

AN ANALYSIS OF TRADEMARK INFRINGEMENT IN THE VIRTUAL WORLD WITH SPECIAL EMPHASIS ON META TAGGING

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ABSTRACT

With the rise in the process of globalisation the use of the internet has also gained traction. Almost anything and everything is carried out on the internet. Also, the recent pandemic has made very clear the importance of online trade and business. However, the associated risks with the borderless virtual world cannot be ignored especially when there are insufficient or no stringent laws to deal with the crimes associated with the same. The situation becomes all the worst when the cyber attackers devise different mechanisms to exploit the reputation and consumer base of the traders. With the rise in the use of internet, the risks and issues associated with it have grown manifold. With respect to online trademark infringement new ways of deceiving consumers and gaining an advantage have taken shape in the form of cybersquatting, meta tagging, spamming, spoofing, linking etc. In the instant paper an attempt has been made to analyse one such cybercrime in relation to online trademark infringement. Firstly, the basics of trademark and its infringement in the real world have been discussed. Secondly, different ways in which trademark infringement takes place in the virtual world have been highlighted with special emphasis on meta tagging. Towards the end, the paper seeks to address some of the issues relating to trademark infringement in the virtual world and provides for possible suggestions.

Keywords: Trademark infringement, domain name dispute, meta tagging, virtual world etc.

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I. INTRODUCTION

Technological developments have really made human life very simple and comfortable. Be it purchasing or selling goods, booking tickets, managing accounts, filing returns everything under the sun is possible on one click. All this is possible because of the advent of the internet. With the rise in the process of globalisation, the use of the internet has also gained traction. Almost anything and everything is carried out on the internet. Also the recent pandemic has made very clear the importance of online trade and business. However, the associated risks with the borderless virtual world cannot be ignored especially when there are insufficient or no stringent laws to deal with the crimes associated with the same. The situation becomes all the worst when the cyber attackers devise different mechanisms to exploit the reputation and consumer base of the traders. With the rise in the use of internet, the risks and issues associated with it have grown manifold. With respect to online trademark infringement new ways of deceiving consumers and gaining an advantage have taken shape in the form of cybersquatting, meta tagging, spamming, spoofing, linking etc.

At present, we have a legal set up for dealing with trademark infringement cases in the physical space. We have ample of international treaties, conventions, agreements at the international level and laws, policies and rules at the national level but not much is available to tackle the trademark infringement in the digital space hence, to deal with such cases; courts have always relied on existing trademark laws and the common law principle of passing off.

In the instant article an attempt has been made to analyse one such cyber crime in relation to online trademark infringement. Firstly, the basics of trademark and its infringement in the real world have been discussed. Secondly, different ways in which trademark infringement takes place in the virtual world have been highlighted with special emphasis on meta tagging. Towards the end, the article seeks to address some of the issues relating to trademark infringement in the virtual world and provides for possible suggestions.

II. THE CONCEPT OF TRADEMARK: AN OVERVIEW

(A) *Meaning & Definition*

A 'trademark' as the term itself suggests is the mark which the traders use in carrying out their trade of goods or services. It is the goodwill of the trader attached with the trademark that helps customers to identify the products and thereby prevents confusion. It is not always the need of

the product that drives the customer to buy a particular product but also the quality and reputation that influences a rational customer to purchase it.

The Trademarks Act 1999¹ defines a trademark “to mean 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”. Also, the Act² provides for a very inclusive definition of mark i.e “A mark includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination thereof”. Thus the conjunctive reading of the two definitions clearly manifests the scope and meaning of the term trademarks.

(B) Legal Framework for the Protection of Trademark

The ever-increasing growth in the trade and business across the globe has necessitated the recognition and protection of the trademarks. Over the years a number of instruments, conventions and laws for the regulation and protection of the trademarks have been introduced both at the national and international level. An overview of the same has been provided as under:

International scenario

At the international level, the WIPO (a specialised agency of the UN which is established through an international instrument signed in 1967 at Stockholm and came into force in 1970)³ administers the international instruments for the protection of different intellectual properties, including the trademarks.

