

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

% Order delivered on: 4th December, 2014

+ **CS(OS) No.3444/2012**

YAHOO! INC. Plaintiff
Through Mr. Dhruv Anand, Adv. with Ms.
Udita, Adv.
versus

MANOJ TULSANI & ORS. Defendants
Through None

CORAM:
HON'BLE MR.JUSTICE MANMOHAN SINGH

MANMOHAN SINGH, J. (Oral)

1. The plaintiff has filed the present suit for the purpose of seeking permanent injunction restraining infringement of its registered trademark "Yahoo", passing off, dilution and tarnishment against the defendants.
2. It has been stated that the plaintiff, Yahoo! Inc, is a leading global Internet brand and communications, commerce and media company that connects people to their passions, their communities and world's knowledge by offering a comprehensive branded network of searching, directory, information, communication, shopping, electronic commerce and other online services to millions of users daily. Plaintiff's Internet services are rendered under the unique and

highly distinctive trademark “Yahoo”. The plaintiff is one of the most recognized brands in the world.

3. The plaintiff has both statutory rights by way of registered trademarks as well as common law rights in the mark “Yahoo”. Moreover the plaintiff’s mark “Yahoo” has been recognized as a well known trademark in India.

4. The plaintiff is the registered proprietor of the following trademarks in India :-

Trademark No.	Trademark	Class
1361856	YAHOO (word)	99 (multi class registration)
956495	YAHOO! (word)	9
766143	YAHOO! (word)	25
978422	YAHOO! GROUPS	9
1311393	Y! Device	99 (multi class registration)
1357437	Y! MUSIC (Label)	99 (multi class registration)
2015203	YAHOO! LIFESTYLE	99 (multi class registration)
704537	YAHOO! (word)	16
1356813	MY YAHOO!	99 (multi class registration)

It has been stated that the plaintiff has also filed various applications for registration of other “Yahoo” or “Yahoo” formative trademarks.

5. The plaintiff has been using the mark “Yahoo” in connection with its web services since June 1994. The plaintiff's Indian website Yahoo India was launched sometime in June 2000 and has been in use ever since. The said website can be viewed in English, Hindi, Kannada, Telugu, Tamil, Malayalam and Gujarati. Plaintiff’s websites operated under the mark “Yahoo” record billions of page hits per day the world over including in India.

6. It is averred that the usage of the “Yahoo” trademark and trade name by the plaintiff is not restricted only to computer and internet related services, but also extends to clothing, sporting goods, books, magazines and other collateral goods including computer accessories. The plaintiff has also successfully popularized its well-known trademark “Yahoo” by extending its use of goods and services beyond the scope of its dealing through licensing and franchising such use by third parties. The plaintiff has thus expanded the scope of the brand value of its “Yahoo” mark and therefore it is very easy for confusion to arise if any party other than the plaintiff uses the “Yahoo” mark as such use would indicate an association with the plaintiff.

7. It is contended that the reputation of the plaintiff's mark “YAHOO” can be gauged from the ranking given to the “Yahoo” brand by Interbrand, a leading brand marketing and consulting firm and APCO Worldwide Rankings. Interbrand on an annual basis comes up with the “100 Best Global Brands” and in this ranking “Yahoo” brand of the plaintiff's has featured. Further the “Yahoo” brand of the plaintiff has also been ranked as No. 2 in a list of 100 most loved companies in the year 2013 by APCO. There are various articles published in newspapers reporting the activities of the plaintiff which in a way indicate the renown of the “YAHOO” mark in India.

8. It is averred that the plaintiff's trademark “Yahoo” has been recognized as well known mark by both the trademark registry and the Courts in India. In a case titled ***Yahoo! Inc. v. Akash Arora & Anr.***, 78 (1999) DLT 285 this Court observed that *“The services of the Plaintiff under the trademark / domain name “Yahoo!” have been*

widely publicized and written about.” The plaintiff has been successful in restraining third parties from infringing its rights in the said trademark. This Court has, in various suits brought before it by the plaintiff granted interim injunctions restraining third parties from using the trademark “YAHOO” in respect of their goods and/or services.

9. It is the case of the plaintiff that defendant Nos. 1 and 2 are operating a business of tours and travels under the infringing trading name “Yahoo Tours LLC”, who also operate and carry on business through the infringing website www.yahootourism.com. The defendant No. 1 is the proprietor of defendant No. 2 entity.

