

BY EMAIL & DoT website

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07/LM-27/2023-DS-II

Dated: 15.06.2023

To,

All Internet Service Licensee's

Subject: CS(COMM) 135 of 2023 PANASONIC HOLDINGS CORPORATION VS ASHOK KUMAR AND ORS. District Judge (Commercial Court-03), South at Saket Court, New Delhi

Kindly find the enclosed Hon'ble South District, Saket Courts order dated **12.05.2023** on the subject matter.

2. Please refer to the **page 11** of the said court order in respect of blocking of **24 websites** enumerated in the memo of parties Defendant **1A-1X**.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said websites, as above, for compliance of the said court order.



Director (DS-II)

Tel: 011-2303 6860

Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- (i) V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- (ii) Arpit Singh, Advocate (arpit@unitedandunited.com) counsel for the plaintiff for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

CS (COMM)135/23
PANASONIC HOLDINGS CORPORATION Vs. ASHOK KUMAR
AND ORS

12.05.2023

Present: Sh. Gaurav Gogia along with Sh. Arpit Singh,
Ld. Counsel(s) for the plaintiff.
Ms. Subhalaxmi Sen, Ld. Counsel for defendant no. 2
(Godaddy.com LLC) and defendant no. 11 and domains
by proxy.

1. Further arguments heard at length on the interim application u/O 39 Rule 1 & 2 CPC moved on behalf of the plaintiff and concluded.

2. Brief facts are :

1. **The Plaintiff, Panasonic Holdings Corporation is a Japanese company engaged in the business of manufacturing and selling of consumer and household electronics, inter alia, radios, speakers, televisions, washing machines, refrigerators, air conditioners, etc. (“the said goods and business”).**

2. **The Plaintiff in connection with its said goods and business has been using the PANASONIC/**Panasonic**/**Panasonic****

trademarks and labels. The aforementioned trademarks and labels are registered in various global jurisdictions, including in India under various Classes. The said trademarks and labels also form a dominant and essential part of the Plaintiff's trading name, domain names and social media handles. Details of the Plaintiff's registrations in India are stated to have been provided in Para No. 10 of the Plaint and supporting documents thereof are stated to be in Page Nos. 44-145 of the documents.

3. The Defendant Nos. 1A-1X are unknown individuals engaged in the impugned business of soliciting, trading, promoting, advertising and offering unauthorised services and displaying products with unauthorised use of the Plaintiff's identical said trademarks/labels PANAOSONIC and its variants. The Defendants are actively promoting their impugned business and services through various domain names and websites as outlined in Para No. 26 of the Plaint. All the domain names and websites bear the Plaintiff's registered trademark PANASONIC and also use the same to advertise the impugned business/services. Details of the same are stated to

be in Page Nos. 6-43 of the documents. As the details of the individuals are unknown, they have been impleaded as Ashok Kumar as per the well established John Doe jurisprudence in IPR cases.

4. The domain names and websites of the abovementioned Defendants are 'rogue websites' and involved in trademark infringement. These websites are anonymous in nature and it is virtually impossible to locate the owners of such websites or obtain the contact details of such owners. Such websites have been specifically defined and restrained in various cases by the High Court of Delhi such as Star India Pvt. Ltd. vs. Khalid Nasir Raja & Ors. in CS (OS) 696/2015 vide Order dated 18.03.2015, UTV Software Communication Ltd. & Ors. vs. 1137X.TO & Ors. in CS (COMM) 724/2017 & Ors. vide Judgement dated 10.04.2019 and in L'Oreal India Pvt. Ltd. vs. Ashok Kumar & Ors. in CS(COMM) 474/2021 vide Order dated 11.06.2021.

5. The above mentioned activities of the Defendant Nos. 1A-1X constitute trademark infringement and identical practices have been restrained by the High Court of Delhi in various orders. In the case of Citi Group & Anr. v.

CitiCorp Business & Finance Ltd. in CS (OS) 1789/2013 vide Order dated 24.11.2014 it was held that that a domain name serves the same function as a trademark and is not a mere address and, therefore, is entitled to equal protection as a trademark.