Paris Convention (1883): The convention neither defines the rights it purports to protect nor prescribes any minimum standard of protection for these rights⁴. However, for effective protection it provides for some principles like national treatment (Article 2), and the principle of reciprocity. Although the convention does not exclusively deal with trademarks yet some of its provisions provide for the substantive rules of protection for trademark.

¹ Section 2(1)(zg) of the TM Act, 1999.

² Section 2(1)(m) of the TM Act, 1999.

³ Nidhi, B. (2017), International Instruments relating to Trademark: Broadening the Horizons of Protection, *Journal of Legal Studies and Research*, 3 (1), 19-35.

⁴ Ibid.

Madrid System for the international registration of Marks: The Madrid System consists of Madrid Agreement (1891) and Madrid Protocol (1989). The system makes it possible to protect a mark in a large number of countries by obtaining a single international registration that has an effect in each of the designated contracting parties. Thus, the Madrid system streamlines entire process of international protection of marks by providing a convenient simplified and cost effective method of trademark protection.

NICE Agreement Concerning the International Classification of goods and services for the purposes of the registration of marks (1957): The agreement is an end result of the diplomatic conference held at Nice, France in 1957.⁵ It provides an international system for the classification of goods and services for facilitating the international registration and protection of the trademarks. It provides for 45 classes (34 for goods and 11 for services).

Trademark Law Treaty (1994): The treaty was formulated with the objective of streamlining the international and regional trademark registration procedure. The treaty makes the entire procedure less complex and more predictable for registrations in multiple jurisdictions.

Trade related aspects of Intellectual Property Rights (1995): TRIPs came into existence in 1994 as the result of Uruguay Round negotiations. In order to harmonize IP related laws across the globe it lays down minimum standards to be adopted by the WTO member countries and implementing them as part of their domestic laws. The TRIPS also contains the detail provisions relating to various aspects of trademarks including the protected subject matter, rights conferred, exceptions, the term of protection etc.⁶

Singapore Treaty on the Law of Trademarks (2006): This treaty makes significant changes in the Trademarks Treaty. The aim of the Treaty is to create a modern and dynamic international framework for the harmonization of administrative trademark registration procedures.

Indian approach

India is a party to many international agreements and conventions on Intellectual Property Rights. Initially, there was no uniform law to provide for the protection of trademarks in India and the same were recognised and protected by different civil and criminal law legislations such as IPC, 1860, specific Relief Act, 1963 etc. with the growth in cross border trade and

⁵ Ibid.

⁶ Part II section 2 Article 15 to 21.

commercial activities a need was felt to harmonize the law relating to the protection of trademarks and this resulted into the enactment of the Trademarks Act, 1999 (hereinafter the Act). It deals with various aspects of trademarks, the detailed procedures for the same are provided under the Trademark Rules 2017. In view of the international developments India introduces several amendments in the Trademarks Act from time to time.

III. TRADEMARK INFRINGEMENT

The term ‘infringement’ basically means an encroachment or trespass on a right or a privilege. In the context of trademarks it refers to the unauthorised use of the mark by an individual who tries to gain an advantage of the reputation and goodwill of the well known trader. The Act talks about the infringement with respect to the registered marks⁷. In *DM Entertainment v. Baby Gift House*⁸ the court observed that section 29 of the Trademarks Act, 1999 lays down the aspects of infringement of trademark. It provides that a when a person is using, in course of trade any mark, which is identical or deceptively similar to a registered mark and which he is not entitled or licensed to use shall be deemed to infringe onto the rights of the person who has the lawful right over the mark.

