

**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-31/2023-DS-II

Dated: 25.07.2023

To,  
All Internet Service Licensee's

**Subject: CS(COMM) 345 of 2023 Bulgari SPA VS ASHOK KUMAR AND ORS. District Judge (Commercial Court-02), South at Saket Court, New Delhi.**

Kindly find the enclosed Hon'ble South District, Saket Courts order dated 11.07.2023 on the subject matter.

2. Please refer to the **page 8** of the said court order in respect of blocking of **27 websites** of the **D-1 to D-27** (as listed in **schedule A**).
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 websites, as above, for compliance of the said court order.

*CS 25.7.23*  
Director (DS-III)  
Tel: 011-2303 6860  
Email: [dirds3-dot@gov.in](mailto:dirds3-dot@gov.in)/  
[dirds2-dot@nic.in](mailto:dirds2-dot@nic.in)

Encl:A/A

**Copy to:**

- (i) V.Chinnasamy, Scientist E ([chinnasamy.v@meity.gov.in](mailto:chinnasamy.v@meity.gov.in)), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- (ii) Advocate for the Plaintiff, United and United ([unitedmark@unitedandunited.com](mailto:unitedmark@unitedandunited.com), [arpit@unitedandunited.com](mailto:arpit@unitedandunited.com)) for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

IN THE COURT OF DISTRICT JUDGE  
(COMMERCIAL COURT-02)  
SOUTH DISTRICT, SAKET COURT, NEW DELHI

CS (COMM) No. 345 of 2023

**Bulgari SPA**

.....Plaintiff

*Versus*

**ASHOK KUMAR & Ors.**

.....Defendants

11.07.2023

**ORDER**

1. Vide this order, I shall dispose of application U/o XXXIX Rule 1 & 2 CPC filed by the plaintiff in a suit for permanent injunction to restrain passing off, infringement, rendition of accounts, delivery up etc.

2. Case of the plaintiff is that the plaintiff is an Italian luxury brand engaged in the business of manufacturing and trading of jewellery such as necklaces, bracelets, rings, pendants, etc. and watches, fragrances, accessories, eyewear, leather goods under the different collections such as BVLGARI SERPENTI, BULGARI ROMA, BVLGARI OCTO, DIVAS' DREAM COLLECTION, BVLGARI BVLGARI, SERPENTI, B.ZERO1, DIVA'S DREAM, FIOREVER, INTARSIO etc. [hereinafter referred to as the "*said trademarks*"] through its dedicated website for India [www.bulgari.com](http://www.bulgari.com).

3. It is stated that Plaintiff honestly and bonafidely conceived and adopted its said Trademarks/Label/Trade

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Name/Domain Name since the year 1950 as it had gained widespread popularity by them and owing to the widespread popularity of the Plaintiff's company and the goods and services offered bearing the said trademarks, stores and authorized sales of the Plaintiff's products are located in a number of countries around the world.

4. It is averred that the use of the marks **BULGARI/BVLGARI** had commenced long ago in the year 1884 in Rome and later in other jurisdictions of the world. Further, an extensive use of all the said trademarks over one hundred and thirty-five (135) years have made them well-known. It is pleaded that the Plaintiff Company is the prior adopter, bonafide user and registered proprietor of the said Trademarks/Label/Trade Name/Domain Name and uses its trademarks as well as its stylized versions which is always associated and recognized with its company and its relevant goods and services alone and no one else.

