

A Survey of the Prominent Effects of Cybersquatting in India

Charan PIYUSH

Department of Electronics & Communication Engineering, Integral University, Lucknow, India
piyush@iul.ac.in

Abstract

With the growth of commercial activity on the internet, a domain name can be said to be used as a business identifier image. A trademark, a design, a logo or an easily remembered picture is a studiously crafted personality profile of an individual, institution, corporation, product or service. Domain name conflicts arise most frequently as a consequence of the practice of cybersquatting [11]. Cybersquatters deliberately exploit the first-come-first-served nature of the domain name registration system and then the squatters either offer to sell the domain to the person or company who owns a trade mark contained within the name at an inflated price. In India, there is no statute law which explicitly refers to dispute resolution in connection with cyber squatting or other domain name disputes. The Trade Marks Act, 1999 used for protecting use of trademarks in domain names is not extra-territorial, therefore, it does not allow for adequate protection of domain names. This paper projects the overview of cybersquatting & its prominent effects in India. With the current legal framework have been highlighted out and formulated a three pronged approach which would go a long way to eradicate these squatters.

Index terms: cybersquatting, domain squatting

References:

- [1]. S. Joy, Domain Name, Cybersquatting and Domain Dispute Resolution, accessed online at www.legalservices.com on 3 November 2012.
- [2]. N. Kamath, Law Relating to Computers, Internet and E-Commerce – A Guide to Cyberlaws 167, Universal Law Publishing Co., Delhi, 4th edn., 2009.
- [3]. Conference, [Online] Available: http://www.wipo.int/multimedia/en/DG/press_releases/press_conf_2011_03_31.swf
- [4]. D. Kitchen, D. Llewelyn, et. al. (eds.), Kerly's Law of Trade Marks and Trade Names 733 (Sweet & Maxwell, London, 14th edn., 2005), accessed at <http://arbiter.wipo.int/domain/decisions/2000-0049.html> on 4 November 2012.
- [5]. A.K. Bansal, Law of Trademarks in India 642 (Centre for Law, Intellectual Property & Trade, New Delhi, 2nd edn., 2006) accessed at <http://arbiter.wipo.int/domains/decisions/html/d2000-0365.html> on 4 November 2012.
- [6]. S. Ahmed, Cybersquatting: Pits and Stops, ILI Law Review, 2010.
- [7]. A.K. Bansal, Law of Trademarks in India 642, Centre for Law, Intellectual Property & Trade, New Delhi, 2nd edn., 2006.
- [8]. J.W. Bagby, and F.W. McCarthy, The Legal and Regulatory Environment of e-Business-Laws for Converging Economy, Thompson South Western West, 2003.
- [9]. N. Kamath, Law Relating to Computers, Internet and E-Commerce – A Guide to Cyberlaws 167, Universal Law Publishing Co., Delhi, 4th edn., 2009.

- [10]. Z. Efroni, The Anticybersquatting Consumer Protection Act and the Uniform Dispute Resolution Policy: New Opportunities for International Forum Shopping 26 *The Colum. Jour. of Law & the Arts* 335, 2003.
- [11]. Cybersquatting (2014, Dec. 12) [Online] Available: en.wikipedia.org/wiki/Cybersquatting