of these cases,

there is a simple misuse of the domain name and the intention of the registrant is to obtain monetary benefit. The same could be ‘cyber-squatting’ cases. Some others intend to gain monetarily from the trademark owner’s goodwill by selling their products using such domain names, bearing the Plaintiff’s mark. In other cases, the infringers have gone a step further and distributorships, franchises, dealerships, etc. have been offered fraudulently and large sums of money have been collected from unsuspecting customers. Initially, in each of these suits, the domain names are identified. However, the process of registration of infringing domain names has become successive and continuous. Such domain names have now multiplied owing to the large number of country code top-level domains (‘ccTLD’), generic top-level domains (‘gTLD’), international country code top-level domains (‘IDNccTLD’) and international generic country code top-level domains (‘IDNgTLD’), with various extensions that can be registered. The domain names can also be varied by making minor changes, such as changing the alphanumeric features or by addition of one or two characters, alphabets or numbers. These set of cases involve various popular brands and reliable trademarks, where consumers place their trust. Illustratively, the relevant marks involved in the cases are as below:

Sr. No.	Case	Trademark
1.	<i>CS (COMM) 135/2022</i> titled <i>Dabur India Limited Versus Ashok Kumar And Ors.</i>	DABUR
2.	<i>CS (COMM) 35/2022</i> titled <i>Kajaria Ceramics Limited Versus Godaddy.Com LLC & Ors.</i>	KAJARIA
3.	<i>CS (COMM) 176/2021</i> titled <i>Snapdeal Private Limited Versus Godaddy.com LLC And Ors.</i>	SNAPDEAL

4.	<i>CS (COMM) 228/2021 titled Bajaj Finance Limited Versus Registrant of www.Bajaj-Finserve.Org & Ors.</i>	BAJAJ FINANCE, BAJAJ FINSERV
5.	<i>CS (COMM) 26/2022 titled HT Media Ltd Versus Pooja Sharma & Ors.</i>	SHINE
6.	<i>CS (COMM) 158/2022 titled Microsoft Corporation & Anr. Versus Vacation Rental Services Private Limited & Ors.</i>	MICROSOFT
7.	<i>CS (COMM) 233/2022 titled Bajaj Finance Ltd & Anr. Versus Niko Das & Anr.</i>	BAJAJ, BAJAJ FINANCE, BAJAJ FINSERV
8.	<i>CS (COMM) 275/2022 titled Hindustan Unilever Ltd & Anr. Versus Unilever1.In & Ors.</i>	UNILEVER, HINDUSTAN UNILEVER
9.	<i>CS (COMM) 364/2022 titled Amazon Seller Services Private Limited & Anr. Versus Amazonbuys.In & Ors.</i>	AMAZON
10.	<i>CS (COMM) 475/2022 titled Fashnear Technologies Private Limited Versus Meesho Online Shopping Pvt. Ltd & Anr.</i>	MEESHO
11.	<i>CS (COMM) 95/2021 titled The Himalaya Drug Company & Ors. Versus Ashok Kumar & Ors.</i>	HIMALAYA
12.	<i>CS (COMM) 154/2021 titled Godrej Properties Ltd Versus Ashok Kumar & Anr.</i>	GODREJ, GODREJ PROPERTIES
13.	<i>CS (COMM) 276/2021 titled Microsoft Corporation & Anr. Versus Tech Heracles Opc Private Limited & Ors.</i>	MICROSOFT
14.	<i>CS (COMM) 293/2021 titled Tata Sons Private Limited & Anr. Versus M/S Electro International & Ors.</i>	TATA
15.	<i>CS (COMM) 399/2021 titled Hindustan Unilever Limited Versus Nitin Kumar Singh & Ors.</i>	HINDUSTAN UNILEVER, HUL
16.	<i>CS (COMM) 524/2021 titled Kamdhenu Limited Versus Raghunath Virdharam Bishnoi And Ors.</i>	KAMDHENU
17.	<i>CS (COMM) 82/2020 titled Jockey International Inc. Versus www.Jockeyfranchise.Com & Ors.</i>	JOCKEY