5. Case of the plaintiff is that the Plaintiff's said goods have been advertised, promoted, displayed, solicited, sold and traded world over through its exclusive website under the domain name [www.bulgari.com/en-in](http://www.bulgari.com/en-in) and also through various other websites like [www.ethoswatch.com](http://www.ethoswatch.com) etc., which are interactive in nature and are also accessible in India. It is stated that the Plaintiff's said goods under the said Trademarks/Label/Trade Name/Domain Name as well as the information thereof are available to Indians and Indian Trade and Industry. It is stated that the Plaintiff also owns may domain names that are registered with the said trade mark forming a prominent part thereof such as



www.bvlgari.com,  
www.bvlgari.biz etc.

www.bvlgari.in,

www.bvlgari.com,

6. It is pleaded that the Plaintiff is aggrieved by the illegal activities of Defendant No's 1 to 27 (as mentioned in Memo of Parties) wherein they are manufacturing, marketing, soliciting /and trading of counterfeit watches, clocks, wall clocks, bags, perfumes and other allied and cognate products (hereinafter referred to as the "*impugned goods & impugned business*") through its websites (hereinafter collectively be referred to as the "*impugned rogue websites/URLs*") bearing the trademarks/labels of various brands including that of the Plaintiff (hereinafter referred to as the "*impugned marks/labels*") and is making aforesaid impugned goods available for sale across India including within the jurisdiction of this Court.

7. It is further the case of plaintiff that the impugned websites being run by the Defendant No's 1 to 27 are rogue in nature because the primary purpose of these websites is to commit or facilitate an infringement of the intellectual property rights of the Plaintiff. It is averred that Defendant No's 1 to 27 very conveniently mentions on their websites that they sell First Copy/Replica of the goods of various popular brands which are in fact counterfeits and the screenshots of the Defendants' impugned rogue websites stating that they deal in First Copy/Replica products have been duly attached along with the Plaintiff as a part of its documents page numbered as 130, 131, 140, 146, 147, 148, 149, 150 so on and so forth. It is stated further that the impugned rogue websites do not provide /any legitimate contact details and therefore, hide behind a veil of secrecy.

8. It is pleaded that the impugned goods offered on these impugned rogue websites are spurious, unauthentic, unauthorized, counterfeit/fake and the impugned rogue websites are completely unauthorized websites which primarily, substantially and predominantly act as a vehicle/instruments of infringement and their business models are designed and dedicated towards providing members of public a direct access to the unauthorized and illegal content, at the cost, prejudice and peril of the statutory and common law rights of the Plaintiff's rights in its said Trademarks/Labels and Copyright resulting in the dilution and erosion of its intellectual property rights and these impugned rogue websites are accessible in India, thereby leading to consumer deception in the market by way of such fraudulent imitation.

9. Case of the plaintiff is that the Defendant No's 1 to 27's impugned rogue websites themselves are, as a whole, instruments/vehicles of infringement, the flagrancy of which is vast, so much so that it is likely to have a dynamic effect on the Plaintiff's business, both current and forthcoming and therefore, it is not practical/viable to target/seek a restraint against some specific URLs or webpages belonging to the Defendant No's 1 to 27. It is stated that in case a URL is blocked or disabled, it is extremely easy for the website to provide access to the blocked content through another URL since a mere change of a character in the URL string will results in a completely new URL and consequently, it is extremely easy for a website to circumvent and thus, nullify any order that directs blocking of specific URLs since such websites can very easily provide access to the same



content by merely changing one character in the URL string. Thus, unless access to the entire websites of the Defendant No's 1 to 27 is blocked, there is no alternate and efficient remedy that is open to the Plaintiffs.

10. Plaintiff has pleaded for seeking appropriate orders directing the government bodies such as NIXI, DOT, MEITY and ICANN (impleaded as Defendant No. 28, 29, 30 and 31 respectively) to obtain a complete blockage of the access to the impugned rogue website and further, since most of these websites are anonymous in nature and operate behind a veil of secrecy, they are faceless entities and are not obliged to follow any orders of any court. It is stated that the Plaintiff is thus, legally entitled to seek complete protection against such unfair competition and commercial misappropriation by the impugned rogue websites and obtain a blocking order that is proportionate and commensurate with the vast extent and nature of the infringement being carried out via the impugned rogue websites.

