



Abhay Nevagi & Associates

ISO 9001:2008 & ISO 27001:2013 Certified

Infringer using google adwords to compromise our client's web traffic

BACKGROUND

One of the renowned software companies approached us with regard to their concerns over infringement of their IP rights specifically Trademark and Copyrights over their Tradename. It so happened that our client had found that whenever someone searched for their company name on google search engine, the name of their competitor cropped up as advertisement before their own name. This was leading to considerable fall in footfalls on their website. Client was convinced that if they do not take appropriate action against the competitor their revenues are going to fall dramatically.

CHALLENGES

The major concern was that such matters generally do not get resolved without involving google in a legal suit. This would have meant huge litigation costs for our client.

STRATEGY

Our challenge was to ensure that the opposite party should be pressurized into foregoing their rights over the adwords they had bought. As per Google policy, they have a complaint redressal system where owner of a particular Trademark can approach them with regard to any infringement of their rights. Our experience in similar cases previously handled by us told us that in the current scenario, since the adword was not being published online before general public, google will not accept our complaint. Hence, we did an in-depth research on the way the infringement was being conducted and rebuilt how the infringer came about to know about our product and how he started infringing it. Our research also revealed that the infringer with a view to unfairly direct internet traffic towards his company's webpage was using our Client's trademark in his company's webpage URL. Our panel of Cyber Experts helped us in finding details about the infringer which generally would not have been brought into account by a legal team. Hence, we shot off a legal notice to the infringer detailing how we have all details about his activities and coerced him into renouncing his rights over the adwords.



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SOLUTION

The strategy of not resorting to litigation straightaway worked in our client's favour. Our client was able to successfully force his infringer to retreat from using their Intellectual Property. This approach saved our client from heavy costs and resolved the matter faster than litigation.