

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-39/2022-DS-II

Dated: 17.03.2023

To,
All Internet Service Licensees'

Subject: CS (Comm) No. 604 of 2022; Star India Pvt. Ltd. V/s 7MOVIERULZ.TC & ORS.
Before Hon'ble Delhi High Court.

Kindly refer to the following:

- (i) Hon'ble Delhi High Court order dated **02.03.23** on the subject extending exparte ad-interim Injunction dated **02.09.2022** against newly added defendants no. 316 to 359.
- (ii) **Para 22(d)** of Hon'ble Delhi High Court order dated **02.09.22** regarding blocking of website identified by plaintiff.
- (iii) Memo of Parties in CS (Comm) No. 604 of 2022

(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. **316-359**.

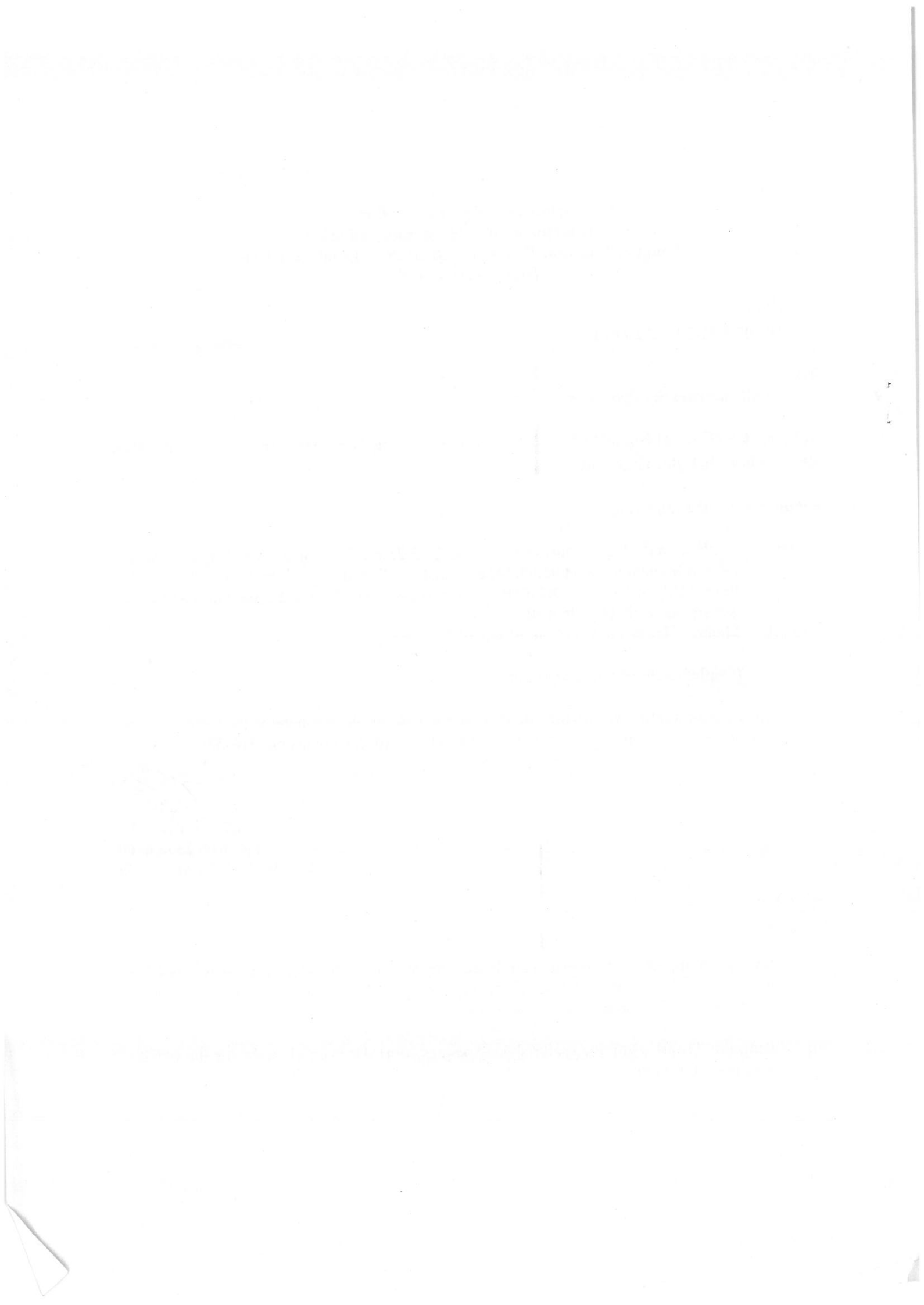
[Handwritten Signature]
17.03.2023

Director (DS-II)
Tel: 011-2303 6860
Email: dirds2-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 (Respondent no. 39) for kind information and necessary action.
- ii. MR. PIYUSH BERIWAL, SPC for kind information.
- iii. Rimjhim Tiwari (rimjhim@saikrishnaassociates.com), Lawyer/advocate for the plaintiff for kind information.
- iv. IT wing, DoT for uploading on DoT Website please.