18.	<i>CS (COMM) 251/2020</i> titled <i>Microsoft Corporation & Anr. Versus Ms Czone Solutions & Ors.</i>	MICROSOFT
19.	<i>CS (COMM) 255/2020</i> titled <i>Indiamart Intermesh Limited Versus Mr. Akash Verma & Ors.</i>	INDIAMART
20.	<i>CS (COMM) 373/2020</i> titled <i>ITC Limited Versus Ashok Kumar & Ors.</i>	ITC, AASHIRVAAD
21.	<i>CS (COMM) 424/2020</i> titled <i>Shoppers Stop Limited Versus M/S Shopperstop & Ors.</i>	SHOPPERS STOP
22.	<i>CS (COMM) 498/2020</i> titled <i>Microsoft Corporation & Anr. Versus Pcpatchers Technology Private Limited & Ors.</i>	MICROSOFT
23.	<i>CS (COMM) 193/2019</i> titled <i>Colgate Palmolive Company & Anr. Versus Nixi & Anr.</i>	COLGATE
24.	<i>CS (COMM) 297/2019</i> titled <i>Mother Dairy Fruit & Vegetable Pvt. Ltd. Versus Kumar Prahlad & Anr.</i>	MOTHER DAIRY
25.	<i>CS (COMM) 317/2019</i> titled <i>Dharampal Satyapal Limited Versus Rajnigandha Distributors Private Limited & Ors.</i>	DS GROUP, RAJNIGANDHA
26.	<i>CS (COMM) 732/2019</i> titled <i>Montblanc Simplo GMBH Versus Montblancindia.Com & Ors.</i>	MONTBLANC, MEISTERTUCK
27.	<i>CS (COMM) 350/2020</i> titled <i>Gujarat Cooperative Milk Marketing Federation Ltd & Anr. Versus Amul-Franchise.In & Ors.</i>	AMUL
28.	<i>CS (COMM) 298/2019</i> titled <i>Ultratech Cement Limited & Anr. Versus www.Ultratehcements.Com & Ors.</i>	ULTRATECH, ULTRATECH CEMENT

Background

2. The primary issue that arises in these cases is that the proliferation of these domain names has resulted in enormous damage to innocent and gullible members of the public, who have been led to believe that the

websites hosted on some ‘impostor’ domain names, in fact belong to the actual brand owners. The facts which have emerged from these cases show clearly that innocent persons have been duped of crores of rupees due to registration of domain names consisting of well-known brands and trademarks.

3. The second issue that has arisen in all these cases is that the persons registering these domain names, on most occasions, have masked their identities. This could be voluntarily done by the registrants themselves or due to features that are enabled by the domain name registrars (*hereinafter* “DNRs”), that provide bundled services when registering a domain name, such as privacy protect features and proxy domain services.

4. Third, even if such information is unmasked, the information being collected by the DNRs at the stage of registration of the domain name appears to be quite unsatisfactory inasmuch as even when Courts have directed the data relating to the registrants to be supplied to the Plaintiff, on most occasions, the details are fictitious and are not traceable. It has required several orders of Courts being passed, and investigations by police authorities as also Cyber Cells, to even trace the natural persons behind the said domain name registrations, through the telephone numbers and bank accounts through which payments may have been made for registering the domain names.

5. In this background, the Plaintiffs in these cases insist on blanket injunctions to be passed against the DNRs, injuncting them from registering any domain names consisting of the Plaintiff’s marks and brands. On the other hand, the DNRs resist this prayer on the ground that the alphabets contained in these marks and names are such that there could be genuine

domain names being registered as well, which may contain the trademarks or part of the trademarks unassumingly.

6. In some of the suits, investigations have been commenced by the Cyber Cell, Delhi Police and FIRs have been registered. A Special Investigation Team (*hereinafter "SIT"*) has been constituted to look into these matters. The investigations are however continuing.

7. In view of the above, vide order dated 20th July, 2022, in **CS(COMM) 475/2022**, this Court had directed that all such matters be listed before the same Bench, as a consolidated investigation needs to be conducted and comprehensive directions need to be issued. The relevant extracts of the said order dated 20th July, 2022 are as under:

"11. It has also been brought to the notice of this Court that there are a number of cases before the Court where fraudulent domain names are being registered under the marks of well-known and established business houses and their brands. The said domain names are being used for hosting fraudulent websites with details of bank accounts under the garb of offering jobs, dealerships, franchisees, lucky draws, and various other illegal activities. The cases already before this Court, include the following:

...