10. The website of the defendants’ allows prospective customers from all over the world including India and particularly Delhi to make bookings over the said website, thus allowing for commercial transactions over the website. Defendants have offices in Dubai, UAE; Karachi, Pakistan with their head office in Ahmedabad, India.

11. On learning about the infringing activities of the defendants, the plaintiff addressed a cease and desist letter dated 27th May, 2011 to the defendants through their attorneys in the UAE. The defendants replied to the cease and desist letter vide letter dated 7th June, 2011 wherein it was stated that the defendants were willing to give up on the infringing domain name. The defendants sought to differentiate their colour scheme with the plaintiff’s usage on multiple website.

12. The plaintiff thereafter through its counsels in the UAE filed a complaint before the Dubai Department of Economic Development (DED) and the Dubai Department of Tourism and Commerce

(DDTC). The DED thereafter in a meeting with the defendant No.1 and the plaintiff's representative in the UAE informed the defendants that they should stop using the plaintiff's famous trademark "Yahoo" as their activities under the said trademark amounted to infringement of the trademark "Yahoo". In this regard, DED also sent a letter dated 31st December, 2012 to the plaintiff's UAE counsel confirming the fact that the defendants were bound to change their name and not to use Yahoo as part of their trading name. They also mentioned that administrative action had already been taken against the defendants.

13. After the action taken by DED, the defendants wrote an email dated 2nd September, 2012 to the plaintiff's UAE counsels confirming that they had changed their name to Rayna Tours LLC and had moved the entire set-up of Yahoo Tours LLC to India and their India office was in charge of the infringing website. They also asked the plaintiff's counsel to contact their India office regarding the infringing website.

14. The plaintiff thereafter filed the present suit against the defendants in respect of their infringing trading name and infringing domain name. Vide order dated 8th February, 2013 an *ex-parte* injunction was passed against the defendants.

15. Defendant No. 3, the Registrar of the impugned infringing domain name, after receiving the aforesaid ex-parte order of injunction, sent an email dated 21st February, 2013, to the plaintiff's counsel stating that they had taken the privacy off the domain to reveal its true registrant.

16. Defendant No. 2 thereafter wrote an email to the plaintiff's counsel confirming that he would be stopping all operational work in the name of Yahoo Tours LLC in Ahmedabad and informed that though he was operating this booking office, he did not own the infringing domain name. He told the plaintiff's counsel that he has contacted the Dubai Office to remove the office address and contact details of the Ahmedabad office from the website.

17. Thereafter, another email was sent by defendant No. 2 to the plaintiff's counsel wherein he stated that he had stopped all operations under the name Yahoo Tours LLC and that he was now working for Rayna Tours. He also mentioned that he had no authority over the impugned domain name and that Mr. Manoj Tulsani, defendant No. 1 owned it.

18. It is the case of the plaintiff that Rayna Tours is the same entity as Yahoo Tours LLC which is evident from the contact us page of the website www.yahootourism.com which provides the name of the offices as Rayna Tours. The defendants' said website also provides an application which allows the consumers to make bookings online.

19. Though the defendants have, pursuant to the actions taken by the plaintiff in the UAE and India, started carrying out operations in their physical offices under the changed name of "Rayna Tours", they continue to carry on their operations over the internet under the infringing name of "Yahoo Tours LLC". It is averred by the plaintiff that as most of the bookings are made by consumers over the internet on the infringing website of the defendants, the continuing use of the infringing name "Yahoo Tours LLC" by the defendants for

their online operations, along with the continuing use by them of the infringing domain name <yahootourism.com> is only with the purpose of causing the consumers to believe that the defendants' business is in some way endorsed, sponsored and associated with the plaintiff.

20. The class of goods and services which covers the services being offered by the defendants is Class 39. The plaintiff also has two trademark registrations in Class 39, being trademark registration Nos.1356813 for the trademark "My Yahoo" and 1311393 for the Y device trademark. The defendants use of the Yahoo mark along with a Y device which is deceptively similar to the plaintiff's Y device, amounts to infringement of the registered trademarks of the plaintiff. It is averred that as the plaintiff's trademark "Yahoo" is a well-known trademark, such use by the defendants even for non-cognate goods/services amounts to infringement of the rights of the plaintiff in the Yahoo trademark. However, in the present case the plaintiff also offers similar travel and tourism services under the Yahoo trademark through their website "Yahoo! Travel" at <https://www.yahoo.com/travel>.

