

# Trademark Domain Dispute Guide — INDRP and UDRP (India)

Guide to recovering infringing domain names through INDRP and UDRP proceedings

## HOW TO USE THIS TEMPLATE

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| 1. | This document: Trademark Domain Dispute Guide — INDRP and UDRP (India). |
| 2. | Fill all bracketed fields before use.                                   |
| 3. | Template only — not a substitute for qualified legal advice.            |

## 1. DOMAIN DISPUTE OVERVIEW

**The Problem.** Domain name cybersquatting — registering domain names incorporating a company's trademark to extort payment, divert traffic, or damage the brand — is common in India's fast-growing digital economy. Domain disputes also arise from typosquatting (common misspellings), domain hijacking, and phishing sites.

**Two Routes.** INDRP (.in and .bharat domains): administered by NIXI; Indian law applies; fast and cheap. UDRP (.com, .net, .org and most gTLDs): administered by WIPO or accredited providers; ICANN rules apply. Both routes can only transfer or cancel the domain — no monetary damages. For substantial damages, file in court.

**The Three-Element Test (Both INDRP and UDRP).** You must establish all three: (1) the domain is identical or confusingly similar to your trademark; (2) the registrant has no rights or legitimate interests in the domain; and (3) the domain was registered and is being used in bad faith.

## 2. THE THREE-ELEMENT TEST IN DETAIL

**Element 1 — Similarity.** The domain incorporates your exact brand name, or a close variant. Low threshold — 'companyname-deals.com' is confusingly similar to 'COMPANYNAME'. Establish your trademark rights: registration certificate; evidence of use for unregistered marks.

**Element 2 — No Legitimate Interests.** Registrant lacks legitimate interests if: they are not using the domain for a bona fide business; they are not commonly known by the domain name; they are not making legitimate non-commercial use. A pay-per-click parking page with no active website typically indicates no legitimate interests.

**Element 3 — Bad Faith.** Classic bad faith indicators: registered after your trademark became known; offered for sale to you at above-registration cost; used to redirect traffic to a competitor; used for phishing; pattern of similar registrations against multiple brands. The registration date vs your trademark priority date is the most critical evidence point.

**Bad Faith Can Be Implied.** Courts and panellists do not require a smoking gun — bad faith can be inferred from the circumstances. A domain registered days after your brand received major press coverage, by a registrant with no apparent business, is strongly indicative of bad faith.

## 3. FILING AND TIMELINE

**INDRP Filing.** Complaint to NIXI (nixi.in). Fee: approximately Rs. 30,000. Documents: trademark evidence; WHOIS record; domain screenshot; any correspondence with registrant. Decision: typically 45–60 days.

**UDRP Filing (WIPO).** Complaint to WIPO (wipo.int/amc). Fee: USD 1,500 (single panellist for one domain). Decision: 60–90 days. Faster and often more predictable than court litigation.

**Prevention Strategy.** Register defensively: your primary .com and .in; common misspellings; brand + keyword variants; country-code TLDs for markets you enter. Domain registration costs Rs. 500–2,000 per domain per year. One successful dispute saves years of cost. Set up domain monitoring (DomainTools, Google Alerts for new registrations similar to your brand).

#### 4. AFTER WINNING

**Post-Transfer Steps.** Once domain is transferred to you: set it to redirect to your primary domain; maintain the registration with auto-renewal enabled; update your domain portfolio register; and consider whether the domain adds trademark protection value.

**If You Lose.** If the INDRP or UDRP panellist rules against you, you can still file in court — the domain dispute decision is not res judicata for court proceedings. Consider court action if the domain is causing significant commercial harm and you have strong trademark rights.

**Domain Portfolio Audit.** Conduct an annual domain portfolio audit: confirm all critical domains are owned by the Company (not individual founders); confirm all have auto-renewal enabled; confirm ownership is in the correct legal entity; and identify any gaps in defensive registration for new brands or expansion markets.

##### IMPORTANT NOTE

Working template for Trademark Domain Dispute Guide — INDRP and UDRP (India). Verify requirements with a qualified IP advocate.

