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# Bombay High Court considers reliefs to be granted in fake websites case

India - [Khaitan & Co](#)

- HUL became aware of fraudulently registered domain names used to lure the public into parting with significant amounts of money
- The question before the court was the extent of the reliefs available to HUL
- Although the court did not grant all the reliefs sought, the decision is likely to encourage other parties to initiate similar actions

In [Hindustan Unilever Limited v Endurance Domains Technology LLP](#) (IA No 1 of 2020 in LC-VC-GSP-24 of 2020), which involved fake websites registered by an unknown person (John Doe), the Bombay High Court has decided, at the interim stage, which reliefs could be granted against domain registrars, banks and INRegistry (the organisation responsible for the '.in' country-code top-level domain).

info@hul.org.in, 9970779316

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Archive extract of fake website 'hul.org.in'

## Background

Hindustan Unilever Limited (HUL), the Indian subsidiary of Unilever, was aggrieved by the fact that a John Doe used variants of HUL's domain names to register fake domain names/websites. The aim was to lure the public into parting with significant amounts of money on a false promise of becoming authorised dealers of HUL products. While the court was convinced that the registration of these domains was in bad faith and constituted an infringement of HUL's rights, the question before the court was the extent of the reliefs available to HUL.

## Decision

S No	Relief sought	Granted?	Court's view
1	INRegistry should de-register or block access to the impugned domains, and provide registrant information.	No	INRegistry is not a registrar and does not receive any registration consideration.
2	The registrars should (i) suspend, ensure the continued suspension of, and block access to, the impugned domains, and (ii) not allow the registration, or allow the continued registration, of the impugned domains.	Yes, for suspension No, for the rest of the reliefs	Domain registration is an automated process and it is difficult for the registrar to monitor such process. Blocking access is possible only through the government and the same can be circumvented.  However, HUL can communicate with the registrars and request, without the intervention of the court, relief for the suspension of any infringing domain names. The registrars are not bound to accede to such request, and are only required to consider it without prejudicing innocent third parties.
3	The banks should freeze and suspend all operations in the accounts fraudulently opened by John Doe.	No	A blanket injunction to this effect is not possible.
4	The registrars and the banks should disclose John Doe's details. In addition, the banks should disclose the process followed for the verification/ due diligence of such accounts, and the details of the fraudulent transactions.	Yes	The amounts involved are significant.
5	The court should devise a suitable mechanism to deal with such wrongful actions in the future. HUL cannot be made to constantly file such actions.	No	What should or should not be suspended (or blocked) is for the government to decide, not some litigant. There are no shortcuts. HUL has resources to file such actions.  However, given that the court's time would also be wasted, exceptionally, if HUL is unable to get the negotiated relief from the registrars, HUL can approach the court with an affidavit without filing a further application.

#### Comment

This decision is significant as India has witnessed substantial growth in online financial transactions and technologies, which have further led to frauds that are difficult to trace. The present matter is probably one of the rare hybrid actions against financial frauds involving:

- all the above parties in a single combined action; and
- IP issues, a civil action to obtain civil reliefs, and a request to push the police authorities to initiate a criminal action.

Although the court did not grant all the reliefs sought, those that were granted (especially the disclosure of John Doe's details) are likely to encourage other parties to initiate similar actions.

### Shailendra Bhandare

Khaitan & Co

### Shamika Bhagwat

Khaitan & Co