12. In addition, ld. Counsels appearing before this Court today have informed the Court that there are other similar matters, pending before different benches of the IPD. The details of the said matters are as under:

...

13. Subject to the orders of Hon'ble the Judge-in-Charge (Original Side), all the above matters be listed before the same Bench, as the investigation needs to be consolidated and comprehensive directions may be required to be issued to the police authorities, cyber

cells, the various banks, National Payment Corporation of India, RBI, MHA etc.

14. The Cyber Crime Unit, Special Cell, Delhi shall continue the investigation in these matters. Let a further status report be submitted in respect of the said investigation, on the next date of hearing.

15. It is also made clear that in order to coordinate in obtaining data relating to various bank accounts and other details of the persons, who opened the fraudulent bank accounts for collecting the money from the customers, the Cyber Crime Unit is free to approach National Payments Corporation of India, as also, the concerned banks.”

8. Pursuant to the above order, the matters have been listed today. Various parties including the Plaintiffs, DNRs, Internet Corporation for Assigned Names and Numbers (*hereinafter* “ICANN”), and agencies such as the Delhi Police, Department of Telecommunication (*hereinafter* “DoT”) and National Internet Exchange of India (*hereinafter* “NIXI”) have made submissions today. The same are discussed hereinbelow.

Probe by the Delhi Police into Unlawful Collection of Monies

9. Today, two status reports have been submitted on behalf of the Delhi Police by Ms. Hetu Arora Sethi and Ms. Nandita Rao, Advocates. Mr. Raman Lamba, ACP. Mr. Lamba is one of the members of the SIT constituted by the Cyber Crime Unit, Delhi Police, i.e., the Intellectual Fusion and Strategic Operations (*hereinafter* “IFSO”), to look into the misuse of well-known marks in misleading domain names, websites and URLs.

10. In the first status report of 3rd August, 2022, submitted in an investigation conducted in **CS(COMM) 524/2021** titled ***Kamdhenu Limited v. Raghunath Virbharam Bishnoi & Ors.***, the Delhi Police has reported that

during the course of the investigation, various bank accounts and account holders' details have been obtained. The amounts credited into these bank accounts, and the amounts as available today, are also tabulated in the said status report. The said credited amount in this one case alone, is shown to be around Rs.50 lakhs in total, which – by the time such accounts were frozen – had been reduced to approximately Rs.4 lakhs.

11. In the second status report dated 3rd August, 2022, submitted in ***CS(COMM) 475/2022*** titled ***Fashnear technologies Pvt. Ltd. v. Meesho Online Shopping Pvt. Ltd.***, 28 suits which are pending before this Court, have been dealt with. In respect of 17 of these 28 matters, it is reported that First Information Reports have been registered after tracing the complainants located in Delhi, using mobile numbers, websites, and bank accounts mentioned in the Petitions. However, in the remaining 11 out of the 28 cases, it is submitted by Ms. Sethi, Id. Standing Counsel for GNCTD, that the copies of the petitions have not been received and victims have not been found. The said cases are listed hereinbelow:

- ***CS(COMM)95/2021***
- ***CS(COMM)251/2022***
- ***CS(COMM)144/2020***
- ***CS(COMM)142/2020***
- ***CS(COMM)118/2020***
- ***CS(COMM)154/2021***
- ***CS(COMM)293/2021***
- ***CS(COMM)82/2020***
- ***CS(COMM)297/2019***

- ***CS(COMM)587/2019***
- ***CS(COMM)317/2019***
- ***CS(COMM)364/2022***

12. The Counsels in these matters shall ensure that the copies of the petitions are provided to Ms. Hetu Arora Sethi, Id. Standing Counsel, or to Mr. Lamba. It is made clear that all Counsels for the parties in these matters, who may have any additional information which may assist in the investigations of the FIRs which have already been registered, may forward the same, either to Ms. Hetu Sethi Arora, Id. ASC and Mr. Raman Lamba, ACP.

