

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-28/2021-DS-II

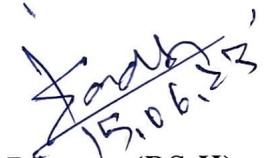
Dated: 15.06.2023

To,
All Internet Service Licensee's

Subject: CS (COMM) No. 399 of 2021, Hindustan Unilever Limited v/s Nitin Kumar Singh & Ors. before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated 27.08.2021, and 9th additional affidavit dated 01.06.2023 on the subject matter.

2. Please refer to **para 1(vii)** of said court order and **para 8** of the said affidavit in respect of blocking of **01 website**, enumerated in **Annexure A**.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary blocking action for compliance of the request in the affidavit as above in view of the said court order.


Director (DS-II)

Tel: 011-2303 6860

Email: dirids2-dot@nic.in

Encl: A/A

Copy to:

- (i) Sh. 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) Sh. Piyush Beriwal, Sr. Panel Counsel for kind information.
- (iii) Angad Makkar, (angad@saikrishnaassociates.com) Associate, Saikrishna & Associates, counsel for the plaintiff for kind information.
- (iv) IT wing of DoT for uploading on DoT Website.

\$~OS-16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 399/2021

HINDUSTAN UNILEVER LIMITED

..... Plaintiff

Through Mr.Saikrishna Rajagopal, Mr.Sidharth Chopra, Mr.Nitin Sharma, Ms.Savni Endlaw, Mr.Yatinder Garg and Mr.Angad Singh Makkar, Advs.

Versus

NITIN KUMAR SINGH & ORS.

..... Defendants

Through Mr. K.R. Sasiprabhu and Mr.Tushar Bhardwaj, Advs. for Reliance Jio Infocomm Ltd./D-12.

Mr. Neel Mason, Ms. Vennela Reddy, Mr.Shivang Sharma, Advs. for D-17/Google LLC.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

27.08.2021

This hearing is conducted through video-conferencing.

IA No. 10856-58/2021

Allowed subject to all just exceptions.

CS(COMM) 399/2021

Let the plaint be registered as a suit.

Issue summons.

Learned counsel for defendants No. 12 and 17 accept summons.

Issue summons to the other defendants through speed post and email, returnable for 10.11.2021.

IA No.10855/2021

1. This is an application filed under Order 39 Rules 1 and 2 CPC seeking the following reliefs:-

“i) Pass an order of interim injunction restraining the Defendant Nos. 1 to 5 (and such other websites/ entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs intellectual property rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on its behalf, or anyone claiming through, by or under it, from using the mark "Hindustan Unilever", "HUL" and/or any deceptive variant thereof which is identical and/or similar to the Plaintiffs trademarks "Hindustan Unilever", "HUL" and/or any marks stated in the list filed herewith as Document 13, in respect of domain name or any other manner thereby amounting to infringement of Plaintiffs trademarks;

ii) Pass an order of interim injunction restraining the Defendant Nos. 1 to 5 (and such other websites/ entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs trademark rights), their 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 the mark "Hindustan Unilever", "HUL", "U" logo (which is used by the Plaintiff exclusively within the Indian territory) and/or any deceptive variant thereof which is identical and/or similar to the Plaintiffs trademark "Hindustan Unilever", "HUL" in respect of domain name or any other manner thereby amounting to passing off the Plaintiffs goods/services;

iii) Pass an order directing the Defendant Nos. 6 - 14, to block access to the websites identified by the Plaintiff at serial no. 1 of the documents in the instant suit or such other websites that may subsequently be notified by the Plaintiff (specified on subsequent Affidavit by the Plaintiff) to

be infringing of its exclusive rights;

iv) Pass an order directing Defendant Nos. 6 and 7 to provide the details of the mobile nos. 7064269076, 7365996795, 7063080338, 8346943546, 7064271241, 9831176582, 8695314575, 9091276588, 7829001144 and 7840012810 to the Court and block the said mobile numbers.

