



JURISDICTION OF E-COMMERCE CASES UBIQUITOUS

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In a recent decision in the case of World Wrestling Entertainment Inc vs. M/S Reshma Collections, the Delhi High Court held that jurisdiction in e-commerce cases involving trade mark and copyright disputes would be determined by the buyer's place of residence. While reaching this conclusion, the court interpreted the meaning of the phrase "carries on business" from section 134(2) of the Trade Marks Act and section 62(2) of the Copyright Act.

PSA view – Negotiation gets completed upon communication of acceptance. In e-commerce transactions, the communication gets completed when a buyer clicks the accept button for any purchase online. By providing a specific meaning to the phrase "carries on business", court has essentially expanded the scope of jurisdictions in which IP disputes against e-commerce companies can be initiated. Indeed this judgement adds to the principles outlined in Banyan Tree case that dealt with the jurisdiction of internet disputes.



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