

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-49/2022-DS-II

Dated: 25.07.2023

To,

All Internet Service Licensee's

Subject: CS (Comm) No. 759 of 2022; Star India Pvt. Ltd. and Anr. v. PikaShow and Ors before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated **04.11.2022**, and 16th & 17th additional Affidavits dated **14.07.2023**, 24.07.2023 respectively on the subject matter.

2. Please refer to **para 25(vii)** of said court order in respect of blocking of **two (02) websites (1+1) each enumerated in annexure A** of 16th and 17th additional affidavits respectively.

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 affidavits as above in view of the said court order.

CS 25.7.23

Director (DS-III)

Tel: 011-2303 6860

Email: dirds3-dot@nic.in

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. 18) for kind information and necessary action.
- (ii) Sh. Anurag Ahluwalia (anuragcgsc@gmail.com), Central Government Standing Counsel for kind information.
- (iii) Ms. Ambika (ambika@saikrishnaassociates.com), Associate, Saikrishna & Associates, counsel 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
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) NO. OF 2022

IN THE MATTER OF:

Star India Pvt. Ltd. & Anr.

...Plaintiffs

Versus

PikaShow Application & Ors.

...Defendants

MEMO OF PARTIES

1. Star India Pvt. Ltd.
Star House, Urmi Estate,
95, Ganpatrao Kadam Marg,
Lower Parel (W),
Mumbai- 400013

Also, at:

Vatika Business Centre, Thapar House,
Gate No. 1, Eastern & Central Wing
3rd Floor, 124 Janpath
New Delhi -110001

Email: diksha.snehal@disney.com

Mobile Number: +91 9999494009

2. Novi Digital Entertainment Pvt. Ltd.
Star House, Urmi Estate,
95, Ganpatrao Kadam Marg, Lower Parel (W),
Mumbai- 400013

Email: diksha.snehal@disney.com

Mobile Number: +91 9999494009

...Plaintiffs

Versus

1. PikaShow Application
Related domains - pikashows.com and
Source Code- strms.in; strms.one;
jonahz-viccen-i-202.site;

Diksha

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i-cdn-0.jonahz-viccen-i-202.site;
cdn4506.jonahz-viccen-i-202.site
Email: pw-
22dc1250b50aa5dc9a5ae7b2f9498c01@privacyguardian.org;
compliance@tu cows.com; abuse@godaddy.com

2. 1Xbet App and related domain in.1x001.com
Email: info-en@1xbet-team.com
Ph. No.: 000-800-919-02-66

3. Github India Private Limited
807, New Delhi House, Barakhamba Road,
Central Delhi – 110001, India
Email: msupernaut@microsoft.com

4. NameSilo, LLC.
8825 N, 23rd Ave Suite 100
Phoenix, AZ
USA - 85021
Email: support@namesilo.com

5. Tucows Inc.
96 Mowat Avenue
Toronto, ON M6K 3M1Canada
Email: info@tu cows.com; compliance@tu cows.com

6. GoDaddy India Web Services Private Limited
003, Tower 4A, DLF Corporate Park,
MG Road Gurgaon – 122002
Email: legal@godaddy.com; grievanceofficer@godaddy.com

7. National Internet Exchange of India (NIXI)
9th Floor, B-Wing, Statesman House,

dy

8

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148, Barakhamba Road,
New Delhi - 110001
Email: info@nixi.in; legal@nixi.in

8. Atria Convergence Technologies Pvt. Ltd.
99A/113A, Manorayana Palya
R.T. Nagar Bangalore - 560032
Also, At:
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Indian Express Building, Queen's Road,
Bangalore 560001 Karnataka
E-mail: nodal.term@actcorp.in;
Jitesh.chathambil@actcorp.in
9. Bharat Sanchar Nigam Ltd.
Bharat Sanchar Bhawan, Regulation Cell
5th floor, Harish Chandra Mathur Lane
Janpath, New Delhi -110001
E-mail: ddg_reg@bsnl.co.in; sbkhare@bsnl.co.in,
averma@bsnl.co.in
10. Bharti Airtel Ltd.
Airtel Centre, Tower-A, 6th floor
'A' Wing, Plot No.16, Udyog Vihar
Ph - IV, Gurgaon - 122016
E-mail: amit.bhatia@airtel.com
11. Hathway Cable & Datacom Pvt. Ltd.
Rahejas, 4 floor, Main Avenue
Santacruz (W), Mumbai-400054
E-mail: ajay.singh@hathway.net; dulal@hathway.net;
sudhir.shetye@hathway.net
12. Mahanagar Telephone Nigam Ltd.
5th Floor, Mahanagar Doorsanchar Sadan
9, CGO Complex, Lodhi Road
New Delhi - 110003
E-mail: raco.mtnl@gmail.com; mtnlcsc@gmail.com
gmracomtnl@gmail.com