6. The Defendant Nos. 2-13 are the respective Domain Name Registrars (DNR), Registrants and Web Hosting Service Providers (WHSP) of the websites of Defendant Nos. 1A-1X as outlined in Para No. 26 of the Plaint. Documents in support thereof, i.e. the Whois Reports are stated to be provided in Page Nos. 194-277 of the Documents. The individuals (Defendant Nos. 1A-1X) hide behind domain privacy services offered by various Domain Name Registrars, which enables a website owner to hide behind a veil and not disclose any contact details publicly. The High Court of Delhi in various cases has issued directions to the DNRs and WHSPs to block the rogue websites and disclose the details of the individuals who purchased the infringing domain names. Such directions have been passed, in addition to the cases mentioned in Para 4 above, in cases such as ITC Ltd. vs. Ashok Kumar & Ors. in CS(COMM)

373/2020 in Orders dated 10.09.2020, 11.01.2021 & 28.01.2021.

7. The Department of Telecommunications (DOT) and Ministry of Electronics and Information Technology (MeitY) arrayed as Defendant Nos. 14 & 15 are governmental departments tasked with overseeing the functioning of websites and domain names in India through the DNRs and various service providers. One such task is to ensure that content which infringes intellectual property is not dissipated. Compliance of orders passed against the Defendant Nos. 1A-1X, 2-13 towards blocking the websites and disclosing the details of the individuals is ensured by Defendant Nos. 14 & 15 and the relief sought is for this limited purpose. Directions against the Defendant Nos. 14 & 15 to ensure the blocking of the websites of Defendant Nos. 1A-1X have been passed in the cases mentioned in Para No.4 and also in the case of Luxottica Group S.P.A. vs. Craftsvilla Handicrafts Pvt. Ltd. in CS(COMM) 48/2016 vide Order dated 22.01.2016 and in Flipkart Internet Pvt. Ltd. vs. www.flipkartwinners.com & Ors. in CS(COMM) 1177/2018 vide judgment dated 26.02.2019.

8. The Defendant No. 16 is the National Internet Exchange of India (NIXI) is non-profit organisation for facilitating improved internet services in India, including the prevention of infringement of intellectual property online. The NIXI has powers to transfer infringing domain names ending with '.in' specifically to the custody of right holders such as the Plaintiff. The relief against the Defendant No. 16 is limited to the transfer of domain names of Defendant Nos. 1A-1X ending with '.in'. Such directions have been against the Defendant No. 16 by the High Court of Delhi in the case of UTV mentioned in Para No. 4 above in Colgate Palmolive Co. & Anr. vs. NIXI & Anr. in CS(COMM) 193/2019 vide Order dated 12.04.2019 and in Tata Sky Ltd. vs. National Internet Exchange of India & Ors. in CS(COMM) 1202/2016.

3. In the above background, it is stated by Ld. Counsel for the plaintiff that the reliefs sought by the plaintiff against the aforementioned defendants ought to be granted. He has relied upon the following order(s) in support of his contentions :

a) Disney Enterprises, Inc. & Ors. Vs. Kimcartoon To & Ors. CS (COMM) 275/2020 dated 27.07.2020;

**b) Gujarat Cooperative Milk Marketing Federation Ltd. & Anr.
Vs. Amul Franchise.in & Ors. CS(COMM) 350/2020 dated
28.08.2020;**

**c) Hindustan Unilever Limited Vs. Nitin Kumar Singh & Ors.
CS(COMM) 399/2021 dated 27.08.2021.**

4. The counsel for the Plaintiff submits that initially there were 20 rogue domain names that were registered with GoDaddy i.e., Defendant no. 2. However, during the course of the arguments, it has been pointed out by the counsel appearing on behalf of Defendant no. 2 that the Registrant details of only Defendant no. 1A, 1B, 1E, 1F and 1H are available with them. The Whois report of the Defendant Nos. 1A, 1B, 1E 1F and 1H are stated to have been filed by the Plaintiff on Page Nos. 194, 198, 208, 212 and 220 respectively of the Plaintiff Documents.

