

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-30/2023-DS-II

Dated: 23.06.2023

To,

All Internet Service Licensee's

Subject: CS (COMM) No. 224 of 2023 STARBUCKS CORPORATION & ANR. Vs NATIONAL INTERNET EXCHANGE OF INDIA & ORS Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated **20.04.2023** on the subject matter.

2. Please refer to the **para 14(vii)** of the said court order in respect of blocking of **three (03) websites** enumerated in the **para 4** of said court order.
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 website, 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) Priya Adlakha, (litigation@ssrana.com) counsel for the plaintiff for kind information.
- (iii) Harish Vaidyanathan Shankar (hvscgscdhc@gmail.com) Central Govt. Standing Counsel [Delhi High Court] Senior Panel Counsel for kind information.
- (iv) IT wing of DoT for uploading on DoT websites please.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 224/2023, I.A. 7252/2023, I.A. 7253/2023, I.A. 7254/2023, I.A. 7255/2023 & I.A. 7256/2023

STARBUCKS CORPORATION & ANR. Plaintiffs
Through: Ms. Priya Adlakha, Mrs. Bindra Rana, Ms. Rima Majumdar and Ms. Shilpi Sinha, Advs.

versus

NATIONAL INTERNET EXCHANGE OF INDIA & ORS. Defendants
Through: Mr. Alexander Mathai Paikaday, Adv. for Defendants 1 to 3

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

% **ORDER**
20.04.2023

CS(COMM) 224/2023

1. Plaintiff 1, Starbucks Corporation is a company incorporated in US in 1985. Plaintiff 2, Tata Starbucks Private Limited is a 50:50 joint venture with M/s. Tata Consumer Product Pvt Ltd and Starbucks Corporation, as executed on 30th September 2011. The plaintiffs own and operate Starbucks stores all over India, branded as “Starbuck Coffee, “a Tata Alliance” ”.







2. The plaintiffs are the proprietors, *inter alia*, of the following registered trademarks:

Trade Mark	Classes
STARBUCKS	30, 16, 25, 29, 32, 43 and 33
STARBUCK COFFEE	29, 43

Signature Not Verified

Digitally Signed By: SUNIL SINGH NEGI CS(COMM) 224/2023

Signing Date: 22.04.2023 19:30:39

BUCKS	35, 29, 30, 32, 35, 43
	30, 16, 21, 25, 29
	32, 30, 35, 42, 25,32
	30, 43
	16
 	29, 30, 35, 32, 43

3. In order to vouchsafe its goodwill and reputation, the plaintiffs have provided the annual sales figures of Plaintiff 2 in India, on a year-wise basis from the financial year 2013 to 2022. In the financial years 2021-2022, Plaintiff 2 claims to have earned revenue to the tune of ₹ 670.2 crores by use of the marks asserted in the plaint.

4. The plaintiffs are aggrieved by the fact that certain unknown entities, which have been impleaded under the generalized appellation “John Doe” as Defendant 9, are holding themselves out to be franchisees of the plaintiffs, without any authorisation in that regard. By thus misleading the public, it is stated that such fraud franchisees, which operate under the domain names starbucks-franchise.com, www.starbucksfranchise.in and starbucksfranchise.co.in have come to the notice of the plaintiffs. These domain names were registered by Defendants 4 and 6, as the Domain Name Registrar (DNR) of starbucks-franchise.com and www.starbucksfranchise.in and by M/s.

Endurance Digital Domain Technology LLP for starbucksfranchise.co.in, who is not yet a party to the suit. The plaintiffs are permitted to implead the said DNR as a party to the suit.

5. Moneys earned by the aforesaid unauthorised representations as being franchisees of the plaintiffs are stated to be deposited in the HDFC Bank Ltd. Senapati Bapat Marg, Lower Parel West, Mumbai, impleaded as Defendant 7.

6. It is in these circumstances that the plaintiffs have approached this Court, seeking a restraint against such unauthorised franchisees of the plaintiffs coming into being, resulting in the public being defrauded and moneys being illegally collected and misappropriated by the said imposters.

7. The case being one of unauthorised imposters holding themselves out, without authorisation, to be franchisees of the plaintiffs, the Court is bound to interfere.

8. In the circumstances, let the plaint be registered as a suit. Issue summons in the suit.

9. Summons are accepted on behalf of Defendants 1 to 3 by Mr. Alexander Mathai Paikaday. Let summons be issued to the remaining defendants by all modes.

10. Written statements, accompanied by affidavits of admission and denial of the documents filed by the plaintiffs be filed within 30 days with advance copy to learned Counsel for the plaintiffs who may file

replications thereto, accompanied by affidavits of admission and denial of the documents filed by the defendants within 30 days thereof.

11. List before the learned Joint Registrar (Judicial) for completion of pleadings, admission and denial of documents and marking of exhibits on 8th May 2023.

I.A. 7252/2023 (Order XXXIX Rules 1 and 2 of the CPC)

12. This is an application by the plaintiffs seeking interlocutory injunctive reliefs.

13. Issue notice, returnable before the Court on 24th July 2023. Notice is accepted on behalf of Defendants 1 to 3 by Mr. Alexander Mathai Paikaday. Let notice issue to remaining defendants by all modes.

14. For the present, the following orders are passed till the next date of hearing:

(i) Defendant 5 Google LLC is directed to disable the email ID starbucksdealership@gmail.com, forthwith.