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 604/2022

STAR INDIA PRIVATE LIMITED Plaintiff

Through: Mr.Akshay Maloo, Ms.Rimjhim
Tiwari, Advocates

versus

7MOVIERULZ.TC & ORS.

..... Defendant

Through: Mr.Mrinal Ojha, Mr.Aayush
Kevlani, Ms.Taniya Choudhary,
Advocates for D-22.

CORAM:
**JOINT REGISTRAR (JUDICIAL) SH. PURSHOTAM
PATHAK (DHJS)**

ORDER

02.03.2023

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I.A. 4118/2023 filed by plaintiff U/s 151 CPC Allowing an exemption to the Plaintiff from filing the certified/clearer/proper/ translated/original copies of documents with proper margins.

Heard.

In view of submissions of learned counsel for the plaintiff and grounds mentioned in the application, the application is allowed subject to just exceptions.

The plaintiff is exempted from filing the certified/ clearer/ proper/ translated/ original copies of documents with proper margins which shall be filed within four weeks.

IA stands disposed of.

I.A. 4117/2023 on behalf of the plaintiff under Order 1 Rule 10 CPC seeking impleadment of additional websites engaging in infringing activities as defendants 316-359 (rogue websites) in the memo of parties.

Vide this order, I shall dispose of the present application filed by plaintiff under Order 1 Rule 10 CPC for impleadment. The learned counsel for plaintiff has submitted that the Hon'ble Court was pleased to grant ex-parte *ad-interim* injunction in this suit against the defendants vide order dated 02.09.2022 for infringement of copyrights. Further directions were also passed that plaintiff may file an appropriate application to array other rogue websites as and when the same are discovered in future.

It is stated that after passing of the abovesaid order, other websites, as disclosed in application, have also started violation and these are rogue websites which are to be blocked pursuant to the order dated 02.09.2022 and are also necessary party to this suit. It is further stated that details of proposed defendants have been disclosed in Schedule-A annexed with application and they are also liable to be impleaded as defendants no. 316-359. It is further argued that even *ex-parte ad-interim* injunction dated 02.09.2022 is also liable to be extended against them and application may be allowed.

I have heard the arguments and perused the record. The law to deal with such applications and extension of *ex-parte ad-interim* injunction to newly added defendants has already been laid down in *UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors.*, wherein it has been observed vide paragraph 107 to the effect:-

“107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) 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, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work / content / programme / show in relation to which plaintiffs have copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. The plaintiffs are permitted to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been enjoined. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly."

The plaintiff has filed affidavit of investigator alongwith sufficient material to prove that the proposed defendants/websites are rogue websites of defendants which are also involved in violation of copyrights of plaintiff and have been permanently restrained to do so. In view of the submissions, directions passed vide order dated 02.09.2022 and judgment relied upon by learned counsel for applicant, the websites mentioned in the application especially Schedule-A are impleaded as defendants no. 316-359.

Since the newly added defendants are also stated to be involved in violation of copyrights of plaintiff, accordingly *ex-parte ad-interim* injunction dated 02.09.2022 is also extended against newly added defendants no. 316-359. The DoT and Ministry of Electronics & Information Technology are directed to do the needful in terms of the above said *ex-parte ad-interim* injunction dated 02.09.2022.

Amended memo of parties is taken on record.

I.A. stands disposed of.

Registry is directed to do the needful.

Copy of order be given *dasti*.

**PURSHOTAM PATHAK (DHJS),
JOINT REGISTRAR (JUDICIAL)**

MARCH 2, 2023/sk

[Click here to check corrigendum, if any](#)

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

+ CS(COMM) 604/2022

STAR INDIA PRIVATE LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Yatinder
Garg, Ms. Vriti Jindal and Mr. Akshay Maloo,
Advocates.

versus

7MOVIERULZ.TC & ORS. Defendants

Through: None.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER

02.09.2022

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I.A. 14119/2022 (Exemption)

1. Subject to the Plaintiff filing certified, clearer, proper and translated copies of the documents with proper margins, which it may seek to place reliance on, within four weeks from today, exemption is granted.

