

IMMEDIATE
COURT ORDER
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-15/2021-DS-II

Dated: 10.03.2023

To,
All Internet Service Licensees'

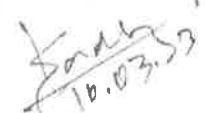
Subject: CS (Comm) No. 78 of 2018; Indiamart Intermesh Limited Vs Ankit & Ors, before Hon'ble Calcutta High Court.

Kindly refer to the following:

- (i) Hon'ble Calcutta High Court order dated **18.03.2019** on the subject.
- (ii) Indiamart Intermesh Limited (Plaintiff) has requested MeitY vide email dated 09.02.2023 and 13.02.2023 to block the following infringing websites.
 - a) <https://indiamart77.com/>
 - b) <https://fccnq.com/>
- (iii) MeitY letter dated **06.03.2023** to DOT to block the above **two(02)** websites.

(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, above websites 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 (Respondent no. 48) for kind information and necessary action.
- (ii) IT wing of DoT for uploading on DoT website.

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

21-08-2019
04

HIGH COURT ORIGINAL SIDE
01 APR 2019
CALCUTTA

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HIGH COURT ORIGINAL SIDE
CALCUTTA

SB

Indiamart Intermesh Limited, a company incorporated under provisions of the Companies Act, 1956 and an existing company within the meaning of the Companies Act, 2013, having its registered office at 1st Floor, 29 - Daryaganj, Netaji Subhash Marg, New Delhi - 110002 and also carrying on business from Rowdon Chamber, 3rd floor, 11A, Rowdon Street, Kolkata, within the aforesaid jurisdiction. ...Plaintiff

-Versus-

1. Ankit, operating <http://greatindiamart.in> and carrying on business from and/or residing at 352, Dadabari Ext., Kota - 324009;
2. Srinivas Balmoori, operating <http://kcimart.com> and carrying on business from and/or residing at 16004, Ballentine Street, Overland Park, Kansas, United States of America - 66062;
3. ShanmugaKavitha Subramanlan, operating <http://usindiamart.com> and carrying on business from and/or residing at 1122, Winter Storm, Dr. Henderson, Nevada, United States of America - 89052;
4. [Http://www.onlineindiamart.com](http://www.onlineindiamart.com), operated from 14455, N. Hayden Road, Scottsdale Arizona, United States of America - 85260;

2

Email

V Chinnasamy

Re: Take-down of website - <https://indiamart77.com/m/index>

From : legal@indiamart.com

Thu, Feb 09, 2023 11:34 PM

Subject : Re: Take-down of website -
<https://indiamart77.com/m/index>**To :** V Chinnasamy <chinnasamy.v@meity.gov.in>**Cc :** Cyber Law Legal <cyberlaw-legal@meity.gov.in>,
Rakesh Maheshwari <gccyberlaw@meity.gov.in>,
Somnath Chandra <schandra@meity.gov.in>

Dear Sir,

Please find the URL of the website <https://indiamart77.com/> in question.

Regards,

DANISH ALI KHAN

Principal Legal Counsel - IPR & Policy Advocacy

IndiaMART InterMESH Ltd.

Hand Phone: +91-9711003839

The contents of this message are intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is unpublished price sensitive (UPS), proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message. Kindly use the above-said information in compliance with the applicable Security Exchange Regulations ("SEBI Regulations").

On Thu, 9 Feb 2023 at 22:36, 'V Chinnasamy' via IndiaMART Legal
<legal@indiamart.com> wrote:

Dear Sir,

With respect to the trailing email, It is stated that only provide the only direct URL for "https" websites. It may not be technically possible by DoT to block such we sites mentioned above .