(ii) Defendant 5 is also directed to provide, to the plaintiffs, as well as by way of affidavit before this Court, the names, contact numbers/IP addresses and other relevant details of the holders of the said email IDs.

(iii) Defendants 4 and 6 are directed to block, forthwith, all access to the domain names starbucks-franchise.com, www.starbucksfranchise.in and starbucksfranchise.co.in.

(iv) Defendant 7 HDFC Bank Ltd is directed to immediately freeze the bank account no. 50100575725801, (ISFC Code: HDFC0000522).

(v) Defendant 7 is also directed to disclose the identity of the holder of the said bank account along with the KYC details of the said bank account and file a statement of the said bank account before this Court on affidavit.

(vi) Defendant 8 is directed to immediately disable access to Cell no. 9874705593 and to disclose the identity of the holder of the said mobile number on affidavit before this Court.

(vii) Defendants 2 and 3 are directed to issue necessary directions/notifications to all concerns internet service providers to block access to the aforesaid domain names with immediate effect.

(viii) Defendant 1 is directed to ensure compliance with the aforesaid orders by the Domain Name Registrar.

(ix) In the event of the plaintiffs coming to learn of any other domain name or website is indulging in similar infringing activities, the plaintiffs may intimate Defendants 4 and 6, whereupon the said defendants would, on being satisfied that the said domain names are also indulged in similar infringing activities, proceed to block, forthwith, access to the said domain names. The plaintiffs would, in such event, be

required, however, to file an affidavit before this Court within 24 hours bringing this fact to the court's notice.

15. Compliance under Order XXXIX Rule 3 of the CPC be effected within a period of one week from today.

I.A. 7253/2023 (Exemption)

16. Subject to the plaintiff filing legible copies of any dim or illegible documents within 30 days, exemption is granted for the present.

17. The application is disposed of.

I.A. 7254/2023 (Order XI Rule 1(4) of the CPC)

18. This application seeks permission to file additional documents. The plaintiff 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 four weeks from today.

19. The application stands disposed of accordingly.

I.A. 7255/2023 (Exemption)

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

21. This application stands allowed accordingly.

I.A. 7256/2023 (Section 12A of the Commercial Courts Act, 2015)

22. 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.

23. The application stands allowed accordingly.

C.HARI SHANKAR, J

APRIL 20, 2023

ar/rb

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)
COMMERCIAL COURTS DIVISION

C.S. (COMM) NO. 224 OF 2023

IN THE MATTER OF:

Starbucks Corporation & Anr. ... Plaintiffs

Versus

National Internet Exchange of India (NIXI) & Ors. ... Defendants

MEMO OF PARTIES

1. Starbucks Corporation
Through Mr. Raghuvver Singh Rathore
Power of Attorney Holder
Address: 2401 Utah Avenue South,
Seattle, Washington 98134
United States of America
Email: litigation@ssrana.com
Contact No. 9818202368 ...Plaintiff No. 1

2. Tata Starbucks Private Limited
Through Mr. Raghuvver Singh Rathore
Power of Attorney Holder
Address: 4th floor, New Excelsior Building
Amrit Keshav Nayak Marg,
Fort, Mumbai, Maharashtra- 400001
Email: litigation@ssrana.com
Contact No. 9818202368 ...Plaintiff No. 2

Versus

1. National Internet Exchange of India (NIXI)
Through its Director,

- 9th Floor, B-Wing, Statesman House,
148, Barakhamba Road, New Delhi 110001
Email: info@nixi.in ...Defendant No. 1
2. Ministry of Electronics and Information Technology
Through its Secretary,
Electronic Niketan, 6 CGO Complex
Lodhi Road, New Delhi- 110003
Email: secretary@meity.gov.in ...Defendant No. 2
3. Department of Telecommunications
Ministry of Communication
Through its Secretary,
Sanchar Bhavan, 20 Ashoka Road,
New Delhi- 110001
Email: moc-office@gov.in ...Defendant No. 3
4. GoDaddy LLC
Through its Grievance Officer
14455, N. Hayden Road,
Scottsdale, Arizona 85260
USA
Email: grievanceofficer@godaddy.com
Contact No.: [040-49187600](tel:040-49187600) ...Defendant No. 4
5. Google LLC
Through its Grievance Officer
1600 Amphitheatre Parkway
Mountain View, CA 94043
USA
Email: support-in@google.com ...Defendant No. 5
6. NameCheap Inc.
Through its Grievance Officer
4600 East Washington Street, Suite 305
Phoenix, Arizona 85034, USA
Email: legalandabuse@namecheap.com ...Defendant No. 6

7. HDFC Bank Limited
Through its Corporate Office
HDFC Bank House, Senapati Bapat Marg,
Lower Parel West,
Mumbai, Maharashtra- 400013
Email: santosh.haldankar@hdfcbank.com ...Defendant No. 7
8. Vodafone Idea Ltd.
Regional office:
A-19, Mohan Co-operative Industrial Estate,
Mathura Road, New Delhi -110044
Email id: customercare@vodafoneidea.com ..Defendant No. 8
9. John Doe/ Ashok KumarDefendant No. 9

New Delhi

Dated: March 28, 2023


(Ms. Priya Adlakha)
(S. S. Rana & Co.)
Counsel for the Plaintiffs
317, Lawyers' Chambers,
Delhi High Court,
New Delhi-110003
Tel. No. 40123000
Mobile: 9818202368
E-mail: litigation@ssrana.com

Note: The Defendant No. 1 is the main Defendant in the suit.