v) Pass an order directing Defendant Nos. 15 and 16 banks to seize the bank accounts mentioned at Para No. 46 of the Plaint and provide the details of the account holders of the same.

vi) Pass an order directing the Defendant No.17 to provide the details of the email account hulnitinkrsingh@gmail.com, support@huldistributors.co.in, info@hulportal.com, info@haldiramfranchise.info and block the same;

vii) Pass an order directing the Defendant Nos. 18 (DoT) and 19 (MEITY) to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the various websites identified by the Plaintiff in the instant suit or such other websites (specified on subsequent Affidavit by the Plaintiff) that may subsequently be notified by the Plaintiff to be infringing of its exclusive rights;”

2. It is the case of the plaintiff that it is the largest fast-moving consumer goods company in India. The products of the plaintiff span over 35 brands in twenty categories. It is pleaded that the plaintiff appoints distributors for those products on pan India basis. Defendants No. 1 to 5 are alleged to be offering distributorship of the plaintiff’s products by creating websites using the plaintiff’s name/trademark(s)/logos/trade dress/domain name so as to give an impression to general public that the said defendants are connected to the plaintiff. It is stated that on account of these illegal activities of the

said defendants, substantial financial loss has been caused to the public who engage in financial transactions with the said defendants believing their promises that they will be acquiring distributorship of the plaintiff's products. It is the case of the plaintiff that the websites of defendants No.1 to 5 are vehicles for cheating and playing fraud and are causing irreparable loss to the innocent members of the public.

3. Defendants No. 6 and 7 are telecom service providers which have been arrayed for the limited purpose of identifying the parties who are using the numbers to commit fraud and cheating. Defendants No. 1 to 3 are registered with them.

4. Defendants No. 6 to 14 are internet and telecom service providers which have been arrayed for the limited purpose of restricting or blocking access to the guilty defendants' websites.

5. Defendants No. 15 and 16 are the banks wherein the said guilty defendants hold bank accounts and have been arrayed for the limited purpose of providing further information about the guilty defendants and to seize the bank accounts.

6. Defendant no. 17 operates the email service, 'Gmail' through which defendant No. 1 has registered gmail account and has been arrayed for the limited purpose of disclosing identity/relevant information. Defendants No. 18 and 19 are government departments which have been arrayed for the limited purpose to issue notification calling upon the internet and telecom service providers to block access to the guilty defendants' websites. No formal relief is sought against defendants no. 6 to 19.

7. Learned counsel for the plaintiff has taken me through some of the emails generated by defendants No. 1 to 5 and the complaints of some of the

members of the public to show that defendants No. 1 to 5 are illegally offering distributorship and asking the members of the public to deposit amounts into the fraudulent bank accounts created by them.

8. The plaintiff has made out a prima facie case. An interim order is passed in favour of the plaintiff as prayed in para 7 (i) to 7(vii) of the application.

9. Issue notice.

10. Learned counsel for defendants No. 12 and 17 accept notice.

11. Learned counsel for defendant No. 17 states that as far as the email accounts mentioned by the plaintiff in prayer (vi) is concerned, only one of the said email accounts pertains to defendant No. 17 for which necessary details will be provided to the plaintiff as directed by this court.

12. Issue notice to the other defendants through speed post and email, returnable for 10.11.2021.

13. The plaintiff to comply with Order 39 Rule 3 CPC within ten days.

IA No. 10859/2021

This application is filed under Section 151 CPC seeking the following reliefs:-

“(a) Directing the Cyber Cell, Special Cell, Delhi Police to obtain information as to the user/ownership details of the mobile numbers 7064269076, 7365996795, 7063080338, 8346943546, 7064271241, 9831176582, 8695314575, 9091276588, 7829001144 and 7840012810;7773833562 and place the same before this Hon'ble Court;

(b) Directing the Cyber Cell, Special Cell, Delhi Police, to obtain information as to the user details of the email addresses- hulnitinkrishing@gmail.com, support@huldistributors.co.in, info@hulportal.com and place the same before this Hon'ble

Court;”

Cyber Cell, Special Cell, Delhi Police is requested to provide necessary information as sought for by the plaintiff expeditiously preferably within four weeks. The Cyber Cell is also requested to file a status report in this regard before this court.