Test for Determining Trademark Infringement

Although the Act doesn’t provide for a very specific test to determine the trademark infringement, however over the years, the judiciary through its judgements postulated some of the significant tests for assessing trademark infringement. In the case of *Cadila Healthcare v. Cadila Pharmaceuticals Ltd*⁹ while determining trademark infringement, the Supreme Court laid down certain criteria to be considered: “*first*, the nature of the marks/labels used; *second*, the degree of resemblance between the marks/labels; *third*, the nature of goods for which the marks are used; and *fourth*, the method of purchasing the goods”.

In another landmark case¹⁰ determination of infringement was deliberated upon by the courts. It was held that the test of infringement was to assess and identify if there is any similarity between the registered mark and the alleged mark by following the rules of comparison. The rules of comparison postulate for:

⁷ Section 29 (1) of Trademarks Act, 1999.

⁸ *D.M. Entertainment Pvt. Ltd. v. Baby Gift House and Ors* CS (OS) 893/2002.

⁹ (2001) 5 SCC 73.

¹⁰ *Durga Dutt Sharma v Narayan Pharmacy Laboratories* AIR 1965 SC 980.

- (i) Comparing the marks visually, phonetically and conceptually
- (ii) Comparing the exact words, letters and numbers used in the mark
- (iii) Comparing the business and goods of the parties

It was viewed that where the two marks are identical or similar, infringement is made out and no further question arises. If there is no similarity even the near resemblance could constitute infringement provided there is a likelihood of deception or confusion.

Through the landmark and recent judicial precedents it can be inferred that as such there is no straightjacket formula for determining the trademark infringement, however, the ‘deceptive similarity’ and the ‘likelihood of confusion’ can be used as the parameters to judge trademark infringement. The intention to cause confusion and the scope of similarity can be gathered from the facts of the case.

Passing off: An Attack on Propriety Rights

Passing off in the context of a trademark can be defined as falsely selling goods or services as the goods or services of a well-known trader. The individual who does pass off the goods with false representation intends to gain an advantage of the reputation, name and the consumer base of the established trader. The test to determine passing off famously known as the trinity test was laid down in the case of *Reckitt & Colman v Borden*¹¹ and is widely applied even today. The Act also provides for the remedy against passing off of goods or services under section 27 read with section 135. An action against passing off is to be instituted in the district court.¹²

The law related to passing off has been summarised in the case of *Laxmikant V. Patel v. Chetanbhai Shah*,¹³ as “*The mark of the proprietor in a passing off action is entitled to ad-interim protection once the Trinity Test¹⁴ is established, that is, once it is established that: (1) the marks of the prior and later user are prima facie and ex facie the same, (2) the balance of convenience lies in the prior user’s favour, (3) there would be irreparable damage to the prior user*”.

¹¹ [1990] 1 All E.R. 873.

¹² Section 134(1)(c).

¹³ A.I.R. 2002 S.C. 275.

¹⁴ *Reckitt & Colman Products Ltd. v. Borden Inc.*, (1990) 1 WLR 491.

IV. TRADEMARK AND ITS INFRINGEMENT IN THE VIRTUAL WORLD

Emergence of the internet and the shift from the physical world to the virtual platforms

Internet is a global network of connected computers that the web works on. Initially internet was used only for military purposes, however eventually with the rise of World Wide Web and the system of globalisation the entire world became borderless at least on the virtual front. Today, almost every single task can be performed using the internet. Individuals can inter alia, purchase or sell goods and offer or avail services. But while doing so they rely on established brand names. Hence, just as the traders make a lot of efforts in developing and protecting a brand name for their product in the physical environment, with the emergence of the internet they are also required to establish their presence in the virtual platform so that they can protect their marks from being exploited by fake users.

