



**Uses of a trademark as keyword is infringement: Delhi HC**

## **Uses of a trademark as keyword is infringement: Delhi HC**

In a recent judgement, the High Court ruled that if any company is found using the trademark registered words of someone else as keywords to promote their business, then it will be held liable for the violation of the trademark.

A company named Gaming Company Head Digital Works Pvt. Ltd (GCHDW) filed a case against Tictok Skill Games Pvt Ltd at the Delhi High Court. GCHDW claimed that the Tictok Skill Games used their registered trademarks Ace2three and A23 as keywords for listing their Apple store.

Every time a user searched for A23 or Ace2 three on the app store, the app displayed tictok's 'WinZO' games in the first search result of the advertisement section. These two trademarks have been registered with Gaming Company since 2006. The Gaming Company Head Digital designs and develops software for skill-based games through its website [www.a23.com](http://www.a23.com) and mobile application A23.

Justice Pratibha M. Singh, in an order, stated, "So long as keywords are being used for promoting a business, using a competitor's trade mark, the same would be violative of the rights of the trademark,"

Ashish Singh, the Managing Partner of Capstone Legal, stated that this decision would set a precedent for which words can be used for search engine optimization. "The key/search words play a crucial role here, on the basis of which one finds a certain brand. This was by far was not recognized by the trademark law; therefore, it was done by case law. Although the definition of trademark is very wide, it includes using trademark as well as these keywords. This judgement just goes on to show how the law is progressing and evolving along with technology. Essentially, going forward, it will also be the duty of the publisher to check if the individual is using the correct key words for specific brand names in SEO,"