2. Application is allowed and disposed of.

I.A. 14118/2022 (Exemption from advance service to Defendants No.38 and 39)

3. Since there is an urgency in the matter and the same is being heard today, Plaintiff is exempted from serving advance notice on Defendants No. 38 and 39.

4. For the reasons stated in the application, the same is allowed and disposed of.

CS(COMM) 604/2022

5. Let plaint be registered as a suit.

6. Upon filing of process fee, issue summons to the Defendants, through

all permissible modes, returnable on 29.11.2022 before the learned Joint Registrar.

7. Summons shall state that the written statement shall be filed by the Defendants within 30 days from the receipt of summons. Along with the written statement, Defendants shall also file an affidavit of admission/denial of the documents filed by Plaintiff.

8. Replication be filed by the Plaintiff within 15 days of the receipt of the written statement. Along with the replication, an affidavit of admission/denial of documents filed by the Defendants, shall be filed by the Plaintiff.

9. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

I.A. 14117/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiff)

10. Present application has been preferred by the Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 for grant of an *ex-parte ad-interim* injunction.

11. Issue notice to the Defendants through all prescribed modes, returnable on 14.12.2022, before Court.

12. Present suit has been filed seeking permanent injunction and damages, for infringement of copyrights of the Plaintiff in the film 'Brahmastra Part One: Shiva' (hereinafter referred to as 'film'). Plaintiff is stated to be a leading entertainment Company, globally known for producing and distributing *inter alia* Movies and Television Shows. It is stated that the film has been jointly produced by Plaintiff and Defendants No. 19 to 21, investing huge sums of money in production and promotion of the film.

13. It is the case of the Plaintiff that being co-producers of the film, Plaintiff and Defendants No. 19 to 21 are authors of the film under

Section 2(d) of the Copyright Act, 1957 (hereinafter referred to as the 'Act') and thus, owners in terms of the provisions of Section 17 of the said Act. The exclusive rights, as enumerated under Section 14(d) of the Copyright Act qua the film, vest in the Plaintiff and Defendants No. 19 to 21. It is stated that the film being a work of visual recording including sound recordings qualifies as a 'cinematograph film' under Section 2(f) of the Act and by virtue of Section 13(1) and 13(2) read with Section 5 of the Act, since the film is going to be released in India, the film would be entitled to all rights and protections granted under the Act for cinematographic films. Section 14(d) provides an exclusive right to the Plaintiff to 'communicate' the film to public as defined in Section 2(ff) of the Act. Any third party who interferes with or exploits any of the exclusive rights, without permission of the Plaintiff, would be deemed to infringe Plaintiff's copyright in terms of Section 51 of the Act.

14. It is further averred that any hosting, streaming, reproduction, distribution, making available to the public and/or communicating the film to the public or facilitating the same, without authorisation from the Plaintiff, by any means, on any platform, including internet and mobile would infringe Plaintiff's copyright.

15. It is averred that the present suit has been filed against Defendant websites, i.e. Defendants No. 1 to 18, which are primarily and substantially engaged in communicating to the public, hosting, streaming, etc. the copyright protected work and are vehicles of infringement, whose whole business model is designed to provide members of the public access to copyright contents, unauthorisedly.

16. It is the case of the Plaintiff that it is an industry practice to release the film for theatrical exhibition first and then make it available for viewing on different platforms. Theatrical release of a film is the most important stage as the commercial value of a film depends on the popularity and success it achieves in this period. However, the rogue websites in order to make illegal gains make infringing copies and make them available for viewing, downloading and communication to the public, almost simultaneously with the theatrical release of the film. In the past, infringing copies of several movies produced/distributed by the Plaintiff were communicated to the public and made available for viewing and downloading, on various websites, within hours of the theatrical release. In the present case the film is scheduled to be released on 09.09.2022 and Plaintiff apprehends that the rogue websites, Defendants No. 1 to 18 will communicate infringing copies of the film on various websites which would directly impact the Plaintiff's business and erode the value of the film besides infringing its copyright. Plaintiff has invested huge sums of money in production and promotion of the film. The official trailer released on 15.06.2022, generated a positive response amongst the public, which is evident from large number of views received officially on [youtube.com](https://www.youtube.com).