13. Ms. Rao, Id. Counsel, has also submitted that pursuant to orders passed by this Court, the required communications/notification has been issued consolidating all the similar investigations in such matter, with the SIT in the Cyber Cell. Let the documents in support of this be placed on record by the next date of hearing.

14. A perusal of both the status reports shows that various payment methods, channels, UPI IDs and multiple bank accounts have been used to conduct fraudulent activities of collection of amounts with the enticement of dealerships, distributorships and franchisees. Accordingly, the Delhi Police has stated that various banks and payment gateways are required to trace the wrong doers and the cooperation of the National Payments Corporation of India (*hereinafter* “NPCI”) is essential, as it is extremely onerous to follow up with each of the banks involved in these matters. It is also reported that the cooperation of various Internet Service Providers (*hereinafter* “ISPs”) and Telephone Service Providers (*hereinafter* “TSPs”) would be required, as these bank accounts are connected to mobile numbers, and a lot of data

can only be traced online. The cooperation of DoT and CERT-IN has also been requested in the said status report, as there are short timelines and fast sharing of data is paramount in these matters.

15. In view of these facts and the reports of the Delhi Police, considering the sheer scale of illegal and unlawful collection of monies taking place by using websites/ domain names consisting of well-known brands and trademarks, a joint meeting is directed among Mr. Lamba accompanied by other members of the Delhi Police, if required, and members of the NPCI, DoT, MeitY and CERT-In. The said meeting shall be convened to enable coordination and cooperation between these agencies in the investigation of the present matters.

16. The meeting shall be held in the office of Mr. Anil Kumar Pipal, Senior Scientist-F, MeitY, on 30th August, 2022 at 3:00 PM, at the CGO Complex, Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi, Delhi 110003. Concerned officials from these departments shall join the meeting so as to make the same fruitful. Copy of this order be communicated to the respective authorities by Mr. Pipal as also by the Id. CGSC, Mr. Harish V. Shankar.

Submissions on behalf of NIXI and MEITY

17. Vide various previous orders, recorded most recently in order dated 2nd June, 2022, in **CS(COMM) 135/2022**, this Court had directed the DoT and Ministry of Electronics and Information Technology (*hereinafter* “MeitY”) to file an affidavit disclosing their stand in respect of privacy protect features provided by DNRs. The said order dated 2nd June, 2022 reads as under:

“18. It is in this background that the affidavit was

sought from both, the DoT and MEITY, vide order dated 3rd March, 2022, in respect of the privacy protect features. The said authorities also need to address the manner in which such domain name registering companies can be directed to give effect to the orders passed by Courts.

19. The affidavit placed before the Court today does not address these issues. There is a need for the authorities to have a relook into this matter and file a proper affidavit as to the manner in which orders passed by Indian Courts against such registering authorities are properly given effect, since these authorities do not have offices in India. While on the one hand, services of such companies are being offered in India and huge revenues are collected by these companies from India, it is seen that due to lack of physical office or assets in India, the orders passed are not being given effect to in an efficient and proper manner.

20. Going forward, in order to ensure that the names of the registrants which are found to be fictitious, non-existent, or whose proper details are not revealed, do not escape injunction orders, the Registrars of domain names henceforth shall:

I. Disclose the details as available on their database of all the persons registering the said impugned domain names;

II. Disclose the details of the payments received by them for registering the domain name as also for any other services which may have been provided such as website hosting services, cloud services, etc.,

21. Insofar as the websites which have already been blocked are concerned, these details be provided by the concerned Registrar to the ld. Counsel for the Plaintiff within two weeks.

22. Let DoT and MEITY file a fresh affidavit in this regard by 10th July, 2022.”

18. Pursuant to the same, an affidavit dated 1st August, 2022 has been filed in **CS(COMM) 135/2022**. Some relevant submissions made by MeitY in the said affidavit are summarized as under:

- NIXI cannot block domains in a blanket manner, as the same is against NIXI's policy framework, however it can block websites as per Court orders;
- NIXI has market operations with DNRs located both within and outside India through Registrar Accreditation Agreements (RAA), whereby all DNR is mandated to share information of the domains with NIXI;
- All domain name registries other than NIXI, if located in Indian territory, are bound to share WHOIS details of domains upon Court orders;
- In case of domain name registries outside India, the RAA does not obligate the registries to follow Indian law.