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- 9
13. Reliance Jio Infocomm Limited
RCP 14 (TC 23), Phase 4,
B-Block, 3rd Floor,
C 4 130 Twane- belapur Road,
Gansoli, Navi Mumbai- 400701
E-mail: care@jio.com; Hitesh.marthak@relianceada.com;
Kapoor.guliani@ril.com; sunil.kr.gupta@ril.com;
shilpi.kant@ril.com; jyoti.jain@ril.com
14. Shyam Spectra Pvt. Ltd.
Plot No. 258, Okhla Industrial Estate, Phase III,
New Delhi – 110020
Also, at:
Plot No. 21-22, 3rd Floor, Udyog Vihar, Phase IV, Gurugram
-122015
E-mail: info@spectra.co; compliance@spectra.co
15. Tata Teleservices Ltd.
A, E & F Blocks Voltas Premises - T. B. Kadam Marg
Chinchpokli, Mumbai – 400033
E-mail: pravin.jogani@tatatel.co.in;
anand.dalal@tatatel.co.in; satya.yadav@tatatel.co.in
16. Vodafone Idea Limited
Vodafone House,
Peninsula Corporate Park,
Ganpatrao Kadam Marg,
Lower Parel, Mumbai - 400 013 India
Also, At:
Birla Centurion,
10th Floor, Plot no.794,
B Wing, Pandurang Budhkar Marg,
Worli, Mumbai - 400 030 India
E-mail: radhika.gokhale@vodafoneidea.com;
Smitha.Menon@vodafoneidea.com;
pankaj.kapdeo@vodafoneidea.com;
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- Rishu*

raaj.goyal@vodafoneidea.com,
Florencia.depores@vodafoneidea.com

17. Department of Telecommunications
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E-mail: secy-dot@nic.in, dirids2-dot@nic.in;
18. Ministry of Electronics and Information Technology
Through the Director General (DIT) Cyber Laws & e-
security),
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Lodi Road, New Delhi – 110003
E-mail: cyberlaw@meity.gov.in,
gccyberlaws@meity.gov.in,
pkumar@meity.gov.in, sathya.s@meity.gov.in;
19. Ashok Kumar(s)

...Defendants

Jauhari

YATINDER GARG | SNEHIMA JAUHARI | AMBIKA DILWALI
D/1330/2015 | D/2733/2017 | D/5511/2021
Saikrishna & Associates
Advocates for the Plaintiffs
57, Jor Bagh, Delhi – 110003
+91 9910739913
snehima@saikrishnaassociates.com

Place: New Delhi
Date: 01, November, 2022

Note: Defendant No. 1 is the main contesting Defendant.

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 759/2022

STAR INDIA PVT LTD AND ANR

..... Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Yatinder Garg, Ms. Snehima Jaunari & Ms. Ambika Dilwali, Advocates (M-8800166812)

versus

PIKASHOW APPLICATION AND ORS

..... Defendants

Through: Mr. Alipak Banerjee & Mr. Parva Khare, Advocates for D-6 (M-9911983636)

Mr. Anurag Ahluwalia, CGSC with Mr. Danish Faraz Khan, Advocate for R-17&18 (M-9811418995).

Ms. Hetu Arora + Sethi, ASC (GNCTD) with Inspector Devender Dahiya, IFSO, Special Cell (M-9810368590)

**CORAM:
JUSTICE PRATHIBA M. SINGH**

ORDER
04.11.2022

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1. This hearing has been done through hybrid mode.
CS(COMM) 759/2022

2. Let the plaint be registered as a suit.

3. Issue summons to the Defendants through all modes upon filing of Process Fee.

4. Mr. Anurag Ahluwalia, ld. CGSC accepts summons on behalf of Respondent Nos. 17 and 18.

5. Mr. Alipak Banerjee, Id. Counsel, submits that the wrong entity of GoDaddy, being GoDaddy India Web Services Private Limited, has been impleaded. The correct entity is GoDaddy.com LLC, for which he accepts summons. Let GoDaddy, LLC be substituted instead of Defendant No.6 and the amended memo of parties be filed within a period of three days.

6. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiffs, without which the written statement shall not be taken on record.

7. Liberty is given to the Plaintiffs to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

8. List before the Joint Registrar for marking of exhibits on 16th December, 2022. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

9. List before Court on 25th January, 2023.

I.A. 17913/2022 (u/O XXXIX Rule 1 and 2 CPC)

10. Pursuant to the previous order dated 3rd November, 2022, intimation had been issued in this matter to Mr. Anurag Ahluwalia, Id. CGSC, Ms. Sethi, Id. ASC for Delhi Police, and to Defendant No.3. Today, Mr. Ahluwalia and Ms. Sethi have appeared, however Defendant No.3 has not appeared.

11. Ld. Counsel for the Plaintiff also submits that they are still trying to contact Defendant No.3.
12. Issue notice.
13. Mr. Anurag Ahluwalia, Id. CGSC accepts notice on behalf of Respondent Nos. 17 and 18.
14. Mr. Alipak Banerjee, Id. Counsel, accepts notice for GoDaddy.com, LLC.
15. Ms. Hetu Arora Sethi, Id. ASC, accepts notice on behalf of the Delhi Police.
16. The Plaintiffs - Star India Pvt. Ltd. and Novi Digital Entertainment Pvt. Ltd. have filed the present suit seeking a permanent injunction as also reliefs for renditions of accounts, damages, etc. against the mobile application PikaShow (*hereinafter 'PIKASHOW APP'*), stated to be hosting infringing content over which the Plaintiffs have exclusive rights and copyright.
17. The case of the Plaintiffs is that they are a leading entertainment and media company in India and own copyright over a large volume of content including award-winning films, music, television series, sporting events, etc. The Plaintiffs, apart from broadcasting the 65 STAR television channels in over eight languages, also own their separate OTT platform 'Hotstar' and a mobile application 'Disney+ Hotstar'. The STAR channels' content includes various popular sporting events organized by BCCI, ICC, Wimbledon, Pro Kabaddi League, etc. The Plaintiffs' OTT platform Disney+Hotstar is stated to have been named the most popular streaming platform in India in 2019, accounting for 45.88% of the total market by number of installs. The claim of the Plaintiffs is that in the original copyrighted content owned by them,

they enjoy the exclusive rights to broadcast, re-broadcast, retransmit, stream, communicate or make available the said content in any manner whatsoever.