Domain Name System

In the physical world, just as individuals have their identity card which specifies their name and address and establishes their identity, every site on the internet has an identity in the form of some numbers known as internet protocol, or IP Address. Since these numbers operate in a very technical manner they are often described using the simple yet catchy names that indicate the source of the page. For instance yale.com is having an IP address as 457.265.457.15, then '457' is a network, '265' and '457' are the sub networks and '15' indicates the specific computer. Often the domain names indicate the source of the product or its association with some individual or a company. Thus in the virtual world the domain names play the part of a trademark which indicates the source of the product in the physical world. Domain names are divided into two levels, namely, the "Top Level Domain" ("TLD") corresponds to either the generic type of organization or the geographic origin of the organization. The "Second Level Domain" ("SLD") portion of the domain name appears before the TLD and often refers to the organization which it seeks to represent.¹⁵ For example www.jabong.com, (here jabong is SLD and .com is a TLD) refers to the Indian fashion and lifestyle ecommerce portal.

Domain names are registered on the basis of first come first served policy. The need to regulate registration of domain names was felt internationally and the same was satisfied through the WIPO and ICANN (Internet Corporation for Assigned Names and Numbers) in 1998. Initially

¹⁵ *Sreenivasulu NS & Abhay V.* (2012), Domain names and Cyber squatting: Cause of concern for the trademark owners, *MIPR*, 2(1), 161.

Internet Assigned Numbers Authority (IANA) was made under the supervision of US government to regulate the address of IP bodies, protocol of how they will work, dispute resolution mechanism etc. It was then superseded by the ICANN. On December 1, 1999 ICANN implemented UDRP (Uniform Domain Name Dispute Resolution Policy) on the recommendation of WIPO. UDRP was designed to provide a fast and inexpensive procedure used by trademark holders against the individuals who register internet domain names in bad faith and without rights or other rightful interests. ICANN has adopted the Uniform Domain Name Dispute Resolution Policy (UDNDRP or UDRP), the policy for resolution of domain name disputes. UDRP is a set of contractual provisions signed between the domain name registrant and the ICANN approved registrar. Before the registrar can cancel suspend or transfer a domain name it must have an agreement signed by the parties, a court order, or an arbitral award. Under UDRP a complainant can bring the action on the following grounds:

- (a) A domain name is identical or confusingly similar to a trademark or service mark in respect of which the complainant has rights.
- (b) The domain name owner has no rights or legitimate interests in the domain name, and
- (c) The domain name has been registered and is being used in bad faith.

Once the complaint is filed, the compliance review is done by the dispute resolution service provider followed by the commencement of the administrative proceedings. After this the respondent files the response and a panel is appointed and the panel decision is then notified by the service provider to the registrar who is empowered to cancel, suspend or transfer the domain name.

In India, the domain name registration is done in compliance with the UDRP. India has enacted the Indian Domain Name Dispute Resolution Policy and Domain Name Disputes (INDRP). The activities related to the registration of domain names are monitored by the National Internet Exchange of India (NIXI). The domain name registration is done by the registrars appointed by .IN registry in a transparent nonbiased manner. The interested registrant has to make a request for the registration and within 24 hours the domain name is usually registered in his name as per the government guidelines.

The interface between trademarks and the domain names

Both the trademarks and the domain names serve as the source indicators with the difference that trademarks operate in the real world whereas domain names operate in the cyber world. Trademarks existed from the time the trade existed whereas domain names are comparatively a recent phenomenon. Different persons residing in different countries can use the same trademark for different goods and services since trademark is a territorial concept and does not have a global impact but domain names operate at a global level and therefore there is a unique domain name. With the growth of e-commerce, the traditional traders have tried to expand their presence online by registering their trademark as their domain name. But this has often come at loggerheads with the domain name registration policy which is based on the principle of first come first serve basis. The dispute arises when a person knowingly in bad faith registers the already existing brand name as a domain name so as to take an advantage of the position of the established brand owner. This interface between trademark law and domain names have led to what has been termed as domain name disputes. Some of the prominent ways of trademark infringement in the virtual world have been discussed briefly as under:

- Cyber-squatting: In *Intermatic v. Toeppen*¹⁶, it was observed that; “a cyber-squatter could be defined as an individual who attempts to profit from the Internet by reserving and later reselling or licensing domain names back to companies that spent millions of dollars developing the goodwill of the trademark which they have obtained by capitalizing on the first come first served policy. In order to deal with the ever increasing cases of cybersquatting the US enacted the Anti-Cybersquatting Consumer Protection Act 1999. The ACPA provides civil remedy to the owners of the registered mark. As can be seen from various cases¹⁷ the ACPA has been proved to be effective in curbing cybersquatting.

