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CYBER SQUATTING: A THREAT TO DIGITAL IDENTITY.

**Gunjan Chopra*

In today's interconnected world, a brand's domain name is more than just a web address—it's a gateway to its reputation, customer trust, and business success. But what if one morning, you discover that your domain name has been hijacked? That someone else has claimed your digital identity— not to build on it but to mislead or deceive your customers or hold it for ransom?

This is the harsh reality of **CYBER SQUATTING**. From stories of **PokerBaazi**, the **Jio-Hotstar merger** to high profile cases involving **Tom Cruise** and the **World Wrestling Federation**, the message is clear: *Cyber squatting is a digital ambush and no one is immune.*



Understanding Cyber Squatting: A Profiteering from Digital Identity

Cyber squatting is the act of *registering, trafficking in, or using a domain name* with the bad faith intent **to profit from the goodwill** of a trademark or famous name. Indian courts have recognized this as a serious threat to digital identity. In ***Yahoo! Inc. v. Akash Arora***, the Delhi High Court protected Yahoo's digital turf from a lookalike domain, setting a precedent that domain names are as vital as trademarks in the online era.

From Definition to Damage: The Poker-Baazi Blow

The battle was fought not in casinos but in Courtrooms. In February 2025, **Moonshine Technology** (owner of **PokerBaazi**) secured a Delhi High Court injunction against rogue websites-*baaziadda*, *baazi247*, *baazi365*, and *lotusbaazi*-for misusing its "**Baazi**" trademarks to *redirect* users to illegal gambling platforms. The *court ruled* the cybersquatting caused *irreparable harm* to the brand's reputation and public interest by falsely legitimizing unlawful betting. Operators and domain registrars like *GoDaddy* were restrained from hosting infringing content and ordered to disclose registrant details. The *ex-parte order* emphasized the urgency of curbing trademark violations and deceptive online practices.

This isn't just a tale of one company's struggle; another eye opening case where India recently took the center-stage was the **Jio- Hotstar Merger** which Sparked a Wake-Up Call



From Gambling to Streaming: The Jio Hotstar Domain Grab

As speculation about the merger of **Jio** and **Disney+ Hotstar** grew, a Delhi-based developer quickly registered "*jiohotstar.com*," aiming to sell the domain *at a premium*. This opportunistic move is classic cyber squatting-registering a domain similar to a famous brand with no intent to build, only to profit from the confusion and urgency of big business.

Other Landmark Indian Judgments

- **Satyam Infoway Ltd. v. Sifynet Solutions (2004):** The Supreme Court affirmed that domain names are business identifiers and protected under trademark law.

- ***Aqua Minerals Ltd. v. Pramod Borse (2001)***: The Delhi High Court ordered the transfer of “*bisleri.com*” after finding it was registered in bad faith.

THE INTERNATIONAL PERSPECTIVE

The U.S. Approach

Across the Atlantic, the United States has armed itself with the **Anti cyber squatting Consumer Protection Act (ACPA)**. This law allows trademark owners to sue cyber squatters who register, traffic in, or use domain names that are *identical or confusingly similar* to their marks, with the **intent to profit in bad faith**.

In the landmark ***Panavision Int'l L.P. v. Toeppen***, the court *ruled* against a notorious cyber squatter who tried to sell “*panavision.com*” back to its rightful owner, reinforcing that the law protects brands from *digital ransom demands*. The **ACPA** has become a *powerful tool*, enabling companies like **Dell** to reclaim their digital identities and setting a global example for cyber squatting enforcement.

The UK Approach

The UK takes a ***multi-layered approach*** to cybersquatting, even though it lacks a dedicated statute. The **Trade Marks Act 1994** and the common law doctrine of “*passing off*” are the main legal weapons.

The UK uses the **Uniform Dispute Resolution Policy (UDRP)**, administered by **ICANN**, to efficiently resolve global domain disputes and help brands reclaim domains registered in *bad faith*. For **.uk domains**, **Nominet's Dispute Resolution Service (DRS)** offers a quick, cost-effective alternative, including free mediation and arbitration, tailored to the UK market. The government, through powers under the **Digital Economy Act 2010**, can intervene in domain registry operations in cases of serious abuse, ensuring robust oversight and protection of public interest. Agencies like **Nominet, DSIT, and the Central Digital and Data Office** collaborate to maintain fair practices and respond rapidly to domain misuse.

WIPO: The Global Referee in the Digital Game

The **World Intellectual Property Organization (WIPO)** administers the **Uniform Domain-Name Dispute-Resolution Policy (UDRP)** – a swift mechanism that offers a fast, international process for brands to reclaim their names.

Key Victories include-

- **Tom Cruise v. Jeff Burgar:** Hollywood star Tom Cruise won back “*tomcruise.com*” after WIPO found the domain was registered in bad faith by a cybersquatter with a history of targeting celebrity names.
- **World Wrestling Federation (WWF):** The WWF successfully reclaimed “*worldwrestlingfederation.com*” after proving the domain was registered to profit from its fame.
- **Malala Yousafzai:** Nobel laureate Malala Yousafzai won back “*malalayousafzai.com*” from a cybersquatter who registered it with the intent to exploit her global reputation.

Thus, WIPO’s decisions have set international standards, showing that even the world’s most famous names are not immune.

Guardians of Digital Gate: Who Polices Cyber squatting?

A range of national and international bodies work to combat cybersquatting:

- **Courts and Trademark Authorities:** In India, the **High Courts** and the **Trade Marks Act, 1999**, are the *primary* recourse for aggrieved parties. In India, there are no specific laws that prohibit the act of cybersquatting. However, domain names are considered as trademarks under the **Trademark Act, 1999** and hence will be held liable for trademark infringement under **Section 29 of the Trademark Act, 1999**.
- **Domain Dispute Policies:** The **.IN Domain Dispute Resolution Policy (INDRP)** handles disputes involving Indian domains.
- **WIPO (World Intellectual Property Organization):** WIPO offers a global, efficient process for resolving domain name disputes. If a complainant proves that a domain is *identical or confusingly similar* to its trademark, registered *in bad faith*, and the registrant has *no legitimate interest*, WIPO can order the **transfer or cancellation of the domain**.
- **ICANN (Internet Corporation for Assigned Names and Numbers):** Oversees the global domain name system and works with WIPO to enforce fair domain registration practices.

Why Cyber squatting Is More Than Just a Nuisance for Businesses

The impact on business is immediate and severe like loss of customer trust and confusion, diversion of web traffic and revenue, damage to brand reputation & legal costs and operational delays etc.

From Verdicts to Vision: Next Move for India

Precedents exist, but policy must follow. India's courts have shown strength, but the country still lacks a dedicated anti-cyber squatting statute. The way forward is clear:

- Enact specific laws for swift action against cybersquatters.
- Strengthen cooperation with global bodies like WIPO.
- Encourage brands to proactively register and monitor their domains.

*Thus, cyber squatting isn't just a legal loophole — **it's a growing threat to digital identity.*** From courtroom victories in India to global actions by WIPO, the fight against it is real, evolving, and essential. *As businesses race to establish their presence online, protecting domain names must become as strategic as building the brand itself. With awareness, legal readiness, and proactive defence, the digital frontier can be secured — one domain at a time*