18. The Plaintiffs' grievance in the present suit is that their content is illegally being made available through the App PIKASHOW on the internet, which claims to be providing free content of all well-known OTT platforms, including that of the Plaintiffs. As per the plaint, the said App is a standalone mobile application which is brazenly engaged in piracy of exclusive content belonging to various copyright owners. In order to buttress this position, the following factors are highlighted in the plaint:

- (i) The manner in which the App claims that the content of the App is divided into Hollywood, Bollywood, T.V. series and live T.V. itself shows that the USP of the said App is that it is providing copyrighted content free of cost.
- (ii) The App is downloadable through third-party marketplaces and Telegram channels, but it is not available for downloading through any of the established app stores such as Google Play Store or Apple iTunes.
- (iii) The extreme extent to which the App uses circumvention measures is clear from the fact that even the measures put in place by standard operating systems such as Android, etc. are being circumvented, to allow for apps to be downloaded from unknown sources.
- (iv) Over 500 complaints have been made against the App by third-parties, seeking removal of the PIKASHOW domains from online search results, which is evident from a search of the publicly available database known as 'Lumen Project'. It shows

that there are more than 500 cease and desist letters issued in respect of this App and domain;

- (v) The Plaintiffs themselves have filed various complaints against this App, sent 500 legal notices to the App since August, 2020, and have also obtained injunction orders in a suit being *CS(COMM) 214/2022* titled *Star India Pvt. Ltd. & Anr. v. Ashar Nisar & Ors.*, where vide order dated 6th April, 2022, the URLs therein were found to be streaming illegal content of the Plaintiffs.

19. Mr. Chopra, Id. Counsel appearing for the Plaintiffs, also submits that the Investigators of the Plaintiffs studied the manner in which the App is being made available. Reliance is placed upon the affidavits of the Investigators who have demonstrated that:

- (i) The App is downloaded using installation files on Android devices known as '.apk' files.
- (ii) The App can be downloaded through the website www.pikashow.com.
- (iii) The *modus operandi* of the App to obtain access to copyrighted content is two-fold:
 - It uses various circumvention measures so as to bypass the technological measures set up by OTT platforms, such as the Plaintiffs' Disney+Hotstar, to prevent streaming of its copyrighted content.
 - It accesses other domains where infringing content is hosted and the said domains act as a bridge between the App and the server where infringing content is stored.

(iv) The media files on the App are located and posted on various source domains with different URLs, which are not accessible through a standard browser.

(v) The source domains keep changing from time to time and are dynamic in nature, making it harder to identify the source of the infringing content. Some of the URLs and source domains which are set out in the plaint which are as under:

- jonahz-viccen-i-202.site,
- i-cdn-0-jonahz-viccen-i-202.site,
- cdn4506.jonahz-viccen-i-202.site ,
- strms.in.
- Stems.one

(vi) The following source domains/IP addresses/URLs seem to be providing a bridge to infringing content:

#	Domain Name	IP Address
1	ama-aws-r12.pw	213.183.62.122
2	cdn4506.ama-aws-r12.pw	50.7.24.59
3	i-cdn-0.ama-aws-r12.pw	213.183.62.122
4	ama-aws-ind-666.site	213.183.62.122
5	pikatv.live	104.21.8.232
6	cdn4506.ama-aws-ind-666.site	50.7.24.59
7	i-cdn-0.ama-aws-ind-666.site	213.183.62.122
8	bob-azure-i-200.site	213.183.62.122
9	i-cdn-0.bob-azure-i-200.site	213.183.62.122

10	cdn4507.bob-azure-i-200.site	50.7.22.51
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20. Therefore, ld. Counsel for the Plaintiff submits that apart from the nature of the content being hosted on the App, the numerous circumvention measures, *modus operandi* of the App and URLs, and the non-availability of the App on regular platforms, itself shows that enormous steps have been taken by the owners/operators of this App for ensuring that the illegal streaming and broadcast continues without obstruction or hindrance.

21. Heard and perused the record. A perusal of the plaint, and the documents submitted by the Plaintiff shows large-scale dissemination of content on the PIKASHOW App. At the outset, this Court notices that directions have been given in *Star India (supra)*, for rogue Apps and URLs with similar names to the present App, to be blocked for streaming infringing content. Despite such blocking orders, similar content is being made available through this App and new URLs are being created and made accessible using circumvention measures. This clearly demonstrates the Plaintiffs' case that if one URL is blocked, further URLs are created to make the App available and thus it has become difficult to ensure that the infringing content is restrained. These source domains are stated to be registered by various Domain Name Registrars (*hereinafter* "DNRs"), namely, NameSilo LLC., Tucows Inc., GoDaddy.com LLC., etc. All of these source domains are also privacy protected and there are no details whatsoever as to who the registrants of the said domain names are. Some such source domains and their relevant DNRs are set out in paragraph 80. The same are extracted herein below:

S.No.	Websites	Registrar
1.	pikashows.com	NameSilo LLC
2.	strms.in	TuCows Inc.
3.	strms.one	TuCows Inc.
4.	jonahz-viccen-i-202.site	GoDaddy.com, LLC
5.	i-cdn-0.jonahz-viccen-i-202.site	GoDaddy.com, LLC
6.	cdn4506.jonahz-viccen-i-202.site	GoDaddy.com, LLC

22. This Court also takes note of the features of the App as pointed out by the Plaintiff. Pertinently, the App is made available for download through its URL - www.pikashows.com - which advertises itself as under:

“www.pikashow.com in terms of the following - “Watch the latest web series on Netflix, Amazon Prime Video, Zee5, ALTBalaji, Voot, and other subscription video-on-demand and over-the-top streaming services for free... The latest Bollywood and Hollywood movies are available in HD for streaming or download offline... Watch your favorite programs, live cricket, or any sports with the ability to watch live TV Channels like Sony TV, Star Sports, Zee TV, and many more...”