5. Perused the cases referred by the learned counsel for plaintiff and the material available on the record.

6. After hearing Ld. Counsel for the plaintiff at length, the plaintiff has been able to make out a *prima facie* case to grant *ad-interim* injunction, the balance of convenience also lies in his favour, it shall also suffer irreparable loss and injury, if the injunction is refused, as a consequence, Defendant Nos. 1A-1X by themselves as also through their individual proprietors/partners,

directors, agents, representatives, distributors, assigns, heirs, successors, stockists and all others acting for and on their behalf are hereby restrained from using, selling, manufacturing, marketing, intention to sell/solicit, soliciting, exporting, importing, displaying, offering services, advertising by visual, audio, print mode or by any other mode or manner dealing in or selling, soliciting or servicing, through online websites and/or online platform or through social medias or in any manner using the impugned counterfeit services, business and goods under Trademarks/Labels **PANASONIC**, **Panasonic**, and its variants or any other word/mark which may be identical with and/or deceptively similar word/mark to the Plaintiff's said Trademarks/Labels **PANASONIC**", **Panasonic**, and its variants above in relation to the impugned services, goods and business and/or any other allied and cognate products of Defendant No.1A-1X and from doing any other acts or deeds amounting to or likely to: (i) Infringement of Plaintiff's aforesaid registered Trademarks/Labels **PANASONIC**, (ii) Passing off of the Plaintiff's rights in the Plaintiff's said Trade Marks/Labels, (iii) Infringement of Plaintiff's Copyrights.

Further, the domain name registrar GoDaddy.com LLC arrayed as Defendant No. 2 is directed to disclose the exact ownership details of the Defendant No.1A i.e. panasonicservices.in, 1B i.e. panasonicservicecenterinrajah mundry.co.in, 1E i.e. panasonicwashingmachinerepair.com, 1F i.e. panasonicservice

center.com and 1H i.e. panasonic-service centerinmumbai.com websites and to lock/suspend the domain names mentioned above of Defendant No. 1A, 1B, 1F, 1H.

The domain name registrar i.e., Instra Corporation Pty. Ltd. arrayed as Defendant No. 3 is directed to disclose the exact ownership details of the Defendant No.1C and to lock/suspend the domain name of Defendant No. 1 C i.e. panasonictvservice.com.

The domain name registrar i.e., PDR Ltd. arrayed as Defendant no. 4 is directed to disclose the exact ownership details of the Defendant No. 1D i.e. panasonicsmartcookbychandribhat.com and 1G i.e. panasonictvservicecentre.com and to lock/suspend the domain names of Defendant No. 1D and 1G.

The domain name registrar i.e., eNom LLC arrayed as Defendant no. 5 is directed to disclose the exact ownership details of the Defendant No. 1I i.e. panasonicservice.net and to lock/suspend the domain name of Defendant No. 1I.

Defendant no. 6 i.e., Steadfast Networks who is stated to be the Web Hosting Service Provider for Defendant No. 1A as detailed by the Plaintiff in Para 26 of the Plaint is directed to block the access to the respective website i.e. panasonicservices.in

Defendant no. 7 i.e., Unified Layer who is stated to be the Web Hosting Service Provider for Defendant No. 1B, 1D and 1H as detailed by the Plaintiff in Para 26 of the Plaint is directed to block the access to the respective websites i.e.

panasonicservicecenterin rajahmundry.co.in, panasonicsmartcook
bychandribhat.com and,panasonic-servicecenterinmumbai.com.

