

Domain Name Disputes

- I. **Grounds for Domain Name Dispute:-**A domain name dispute arises when:
 - (i) The impugned domain name is identical or confusingly similar to a trademark or service mark of another party; and
 - (ii) the registrant of a domain name has no rights or legitimate interests in respect of the domain name; and
 - (iii) the registrant's domain name has been registered and is being used in bad faith.

- II. **Evidence of Registration and Use in Bad Faith,** is present:
 - (i) where circumstances indicate that the registrant has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of the trade mark or service mark or to his competitor, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or

- (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the actual owner's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on his web site or location.

III. Legal action against Registrant

- 1) Serve legal Notice to Registrant with 15 days period to respond.
- 2) In case no reply is received / no positive response is received you may prefer filing a complaint with WIPO (World Intellectual Property Organisation) under the ICANN Uniform Domain Name Dispute Resolution Policy.

IV. Who can file a complainant

The legitimate owner of a trade mark can / may take action against the Registrant and file a complain to resolve the Domain Dispute against him.

V. Remedies Available

1. Cancellation of domain name
2. Transfer of domain name to the complainant

VI. Governing Policy & Rules

- Uniform Domain Name Dispute Resolution Policy as approved by ICANN
- Rules for uniform Domain Name Dispute Resolution Policy
- WIPO Intellectual Property Organisation Supplemental Rules for Uniform Domain Name Dispute Resolution Policy