19. Pursuant to this affidavit, Mr. Anil Kumar Jain, CEO, NIXI, has also joined the proceedings virtually and has informed the Court that NIXI has agreements with 171 registrars in respect of registrations of .in (dot.in) and .bharat (dot.bharat) domain names. The stand of NIXI is that, Clause 4.4.3 of the Registrar Accreditation Agreement of NIXI bars anonymous proxy registrations and no privacy of proxy service can be given. The said Clause reads as under:

“4.4.3 Registrars may not accept anonymous or "proxy" registrations nor shall they include information in the domain name registration for the "Registrant" or "Administrative Contact" fields that do not reflect the true registered domain name holder or

administrative contact. No privacy or proxy service will be provided by any registrar of .IN registry to .IN domain name registrants. Violation of this provision will constitute a material breach of the agreement.”

20. However, he clarifies that since NIXI has implemented the General Data Protection Regulation, Regulation (EU) 2016/679 (*hereinafter “GDPR”*), NIXI has itself masked the details of the registrants. In response to a Court order or a direction by any authority or any law enforcement agency, the said details are provided by NIXI.

21. On behalf of MeitY, Mr. Anil Kumar Pipal, Senior Scientist-F, has appeared and submits that though there are no regulations at present as to the manner in which it can be ensured that DNRs, especially those not in India, follow the orders of the Court or any Executive instructions. The same could be discussed internally and he would be willing to place a recommendation or a proposal before the Court on behalf of the Government.

Actions and Submissions of Domain Name Registrars and ICANN

22. Vide previous order dated 13th July, 2022, this Court had directed the Counsels representing various DNRs to file certain affidavits, which propose mechanisms and solutions, to prevent the abuse of trademarks in domain names, as also, on limiting the use of the privacy protect features, which create a hindrance in such cases. The Court had directed as under:

“9. In the opinion of this Court, time has come for DNRs to create a mechanism by which any trademark owner who has an objection to the registration granted to any domain name, can approach the said DNR and seek cancellation/transfer of the said domain name. The same ought to be fairly considered through the mechanism which ought to be independent and impartial, for eg., through an Ombudsman. If the

cancellation/suspension/transfer as sought is not agreed to through the said mechanism, then the IP owner can avail of its remedies in accordance with law.

10. Thus, there ought to be a mechanism where the abuse policy is not merely dealing with suspension/locking but should also be able to cancel/transfer the infringing domain names. Such an abuse policy should also be implemented by the DNRs through a specified set of officials based in India, to ensure that if in a case, the transfer/cancellation is not permitted under the abuse policy, the trademark owner would be able to avail of their remedies before the Courts in India, against such a decision of the DNR.

11. Ms. Sahu, Id. Counsel; for Defendant Nos.1 to 4 submits that she would seek instructions in this regard. Accordingly, let an affidavit be filed as to whether an independent and impartial mechanism could be put in place by the Defendant Nos.1 to 4 to prevent the abuse of trade marks through registration of domain names, as also, to disable the privacy protect features and make available the details of the registering person in respect of domain names on the 'Whois' database. Let the said affidavit be filed by 31st July, 2022."

23. Today, submissions have been made by Mr. Rajshekhar Rao, Id. Senior Counsel, appearing on behalf of the Internet Corporation for Assigned Names and Numbers (*hereinafter* "ICANN"), in **CS(COMM) 228/2021** titled ***Bajaj Finance Limited v. Registrant of www.bajaj-finserve.org & Ors.*** Though Mr. Rao clarifies that his submission are without prejudice to ICANN's application seeking deletion from the memo of parties in **CS(COMM) 228/2021**. Mr. Darpan Wadhwa, Id. Senior Counsel, appearing on behalf of some of the DNRs, has also made submissions.

24. Before proceeding to the submissions, this Court notes with some concern, that none of the DNRs have placed any proposal or affidavit on record, despite the specific directions to this effect. The Court has therefore, asked the Counsels for the DNRs as to why such affidavit has not been filed.

25. On behalf of Google LLC, Mr. Akhil Sibal, Id. Senior Counsel, appearing in *CS(COMM) 228/2021*, submits that the issue of the privacy protect feature had not arisen in this particular matter and therefore he has not made any submission in this regard.