21. The plaintiff states that the plaintiff's trademark "Yahoo" has been used as a prominent part of the defendants' trading name and such use of the "Yahoo" trademark is a violation of the plaintiff's exclusive rights in the trademark "Yahoo" and amounts to infringement and passing off of the Yahoo trademarks and other Yahoo-formative trademarks of the plaintiff.

22. It is submitted that the defendants have offered no plausible explanation for the adoption of an identical mark as part of their

trading name. Moreover, the defendants are bound to be aware of the plaintiffs' trademark by virtue of the plaintiff's prior use of the trademark "Yahoo" in relation to a series of goods and services and the widespread promotional activities of the plaintiff. The defendants have clearly tried to piggy-back on the plaintiff's reputation and for this reason, have not only adopted the plaintiff's trademark as their trading name but also as part of their domain name. The defendants cannot have any justification for the adoption of the well-known "Yahoo" trademark.

23. The plaintiff further stated that the potentiality of harm is enormous on the internet. This is especially because the plaintiff has a very wide internet presence and is the registrant of various Yahoo formative websites. The use by the defendant of a trading name which incorporates the registered trademark of the plaintiff as also a domain name which incorporates the said trademark of the plaintiff is bound to cause confusion amongst the public.

24. Further, it is averred that the defendants' infringing activities have caused irreparable harm and injury to the plaintiff especially as the plaintiff has no control over the quality of services being offered by the defendants under the trademark "Yahoo".

25. During the course of proceedings in this matter, defendants No. 1 and 2 could not be served on various occasions through ordinary process and so they were served by way of publication. However, no one appeared on their behalf despite service. Accordingly defendants No. 1 and 2 were proceeded ex-parte vide order dated 26th August, 2014. Defendant No.3 was served by courier but no one appeared,

so even he was proceeded ex-parte vide order dated 26th August, 2014.

26. In evidence, the plaintiff filed the affidavit of by Col. J.K. Sharma who is a duly appointed constituted attorney of the plaintiff to prove the facts stated in the plaint. The following documents have also been filed:

- The power of attorney dated 27th October, 2008 executed in favour of Col. J.K. Sharma by the plaintiff, has been exhibited as Ex. PW-1/1.
- Some of the original printouts from the various websites of the plaintiff has been exhibited as Ex. PW-1/2 (colly).
- Printouts of plaintiff website “Yahoo! Travel” at <https://www.yahoo.com/travel> as Exhibit PW 1/3.
- Various articles published in newspapers reporting the activities of the plaintiff, in a way indicating the renown of the YAHOO mark in India, has been exhibited as Ex. PW-1/4 (colly).
- Certificates of the trademark registrations in favour of the plaintiff have been exhibited as Ex. PW-1/5 to Ex. PW-1/13.
- A list of the applications for registration of other Yahoo or Yahoo formative trademarks has been marked as Mark C.
- Order of this Court in Yahoo! Inc. v. Akash Arora & Anr., in CS (OS) No.2469/1998, has been marked as Mark D.
- Order in Yahoo! Inc. v. Pawan Agarwal in Suit No. 345 of 2003, has been marked as Mark E.

- Order in Yahoo! Inc. v. Surinder Kumar Jain in Suit No. 949 of 2004, has been exhibited as Ex PW-1/16.
- Order in Yahoo! Inc. v. Sujit Dutta Roy in Suit No. 769 of 2005, has been marked as Mark F.
- Order in Yahoo! Inc. v. Subhash Vadapally, in Suit No. 866 of 2007 has been exhibited as Ex PW-1/18.
- Order in Yahoo! Inc. v. Firoz Nadidwala, in Suit No. 906 of 2009 has been exhibited as Ex PW-1/19.
- Order in Yahoo! Inc. v. S. N. Hingorani, in Suit No. 1156 of 2003 has been exhibited as Ex PW-1/20.
- Order in Yahoo! Inc. v. Mohan Patil, in Suit No. 3497 of 2012 has been marked as Mark G.
- Order in Yahoo! Inc. v. Mohan Patil, in Suit No. 3497 of 2012, has been marked as Mark H.
- Order in Yahoo! Inc. v. Firoz Nadiawala, in Suit No. 906 of 2009, has been exhibited as Ex PW-1/23.
- Fresh printouts of the Interbrand rankings for the years 2009-2012 along with a printout of the APCO worldwide rankings of the Top 100 Most Loved Companies for the year 2013, has been exhibited as Ex.PW-1/24 (colly).
- Printout of the list of well known trademarks from the official website of the Trademark Registry of India which mentions YAHOO at entry No.11. has been exhibited as Ex. PW-1/25.
- Printouts of the defendants' website which provide information on their activities and show the infringing manner of use of the

plaintiff's Yahoo Trademark, has been exhibited as Ex. PW-1/26.