Defendant no. 8 i.e., Cloudflare Inc., who is stated to be
the Web Hosting Service Provider for Defendant No. 1C, as detailed
by the Plaintiff in Para 26 of the Plaint is directed to block the
access to the respective website i.e. panasonictvservice.com

Defendant no. 9 i.e., Fiber Grid Inc., who is stated to be
the Web Hosting Service Provider for Defendant No. 1J, as detailed
by the Plaintiff in Para 26 of the Plaint is directed to block the
access to the respective website i.e. panasonicservice
centerhyderabad.in

Defendant no. 10 i.e., Ting Fiber Inc., who is stated to
be the Web Hosting Service Provider for Defendant No. 1I, as
detailed by the Plaintiff in Para 26 of the Plaint is directed to block
the access to the respective website i.e. panasonicservice.net

Defendant no.11 i.e., Domains by Proxy LLC who is
stated to be the Web Hosting Service Provider for Defendant No. 1E
and 1F, as detailed by the Plaintiff in Para 26 of the Plaint is directed
to block the access to the respective websites i.e. panasonicwashing
machinerepair.com and panasonicservicecenter.com

Defendant nos. 12 i.e., Global Techno Service is stated
to be the registrant/owner of the rogue website arrayed as Defendant
no. 1B and Defendant no. 13 i.e., Suraj Mishra is stated to be the
registrant/owner of the rogue website arrayed as Defendant no. 1G
are hereby restrained from using their respective domain names

resulting in infringement of the Plaintiff's trademark PANASONIC, or any other mark/domain name which may be identical and deceptively similar to the Plaintiff's registered trademark.

Defendant no. 14 (**DOT**) is directed to secure the blocking access to the Websites/ URL(s) / Listings of the web-sites of Defendant Nos. 1A-1X and/or mirror/redirect/alphanumeric websites, and/or any other URLs which may come up in the future as and when reported to them under affidavit filed by the Plaintiff in respect of goods bearing Trademarks/Labels **PANASONIC**, and its variants or any other word/mark/Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's Trademark/Label/Trade Name **PANASONIC**", **Panasonic** , and its variants and any other formative thereof, etc.

Defendant no. 15 (**MEITY**) is directed to secure the blocking access of the Websites/ URL(s) / Listings of the web-sites of Defendant Nos. 1A-1X and/or mirror/redirect/alphanumeric websites, and/or any other URLs which may come up in the future as and when reported to them under affidavit filed by the Plaintiff in respect of services, business and goods bearing Trademarks/Labels **PANASONIC**", **Panasonic** and its variants or any other word/mark/Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's Trademark/Label/Trade Name **PANASONIC**", **Panasonic** , and its variants and formative

marks etc. The above ad interim injunction has been passed till the next date of hearing to the extent mentioned above.

7. The Plaintiff is also granted liberty to file an application under Order 1 Rule 10 of the CPC to array other rogue websites if, the same are selling the goods or offering services under the Plaintiff's trademark **PANASONIC**", **Panasonic** and its variant or any other word/mark/Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's Trademark/Label, and are discovered after the issuance of the instant interim order. The purpose being that the Court, in these cases, needs to dynamically monitor such egregious illegality and, if necessary, pass interim orders to restrain similar rogue websites.

8. Summons be sent to all the defendants through all modes on filing of PF / RC / speed post / approved courier for the next date of hearing. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within three working days.

Put up for further proceedings on 09.08.2023.

(Sanjeev Aggarwal)
District Judge (Commercial Court)-03
South
12.05.2023

IN THE COURT OF HON'BLE DISTRICT JUDGE
(COMMERCIAL COURT), SOUTH, SAKET COURT, NEW
DELHI
IN
CS COMM NO. ____ OF 2023

IN THE MATTER OF:

PANASONIC HOLDINGS CORPORATION

...Plaintiff

Versus

ASHOK KUMAR & ORS.