From: legal@indiamart.com**To:** "Debjit Kar" <debjit.kar@meity.gov.in>, legal@meity.gov.in, "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>, "Rakesh Maheshwari" <gccyberlaw@meity.gov.in>, "V Chinnasamy" <chinnasamy.v@meity.gov.in>, "N Samaya Balan"

<ns.balan@meity.gov.in>

Cc: "anshika goel" <anshika.goel@indiamart.com>

Sent: Thursday, February 9, 2023 2:13:24 PM

Subject: Take-down of website - <https://indiamart77.com/m/index>

Dear Sir,

We are writing to you on behalf of Indiamart Intermesh Limited in reference to the proceedings of Indiamart Intermesh Ltd. Vs. Ankit & Ors. presently pending before the Hon'ble Calcutta High Court wherein Meity is also party.

As you are aware our Company has been running India's largest online B2B (Business-To-Business) marketplace through a website namely www.indiamart.com for more than two decades. On account of its inherently distinctive nature, the trademark "INDIAMART", has acquired an excellent and enviable reputation over the years. The said trademark is duly registered under various classes and in various forms including a word mark, logo mark, label mark etc. The earliest use of the trademark "INDIAMART" dates back to the year 1996, and the earliest registration to the year 2002 in India. Our Company has full rights over the mark 'INDIAMART' and the use of any identical or deceptively similar mark, particularly in respect of identical services, would amount to trademark infringement.

In the year of 2018, it has come to the Notice of the Company that lot of known and unknown entities/persons were infringing our registered trademarks on the world wide web and in order to safeguard our proprietary and legal rights in the registered trademark, the company filed a suit C.S 78 of 2019 and GA No. 1090 of 2018 before Hon'ble Calcutta High Court with title Indiamart vs Ankit and Ors. The Hon'ble High court recognized the proprietary of our company in relation to its trademark 'INDIAMART' and was pleased to pass an interim order dated May 16,2020, a part of which is as follows:

'An order of injunction restraining the respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, its owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.'

Along with the above-mentioned directions, the Hon'ble High Court was also passed an order referring to the Ministry of Electronics and Information Technology (MEITY), which is as under:

"The Ministry of Electronics and Information Technology, Government of India to locate the web portals/sites mentioned in the cause title above and forthwith take appropriate measures to make the said web portals/sites defunct and to take steps to take them down from the World Wide Web, the domain names of which are deceptively similar to the registered trademark of the Petitioner"

A copy of the Order dated May 16, 2018 is annexed hereto. The said interim order was confirmed on September 17, 2018.

For the compliance of the said order, a representative of our Company had a meeting with the officials of the MEITY and forwarded certain links/websites infringing the

Trademark of Indiamart. It is pertinent to mention that your office was kind enough to take actions against such links/website provided by the Company but later your office requested us to get a specific direction for MEITY from the Hon'ble High Court in relation thereto.

In light of the above advisory by MEITY, Our Company filed an application GA No. 604 of 2019 in titled suit Indiamart Intermesh Ltd. Vs. Ankit & Ors. before the Hon'ble Calcutta High Court, wherein the company prayed that:

*"An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to **make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web** and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry **through email address- legal@indiamart.com** from time to time."*

The Hon'ble Court was pleased to pass the said order on March 18, 2019 in favour of the company in terms of the prayer as above.

Therefore, in view of the directions as contained in the annexed order dated March 18, 2019, we humbly request you to take appropriate action and/or direct the appropriate agency/ individual to remove/ delete and/or defunct and/or disable the links/websites (appended below) in compliance with the above-mentioned Hon'ble Calcutta High Court order.

<https://indiamart77.com/m/index>



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V.Chinnasamy
Scientist E
Electronics Niketan,
Ministry of Electronics and Information Technology (MeitY)
New Delhi
Tel: 24301328/9582181883

Email

V Chinnasamy

NOTICE**From :** legal@indiamart.com

Mon, Feb 13, 2023 11:09 PM

Subject : NOTICE

3 attachments

To : V Chinnasamy <chinnasamy.v@meity.gov.in>**Cc :** Rakesh Maheshwari <gccyberlaw@meity.gov.in>, Somnath Chandra <schandra@meity.gov.in>, Debjit Kar <debjit.kar@meity.gov.in>, Cyber Law Legal <cyberlaw-legal@meity.gov.in>

Dear Sir,

We are writing to you on behalf of Indiamart Intermesh Limited in reference to the proceedings of Indiamart Intermesh Ltd. Vs. Ankit & Ors. presently pending before the Hon'ble Calcutta High Court wherein Meity is also party.