- Copy of the cease and desist letter dated 27th May, 2011 issued to the defendants through their attorneys in the UAE, has been exhibited as Ex. PW 1/27.
- Typed copy of defendants reply to the cease and desist letter vide letter dated 7th June, 2013 has been exhibited as Ex. PW 1/28.
- Dubai Department of Economic Development's letter dated 31st December, 2012 to the plaintiff's UAE counsel, has been exhibited as Ex. PW 1/29.
- Announcement dated 20th November, 2011 made by Dubai Department Economic Development in Emirates Today along with a certified English language translation thereof, has been exhibited as Ex. PW 1/30.
- Defendants' email dated 2nd September, 2012 to the plaintiff's UAE counsels has been exhibited as Ex. PW 1/31.
- Defendant No. 3 sent an email dated 21st February, 2013, to the plaintiff's legal counsel, has been exhibited as Ex. PW 1/32.
- A printout of the Who-is details revealing the details of the true Registrant has been exhibited as Ex. PW 1/33.
- Defendant No. 2's email dated 25th February, 2013 to the plaintiff's counsel confirming that he would be stopping all operational work in the name of Yahoo Tours LLC in Ahmedabad and that though he was operating this booking

office, he did not own the infringing domain name, the same has been exhibited as Ex. PW 1/34.

- Email dated 7th September, 2013 sent by defendant No. 2 to the plaintiff's counsel wherein he stated that he had stopped all operations under the name Yahoo Tours LLC and that he was now working for Rayna Tours, has been exhibited as Ex. PW 1/35
- Printouts of www.yahootourism.com of the defendants are exhibited as Ex. PW 1/36.
- Printouts of the e-brochure of Rayna Tours and the printouts from the travel desk sections of www.raynatours.ae are exhibited as Exhibit PW-1/37.
- Affidavit of Mr. Subroto Panda, the Head of the IT Department of the plaintiff's legal counsel under Section 65-B of the Indian Evidence Act, has been exhibited as Ex. PW-1/38.

27. The evidence of the plaintiff in the matter was closed vide order dated 26th November, 2014.

28. In ***Yahoo! Inc. vs. Akash Arora & Ors.*** (supra), it was observed that:

"12. ...In an Internet service, a particular Internet site could be reached by anyone anywhere in the world who proposes to visit the said Internet site. With the advancement and progress in technology, services rendered in the Internet has also come to be recognised and accepted and are being given protection so as to protect such provider of service from passing off the services rendered by others as that of the plaintiff. As a matter of fact in a matter where services rendered through the domain name in the Internet, a very alert vigil is

necessary and a strict view is to be taken for its easy access and reach by anyone from any corner of the globe.”

Accordingly, the defendants therein were restrained from operating any business or selling, offering for sale, advertising and/or in any manner dealing in service or goods on the Internet or otherwise under the trademark/domain name 'Yahooindia.com' or any other trademark/domain name which is identical with or deceptively similar to the plaintiff trademark 'Yahoo!'

In ***Yahoo! Inc. Vs. Sanjay v. Shah and Ors*** 2006 (32) PTC 263, this Court passed decree for permanent injunction restraining the defendants therein from manufacturing, selling, offering for sale, advertising, dealing in gutkha, supari, beverages, fruit juices or any other product or service under the trademark 'YAHOO' or any other mark deceptively similar thereto, or exploiting/using the trademark 'YAHOO'.

Domain name

29. So far as the issue of protection of domain names is concerned, the law relating to the passing off is well settled. The principle underlying the action is that no one is entitled to carry on his business in such a way as to lead to the belief that he is carrying on the business of another man or to lead to believe that he is carrying on or has any connection with the business carried by another man. It is undisputed fact that a domain name serves the same function as the trade mark and is not a mere address or like finding number on the Internet and, therefore, is entitled to equal protection as a trade mark. A domain name is more than a mere Internet Address for it

also identifies the Internet site to those who reach it, much like a person's name identifies a particular person, or as more relevant to trade mark disputes, a company's name identifies a specific company.