...Defendants

MEMO OF PARTIES

Panasonic Holdings Corporation

1006, Oaza Kadoma,
Kadoma-shi, Osaka,
571-8501, Japan

Through

Ms. Meena Bansal
Constituted Attorney
96, Sukhdev Vihar,
New Delhi – 110025

...Plaintiff

Versus

ASHOK KUMAR 1

#2, Saravana Complex,
Punniyakodi Street RS Puram,
Coimbatore - 641002
Website: <https://panasonicservices.in/>

...Defendant 1A

ASHOK KUMAR 2

Ramisetty Vari Rd, Bommuru,
Morampudi Rural, Andhra Pradesh 533107
Tel: +91-8985551129
Website: <https://panasonicservicecenterinrajahmundry.co.in/>

...Defendant 1B

ASHOK KUMAR 3

Corporation complex, No 11,
Puliyur 1st Main Rd, Kodambakkam,
Chennai, Tamil Nadu 600024

Tel: 8754570114

Website: <https://panasonicctvservice.com/>

...Defendant 1C

ASHOK KUMAR 4

ADDRESS: Hidden/Unknown

Website: <https://panasonicsmartcookbychandribhat.com/>

...Defendant 1D

ASHOK KUMAR 5

ADDRESS: Hidden/Unknown

Tel: 9390110225, 8688821387

Website: <https://panasonicwashingmachinerepair.com/>

...Defendant 1E

ASHOK KUMAR 6

ADDRESS: Hidden/Unknown

Tel: 8952018147, 8559940369

Website: <https://www.panasonicservicecenter.com/>

...Defendant 1F

ASHOK KUMAR 7

B-10/32, Ganesh Nagar Pandav Nagar,
IP Extension, Delhi 110092

Tel: 8585901952

Website: www.panasonicctvservicecentre.com

...Defendant 1G

ASHOK KUMAR 8

Shop no8, Kohinoor CHS,
Vakola pipe line Santacruz East

Tel: 9136243811

Website: panasonic-servicecenterinmumbai.com

...Defendant 1H

ASHOK KUMAR 9

Khayyam Chambers, Near Nursery,
(next to Blue Ribbon Bakery)
Main Shara-e-Faisal, Karachi, Pakistan

Tel: 02134555984
Website: panasonicservice.net/

...Defendant 1I

ASHOK KUMAR 10

22-87/4, Allwyn Colony Rd,
Vivekananda Nagar, Kukatpally,
Hyderabad, Telangana 500072
Website: <https://panasonicservicecenterhyderabad.in/>

...Defendant 1J

ASHOK KUMAR 11

ADDRESS: Hidden/Unknown
Website: <https://panasonicservicecenterinwarangal.co.in/>

...Defendant 1K

ASHOK KUMAR 12

Stavan Anitra, Paldi,
Ahmedabad, Gujarat 380007
Tel: +91-8985544906
Website: <https://panasonicservicecenterinahmedabad.co.in/>

...Defendant 1L

ASHOK KUMAR 13

331, 2nd F Cross Rd,
West Of Chord Road, 3rd Stage, Basaveshwar Nagar, Bengaluru,
Karnataka 560079
Tel: +91-8985544906
Website: <https://panasonicservicecenterinbangalore.co.in/>

...Defendant 1M

ASHOK KUMAR 14

Gudari Gunta, Kakinada,
Andhra Pradesh 533003
Tel: +91-8985558692
Website: <https://panasonicservicecenterinkakinada.co.in/>

...Defendant 1N

ASHOK KUMAR 15

ADDRESS: Hidden/Unknown
Tel: +91-7997951915, 8367781391, 8985574208
Website: <https://panasonicservicecenterinlucknow.co.in/>

...Defendant 1O

ASHOK KUMAR 16

Govind Nagar, Ashirwad Twp,
Udhna, Surat, Gujarat 394220
Tel: +91-7997951730, 7997951885

Website: <https://panasonicservicecenterinsurat.co.in/>

...Defendant 1P

ASHOK KUMAR 17

59A-21/5-14/A, Thungellamudi St,
Auto Nagar, Vijayawada,
Andhra Pradesh 520010
Tel: +91-8985570279, 9346997827

