

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)**

Dated: 23.06.2023

No. 813-07/LM-29/2023-DS-II

To,

All Internet Service Licensee's

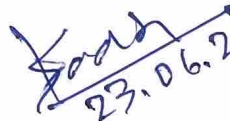
**Subject: CS (COMM) No. 206 of 2023 tata digital private limited & Jaswant Nv and ors.
Before Hon'ble Delhi High Court.**

Kindly refer to the following:

- (i) Hon'ble Delhi High Court order dated **11.04.2023** on the subject. (Annexure-I)
- (ii) Please refer **Para 12(iv)** of said court order regarding blocking of **20 websites** identified by plaintiff.
- (iii) Memo of Parties in CS (Comm) No. 206 of 2023. (Annexure -II)

(Copies enclosed for ready reference)

2. In view of the above all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking access to websites of defendants no. **1 to 7** as given in memo of parties.


23.06.23

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) counsel for the plaintiff for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

\$~40(Original)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 206/2023, I.A. 6652/2023, I.A. 6653/2023, I.A. 6654/2023, I.A. 6655/2023 & I.A. 6656/2023

TATA DIGITAL PRIVATE LIMITED AND ANR.

..... Plaintiffs

Through: Ms. Shwetasree Majumder, Mr. Prithvi Singh and Ms. Archita Nigam, Advs.

versus

JASWANTH NV AND ORS

..... Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER


11.04.2023

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CS(COMM) 206/2023


1. The plaintiffs hold registration under the Trade Marks Act, 1999 in the following marks:

Plaintiff No. 1's Registered Trademarks


S. No.	Registration No.	Trademark	Class	Date of Application
1.	5335425		9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	18/02/2022
2.	5288743	EduNeu (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	17/01/2022
3.	5288157	NeuEdu (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	17/01/2022

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By: KAMLA KAWATCS(COMM) 206/2023
Signing Date: 13.04.2023
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4.	5288158	NeuClass (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	17/01/2022
5.	52 88705	NeuStudent	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	5288705
6.	5288159	NeuAcadem y (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	17/01/2022
7.	5150692		9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	27/09/2021
8.	5095915	NeuCoin (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	19/08/2021
9.	5095917	NeuEats (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	19/08/2021
10.	5095767	NeuPass (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	19/08/2021
11.	5096041	NeuReward s (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	19/08/2021

Plaintiff No. 2's Registered Trademarks

S. No.	Registration No.	Trademark	Class	Date of Application
1.	5149411	TATA NEU (word)	9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	27/09/2021
2.	5338005		9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	21/02/2022

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3.	5338087		9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	21/02/2022
4.	5338088		9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	21/02/2022
5.	5338397		9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	21/02/2022
6.	5338398		9, 16, 25, 35, 36, 38, 39, 41, 42, 44, 45	21/02/2022
7.	5299927	TataNeu University	9, 16, 41	25/01/2022

2. The plaintiff alleges that the defendants operate the website www.tataneu.space and was also operating through infringing domain names WhoIs details of all of which are masked except for Defendant 1, who was offering the domain names www.tataneu.store, www.tataneu.live, www.tataneu.me, www.tataneu.life, www.neutata.com, www.tataneu.digital, www.tataneu.world, www.tataneu.fun, www.tataneu.cloud, www.tataneu.co, www.tataneu.biz, www.tataniu.com, www.tata.info and www.tataneu.space. Besides, it is alleged that the infringing domain names www.tataneu.work, www.tataneu.site, www.tataneu.pro, www.tataneu.online, www.tataneu.mobi, www.tataneu.asia are also in operation, but their WhoIs details are masked. As such, the domain names have been impleaded under their respective names, with a residuary Defendant 10 having been impleaded representing unknown defendants.

permanent injunction restraining the Defendants 1 to 7, their owners, proprietors, employees, partners and all others acting on their behalf from using the trademarks TATA NEU and/or NEU or any other deceptively similar variant thereof, (ii) directions to Defendant 8 to (a) block the domain names reproduced in para 2 *supra* (b) remove/block/cancel any other new domain names which incorporate TATA NEU or NEU or any other trademarks deceptively similar to those of the plaintiff (c) provide the complete BIS details of the holders/registrants of the domain names impleaded as Defendants 2 to 7 and (iii) a direction to Defendant 9 (the Department of Telecommunications) to issue a notification calling on internet and telecom service providers registered under it to block access to the domain names impleaded as Defendants 1 to 7, apart from rendition of accounts, damages and costs.

4. Let the plaint be registered as a suit.

5. Issue summons in the suit. Written statement, accompanied by affidavit of admission/denial of the documents filed by the plaintiff be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission/denial of the documents filed by the defendant within 30 days thereof.

6. List before the learned Joint Registrar (Judicial) for completion of pleadings, admission and denial of the documents and marking of exhibits on 4th July 2023, whereafter the matter would be placed before the Court for case management hearing and further proceedings.

I.A. 6652/2023 (under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC)

7. This is an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) seeking interlocutory injunctive reliefs.

8. The recitals in the plaint as noted hereinabove make out a clear *prima facie* case in favour of the plaintiff, as they indicate infringement, by the domain names reflecting on the website of Defendant 1 as well as the domain names impleaded as Defendant 2 to 7 of the registered trademarks of the plaintiffs enlisted hereinabove. As such, a case for *ex parte* injunction is made out.

