



# **FACULTY OF JURIDICAL SCIENCES**

**COURSE:BA.LL.B**

**Semester : VIII th**

**SUBJECT: Cyber Law**

**SUBJECT CODE: BAL-805**

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# Lecture-35



## LECTURE 35: Trademark law and cyberspace

Trademark Law & Domain Names Issues in Cyberspace Definition of Trademark- “a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours”.

Functions of a Trademark A trademark serves the purpose of identifying the source of origin of goods. Trademark perform the following four functions i. It identifies the product and its origin. ii. It guarantees its quality. iii. It advertises the product iv. It creates an image of the product in the minds of the public, particularly consumers or the prospective consumers of such goods.11 Examples of trademark- Lee, Skoda, Colgate, Pepsi, Brooke Bond, Sony etc. What is a domain name? Very simply put, a domain name is the linguistic counterpart of what we call an Internet Protocol address. Every computer has an address, which is akin to a telephone number. If one wants to call up a friend, he needs to dial the friend’s number. In much the same way, if he needs to access a website has to type out its IP number. But since it is very difficult for one to remember a complete number such as 202.162.227.12 a system evolved under which a name is mapped to the concerned number or IP address. Thus, today, instead of typing 202.162.227.12, one has merely to type in www.tata.com. What is there in a domain name? These unmemorable lines by the great poet, William Shakespeare, were no doubt written in an era when neither trademarks, nor domain names were ever heard of. If only Shakespeare knew that Shakespeare.com had been available for sale, he would have thought twice before penning those lines. Thus value of domain names can’t be underestimated. Dispute between Trademark and Domain Names The Trademark Act, 1999 has been enacted with an object to amend and consolidate the law relating to trademarks for goods and services and for the prevention of the use of fraudulent marks. However, trademark owners desirous of using their marks as domain names have found that such domain names have been recognized by unauthorized parties, often as a deliberate attempt

### SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

**Answers: 1-(),2-(), 3-(),4-(),5-()**