Website: <https://panasonicservicecenterinvijayawada.in/>

...Defendant 1Q

ASHOK KUMAR 18

4-73, KSFC Layout, Lingarajapuram,
Bengaluru, Karnataka 560084

Website: <https://panasonicservicecenterbangalore.co.in/>

...Defendant 1R

ASHOK KUMAR 19

ADDRESS: Hidden/Unknown

Tel: 9392180150

Website: <https://panasonicservicecentrepune.co.in/>

...Defendant 1S

ASHOK KUMAR 20

Dwaraka Nagar, Visakhapatnam,
Andhra Pradesh

Tel: 8754570114

Website: <https://panasonicservicecenterinvizag.com/>

...Defendant 1T

ASHOK KUMAR 21

ADDRESS: Hidden/Unknown

Tel: 7997951709, 7997951708

Website: <https://panasonicservicecenterpune.in/>

...Defendant 1U

ASHOK KUMAR 22

ADDRESS: Hidden/Unknown

Tel: 9390110225

Website: panasonicservicecentermumbai.in/

...Defendant 1V

ASHOK KUMAR 23

28/1, Vidhya Lankar College Rd,
Nadkarni Park, Old BPT Colony,
BPT Colony, Wadala,
Mumbai, Maharashtra-400037
Tel: 8985581355

Website: www.panasonicservicecentermumbai.com

...Defendant 1W

ASHOK KUMAR 24

65, Rd Number 1, Hindu Colony,
Dadar, Mumbai, Maharashtra 400014

Website: panasonicrefrigeratorservicecentermumbai.in/

...Defendant 1X

GoDaddy.com LLC

14455 North Hayden Road Suite 219
Scottsdale, AZ 85260 USA

Email: adbuse@godaddy.com, courtdisputes@godaddy.com

...Defendant No. 2

Instra Corporation Pty. Ltd.

GPO BOX 988
Melbourne, Victoria, Australia, 3001
Email: abuse@instra.com

...Defendant No. 3

PDR Ltd.

501, IT Building No 3, NESCO IT Park,
NESCO Complex, Western Express Highway,
Goregaon (East), Mumbai – 400063.

Email: abuse-contact@publicdomainregistry.com

...Defendant No. 4

eNom LLC

5808 Lake Washington Blvd.
NE Ste. 300. Kirkland, WA 98033

Email: abuse@enom.com

...Defendant No. 5

Steadfast Networks

725 S. Wells Street 8th Floor
Chicago, IL 60607
Email: abuse@steadfast.net

- Unified Layer**
Email: abuse@unifiedlayer.com ...Defendant No. 6
- CloudflareInc**
106E. 6th Street
Suite 500. Austin, TX 78701
Email: privacyquestions@cloudflare.com ...Defendant No. 7
- Fiber Grid Inc**
No. 5 Sturdee Avenue, Suite 301
2196, Rosebank, Johannesburg
South Africa
Email: info@fibergrid.net, info@fibergrid.eu ...Defendant No. 9
- Ting Fiber Inc**
300 E Main St Ste 310
Charlottesville, VA, 22902-5229
Email: help@ting.com ...Defendant No. 10
- Domains by Proxy LLC**
Email: trademarkclaims@secureserver.net ...Defendant No. 11
- Global Techno Service**
Email: globaltechnoservice1@gmail.com ...Defendant No. 12
- Suraj Mishra**
Email: panasonictvcentre@gmail.com ...Defendant No. 13
- Department of Telecommunications**
(Sanchar Bhawan, 20 Ashoka Road,
New Delhi 110001
Email: adetds2-dot@gov.in ...Defendant No. 14
- Ministry of Electronics and Information Technology**
Through the division of Cyber Laws; E-Security
Government of India

Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110003
Email: webmaster.meity@gov.in

...Defendant No. 15

National Internet Exchange of India(NIXI)

9th Floor, B-Wing, Statesman House,
148, Barakhamba Road,
New Delhi – 110001
Email: info@nixi.in&legal@nixi.in

...Defendant No. 16

S.K. Bansal
Advocate for the Plaintiff
United & United

52, Sukhdev Vihar, New Delhi- 110025

Phone: 26843455, 26936783

unitedmark@unitedandunited.com

Date: 25.02.2023

Place: New Delhi