INTELLECTUAL PROPERTY

Google search sparks trademark trouble

Google has been sued for trademark infringement by Consim Info, which claims that the search company uses its trademarks to drive business to its competitors.

Consim runs an online matrimonial portal, *bharatmatrimony.com*, and various other websites. Consim submitted that a user's search for "Bharat Matrimony" on Google's search engine would trigger sponsored links directing users to rival matrimonial websites such as *shaadi.com*, *jeevansathi.com* and *simplymarry.com*.

Consim alleged that Google had used Consim's registered trademarks in its AdWords system, and sought a permanent injunction restraining Google from infringing its trademarks or enabling others to do so. Consim also sought damages of Rs1.05 million (US$22,500) from Google and other respondents. The suit was filed under sections 27, 28, 29, 134 and 135 of the Trademarks Act, 1999.

Madras High Court granted an interim injunction restraining Google from infringing Consim's registered trademarks by using them as keywords in its AdWords system.

However, it is interesting to note that when a user types the words "Shaadi" or "Jeevan sathi" into Google's search engine, sponsored search results, including a link to *bharatmatrimony.com,* are returned. It seems that Consim itself uses the trademarks of its competitors as keywords.

The recognition of domain names as trademarks by Indian courts, and the ability to sue for their infringement, will create new issues for service providers and internet companies like Google. The case is at an interim stage and it remains to be seen what legal strategy Google will take in response. The outcome of the case will be significant for the future of Google's AdWords system in India.