30. Domain names are entitled to the protection as a trade mark and the trade mark law applies to the activities on internet. The following are the decisions in which the domain name is protected by the Courts:

- (i) In ***Marks and Spencer v. One in a Million***, (1998) FSR 265, it was held that any person who deliberately registers a domain name on account of its similarity to the name, brand name or trade mark of an unconnected commercial organization must expect to find himself on the receiving end of an injunction to restrain the threat of passing off, and the injunction will be in terms which will make the name commercially useless to the dealer. It was held in that decision that the name MARKS & SPENCER could not have been chosen for any other reasons than that it was associated with the well known retailing group. The decision further goes on to say that when the value of the name consists solely in its resemblance to the name or trade mark of another enterprise, the court will normally assume that the public is likely to be deceived, for why else would the defendants choose it ? It was also observed that someone seeking or coming upon a website called

<http://marksandspencer.co.uk> would naturally assume that it was that of the plaintiffs.

- (ii) In ***Acqua Minerals Ltd. v. Pramod Borse and another***, 2001 PTC 619, while considering an injunction sought to restrain the defendants from using the mark BISLERI or BISLERI.COM the court observed that so far as the Registering Authority of the domain name is concerned it agrees for registration of domain only to one person. That is on first come first serve basis. If any person gets the domain name registered with the Registering Authority which appears to be the trade name of some other person, the Registering Authority has no mechanism to inquire whether the domain name sought to be registered is in prior existence and belongs to another person. The court referring to Rule 4 of the *Domain Name Registration Policy* observed thus :

‘Unless and until a person has a credible explanation as to why did he choose a particular name for registration as a domain name or for that purpose as a trade name which was already in long and prior existence and has established its goodwill and reputation there is no other inference to be drawn than that the said person wanted to trade in the name of the trade name he has picked up for registration or as a domain name because of its being an established name with widespread reputation and goodwill achieved at huge cost and expenses involved in the advertisement.’

- (iii) In ***Rediff Communication Ltd. v. Cyberbooth***, 1999 (3) Arb. LR. 636, the Bombay High Court, while granting an injunction restraining the defendants from using the mark/domain name

“RADIFF” or any other similar name, held that when two similar domain names are considered there is every possibility of internet user being confused and deceived in believing that both domain names belong to one common source and connection although the two belong to two different persons. Once the intention to deceive is established, the court should not make further enquiry about the likelihood of confusion. If it is found that man’s object in doing that which he did was to deceive, that he had an intention to deceive the Court, will very much infer that his object has been achieved, if the facts tend to show that, that is the case and to say that his intention to deceive ripening into deceive gives ground for an injunction.

- (iv) In ***Living Media India Ltd. v. Jitender V. Jain & Anr***, 2002 (25) PTC 61 (Del) the plaintiff was a producer of a news program under the name and style AAJ TAK while the defendant’s adopted the name KHABAREIN AAJ TAK in respect of newspapers. The mark of the defendants was an exact reproduction of the plaintiff’s mark. The court observed that while the words “Aaj” and “Tak” may be individually descriptive and may not be monopolized by any person, but their combination does provide protection as a trade name if it has been in long, prior and continuous user and it gets identified with such persons.
- (v) In ***Satyam Infoway Ltd. v. Sifynet Solutions Pvt. Ltd.*** (2004) 6 SCC 145, where the domain names www.sifynet, www.sifymall.com, www.sifyrealestate.com of the appellant; and

www. Siffynet.net and www.siffynet.com of the respondent were in question, it was observed by the Supreme Court as under:

“16. The use of the same or similar domain name may lead to a diversion of users which could result from such users mistakenly accessing one domain name instead of another. This may occur in e- commerce with its rapid progress and instant (and theoretically limitless) accessibility to users and potential customers and particularly so in areas of specific overlap. Ordinary consumers/users seeking to locate the functions available under one domain name may be confused if they accidentally arrived at a different but similar web site which offers no such services. Such users could well conclude that the first domain name owner had mis-represented its goods or services through its promotional activities and the first domain owner would thereby lose their custom. It is apparent therefore that a domain name may have all the characteristics of a trademark and could found an action for passing off.”