The application is disposed of.

A copy of this order be sent to the Cyber Cell by the learned counsel for the plaintiff.

JAYANT NATH, J

AUGUST 27, 2021

rb

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

CS (COMM) NO. 399 OF 2021

IN THE MATTER OF

Hindustan Unilever Limited

...Plaintiff

Versus

Nitin Kumar Singh & Ors.

...Defendants

INDEX

S. NO.	PARTICULARS	PAGE NO
1.	Affidavit of Mr. Rahul Bagga dated 1 st June 2023 with respect to additional list of 1 URL / IP Address that is engaged in illegal and unauthorised adoption of the Plaintiff's intellectual properties and infringement of the Plaintiff's Rights	1 - 8
2.	Annexure A: Additional list of 1 URL / IP Address	9
3.	Evidence with respect to additional list of 1 URL / IP Address	10 - 16



Yatinder Garg / Angad S. Makkar

(D/1330/2015) / (D/3579/2021)

Place: New Delhi

Saikrishna and Associates

Date: 1st June 2023

Advocates for the Plaintiff

+91 9999064036

yatinder@saikrishnaassociates.com

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) NO. 399 OF 2021

IN THE MATTER OF

Hindustan Unilever Limited ...Plaintiff

Versus

Nitin Kumar Singh & Ors. ...Defendants

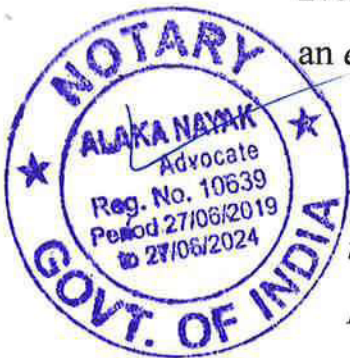
AFFIDAVIT OF MR. RAHUL BAGGA, S/O MR. ASHOK KUMAR BAGGA, AGED ABOUT 38 YEARS, AUTHORIZED SIGNATORY OF THE PLAINTIFF, HINDUSTAN UNILEVER LIMITED, HAVING ITS OFFICE AT UNILEVER HOUSE, B D SAWANT MARG CHAKALA, ANDHERI EAST, MUMBAI, 400099, PRESENTLY AT NEW DELHI

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That, I am the Authorized Representative of the Plaintiff in the present suit and as such I am conversant with the facts and circumstances of the present suit and competent to depose in respect thereof.
2. I state that I am aware of the present suit and the order dated 27.08.2021 whereby the Hon'ble Court was pleased to pass an *ex-parte ad-interim* order in terms of the following:

"1. This is an application filed under Order 39 Rules 1 and 2 CPC seeking the following reliefs:-

- i) Pass an order of interim injunction restraining the Defendant Nos. 1 to 5 (and such other websites/ entities which are discovered during the course of the proceedings



to have been engaging in infringing the Plaintiffs intellectual property rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on its behalf, or anyone claiming through, by or under it, from using the mark "Hindustan Unilever", "HUL" and/or any deceptive variant thereof which is identical and/or similar to the Plaintiffs trademarks "Hindustan Unilever", "HUL" and/or any marks stated in the list filed herewith as Document 13, in respect of domain name or any other manner thereby amounting to infringement of Plaintiffs trademarks;

ii) Pass an order of interim injunction restraining the Defendant Nos. 1 to 5 (and such other websites/ entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs trademark rights), their 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 the mark "Hindustan Unilever", "HUL", "U" logo (which is used by the Plaintiff exclusively within the Indian territory) and/or any deceptive variant thereof which is identical and/or similar to the Plaintiffs trademark "Hindustan Unilever", "HUL" in respect of domain name or any other manner thereby amounting to passing off the Plaintiffs goods/services;

iii) Pass an order directing the Defendant Nos. 6 - 14, to block access to the websites identified by the Plaintiff at serial no. 1 of the documents in the instant suit or such other websites that may subsequently be notified by the Plaintiff