9. In view, thereof, issue notice, returnable on 17th July 2023.

10. Reply to this application be filed within four weeks with advance copy to learned Counsel for the applicant/plaintiff who may file rejoinder thereto within four weeks thereof.

11. List on 17th July 2023 for hearing.

12. In the circumstances, following interim directions are passed:

- (i) Till the next date of hearing, Defendants 1 to 7 and all others acting on their behalf shall stand restrained from using the trademarks TATA NEU, NEU or any deceptively variant thereof, as would infringe the plaintiffs' registered trademarks enlisted hereinabove, and from passing off the services as those provided by the plaintiff.

(ii) Defendant 8 is directed to block access to the domain names registered by Defendant 1 as well as the domain names at Defendant 2 to 7 and to maintain *status quo* with respect to the said domain names during the pendency of the present proceedings till the next date of hearing.

(iii) Defendant 8 is also directed, in its response to the present application/written statement filed by way of response to the plaint, to file a separate affidavit disclosing the details of the registrants of the domain names within two weeks.

(iv) Defendant 9 is directed to issue a notification calling upon the various internet and telecom services providers registered under it to block access to the domain names reflected on the website of Defendant 1 as well as the domain names impleaded as Defendants 2 to 7.

13. This order shall remain in force till the next date of hearing.

14. The plaintiff is directed to comply with Order XXXIX Rule 3 of the CPC within a period of one week from today.

I.A. 6653/2023 (under Section 12A of the Commercial Courts Act, 2015)

15. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd¹*, exemption is granted from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

16. The application stands allowed accordingly.

I.A. 6654/2023 (under Order XI Rule 1(4) of the CPC)

17. This application seeks permission to file additional documents.

18. The petitioner is permitted to place additional documents on record in accordance with Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act within 30 days from today.

19. The application stands disposed of accordingly.

I.A. 6655/2023 (under Section 151 of CPC)

20. Subject to the plaintiff filing legible copies of any dim or illegible documents on which it may seek to place reliance within four weeks from today, exemption is granted for the present.

21. The application is disposed of.

I.A. 6656/2023 (seeking exemption to serve notice to D-2 & D-3)

22. For the reasons stated in the application, the plaintiff is exempted from the requirement of serving an advance notice on the defendants.

23. This application stands allowed accordingly.

C.HARI SHANKAR, J

APRIL 11, 2023

ar

Signature Not Verified

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By: KAMLA KAWATCS(COMM) 206/2023
Signing Date: 13.04.2023
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IN THE HIGH COURT OF DELHI AT NEW DELHI
(*Ordinary Commercial Jurisdiction*)
CS (COMM) No. of 2023
Code No. 36017

MEMO OF PARTIES

IN THE MATTER OF:

Tata Digital Private Limited

Army & Navy Building,

148 MG Road,

Opposite Kala Ghoda Fort,

Mumbai, Maharashtra 400001, India

Email: Litigation@fiduslawchambers.com ...Plaintiff No. 1

Tata Sons Private Limited

Bombay House,

24 Homi Mody Stadium,

Mumbai, Maharashtra, 400001

Email: Litigation@fiduslawchambers.com Plaintiff No. 2

VERSUS

Jaswanth NV,

Door no 15-116-6, Kammagada Street,

Madanapalle, Andhra Pradesh, India-

517325

Owner of:

www.tataneu.space

www.neutata.com

www.tataneu.biz

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- ✓ www.tataneu.cloud
- ✓ www.tataneu.co
- ✓ www.tataneu.digital
- ✓ www.tataneu.fun
- ✓ www.tataneu.info
- ✓ www.tataneu.life
- ✓ www.tataneu.live
- ✓ www.tataneu.me
- ✓ www.tataneu.store
- ✓ www.tataneu.world
- ✓ www.tataniu.com
- ✓ Email: jaswanthnv@gmail.com

www.tataneu.work

www.tataneu.site

www.tataneu.pro

www.tataneu.online

www.tataneu.mobi

www.tataneu.asia *do*

GoDaddy.com, LLC
 14455 North Hayden Road
 Suite 219
 Scottsdale, Arizona 85260
 United States of America
 Email: HQ@godaddy.com

Also at:

...Defendant No. 1 ✓

...Defendant No. 2 ✓

...Defendant No. 3 ✓

...Defendant No. 4 ✓

...Defendant No. 5 ✓

...Defendant No. 6 ✓

...Defendant No. 7 ✓

GoDaddy India Web Services Private
Limited
003, Tower 4A, DLF Corporate Park
MG Road Gurgaon- 122002
Email: legal@godaddy.com

...Defendant No. 8

Department of Telecommunications
Through Secretary
Ministry of Communications and IT
20, Sanchar Bhawan, Ashoka Road
New Delhi- 110001
uoidhc@gmail.com

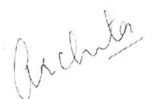
...Defendant No. 9

John Does

...Defendant No. 10

Filed by:

Date: 7th April 2023
Place: New Delhi


Prithvi Singh/ Archita Nigam
Fidus Law Chambers
Advocates for the Plaintiff
F-12, Ground Floor, Sector – 8
Noida – 201301
Mob. No.: +91 – 9911167179
litigation@fiduslawchambers.com

Note: Defendant Nos. 1-7 are the main contesting parties. Physical address and email ID and other details of the Defendant No. 10 is not available.