23. Moreover, the manner in which users are asked to disable the security features on their device before downloading the App indicates that the App is intended only to broadcast and stream illegal content. In fact, the instructions which are contained in the App leave no matter of doubt that the App is conscious of the fact that it is primarily streaming infringing content. The said instructions and FAQs read as under:

Installation Instrucons:

For Android Mobile/TV:

If you have an Android TV or Phone, follow these instructions to install the app.

1. Download PikaShow APK latest version from our website.
2. Navigate to Settings on your device, and enable installing from "Unknown Sources" under the Security.
3. Locate the downloaded PikaShow APK in the file manager and open it to start the installation process.
4. Once the installation is done, open the PikaShow and enjoy!

How to Download Videos/Movies in PikaShow?

1. PikaShow App comes with the video downloading option. Follow these instructions to download any movie or show.
2. Download and install the latest version of the PikaShow App from our website.
3. Navigate to FileStore and download the apk called "MDM Downloader" on your device.
4. Once you installed MDM Downloader, open PikaShow and select any movie/show you want to download.
5. It will prompt with the options whether to Stream or Download. Select the download option and start downloading the video via MDM Downloader.

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Frequently Asked Questions

① What is PikaShow App?

② Is it available on Google Play Store?

Google won't allow the kind of apps to be on Play Store. Don't look for PikaShow on the Google Play Store. You can only download and install PikaShow APK from our website.

③ Is it safe to download and use?

④ Is it free to use?

⑤ Does it require a rooted Android device?

⑥ Can I watch PikaShow videos on TV?

24. All these facts as captured above reveal that the Defendants are unabashedly and brazenly making available a large amount of copyrighted content including that of the Plaintiffs. On a perusal of the pages of the App, it does not appear that any non-infringing content is available on a substantial portion of the App. Even the studies conducted by Lumen¹ as cited by the Plaintiffs, and the large volume of cease-and-desist letters and complaints made against the App, *prima facie* establish that the App is a rogue App and deserves to be blocked as a whole, as past experience has shown that blocking of URLs themselves may not be sufficient to stop the streaming of infringing content. The large volume of infringing content coupled with the manner in which the App is sought to be made accessible

¹ Lumen, *Search Results for PikaShow*, https://www.lumendatabase.org/notices/search?utf8=%E2%9C%93&term=pikashow&sort_by= (Last

and downloadable by users by using various deceptive methods, leaves no manner of doubt in the mind of the Court that the intention of the owners/operators of this App is to clearly subvert any technological measures that may be there on established platforms, to ensure that infringing content can continue to be streamed. It is also seen that the App permits advertising and thus there is a monetary benefit also being derived therefrom.

25. Under these circumstances, the Plaintiffs have made out a *prima facie* case for the grant of an *interim* injunction, and the balance of convenience is in their favour. Accordingly, the following directions are issued:

(i) An order of interim injunction is granted restraining the 'PIKASHOW APP' and/or its owners/operators from making available the said App through any of the domain names/websites provided in the plaint including, www.pikashows.com, strms.in, strms.one, jonahz-viccen-i-202.site, i-cdn-0.jonahz-viccen-i-202.site, cdn4506.jonahz-viccen-i-202.site, ama-aws-r12.pw, cdn4506.ama-aws-r12.pw, i-cdn-0.ama-aws-r12.pw, ama-aws-ind-666.site, pikatv.live, cdn4506.ama-aws-ind-666.site, i-cdn-0.ama-aws-ind-666.site, bob-azure-i-200.site, i-cdn-0.bob-azure-i-200.site, cdn4507.bob-azure-i-200.site.

(ii) The PIKASHOW App shall stand restrained from being broadcasted or being accessed in any manner whatsoever including through source domains and websites mentioned above.

accessed on Nov. 4, 2022).

- (iii) The present injunction shall operate against any further domains which permit the said App to be downloaded or which host the said App. Details of such domains, if created in the future, shall be placed on record by way of an affidavit by the Plaintiffs, upon which, the injunction order restraining broadcast and telecast of any content belonging to the Plaintiffs shall operate against the said source domains and websites as well;
- (iv) Defendant No.2/1Xbet App and related domain in.1x001.com, which is an advertiser on the 'PIKASHOW APP' is directed to disclose the contact details of 'PIKASHOW APP' as may be available with it including details of any bank accounts, payments made, sale agreements entered into, etc. within one week, by filing an affidavit in this regard;
- (v) Defendant No.3/Github India Private Limited which seems to be providing infrastructure services for the App shall also disclose all details available with it in respect of the 'PIKASHOW APP' including name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. including IP logs, within one week, by filing an affidavit in this regard;
- (vi) Defendant Nos.4, 5, 6 and 7 i.e., NameSilo, LLC, Tucows Inc., GoDaddy.com.LLC and NIXI, who are the DNRs of the impugned domains, shall suspend and lock www.pikashow.com

and the source domains including those mentioned below within a period of three working days on receiving a copy of this order. The said DNRs shall also disclose all the details of the registrants of the various source domains including the name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. The said domain names are as below:

- pikashows.com
- strms.in
- strms.one
- jonahz-viccen-i-202.site
- i-cdn-0.jonahz-viccen-i-202.site
- cdn4506.jonahz-viccen-i-202.site

(vii) DoT and Meity shall issue blocking orders against the 'PIKASHOW APP', including against all the source domains listed above in the order and any further domain names/source domains which may be brought to their notice by the Plaintiffs, after filing an affidavit before this Court as directed above, so as to ensure that the said App remains blocked by all ISPs across the country.