“29. Apart from the close visual similarity between 'Sify' and 'Siffy', there is phonetic similarity between the two names. The addition of 'net' to 'Siffy' does not detract from this similarity.”

“31. What is also important is that the respondent admittedly adopted the mark after the appellant. The appellant is the prior user and has the right to debar the respondent from eating into the goodwill it may have built up in connection with the name.”

- (vi) The Supreme Court in the case of **Laxmikant V.Patel v. Chetanbhat Shah**, 2002 (24) PTC 1 (SC), in the relevant para 10 held as under:-

“The law does not permit any one to carry on his business in such a way as would persuade the customers or clients in believing that his goods or services belonging to someone else are his or are associated therewith. It does not matter whether the latter person does so fraudulently or otherwise. The reasons are two. Firstly, honesty and fair play are, and ought to be, the basic policies in the world of business. Secondly, when a person adopts or intends to adopt a name in connection with his business or services which already belongs to someone else it results in confusion and has propensity of diverting the customers and clients of someone else to himself and thereby resulting in injury.”

In this case, the Apex Court further observed that:

“Where there is probability of confusion in business, an injunction will be granted even though the defendants adopted the name innocently.”

(vii) In a similar situation, this Court in the case of ***Info Edge (India) Pvt. Ltd. and Anr. v. Shailesh Gupta and Anr.*** 98 (2002) DLT 499 where the plaintiff was carrying business under the domain name ‘Naukri.com’ and the defendant had began to use a domain name ‘Naukari.com’, held that if two contesting parties are involved in the same area, then there is a grave and immense possibility for confusion and deception and both the marks were deceptively similar. While granting a temporary injunction in favour of the plaintiff, the Court observed as under :

“27. The defendant has employed minor misspelling of the plaintiff's mark, although it has another such mark available to it, which is also a registered domain name. Therefore, the said action indicates and

establishes dishonest intention on the part of the defendant. That appears to have been done with bad faith in order to gain advantage of spelling error made by the internet user while attempting to enter into the plaintiff's internet address on their web-browser. The very purpose of having two registered domain names by the defendant only establishes the dishonest intention and bad faith on the part of the defendant. The real intention behind registering the domain names for the same purpose, of which one is deceptively similar to the domain name of the plaintiff, is to attract or induce the internet user to come to the website of the defendant first by mis-spelling the plaintiff's mark and domain name and, thereafter, taking the said internet user to the domain name of the defendant, which is jobsourceindia.com. The defendant's choice of slightly mis-spelt version of the plaintiff's domain name was deliberate in order to suit the business activities of the defendant and for the purpose of diverting traffic of the internet users to websites unrelated to the plaintiff. The traffic of the internet users to the plaintiff's domain name is sought to be diverted to the domain name and website of the defendant by confusing the internet users as to sponsorship or affiliation with a website that defendant operates for commercial gain. Such intention is deceitful and dishonest, apart from being an action on bad faith."

"29. Both the domain names "Naukri.com" of the plaintiff and "Naukri.Com" of the defendant, depicting the nature and type of business activity they carry on are identical or confusingly similar trade mark or service marks. It is also a possibility for an internet user while searching for the website of the plaintiff to enter into the website of the defendant through only a small mis-spelling of the domain name and, in fact, such incident has occurred in the case of the plaintiff

itself vis-a-vis the defendant in proof of which a documents is also placed on record. Such diversion of traffic with the sole intention of ulterior gain in the similar business activity by a competitor, requires protection. A court discharging equitable justice should come in aid and for protection of the honest user as opposed to a dishonest user acting on bad faith.

30. The website using the domain name, similar to that of the plaintiff, for commercial purposes, would lead to an inference that the domain name was chosen intentionally to attract internet users of the plaintiff. This is also established in view of the minor spelling variant to a well-known mark, without any Explanation and the same definitely creates a prima facie inference of bad faith within the meaning of paragraph 4(b)(iv) to the aforesaid Policy, which was adopted by the Internet Corporation for Assigned Names and Numbers (ICANN), on August 26, 1999.”

31. From the material placed on record, it is evident that the plaintiff has proved its case in view of the statements made in the plaint. Therefore, this Court is of the considered view that the plaintiff is entitled for a decree for permanent injunction in terms of prayer (i) to (iv) of Para 62 of the plaint. Decreed accordingly.

32. The plaintiff is also entitled to costs as prayed.

(MANMOHAN SINGH)
JUDGE

DECEMBER 04, 2014