

Rights of the Registrants

- Domain names have begun to play an important role in online commercial activity. Because the domain names have been representing both company's name and the distinct services it provides.
- Domain names have been granted the trademark recognition and protection.
- The process of allotting and receiving domains are handled by DNR's. who also regulated the IP addresses for those domain names.

- Registrant is the holder of the .in Internet domain name
- In order to establish rights in the Domain Names, the registrant can demonstrate rights to or legitimate interests in the domain name by establishing the following factors:
 - His use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name is in connection with a bonafide offering of goods or services
 - He as an individual, business, or other organisation has been commonly known by the domain name , even if he has acquired no trademark or service right marks

- He is making a legitimate non-commercial or fair use of the domain name, without intent for the commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
- Factors that shall help the Registrant in demonstrating the Registrants rights or legitimate use of the disputed domain as under:
 - Registrants use or preparation to use the domain name or a name corresponding to the domain names.
 - That the Registrant has been commonly and mostly known by the disputed domain name
 - That Registrant has made a legitimate or fair use of domain name

- The process of registering domain names does not include of any examination or verification to determine whether the domain name is distinctive or capable of distinguishing itself from the competition.
- As there have been no law or absence of specific legislation protecting domain names, the judicial opinion in protecting domain names in India relies on the protection of Trademark law.
- ICANN rules require registrant to comply with all the standard requirements, proceedings and practices when entering into a domain registration agreement with registrar.

- Before getting a domain registered and active, it is better to have as a pre requisite information regarding the same has to be handled over the registrant so that he/she could avoid the suit of the Trademark infringement or in the crossfire of a cybersquatting litigation.
- Currently the registrant do have a higher liability in ensuring the domain is not trademark violated.
- I understand that DNR's do not register maliciously and not with an intent to cause prejudice to a Trademark.