26. It is made clear that if the App that stands enjoined today has any non-infringing content, the owners/operators of the App are permitted to move an application seeking modification of today's order.

27. In so far as the police complaint already filed by the Plaintiffs in

respect of the Defendants on 27th October, 2022 is concerned, Ms. Sethi, Id. ASC appearing for the Delhi Police, submits that the complaint has been received only on 31st October, 2022 and investigation is being carried Mr. Sunil Panchal, ACP, Delhi Police. Let a status report be filed by the next date, in terms of the police investigation, as to the details of the persons who are running the said App and details of entities hosting the App.

28. List before the Court on 25th January, 2023.

29. Reply to the application be filed within four weeks from the service of the present order along with the paper book. Compliance of order XXXIX Rule 3 CPC be made within a period of one week.

30. Order *dasti*.



PRATHIBA M. SINGH, J.

NOVEMBER 4, 2022

Rahul/MS



IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) NO. 759 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

...Plaintiffs

Versus

PikaShow Application & Ors.

...Defendants

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Yatinder Garg / Snehima Jauhari / *Ambika Dilwali*
(D/1330/2015) / (D/2733/2017) / (D/5511/2021)

Place: New Delhi
Date: 14th July 2023

Saikrishna and Associates
Advocates for the Plaintiffs

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ambika@saikrishnaassociates.com

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) NO. 759 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

...Plaintiffs

Versus

PikaShow Application & Ors.

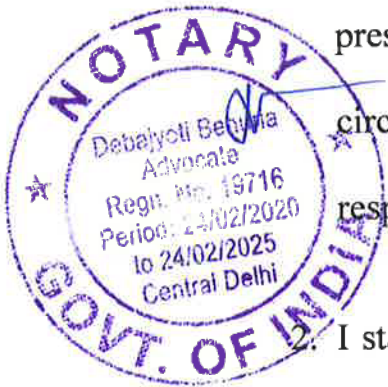
...Defendants

AFFIDAVIT OF MR. ABHISHEK PRAHARAJ, S/O MR. KISHORE PRAHARAJ, AGED ABOUT 29 YEARS, AUTHORIZED SIGNATORY OF PLAINTIFFS, HAVING ITS OFFICE AT STAR HOUSE, URMI ESTATE, 95 GANPATRAO KADAM MARG, LOWER PAREL (W), MUMBAI, 400013, 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 Plaintiffs 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 04.11.2022 whereby the Hon'ble Court was pleased to pass an *ex-parte ad-interim* order in terms of the following:

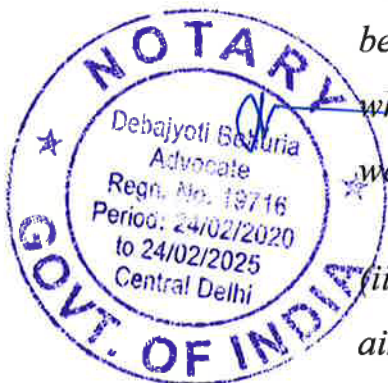


“25. Under these circumstances, the Plaintiffs have made out a prima facie case for the grant of an interim injunction, and the balance of convenience is in their favour. Accordingly, the following directions are issued:

(i) An order of interim injunction is granted restraining the 'PIKASHOW APP' and/or its owners/operators from making available the said App through any of the domain names/websites provided in the plaint including, *www.pikashows.com, strms.in, strms.one, jonahz-viccen-i-202.site, i-cdn-0.jonahz-viccen-i-202.site, cdn4506.jonahz-viccen-i-202.site, ama-aws-rl2.pw, cdn4506.ama-aws-rl2.pw, i-cdn-0.ama-aws-rl2.pw, ama-aws-ind-666.site, pikatv.live, cdn4506.ama-aws-ind-666.site, i-cdn 0.ama-aws-ind-666.site, bob-azure.i-200.site, i-cdn-0.bob-azure-i-200 site, cdn4507.bob-azure-i-200.site.*

(ii) The PIKASHOW App shall stand restrained from being broadcasted or being accessed in any manner whatsoever including through source domains and websites mentioned above.

(iii) The present injunction shall operate against any further domains which permit the said App to be downloaded or which host the said App. Details of such domains, if created in the future, shall be placed on record by way of an affidavit by the Plaintiffs, upon



which, the injunction order restraining broadcast and telecast of any content belonging to the Plaintiffs shall operate against the said source domains and websites as well;

(iv) Defendant No.2/1Xbet App and related domain in.1x100.com, which is an advertiser on the 'PIKASHOW APP' is directed to disclose the contact details of 'PIKASHOW APP' as may be available with it including details of any bank accounts, payments made, sale agreements entered into, etc. within one week, by filing an affidavit in this regard;

(v) Defendant No.3/Github India Private Limited which seems to be providing infrastructure services for the App shall also disclose all details available with it in respect of the 'PIKASHOW APP' including name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. including IP logs, within one week, by filing an affidavit in this regard;



(vi) Defendant Nos.4, 5, 6 and 7 i.e., NameSilo, LLC, Tucows Inc., GoDaddy.com.LLC and NIXI, who are the DNRs of the impugned domains, shall suspend and lock www.pikashow.com and the source domains including those mentioned below within a period of three working days on receiving a copy of this order.