26. Ms. Kritika Vijay, Id. Counsel, appearing for Hosting Concepts B.V. in *CS(COMM) 135/2022*, submits that she has filed an affidavit of compliance dated 25th April, 2022, suspending the impugned domain names, and would abide by the orders of this Court.

27. Mr. Darpan Wadhwa, Id. Sr. Counsel appears on behalf of the following DNRs:

- GoDaddy, LLC, GoDaddy India Pvt. Ltd., and GoDaddy Operating Company LLC, in various matters;
- Public Domain Registry in *CS(COMM)135/2022*;
- Wild West Domains LLC in *CS(COMM) 176/2021*.

28. He submits that the DNRs provide such privacy protect features, to comply with their obligations under their agreements with Domain Name Registries, such as ICANN and the data protection principles under the GDPR. Upon a query put by the Court as to whether the privacy protect feature is optional or mandatory for registrants, he submits that there is no separate payment for such features on GoDaddy, and it is generally a bundled feature when a website is created, though the registrant may choose to not avail of it. He submits that he would seek instructions on the exact

procedure for availing of privacy protect features. He finally submits that it is not the DNRs, but the domain name registries and ICANN, which can decide how to proceed on the issue of privacy protect features.

29. At this stage, on behalf of ICANN, Mr. Rao, Id. Senior Counsel, has appeared to assist the Court. He submits that his mandate in ***CS(COMM)228/2021*** was to seek deletion of ICANN from the memo of parties and he appears without prejudice to the stand of ICANN that it does not admit the jurisdiction of this Court. Mr. Rao, purely for the purposes of assistance, has taken the Court through the agreements which ICANN enters into with the registry operators, as also the agreements entered into between the registry operators and the respective registrars. The Court has perused the said agreements and as per the said agreements, the following key obligations with respect to information of registrants have been highlighted:

- (i) Domain name registrations ought to be done through an “identifiable natural person”. Clause 1.6 of the Registry-Registrar Agreement (*hereinafter “RRA”*), reads as under:

“1.6. "Personal Data" refers to data about any identified or identifiable natural person.”

- (ii) Clause 2.6 of the RRA provides that the Registry Operator shall notify the Registrar of the “*purpose for which Personal Data submitted to Registry Operator by Registrar is collected*” and the mechanism to access and correct such data.
- (iii) Clause 3.1 of the RRA The said agreements also makes it abundantly clear that DNRs have to respond adequately to governmental or semi-governmental authorities operating in any country and also abide by the applicable laws and

regulations.

- (iv) Clause 3.5 read with 3.10 of the RRA provides that the DNR shall provide complete data as required by the Registry and shall abide by ICANN standards, policies and practices for which the Registry Operator has responsibility in accordance with the Registry Agreement (*hereinafter “RA”*).
- (v) At the Registry level, Clause 2.6 read with Specification 5 of the RA provides a schedule of reserved names which cannot be registered within TLDs, without express permission of ICANN. It provides that DNRs also have an obligation to curb illegal activity and not act in any manner which could result in damage to third parties including brand names and trademark owners.
- (vi) Clause 2.8 read with Specification 7 of the RA provides that legal rights of third parties shall be protected and the Registry Operator shall take reasonable steps to investigate and respond to any reports from law enforcement and governmental agencies for illegal conduct. Relevantly, the said clause provides as under:

“2.8 Protection of Legal Rights of Third Parties. Registry Operator must specify, and comply with, the processes and procedures for launch of the TLD and initial registration-related and ongoing protection of the legal rights of third parties as set forth Specification 7 attached hereto (“Specification 7”). Registry Operator may, at its election, implement additional protections of the legal rights of third parties. Any changes or modifications to the

process and procedures required by Specification 7 following the Effective Date must be approved in advance by ICANN in writing. Registry Operator must comply with all remedies imposed by ICANN pursuant to Section 2 of Specification 7, subject to Registry Operator's right to challenge such remedies as set forth in the applicable procedure described therein. Registry Operator shall take reasonable steps to investigate and respond to any reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the TLD. In responding to such reports, Registry Operator will not be required to take any action in contravention of applicable law."