In India the issues of cybersquatting are mainly governed by principles of passing off. In India there are no laws or statutes for prevention of cybersquatting. One of the famous cases on cybersquatting in India is *Yahoo Inc. v. Akash Arora*¹⁸ in this case the court granted a permanent injunction against the use of plaintiff’s registered mark ‘yahoo’ by the defendants in their domain name.

¹⁶ 947 F. Supp. 1227, 1233 (N.D. III. 1996).

¹⁷ *Sporty’s Farm, LLC v. Sportsman’s Market, Inc.*, 202 F.3d 489 (2d Cir. 2000); *Playboy Enterprises Inc. v. Netscape Communications Corp.*, 52 U.S.P.Q. 2d 1162 (C.D. Cal. 1999).

¹⁸78 (1999) DLT 285.

- **Linking:** Very often we come across the websites containing certain links of other websites, when the user clicks on these subordinate links he enters another web page directly this process of clicking hyperlink on one site and reaching another site is known as linking. For the user it might prove to be time saving, but it a loss to the subordinate websites as their income depends on the numbers of users visiting the website.
- **Reverse Domain Name Hijacking:** This practice is where the trademark owners bully the domain name holders into submitting the name or press, false charges to hijack the domain name, as the name suggests. This is often done by large and wealthy corporations.¹⁹
- **Spoofing:** Many a times a web user gets several emails from certain unwarranted sites these mails are commonly termed as spams. When the user tries to block these spams through the filters the unwarranted websites take the identity of some well known websites and bypass the filters. This is known as spoofing.
- **Meta-tagging:** Meta tags are the special line of codes or the keywords which are embedded in the webpage and are often visible to and scanned by the search engines in deciding the relevant websites to show in a search result. The web designer uses hyper text markup language (HTML) to design a web page. Within the HTML code there are different tags which the designer uses to denote a chunk of information. A meta tag allows a designer to label his website by choosing the descriptions or key words that identify and describe the subject matter of the website embedding such information within the tag.²⁰ The ranking of the site in the search result is directly proportional to the frequency of the keyword appearing in the search result. Meta tags are not directly visible to the users and its legitimate use is permissible and in fact helps the web user to cull out relevant information from the huge chunk of irrelevant information on the website. However, the problem arises when the famous brand names are used as meta tags by the individuals to lure visitors to the website. This is when the registered trademark holders face the difficulty of losing customer base and the goodwill.
When a person types a particular key word on a search engine it matches the keyword entered with various meta tags and accordingly displays the most relevant results with

¹⁹ IP Infringement in Cyberspace: Issues and Legal Framework - Black n' White Journal (bnwjjournal.com).

²⁰Mark Everett Chancey, Metatags And Hypertext Deep Linking: How The Essential Components Of Web authoring And Internet Guidance Are Strengthening Intellectual Property Rights On The World Wide Web.

such key words. In such a case it is not very difficult to manipulate search engine results and attract visitors to one's website.

In the US, the Lanham Act, 1946 governs the use of trademarks.²¹ The doctrine of *initial interest confusion* allows the plaintiff to get remedies in case of trademark infringement even if there is confusion in the minds of consumer only for an initial period. In relation to meta tags the doctrine was first applied in the case of *Brookfield Communications, Inc. v. West Coast Entertainment Corporation*²² here the defendant used the plaintiff's registered mark in its description in the meta tags and therefore the end users got both the results while searching for the plaintiff's page. Thus the deceptive similarity in the mark led to the initial interest confusion thereby resulting into trademark infringement. Hence the US courts in several cases²³ have often used the initial interest confusion doctrine and the fair use doctrine in dealing with the cases of meta tagging and trademark infringement.