The said DNRs shall also disclose all the details of the registrants of the various source domains including the name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. The said domain names are as below:

- *pikashows.com*
- *strms.in*
- *strms.one*
- *jonahz-viccen-i-202.site*
- *i-cdn-0.jonahz-viccen-i-202.site*
- *cdn4506.jonahz-viccen-i-202.site*

(vii) DoT and Meity shall issue blocking orders against the 'PIKASHOW APP', including against all the source domains listed above in the order and any further domain names/source domains which may be brought to their notice by the Plaintiffs, after filing an affidavit before this Court as directed above, so as to ensure that the said App remains blocked by all ISPs across the country."



3. I state that in order to protect and enforce its exclusive rights in the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar, the Plaintiffs engaged the services of an

investigation agency, Copyright Integrity International, to identify and monitor additional rogue Android-based mobile Apps (in terms of para 25 (iii) and (vii) of the aforementioned order dated 04.11.2022) and additional Rogue Websites collaborating with the said App and/or the Rogue App identified in the instant suit (i.e., Defendant No. 1) and gather evidence of their infringing activity. I state that the following Source Domain / Website / URL have been identified by the investigation agency engaged in illegally communicating the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar, through the Rogue Apps:

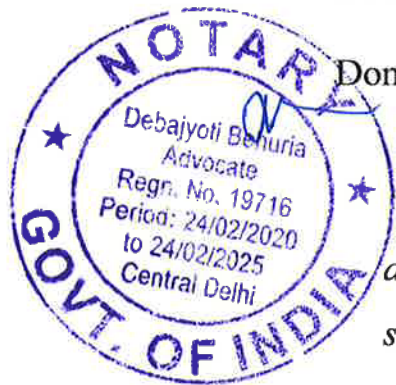
S. No.	Source Domain / Website / URL	Rogue App
1.	meaning-analyst-i-242.site	PikaShow App (Defendant No. 1)

4. I state that from the evidence filed along with the present Affidavit, it is evident that the above-mentioned 1 Source Domain / Website / URL is hosting and/or streaming and/or providing access and/or making available for viewing the broadcast of Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels



and Disney+Hotstar. I state that the Plaintiffs are the exclusive right holders for Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar, for the worldwide territory and the Plaintiffs have not authorised the above-mentioned websites to communicate and or make available for viewing the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar.

5. I state that the Plaintiffs are not aware of the owner(s) of this 1 rogue Source Domain / Website / URL as either they are anonymous or have incorrect or incomplete addresses.
6. I state that in terms of the following directions passed by this Hon'ble Court, *vide* order dated 04.11.2022 (reproduced herein above) is also applicable on the above mentioned 1 Source Domain / Website / URL.



25. (iii) *The present injunction shall operate against any further domains which permit the said App to be downloaded or which host the said App. Details of such domains, if created in the future, shall be placed on record by way of an affidavit by the Plaintiffs, upon which, the injunction order*

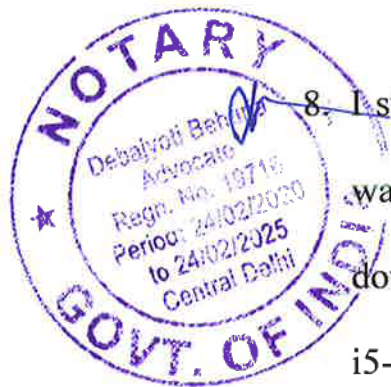
restraining broadcast and telecast of any content belonging to the Plaintiffs shall operate against the said source domains and websites as well;

.....

(vii) DoT and Meity shall issue blocking orders against the 'PIKASHOW APP', including against all the source domains listed above in the order and any further domain names/source domains which may be brought to their notice by the Plaintiffs, after filing an affidavit before this Court as directed above, so as to ensure that the said App remains blocked by all ISPs across the country."

7. In light of the abovementioned, the Department of Telecommunications (Defendant No. 17) and the Ministry of Electronics and Information Technology (Defendant No. 18) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 8 – 16) to block the additional rogue Source Domain / Website / URL identified in Annexure A hereto.

8. I state that the evidence filed along with the present affidavit was shared by the investigating agency in google drive link. I downloaded the same onto the computer (Intel (R) Core (TM) i5-2520M CPU @ G2010 @ 2.50 GHz 2.50 GHz) which is



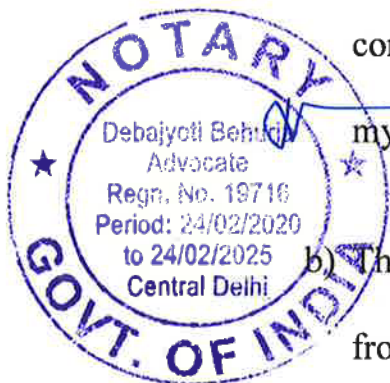
regularly used by me in the ordinary course of business and thereafter, shared the same with the Plaintiffs' Counsel.

9. 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.

10. 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 Plaintiffs. 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 Plaintiffs.



- 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.

Ashish Prasher

DEPONENT

Ambika Dilwali
 I identified the deponent who has signed in my presence.

