

MEDIATION PROBLEM- FINAL

Indiana, a country known for its rich cultural heritage, is quickly becoming a popular place for shopping, both in stores and online. Its economy is growing, more people have money to spend, and more people are using the internet, making it a great place for businesses to sell their products. Indiana's online market has seen a huge increase in recent years. This is due to the rise in internet use, the popularity of smart phones, and the growing number of people who are comfortable using technology, which has made online marketing an essential part of Indiana's businesses.

Somesh is a forward-thinking entrepreneur who runs a brick-and-mortar store selling kitchen appliances, electronics, and furniture from Kimla. He established his online presence early on, securing the domain name HargharBajazar.com in 2015 and taking the extra step to trademark the name for added brand protection.

Omazon, one of the biggest online stores in the world, started offering its services in Indiana in 2017 through its head office at Bathankcoat, offering a vast selection of products across various categories, including electronics, books, clothing, kitchen appliances, and much more. It offers a vast selection of products from various brands and sellers, making it a one-stop shop for many consumers. Omazon's marketplace also lets other businesses sell their products, which expands the range of products and creates opportunities for small businesses to succeed. Omazon's success has led to a global increase in online shopping, changing the way people shop.

Omazon introduced its Har Ghar Bajazar campaign in 2019 through ITube ads and videos. The campaign objective is to help small businesses in Indiana to sell their products online. The program used ITube ads and videos to encourage small business owners about selling online and encourage them to use digital platforms.

The campaign name Har Ghar Bajazar is same as Somesh's domain HargharBajazar.com that he registered in 2015. Due to similarities in campaign name and domain name, HargharBajazar.com which runs by Somesh received various emails regarding customer dissatisfaction relating to product and service issues of Omazon.

Somesh's business, HargharBajazar.com, is facing a wave of negativity online. Frustrated Customers with a recent experience from Omazon are expressing their dissatisfaction through social media posts, review on platforms, registered the complaints in consumer forms. This barrage of negative feedback is damaging Somesh's reputation and eroding the goodwill he has built with his customers. The result is a potential decline in business and a struggle to regain the trust of his customers.

To restore the goodwill and smooth running of HargharBajazar.com he wants to prevent the retail giant from using the same name for their campaign. Therefore he instituted suit for injunction and infringement of copyright in civil court of Merica.

The lawsuit is still pending in civil court of Merica. The Court asked parties to the suit to resolve this issue amicably and suggested that both parties to participate in the mediation process. Somesh and Omazon decided to attempt for mediation as a means of resolving their dispute.

Note: Student may refer The Mediation Act, 2023; Intellectual Property Rights etc.

(All the laws and regulation in Indiana are pari materia to India)