11. It is further stated that the issue of what is a rogue website, the factors to be considered while ascertaining whether a website is of a rogue nature and the laws pertaining to it thereto is not res-integra and numerous courts have recognized the necessity of blocking such rogue websites in view to protect the common law and statutory rights of the Plaintiff.

12. In support of his submissions, Ld. Counsel for the plaintiff has relied upon cases titled as **UTV SOFTWARE COMMUNICATION LTD. & ORS. VERSUS 1337X.To & ORS.** CS COMM 724/2017; **BULGARI SPA VERSUS ASHOK**

*KUMAR & ORS.* [TM NO. 06 OF 2022]; *SONY PICTURES ANIMATION INC. Versus FLIXHD.CC/ AND OTHERS* CS(COMM) 366 OF 2023; *RADO UHREN AG & ORS Versus JOHNNY WALKER & ORS.* [TM NO. 195 OF 2021]; *PANASONIC HOLDINGS VERSUS ASHOK KUMAR & ORS.* CS (COMM) 135 of 2023; *COLGATE PALMOLIVE CO. AND ANR. v. NIXY & ANR.* CS (COMM) 193 OF 2019; *BULGARI S.P.A v. NUTANDAS GEMS PVT. LTD.* CS (COMM) 658 OF 2021 and *RED CHILLIES ENTERTAINMENT PVT. LTD. v. ASHOK KUMAR & ORS.* CS (COMM) 240 OF 2023.

13. After hearing Ld. Counsel for the plaintiff at length, I am of the considered opinion that the plaintiff has been able to make out a strong prima facie case to grant ad-interim injunction, the balance of convenience also lies in his favour, it shall also suffer irreparable loss and injury, if the injunction is refused, as a consequence, Defendant Nos. 1 to 27 by itself as also through their individual proprietors/partners, agents, representatives, distributors, assigns, heirs, successors, stockists and all other acting for and on their behalf are hereby restrained till next date of hearing from using, selling, manufacturing, marketing, intention to sell/solicit, soliciting, exporting, importing, displaying, advertising by visual, audio, print mode or by any other mode or manner dealing in or selling/soliciting through online websites (as mentioned in Memo of Parties) and/or online platform or through social medias or in any manner using the impugned counterfeit goods under impugned marks or any other word/mark which may be identical with and/or deceptively similar word/mark to the plaintiff's said

trademark/la  
ROMA  
P



trademark/label/tradename BVLGARI SERPENTI, BULGARI ROMA, BVLGARI OCTO. DIVAS' DREAM COLLECTION, BVLGARI BVLGARI, SERPENTI, B.ZERO1, DIVA'S DREAM, FIOREVER, INTARSIO respectively in relation to their impugned goods and business of finished watches, clocks, wall clocks, horological and other chronometric instruments, apparels, bags, accessories, jewellery and allied and cognate products and from doing any other acts or deeds amounting to or likely to infringement of plaintiffs' said registered trademark/label/trade name as depicted in para 13; passing off and violation of the plaintiff's rights and infringement of plaintiff's copyrights in its trademark/label/trade name respectively.

14. Further, D-28 is directed till next date of hearing to cancel/block the impugned rogue websites/URLs of the D-1 to D-27 operating under .IN and .bharat domains and/or mirror/redirect/alphanumeric websties which are put in play by D-1 to D-27 and URLs and/or any other URLs which may come in the future as and when reported to D-28 under affidavit by the plaintiff and to issue necessary notification calling upon the respective domain name registrars of the impugned rogue websites/URLs of D-1 to D-27 to completely block the access to impugned websites/URLs and to disclose the complete particulars of the registrants of the impugned domain names, including their names, addresses, email Ids, payment particulars used to purchase the impugned domain names and/or any other information relevant to the registrants;



Further, D-29 and D-30 are directed till next date of hearing to issue necessary notifications calling upon a the respective Internet and Telecom Service Providers/ISPs/TSPs/ to block access to the websites to D-1 to D-27 of the impugned rogue websites/URLs of the D-1 to D-27 (as listed in Schedule A) and/or mirror/redirect/alphanumeric websites which are put in play by D-1 to D-27 and URLs and/or any other URLs which may come in the future as and when reported to D-29 and D-30 under affidavit by the plaintiff.