14 JUL 2023

Verified at New Delhi on this the 14th day of July 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. *Ashish Prasher*
 Sr./W/o E/o *Ashish Prasher*
 Identif. *Ambika Dilwali*
 Has **14 JUL 2023**
 Delhi *(Signature)*
 That *(Signature)*
 have been *(Signature)* after
 are true & correct to his/her knowledge

Ashish Prasher
 DEPONENT

(Signature)
 NOTARY

Annexure A: Additional list of 1 Source Domain / Website /
URL

S. No.	Source Domain / Website / URL
1.	meaning-analyst-i-242.site

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) NO. 759 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

...Plaintiffs


Versus

PikaShow Application & Ors.

...Defendants

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3.	Evidence with respect to additional list of 1 Source Domain / Website / URL that are engaged in hosting and/or streaming and/or providing access and/or making available for viewing the Plaintiffs' Content	11-30
5.	Copy of Board Resolutions and Letter of Authority	31-37
6.	Proof of Service	


Yatinder Garg / Snehima Jauhari / Rimjhim Tiwari
(D/1330/2015) / (D/2733/2017) / (D/4021/2022)

Place: New Delhi
Date 24th July 2023

Saikrishna and Associates
Advocates for the Plaintiffs
57 Jor Bagh,
New Delhi - 110003

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

CS (COMM) NO. 759 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

...Plaintiffs

Versus

PikaShow Application & Ors.

...Defendants

AFFIDAVIT OF MR. ABHISHEK PRAHARAJ, S/O MR. KISHORE PRAHARAJ, AGED ABOUT 29 YEARS, AUTHORIZED SIGNATORY OF PLAINTIFFS, HAVING ITS OFFICE AT STAR HOUSE, URMI ESTATE, 95 GANPATRAO KADAM MARG, LOWER PAREL (W), MUMBAI, 400013, 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 Plaintiffs 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.

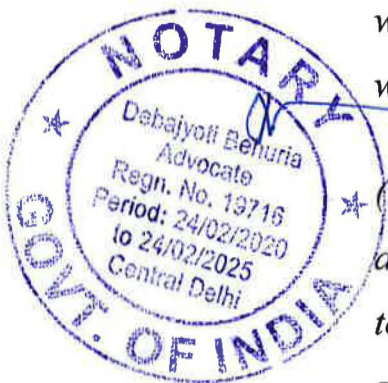
2. I state that I am aware of the present suit and the order dated 04.11.2022 whereby the Hon'ble Court was pleased to pass an *ex-parte ad-interim* order in terms of the following:



“25. Under these circumstances, the Plaintiffs have made out a prima facie case for the grant of an interim injunction, and the balance of convenience is in their favour. Accordingly, the following directions are issued:

(i) An order of interim injunction is granted restraining the 'PIKASHOW APP' and/or its owners/operators from making available the said App through any of the domain names/websites provided in the plaint including, *www.pikashows.com*, *strms.in*, *strms.one*, *jonahz-viccen-i-202.site*, *i-cdn-0.jonahz-viccen-i-202.site*, *cdn4506.jonahz-viccen-i-202.site*, *ama-aws-rl2.pw*, *cdn4506.ama-aws-rl2.pw*, *i-cdn-0.ama-aws-rl2.pw*, *ama-aws-ind-666.site*, *pikatv.live*, *cdn4506.ama-aws-ind-666.site*, *i-cdn 0.ama-aws-ind-666.site*, *bob-azure.i-200.site*, *i-cdn-0.bob-azure-i-200 site*, *cdn4507.bob-azure-i-200.site*.

(ii) The PIKASHOW App shall stand restrained from being broadcasted or being accessed in any manner whatsoever including through source domains and websites mentioned above.

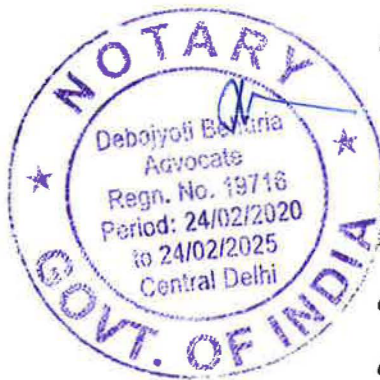


(iii) The present injunction shall operate against any further domains which permit the said App to be downloaded or which host the said App. Details of such domains, if created in the future, shall be placed on record by way of an affidavit by the Plaintiffs, upon

which, the injunction order restraining broadcast and telecast of any content belonging to the Plaintiffs shall operate against the said source domains and websites as well;

(iv) Defendant No.2/1Xbet App and related domain in.1x100.com, which is an advertiser on the 'PIKASHOW APP' is directed to disclose the contact details of 'PIKASHOW APP' as may be available with it including details of any bank accounts, payments made, sale agreements entered into, etc. within one week, by filing an affidavit in this regard;

(v) Defendant No.3/Github India Private Limited which seems to be providing infrastructure services for the App shall also disclose all details available with it in respect of the 'PIKASHOW APP' including name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. including IP logs, within one week, by filing an affidavit in this regard;



(vi) Defendant Nos.4, 5, 6 and 7 i.e., NameSilo, LLC, Tucows Inc., GoDaddy.com.LLC and NIXI, who are the DNRs of the impugned domains, shall suspend and lock www.pikashow.com and the source domains including those mentioned below within a period of three working days on receiving a copy of this order.