30. The ICANN agreements do not seem to obligate DNRs to extend privacy protect features, even in cases of blatant infringement and fraudulent activities. Moreover, all Registries and DNRs, as per the Agreements, *prima facie*, have to abide by and give effect to orders passed by competent courts, governmental authorities etc. However, Mr. Rao, Id. Sr. Counsel for ICANN, and the Id. Counsels for the DNRs, have been asked to seek further instructions to make more comprehensive submissions in this regard on the next date.

Relevant issues Raised/Action Items

31. After hearing the submissions made today by various parties, this Court is of the *prima facie* opinion that the manner in which the present system is working is completely unsatisfactory. Whenever any domain name is registered which consists of a well-known mark or a registered brand name which the owner intends to protect, the remedies that can be availed of

are either to seek remedies under UDRP or approach the Court. The sheer quantum and magnitude of domain names which are capable of being registered, especially by persons who intend to indulge in fraudulent activities would make it almost impossible for IP owners to avail of their remedies *qua* each and every domain name. Especially in the case of marks which are well known, there ought to be a more efficient framework which needs to exist. Considering the large sums of money that are being fraudulently obtained from various unsuspecting customers, all due to the lack of an active mechanism identification of such fraudulent parties, it is clear to the Court that the following aspects need to be addressed in these matters:

- (i) The manner in which the details of the domain name registrants, can be verified by the DNRs, at the time of registration of domain names;
- (ii) The manner in which the privacy protect feature and proxy servers are made available: whether it is only upon a specific registrant choosing the said option, rather than as a standard feature as part of a ‘bundle’;
- (iii) If the owner of a well-known brand or a trademark contacts any DNR, the manner in which the data related to the registrant can be provided, without the intervention of a Court, or any governmental agency;
- (iv) Whether the identity of the owner of a domain name, which consists of a registered trademark or a known brand can be verified at the time of registration itself;
- (v) If a specific link could be provided by the CGPTDM, covering a

list of well-known marks, maintained by the Registrar of the Trademarks, or declared by any Court of law, which can then be used for expedited blocking of domain names consisting of such marks;

- (vi) If there can be any agency that can be identified in India, such as NIXI, who can be made a repository of the data concerning the registrant, or an agency through which the data could be transmitted by the DNR, upon verification by NIXI, in case a trademark owner has a grievance against a specific domain name;
- (vii) If any directions are issued to the DNRs, and the same are not implemented, the manner in which the implementation of the said orders can be ensured;
- (viii) Since almost all domain names are registered only after payments are made through credit card, or other online payment methods or apps, is it possible, upon request by any identified agency, to provide the information relating to the person who has made the payment, to the trademark owners. This should be discussed in the aforementioned meeting to be held on 30th August, 2022.

32. The recommendations in respect of the above aspects, shall be given by DoT and/or MeitY. All these aspects shall also be dealt with by the specific affidavits, which shall be filed by the DNRs, who are offering their services in India.

33. If the DNRs are offering any other additional services by themselves, or through their affiliate / associate companies, such as web hosting, cloud services, etc., the said affidavits shall contain any additional data, or information, that the DNRs obtain in such cases, and if so, in what manner is

this data stored with them.

34. The report and the outcome of the meeting held on 30th August, 2022, along with the affidavits by the DNRs, shall be placed on record, on or before 31st August, 2022.

35. At this stage, Mr. Manish Paliwal, Id. Counsel appearing for Defendant No.18, MILESWEB, in **CS(COMM) 228/2021**, submits that his client merely is a hosting service provider. Id. Counsel is directed to file an affidavit within four weeks, disclosing exactly what details are collected when hosting services are provided to the domain name registrant.

36. It is also noted that **CS(COMM) 118/2020** and **CS (COMM) 439/2021** have been inadvertently tagged with the present matters. These matters are not related to DNRs, but are in fact patent infringement suits. Accordingly, subject to orders of Hon'ble the Judge-in-Charge (Original Side), list before the Coordinate Bench of the IPD on 13th September, 2022.

37. List all the other matters for further hearing before this Court, on 13th September, 2022.

38. Interim orders, wherever granted, shall continue.

39. These shall be treated as part-heard matters.

PRATHIBA M. SINGH
JUDGE

AUGUST 3, 2022
Rahul/MS/SS