Further, D-31 is directed till next date of hearing to secure and ensure complete blocking of all the impugned rogue websites/URLs of D-1 to D-27 as well as disclose the details of all the impugned rogue websites/domain names/URLs (as listed in Schedule A) and/or any other URLs which may come up in the future as and when reported to D-31 under affidavit filed by the plaintiff and to issue necessary notification calling upon the respective domain name registrar of the impugned rogue websites/URLs of D-1 to D-27 to completely block the access to impugned websites/URLs in respect of the impugned goods bearing impugned marks or any other word/mark/Trademark/label which may be identical with and/or deceptively similar to the plaintiff's said trademark/label/trade name.

Further, D-1 to D-27 are directed till next date of hearing to disclose the details of and the amount of payments received through the various online payment services and portals as mentioned on their websites in respect of impugned goods bearing impugned marks or any other word/mark/trademark/label

which may be identical with and/or deceptively similar to the plaintiffs' said trademark/label/tradename.

15. The Plaintiff is also granted liberty to file an application under Order 1 Rule 10 of the CPC to array other rogue websites if, the same are selling the goods or offering services under the Plaintiff's trademark "BULGARI" and its variant or any other word/mark/Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's Trademark/Label, and are discovered after the issuance of the instant interim order. The purpose being that the Court, in these cases, needs to dynamically monitor such egregious illegality and, if necessary, pass interim orders to restrain similar rogue websites.

*(Dictated and announced on  
11<sup>th</sup> July 2023 )*

(ANIL KUMAR SISODIA)  
District Judge  
(Commercial Court-02)  
South Distt., Saket, New Delhi

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IN THE COURT OF DISTRICT JUDGE-NEW DELHI AT  
SAKET DISTRICT COURT, NEW DELHI

IN  
CS(COMM) No. \_\_\_ of 2023

**IN THE MATTER OF:**

BULGARI S.p.A

...Plaintiff

VERSUS

ASHOK KUMAR & ORS.

...Defendants

**MEMO OF PARTIES**

**BULGARI SPA**

11, LungotevereMarzio,  
Rome 00186,  
Italy

Through its Constituted Attorney  
Ms. Meena Bansal  
96, SukhdevVihar, Mathura Road,  
New Delhi – 110 025

...Plaintiff

VERSUS

**ASHOK KUMAR**

Website: <https://urbanhug.in/>  
Address: Plot No – B-1133,  
Shiv Bax Park, Nangloi,  
New Delhi – 110041  
Phone Number: 919310230137  
Email Id: [72urbanhug.in@gmail.com](mailto:72urbanhug.in@gmail.com)

...Defendant No. 1

**ASHOK KUMAR 1**

Website: <https://shopnsafe.com/>  
Address: Vadapalani, Chennai,  
Tamilnadu – 600026, India.  
Phone Number: 9498758932, 8825453427  
Email Id: [admin@shopnsafe.com](mailto:admin@shopnsafe.com), [support@shopnsafe.com](mailto:support@shopnsafe.com),  
[help@shopnsafe.com](mailto:help@shopnsafe.com)

...Defendant No. 2

**ASHOK KUMAR 2**

Website: <https://www.webr.ly/>  
Address: Allen Street Hollywood,



Florida, 33024, United States  
Phone Number: (001) 2134629937  
Email Id: [topluxurysale@Yahoo.Com](mailto:topluxurysale@Yahoo.Com) ...Defendant No. 3

**ASHOK KUMAR 3**  
Website: <https://affordableluxurybags.nu/>  
Address: Unknown/Hidden/Not available  
Phone Number: Not Known  
Email Id: [sales@affordableluxurybag.com](mailto:sales@affordableluxurybag.com) ...Defendant No. 4