As such Indian laws do not have any specific provision in any statute to deal with meta tagging but the courts have considered the same in several case²⁴ like the Bombay High Court for the first time dealt with the same in the case of *People Interactive (I) Pvt. Ltd. v. Gaurav Jerry & ors.*²⁵, and held that the defendant was using "Shadi.com", which was the Plaintiff's domain name, in their meta-tags to divert traffic and misleading the consumers.

In another interesting case²⁶ the defendants designed a game named 'squablous' and incorporated 'squabble' (plaintiff's mark) in the meta tags. The plaintiff was successful in suing the defendant for trademark infringement.

Thus, in light of the above discussed judicial precedents it can be said that no person can use the key words resembling the registered trademarks as the meta tags in their websites for gaining the commercial advantage. Of course, they can be used to describe the products or services but the use has to be fair and it should not cause any sort of confusion in the minds of the consumers. What is fair and unfair will differ from case to case and the same will be decided by the judicial courts as and when the dispute arises.

²¹ Lanham Act § 32(1), 15 U.S.C.A. § 1114(1).

²² 174 F.3d 1036 (9th Cir. 1999).

²³ *Playboy Enterprises, Inc. v. Netscape Communications Corp.*, 354 F.3d 1020 (9th Cir. 2004).

²⁴ *Consim Info Pvt. Ltd. v. Google India Pvt. Ltd. & Ors.*, 2013(54)PTC578(Mad).

²⁵ NMS (L) NO. 1504 of 2014 in SUIT (L) NO. 622 OF 2014.

²⁶ *Mattel, Inc. and Others v. Jayant Agarwalla and Others*, 2008 (38) PTC 416.

V. CONCLUSION AND RECOMMENDATIONS

The importance of trademark has been aptly elucidated by the Delhi High Court in the case²⁷ “A trademark is much more than just name or symbol of identity that a trader adopts in relation to his goods and services, it is the repository of his business’ hard-earned goodwill and reputation in the market. The huge stakes involved in trademarks has made them susceptible to economic vices such as infringement and passing off thereby opening floodgates of litigation”. The observation made by the court clearly highlights the indispensable use of trademarks in the world of trade and business. Also with the surge in the internet usage for the e commerce activities the use of trademarks in trading on online platforms becomes all the more very important. At the same time it also becomes the need of the hour to protect the goodwill and consumer base associated with the trademark from being exploited both in the real world as well as the virtual world.

There are prominent issues pertaining to the online trademark infringement and domain name disputes and the possible suggestions to tackle the same have been discussed as under:

1. Jurisdictional issues: It is one of the most highly debatable issues when it comes to online infringement of trademarks. The world of internet is a borderless world therefore very often the question of appropriate forum for the resolution of dispute springs up. In such a case to determine the jurisdiction of the court the closest connection theory can be used that is to say the court with which the individual or the company has the closest connection can be the appropriate forum. In addition to this, many international conventions such as Paris Convention also provides for the protection of marks in the member countries. Above all since the issue pertaining to jurisdiction does not relate to one or two countries rather it is of global concern so the solution to this also lies at the global level. Atleast for the protection of IPR on the virtual platform the WTO member countries can come together and devise a mechanism to tackle the same. With respect the resolution of domain name disputes the UDRP and WIPO Arbitration and Mediation Centre are playing an important part.
2. Efficiency of existing cyber laws: With the emergence of new cyber crimes the existing laws are also required to be developed so as to keep pace with the changes. In India, the

²⁷ *Cable News Network Ltd (CNN) v. Cam News Network Ltd*, MIPR 2008 (1) 113.