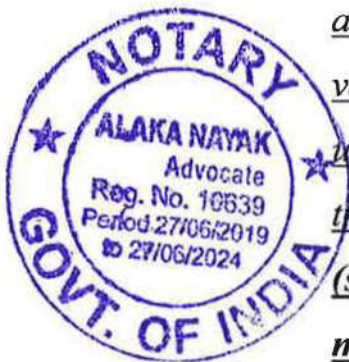
(specified on subsequent Affidavit by the Plaintiff) to be infringing of its exclusive rights;

iv) Pass an order directing Defendant Nos. 6 and 7 to provide the details of the mobile nos. 7064269076, 7365996795, 7063080338, 8346943546, 7064271241, 9831176582, 8695314575, 9091276588, 7829001144 and 7840012810 to the Court and block the said mobile numbers.

v) Pass an order directing Defendant Nos. 15 and 16 banks to seize the bank accounts mentioned at Para No. 46 of the Plaint and provide the details of the account holders of the same.

vi) Pass an order directing the Defendant No.17 to provide the details of the email account account hulnitinkrsingh@gmail.com, support@huldistributors.co.in, info@hulportal.com, info@haldiramfranchise.info and block the same;

vii) Pass an order directing the Defendant Nos. 18 (DoT) and 19 (MEITY) to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the various websites identified by the Plaintiff in the instant suit or such other websites (specified on subsequent Affidavit by the Plaintiff) that may subsequently be notified by the Plaintiff to be infringing of its exclusive rights;



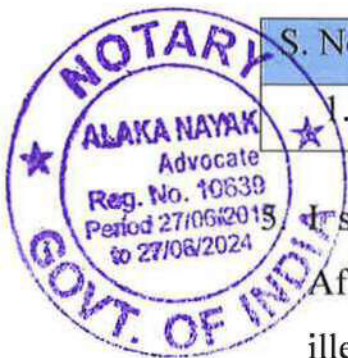
XXX

8. The plaintiff has made out a prima facie case. An interim order is passed in favour of the plaintiff as prayed in para 7 (i) to 7(vii) of the application.”

3. I state that the Plaintiff has filed the present suit in order to protect and enforce its exclusive rights in *inter alia* its registered trademarks, viz ‘Hindustan Unilever’ and ‘HUL’, and other intellectual properties, including the ‘U’ logo (“the Plaintiff’s Rights”). Through its internal investigation and complaints received from aggrieved customers, the Plaintiff had observed that numerous rogue websites of the Defendant Nos. 1 - 5 illegally and unauthorisedly adopt the Plaintiff’s aforementioned intellectual properties for the purpose of deceiving members of the general public and trade by showing a false association between such rogue websites and the Plaintiff. The Plaintiff noted that such rogue websites have copied *inter alia* details of the Plaintiff’s business, its images, steps of appointment of a distributor, etc. from the Plaintiff’s website ‘hul.co.in’.
4. Through further internal investigation, the following additional websites have been identified by the Plaintiff to be engaging in the aforementioned illegal and unauthorised activities and unduly impinging upon the Plaintiff’s Rights:

S. No.	Websites
1.	https://hulfranchise.com/

I state that from the evidence filed along with the present Affidavit, it is evident that the above-mentioned website is illegally and unauthorisedly adopting the Plaintiff’s aforementioned intellectual properties for the purpose of



deceiving members of the general public and trade by showing a false association between said rogue website and the Plaintiff. The above-mentioned websites have a similar layout and look-and-feel to the rogue websites operated by the Defendant Nos. 1 - 5 in the instant suit. Thus, the Plaintiff also has reason to believe that one of the operators of the Defendant Nos. 1 - 5's websites is also the owner / is operating the above-mentioned website in order to carry on its illegal and unauthorised activities, which amount to a blatant infringement of the Plaintiff's Rights.