The said DNRs shall also disclose all the details of the registrants of the various source domains including the name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. The said domain names are as below:

- *pikashows.com*
- *strms.in*
- *strms.one*
- *jonahz-viccen-i-202.site*
- *i-cdn-0.jonahz-viccen-i-202.site*
- *cdn4506.jonahz-viccen-i-202.site*

(vii) DoT and Meity shall issue blocking orders against the 'PIKASHOW APP', including against all the source domains listed above in the order and any further domain names/source domains which may be brought to their notice by the Plaintiffs, after filing an affidavit before this Court as directed above, so as to ensure that the said App remains blocked by all ISPs across the country."

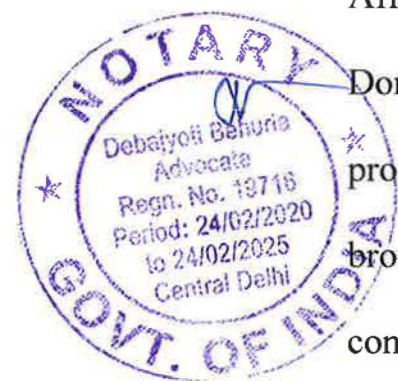


3. I state that in order to protect and enforce its exclusive rights in the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar, the Plaintiffs engaged the services of an investigation agency, Copyright Integrity International, to

identify and monitor additional rogue Android-based mobile Apps (in terms of para 25 (iii) and (vii) of the aforementioned order dated 04.11.2022) and additional Rogue Websites collaborating with the said App and/or the Rogue App identified in the instant suit (i.e., Defendant No. 1) and gather evidence of their infringing activity. I state that the following Source Domain / Website / URL have been identified by the investigation agency engaged in illegally communicating the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar, through the Rogue Apps:

S. No.	Source Domain / Website / URL	Rogue App
1.	drawer-opportunity-i-243.site	PikaShow App (Defendant No. 1)

4. I state that the from the evidence filed along with the present Affidavit, it is evident that the above-mentioned 1 Source Domain / Website / URL is hosting and/or streaming and/or providing access and/or making available for viewing the broadcast of Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar. I state that the Plaintiffs are the exclusive



right holders for Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar, for the worldwide territory and the Plaintiffs have not authorised the above-mentioned websites to communicate and or make available for viewing the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels and Disney+Hotstar.

5. I state that the Plaintiffs are not aware of the owner(s) of this 1 rogue Source Domain / Website / URL as either they are anonymous or have incorrect or incomplete addresses.
6. I state that in terms of the following directions passed by this Hon'ble Court, *vide* order dated 04.11.2022 (reproduced herein above) is also applicable on the above mentioned 1 Source Domain / Website / URL.



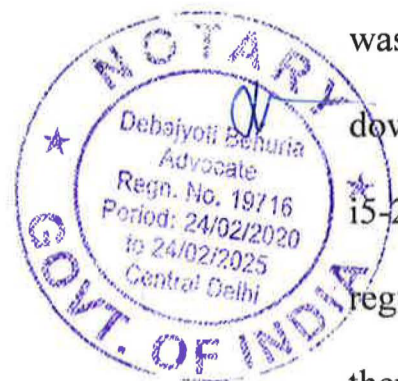
"25. (iii) The present injunction shall operate against any further domains which permit the said App to be downloaded or which host the said App. Details of such domains, if created in the future, shall be placed on record by way of an affidavit by the Plaintiffs, upon which, the injunction order restraining broadcast and telecast of any content belonging to the Plaintiffs shall operate against the said source domains and websites as well;

.....

(vii) DoT and Meity shall issue blocking orders against the 'PIKASHOW APP', including against all the source domains listed above in the order and any further domain names/source domains which may be brought to their notice by the Plaintiffs, after filing an affidavit before this Court as directed above, so as to ensure that the said App remains blocked by all ISPs across the country.”

7. In light of the abovementioned, the Department of Telecommunications (Defendant No. 17) and the Ministry of Electronics and Information Technology (Defendant No. 18) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 8 – 16) to block the additional rogue Source Domain / Website / URL identified in Annexure A hereto.

8. I state that the evidence filed along with the present affidavit was shared by the investigating agency in google drive link. I downloaded the same onto the 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 Plaintiffs' Counsel.



9. 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.

10. 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 Plaintiffs. 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 Plaintiffs.

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.

Kishore Prabhakar

DEPONENT

Rinjini
I identified the deponent who has signed in my presence.

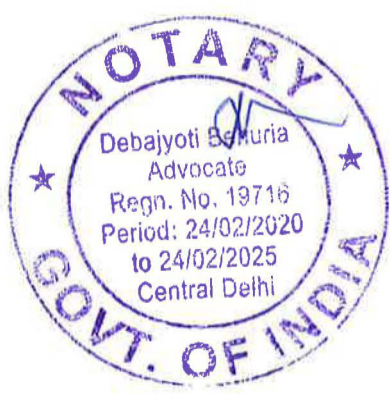
VERIFICATION

24 JUL 2023

Verified at New Delhi on this the 24th day of July 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.

Kishore Prabhakar

DEPONENT



CERTIFIED THAT THE DEPONENT
Snr/Smt./Mm..... *Kishore Prabhakar*
S/o, W/o, P/o..... *Kishore Prabhakar*
.....
Identified by..... *Rinjini Tiwari, Jp*
Has affirmed
Delhi on..... **24 JUL 2023** (20)
That the contents of the above affidavit have been read & explained to him/her and are true & correct to his/her knowledge

[Signature]
NOTARY

Annexure A: Additional list of 1 Source Domain / Website /
URL

S. No.	Source Domain / Website / URL
1.	drawer-opportunity-i-243.site