IT Act, 2000 provides for the punishment for cyber crimes. But this is not enough to tackle the new types of cyber crimes which are evolving with the evolution of technology.

3. Application of trademark law on domain names: The Hon'ble Supreme Court in *Satyam Infoway v. Sifynet Solutions*²⁸ was of the opinion that “as far as India is concerned, there is no legislation which explicitly refers to dispute resolution in connection with domain names. But although the operation of the Trade Marks Act, 1999 itself is not extra territorial and may not allow for adequate protection of domain names, this does not mean that domain names are not to be legally protected to the extent possible under the laws relating to passing off.”²⁹
4. Trademark owner's pre-emptive right to domain names: The Delhi High Court has provided clarification on this issue in one of the cases³⁰ and held “that a trademark owner has got pre-emptive right over the trademark to register the mark as domain name. Even if the business of the domain name owner is different from that of the trademark owner registering the trademark as domain name by the one who is not the owner of the trademark amounts to violation of the rights of the trademark owner”. It has to be noted here that Clause: 4 of the UDRP also speak about registration of established trademark as domain name by its owner.
5. Need for stringent legal framework to curb cybersquatting and meta tagging: Indian legislatures should also come up with powerful laws like the ACPA, 1999. While enacting the law a reference can also be made to the WIPO's publication on domain name registration.³¹

In light of the above discussed laws, precedents and the issues it can be said that with the surge in the e-commerce activities there is a need to bring the laws so that they can take care of the growing menace cybersquatting, meta tagging and other cyber wrongs related to trademark infringement. Also, it is recommended that the efforts should be made at all the levels- individuals must refrain from committing such crimes, the companies cannot just rely on the traditional ways of protecting brand names rather they should have an active system of trademark infringement detection and trademark protection, at the national level both the

²⁸ AIR 2004 SC 3540.

²⁹ Ibid.

³⁰ *Aqua Minerals Ltd v. Pramod Bose*, 93 (2001) DLT 203.

³¹ Interim report published on 23rd December 1998 regarding formal domain name registration agreement.

legislature and the judiciary can play their respective parts in curbing the brand abuse in the virtual world. And together these combined efforts will lead to sustained results.

References

LIST OF WEBSITES

1. www.sconline.com
2. www.jstor.org

ARTICLES

1. Singh, P. (2009). Abolish trademark law's initial interest confusion and permit manipulative internet search practices. *Journal of Business, Entrepreneurship & the Law*, 3(1), 15-38.
2. Strowel, A. (2000). Links, Metatags: Copyright and Trademark Law Perspective. *International Intellectual Property Law & Policy*, 4, 75-1-75-24.
3. Moyer, S. (1999). Frustrating the internet consumer and the purposes behind the trademark law: The unauthorized use of trademarks as metatags. *AIPLA Quarterly Journal*, 27(4), 335-368.
4. O'Rourke, M. A. (1997). Defining the limits of free-riding in cyberspace: Trademark liability for meta tagging. *Gonzaga Law Review*, 33(2), 277-310.
5. Paylago, S. U. (2000). Trademark infringement, metatags, and the initial interest confusion remedy. *Media Law & Policy*, 9(1), 49-66.
6. Posner, R. (2000). Manipulative meta tagging, search engine baiting, and initial interest confusion. *Columbia Journal of Law and Social Problems*, 33(4), 439-506.
7. Priyadarshi, V., & Somanathan, S. (2010). Global analysis of laws related to cyber squatting opening new front in war against infringement done on internet. *Sri Lanka Journal of International Law*, 22(1), 107-140.
8. Warner, J. R. (2000). Trademark infringement online: Appropriate federal relief from the illicit use of trademarked material in web site meta tags. *Thomas Jefferson Law Review*, 22(2), 133-182.
9. Weinberg, S. M. (1997). Cyberjinks: Trademark hijinks in cyberspace through hyperlinking and metatags. *The Trademark Reporter*, 87(5), 576-589.