6. I state that the Plaintiff is not aware of the owner(s) of this additional rogue website as either they are anonymous or have incorrect or incomplete addresses.
7. I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 27.08.2021, *ex parte ad-interim* order dated 27.08.2021 (reproduced herein above) is also applicable on the above-mentioned website.

"1. This is an application filed under Order 39 Rules 1 and 2 CPC seeking the following reliefs:-

XXX

iii) Pass an order directing the Defendant Nos. 6 - 14, to block access to the websites identified by the Plaintiff at serial no. 1 of the documents in the instant suit or such other websites that may subsequently be notified by the Plaintiff (specified on subsequent Affidavit by the Plaintiff) to be infringing of its exclusive rights;

XXX

vii) Pass an order directing the Defendant Nos. 18 (DoT) and 19 (MEITY) to issue a notification calling upon the



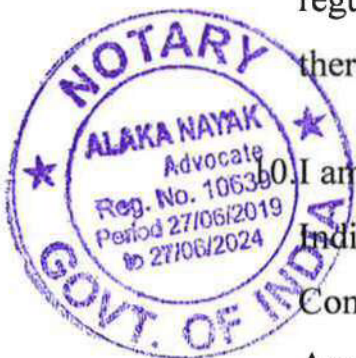
various internet and telecom service providers registered under it to block access to the various websites identified by the Plaintiff in the instant suit or such other websites (specified on subsequent Affidavit by the Plaintiff) that may subsequently be notified by the Plaintiff to be infringing of its exclusive rights;

XXX

8. The plaintiff has made out a prima facie case. An interim order is passed in favour of the plaintiff as prayed in para 7 (i) to 7(vii) of the application.”

8. In light of the abovementioned, the Department of Telecommunications (Defendant No. 18) and the Ministry of Electronics and Information Technology (Defendant No. 19) are urged to issue a notification to the Internet Service Providers to block the additional rogue websites / UI domains identified in Annexure A hereto.

9. I state that the evidence filed along with the present affidavit was downloaded by me onto my computer (Intel (R) Core (TM) i5-2520M CPU @ G2010 @ 2.50 GHz 2.50 GHz) which is regularly used by me in the ordinary course of business and thereafter, shared the same with the Plaintiff's Counsel.



I am advised to state that the conditions of Sections 65B of the Indian Evidence Act, 1872 and Order XI Rule 6(3) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 are complied with in respect of these documents.

11. In particular, I confirm:-

- a) That the said computer system is regularly used to produce computer outputs like emails and information from the World Wide Web (Internet) and store other electronic records. The relevant information from the websites and electronic records as mentioned above was downloaded by me in the course of activity of the Plaintiff. I have a lawful control over the use of the said computer system by virtue of my capacity in the organization.
- b) That the electronic records mentioned above are downloaded from the computer system as part of the ordinary course of activities of the Plaintiff.
- c) That the computer system as used by me has been operating properly and the electronic records and their accuracy and contents have not been altered and tampered with in any manner whatsoever.
- d) That the information contained on the computer outputs is an exact replica and has been produced from the original electronic record and therefore, reproduces the information contained on the electronic records therein.



AK
I identified the deponent who has signed in my presence

01 JUN 2023

[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on this the __ day of June 2023 that the contents of the above said Affidavit are true to the best of knowledge, information and belief and nothing material has been concealed therefrom.

CERTIFIED THAT THE DEPONENT:
 Shri / Smt. / Km *[Signature]*
 S/o, W/o R/o *[Signature]*
 I identified by Shri / Smt. *[Signature]*
 Has solemnly affirmed before me at
 Delhi on 01 JUN 2023 No. *[Signature]*
 That the contents of the affidavit which
 have been read & explained to
 him are true & correct to his knowledge

[Signature]
DEPONENT

[Signature]

ANNEXURE A: LIST OF URLs / IP ADDRESSES

S. NO.	WEBSITES
1.	https://hulfranchise.com/