## DOMAIN MONITORING, RECOVERY STRATEGY AND ADVANCED TACTICS

A proactive domain strategy is far cheaper than domain recovery. The annual cost of registering 20 defensive domain variants for your primary brand is Rs. 10,000 to 40,000 — a fraction of the cost of a single UDRP proceeding (USD 1,500 plus attorney fees of Rs. 50,000 to 1,50,000). Defensive registration strategy: start with your brand name in the 5 most commercially important TLDs (.com, .in, .net,

.org, .co.in); add the most common misspellings (transposed letters, missing letters, phonetic variants); add brand plus category keyword combinations (brandsupport.com, brandstore.com, brandapp.in); and add country-code TLDs for your top 5 export markets. Set all registrations to auto-renew with a credit card that will not expire — lapsed domain registrations are immediately grabbed by cybersquatters

who monitor expiry queues. Monitoring is the second layer of defence. Set up Google Alerts for your brand name as a new domain keyword, i.e. a search that would find new websites using your brand name in their domain. Commercial domain monitoring services (DomainTools, MarkMonitor, CSC Digital Brand Services) provide automated alerts for new domain registrations that are confusingly similar

to your brand. A response within 48 hours of a cybersquatter registering a similar domain is far more effective than a response weeks later — some cybersquatters will relinquish a domain voluntarily when contacted early, before they have invested in building out a full infringing website. For INDRP and UDRP, preparation quality is the primary determinant of outcome. Well-prepared complainants win

at rates exceeding 85%. Engage a domain dispute specialist rather than a general IP attorney for complex multi-domain or multi-registrant disputes.

## ADDITIONAL COMPLIANCE GUIDANCE AND BEST PRACTICES

ADDITIONAL GUIDANCE ON COMPLIANCE AND BEST PRACTICES. Indian IP law continues to evolve rapidly, with the Patent Office, Trade Marks Registry, and Copyright Office all implementing digital transformation initiatives that affect how IP is filed, prosecuted, and enforced. The Patents Amendment Rules 2024 introduced new provisions for startup fee concessions and updated the examination procedure timelines. The Trade Marks Act 1999 has been interpreted by courts in a growing body of decisions that clarify how confusion is assessed, how well-known

marks are recognised, and how bad faith is established. The DPDP Act 2023 has implications for IP-linked customer data and product development processes. For each IP action described in this document, the Company should consult a qualified IP advocate licensed to practice before the Indian Patent Office and Trade Marks Registry. IP advocates combine technical expertise with legal training specific to Indian IP law. When selecting an IP advocate, assess: their specific experience in your technology sector or product category;

their track record at the relevant Patent Office branch or Trade Marks Registry; and their ability to coordinate international filings through their network of foreign associates. The IP Manager should maintain a master calendar tracking all IP filing deadlines, prosecution response deadlines, renewal dates, and opposition window close dates. IP deadlines are typically non-extendable and missing them can result in permanent loss of rights. Use a dedicated IP management tool or a carefully maintained calendar system with triple-reminder alerts. Document

all IP decisions and the reasoning behind them. When the Company decides not to file a patent application for a particular technology, document the decision and reasoning. When a trademark opposition is decided not to pursue, document the decision. This decision trail is important for investor due diligence, management continuity, and defence of subsequent IP disputes. Build a quarterly IP Committee meeting cadence: the IP Manager, CTO or Head of Product, CFO, and CEO should review IP programme status, upcoming

decisions, and strategic IP priorities every quarter. This keeps IP on the leadership agenda and ensures that commercial and technical strategy is aligned with IP investment decisions. The IP Committee meeting should produce a brief written record of decisions taken and actions assigned. International IP coordination requires proactive management of priority deadlines. The Paris Convention priority period of 12 months for patents and 6 months for trademarks and designs starts from the Indian filing date. If international protection is planned,

calendar these priority deadlines immediately on the Indian filing date. The cost of filing internationally increases significantly if priority is not claimed because prior art in the intervening period may destroy novelty. Budget for professional indemnity insurance for the IP function. As IP becomes a larger component of the Company's value and IP decisions involve significant financial stakes, the IP Manager and the Company's IP counsel should be appropriately insured against errors and omissions. Review the IP programme's documentation quality

annually. The best IP strategy is undermined by poor documentation. Every IP right should have a complete file: the registration or application document, all prosecution history, all renewal receipts, and all related agreements. Files should be backed up in at least two locations and access-controlled to prevent inadvertent deletion. Template only. Not legal advice. Consult a qualified IP advocate for all decisions affecting the Company's intellectual property rights.