**ASHOK KUMAR 4**  
Website: <https://perfumepapa.in/>  
Address: Vishwas Niwas, Parel  
Mumbai 400012  
Phone Number: (+91) 7977 496 831  
Email Id: [perfumepapa.in@gmail.com](mailto:perfumepapa.in@gmail.com) ...Defendant No. 5

**ASHOK KUMAR 5**  
Website: <https://nl.fragrance.com/en/search/bvlgari>  
Address: Antwoordnummer 2100  
9900WB Delfzijl  
Phone Number: 085-8081250  
Email Id: [contact.nl@fragrance.com](mailto:contact.nl@fragrance.com) ...Defendant No. 6

**ASHOK KUMAR 6**  
Website: <https://perfumesteal.com/>  
Address: Unknown/Hidden/Not available  
Phone Number: +917738672527  
Email Id: [admin@perfumesteal.com](mailto:admin@perfumesteal.com) ...Defendant No. 7

**ASHOK KUMAR 7**  
Website: <https://belvish.com/>  
Address: Moti Nagar, New Delhi 110015  
Phone Number: +918588996969  
Email Id: [belvish69@gmail.com](mailto:belvish69@gmail.com) ...Defendant No. 8

**ASHOK KUMAR 8**  
Website: <https://aaaclothing.ru/>  
Address: Unknown/Hidden/Not available  
Phone Number: Not Known  
Email Id: Not available ...Defendant No. 9

**ASHOK KUMAR 9**

Website: [www.perfumelab.in](http://www.perfumelab.in)  
 Address: Perfume House, Near Shriram Chowk,  
 Near Ganga Village,, Hadewadi Road, Hadapsar,  
 Pune, Maharashtra - 411028  
 Phone Number: Not known  
 Email Id:[perfumelab@tphmart.com](mailto:perfumelab@tphmart.com) ...Defendant No. 10

**ASHOK KUMAR 10**

Website: <https://www.7astore.in/>  
 Address: Rohini, New Delhi-110081  
 Phone Number: 7982347273  
 Email Id:[nfo@gsenterprises.com](mailto:nfo@gsenterprises.com) ...Defendant No. 11

**ASHOK KUMAR 11**

Website: <https://replicawatchvilla.in/>  
 Address: Unknown/Hidden/Not available  
 Phone Number: +919324493540  
 Email Id:[replicawatchvilla@gmail.com](mailto:replicawatchvilla@gmail.com) ...Defendant No. 12

**ASHOK KUMAR 12**

Website: <https://timeobucket.in/>  
 Address: Unknown/Hidden/Not available  
 Phone Number: +918454988799  
 Email Id: [support@timeobucket.in](mailto:support@timeobucket.in) ...Defendant No. 13

**ASHOK KUMAR 13**

Website:<https://srpremiumwatches.com/>  
 Address: Chinchpokli West, Mumbai 400011  
 Phone Number: +918818012776  
 Email Id:[Srpremiumwatches@gmail.com](mailto:Srpremiumwatches@gmail.com) ...Defendant No. 14

**ASHOK KUMAR 14**

Website: <https://wackybrandhub.com/>  
 Address: NIBM PUNE 411048  
 Branch - Mhasla  
 Phone Number: +91 8698209197,  
 +91 8446209197, +91 8381060006,  
 +91 8698060006  
 Email Id:[wackybrandhub@gmail.com](mailto:wackybrandhub@gmail.com) ,  
[wackybrandhubofficial@gmail.com](mailto:wackybrandhubofficial@gmail.com) ...Defendant No. 15

**ASHOK KUMAR 15**

Website: <https://hansujacreationsbyjyoti.com>

Address: Aashiana,sector-m,  
house no.415, Lucknow, UP, 226012

Phone Number: 8707840604

Email Id:[jyotiagrwal104@gmail.com](mailto:jyotiagrwal104@gmail.com)