As you are aware our Company has been running India's largest online B2B (Business-To-Business) marketplace through a website namely www.indiamart.com for more than two decades. On account of its inherently distinctive nature, the trademark "INDIAMART", has acquired an excellent and enviable reputation over the years. The said trademark is duly registered under various classes and in various forms including a word mark, logo mark, label mark etc. The earliest use of the trademark "INDIAMART" dates back to the year 1996, and the earliest registration to the year 2002 in India. Our Company has full rights over the mark 'INDIAMART' and the use of any identical or deceptively similar mark, particularly in respect of identical services, would amount to trademark infringement.

In the year of 2018, it has come to the Notice of the Company that lot of known and unknown entities/persons were infringing our registered trademarks on the world wide web and in order to safeguard our proprietary and legal rights in the registered trademark, the company filed a suit C.S 78 of 2019 and GA No. 1090 of 2018 before Hon'ble Calcutta High Court with title Indiamart vs Ankit and Ors. The Hon'ble High court recognized the proprietary of our company in relation to its trademark 'INDIAMART' and was pleased to pass an interim order dated May 16,2020, a part of which is as follows:

'An order of injunction restraining the respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, Its owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.'

Along with the above-mentioned directions, the Hon'ble High Court was also passed an order referring to the Ministry of Electronics and Information Technology (MEITY), which is as under:

No. 4(64)/2022-CL
Government of India

**Ministry of Electronics and Information Technology
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110003**

Dated: 06-March-2023

Office Memorandum

Subject: Request for blocking of websites (<https://indiamart77.com/>) and <https://fccnq.com/>) as per court order dated 18.03.2019 in CS Comm 78 of 2018 Indiamart Intermesh Limited Vs Ankit &Ors: Reg

Indiamart Intermesh Limited (plaintiff) has requested MeitY vide email dated 09-02-2023 (enclosed) and 13-02-2023 (enclosed) to block the infringing websites "<https://indiamart77.com/>" and "<https://fccnq.com/>" as per the order of Hon'ble High Court of Calcutta dated 18-03-2019.

2. Please find attached herewith the aforesaid copy of the order cited in the subject noted above, wherein the Hon'ble High Court of Calcutta has, inter alia, passed ad-interim in terms of the prayer made in the application of the plaintiffs for restraining the defendants and such other websites/entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, or anyone claiming through, by or under it, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner

3. in this regard. In particular, attention is invited to the following extracts from the said order:

“(a) An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address – legal@indiamart.com from time to time.”

4. Accordingly, Ministry of Electronics and Information Technology, Government of India, has been directed to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address "legal@indiamart.com" from time to time.

5. With regard to the above, it is pertinent that Internet service providers enter into the license agreement and register themselves with DoT.

6. Against this background, DoT is requested to take necessary action to give effect to the Hon'ble High Court's aforesaid order and therefore to block the infringing website as per the request of the plaintiff.

Thanking you

Encl.: As above



(V. Chinnasamy)
Scientist "E"

Tel.: 011-24301328

Email: chinnasamy.v@meity.gov.in

To:

The Secretary
Department of Telecommunications
Sanchar Bhawan
20, Ashoka Road, New Delhi – 110001

Copy to:

1) Mr. HARENDRA
ADET(DS-II), Data Services Cell,
Sanchar Bhawan, DOT HQ,
New Delhi-110001

2) ✓ Mr. Abhinesh Meena
JTO-2(DS-II), Data Services Cell,
Sanchar Bhawan, DOT HQ,
New Delhi-110001
Ph. 23036760