17. Learned counsel appearing on behalf of the Plaintiff submits that this Court in *UTV Software Communication Ltd. and Others v. 1337X.To and Others, 2019 SCC OnLine Del 8002*, while relying on plethora of judgments held that rogue websites can be made liable for copyright infringement and observed that they are not entitled to exemption under Section 52(1)(c) of the Act, as they are not entities that transiently or incidentally store Plaintiff's work therein and that an infringer of copyright on internet is to be

treated at par with an infringer in the physical world. The Court laid down factors determining whether a website is a rogue website and Defendants No. 1 to 18 satisfy the criteria set out by the Court and are rogue websites.

18. I have heard learned counsel for the Plaintiff and examined the contentions raised.

19. There is no gain saying that piracy has to be curbed and needs to be dealt with a heavy hand and injunction against screening of copyrighted content by rogue websites ought to be granted. This position is acknowledged and re-affirmed in several decisions and in order to avoid prolixity, I may only allude to two judgments of this Court in *Department of Electronics and Information Technology v. Star India Private Limited, 2016 SCC OnLine Del 4160* and *UTV Software Communication Ltd. (Supra)*. The legal position with regard to grant of dynamic injunctions is settled in *UTV Software Communication Ltd. (Supra)* and learned counsel for the Plaintiff is right in his submission that several orders have been passed by this Court in the past, restraining the rogue websites.

20. Tested on the anvil of these decisions, in my view, Plaintiff has made out a *prima facie* case for grant of *ex parte ad-interim* relief. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the injunction, as prayed for, is not granted. For the sake of convenience particulars of Defendants No. 1 to 18, i.e. the rogue websites along with their domain name Registrars are set out as under:-

S. No.	Websites	Registrar
1.	7starhd.agency (Defendant No.15)	GoDaddy.com, LLC (Defendant No. 22)
2.	vegamovies.wtf (Defendant No.2)	NameCheap Inc. (Defendant No. 24)

3.	extramovies.pics (Defendant No.3)	
4.	9xmovies.yoga (Defendant No.4)	
5.	1tamilmv.pics (Defendant No.5)	
6.	Cinevood.vip (Defendant No.6)	
7.	full4movies.store (Defendant No.7)	
8.	hdmovie2.click (Defendant No.8)	
9.	yomovies.skin (Defendant No.9)	
10.	prmovies.wiki (Defendant No.10)	
11.	movierulzhd.lol (Defendant No.11)	
12.	torrentcue.co (Defendant No.12)	
13.	tamilblasters.cloud (Defendant No.13)	
14.	7movierulz.tc (Defendant No.1)	Gandi SAS (Defendant No. 23)
15.	ssrmovies.kim (Defendant No.18)	NameSilo, LLC (Defendant No. 25)
16.	tamilblasters.unblockit.ist (Defendant No.14)	Tucows Domains Inc (Defendant No.26)
17.	mkvmoviespoint.art (Defendant No.17)	Dynadot, LLC (Defendant No.27)
18.	uwatchfree.be (Defendant No.16)	AXC.NL (Defendant No. 28)

21. Looking at the investments made by the Plaintiff in the production and promotion of the film as also the exclusive right vested in it under the provisions of the Copyright Act, this Court *prima facie* agrees with the Plaintiff that if the rogue websites communicate the film in any manner, on

any platform, simultaneously with the theatrical release of the film on 09.09.2022 or in its close proximity thereafter, it would severely impact the interest of the Plaintiff monetarily and will also erode the value of the film.

22. Accordingly, the following directions are issued:-

- a. Defendants No. 1 to 18 and all others acting for and/or on their behalf are restrained from in any manner hosting, streaming, retransmitting, exhibiting, making available for viewing and downloading, providing access to and/or communicating to the public, displaying, uploading, modifying, publishing, updating and/or sharing on their websites through the internet or any other platform, the film 'Brahmastra Part One: Shiva' and contents related thereto, so as to infringe the Plaintiff's copyright therein, till the next date of hearing.
- b. Defendants No. 22 to 28, who are the Domain Name Registrants shall suspend/block the domain names registrations of the respective Defendants, as mentioned in the table at para 20 above.
- c. Defendants No. 22 to 28 shall provide complete details such as name, address, email address, IP address and phone numbers of Defendants No. 1 to 18.
- d. Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and Defendants No. 38 and 39, i.e. Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issues necessary notifications calling upon various ISPs to block access to the websites of Defendants No. 1 to 18.

23. Plaintiff is given the liberty to file an appropriate application to array other rogue websites, as and when the same are discovered in the future.

24. Plaintiff shall comply with the provisions of Order 39 Rule 3 CPC within a period of one week from today.

25. Copy of this order be given *dasti* to learned counsel for the Plaintiff.

JYOTI SINGH, J

SEPTEMBER 02, 2022/rk