...Defendant No. 16

**ASHOK KUMAR 16**

Website: <https://www.indianfashionclub.in/>

Address: 8808 Ave Dermentum, Onsectetur Adipiscing  
Tortor Sagittis, CA 880986,  
United States

Phone Number: +91 8871889399

Email Id:[info@indianfashionclub.in](mailto:info@indianfashionclub.in)

...Defendant No. 17

**ASHOK KUMAR 17**

Website: <https://www.kinzaattire.in/>

Address: MUMBAI MAHARASHTRA  
INDIA

Phone Number: +91 9769533534

Email Id: [Kinza.attire@gmail.com](mailto:Kinza.attire@gmail.com)

...Defendant No. 18

**ASHOK KUMAR 18**

Website: <https://watchobucket.in/>

Address: Unknown/Hidden/Not available

Phone Number: +919833686707

Email Id: [support@watchobucket.in](mailto:support@watchobucket.in)

...Defendant No. 19

**ASHOK KUMAR 19**

Website: <https://luxurytag.in/>

Address: Unknown/Hidden/Not available

Phone Number: +917750098927

Email Id:[hello@luxurytag.in](mailto:hello@luxurytag.in)

...Defendant No. 20

**ASHOK KUMAR 20**

Website: <https://watchmall.in/>

Address: Unknown/Hidden/Not available

Phone Number: +919833686707

Email Id:[support@watchmall.in](mailto:support@watchmall.in)

...Defendant No. 21

**ASHOK KUMAR 21**

Website: <https://www.replicawatchsshop.cc/>

Address: Unknown/Hidden/Not available

Phone Number: Not known

Email Id:[salesreplicas@gmail.com](mailto:salesreplicas@gmail.com)

...Defendant No. 22



**ASHOK KUMAR 22**

Website: <https://bollywatches.com/>

Address: Mumbai, India

Phone Number: +919324493540

Email Id: [bollywatches@gmail.com](mailto:bollywatches@gmail.com)

...Defendant No. 23

**ASHOK KUMAR 23**

Website: <https://fashum.net/>

Address: Unknown/Hidden/Not available

Phone Number: Not Known

Email Id: Not Available

...Defendant No. 24

**ASHOK KUMAR 24**

Website: <https://www.ihahabags.ru/>

Address: Unknown/Hidden/Not available

Phone Number: Not Known

Email Id: Not Available

...Defendant No. 25

**ASHOK KUMAR 25**

Website: <https://arrangehere.com/>

Address: 25A, Ambai Road, Melapalayam,  
Tirunelveli, Tamil Nadu, India - 627005

Phone Number: +91 9087 556161

Email Id: [sales@arrangehere.com](mailto:sales@arrangehere.com)

...Defendant No. 26

**ASHOK KUMAR 26**

Website: <https://soybrillantemx.com/>

Address: Unknown/Hidden/Not available

Phone No.: 221 620 9917

Email Id: [contact@soybrillantemx.com](mailto:contact@soybrillantemx.com)

...Defendant No. 27

National Internet Exchange of India (NIXI)

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148, Barakhamba Road, New Delhi 110001

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...Defendant No. 28

The Department of Telecommunications [DoT]

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...Defendant No. 29

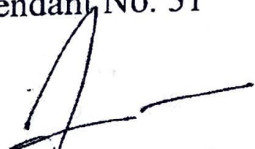
Ministry of Electronics and Information Technology (MeitY)

Through the Division of Cyber Laws & E-Security  
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Email: [Webmaster.meity@gov.in](mailto:Webmaster.meity@gov.in)

...Defendant No. 30

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(ICANN)  
12025 Waterfront Drive,  
Suite 300, Los Angeles,  
California 90094-2536, USA  
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...Defendant No. 31

  
United & United  
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EMAIL: [rishi@unitedandunited.com](mailto:rishi@unitedandunited.com)

Place: New Delhi  
Date: /0.05.2023

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EMAIL: [rishi@unitedandunited.com](mailto:rishi@unitedandunited.com)