

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-32/2022-DS-II

Dated: 04.08.2023

To,

All Internet Service Licensee's

**Subject: CS (Comm) No. 303 of 2022; Burger King Corporation & Swapnil Patil & Ors.
Before Hon'ble Delhi High Court**

Kindly refer to the following:

- (i) Hon'ble Calcutta High Court order dated **21.07.2023** on the subject.
- (ii) Please refer **Para 5** of said court order regarding blocking of **01 website** identified by plaintiff following infringing website
 - a) www.burger-king.in
- (iii) MeitY letter dated **01.08.2023** to DOT to block the above **one (01)** website.

(Copies enclosed for ready reference)

2. In view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking, above websites for compliance of the said Court order.



(Vivek Narayan)
DDG Data Services
Tel: +91-11 23717050
ddgds-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) Mr. Harish Vaidyanathan Shankar, learned Central Government Standing Counsel for kind information along with technical limitation in blocking at ISPs.
- (iii) Sh. Mukul Kochhar, Attorney, Ira Law counsel for the plaintiff (mukul@ira.law) for kind information along with technical limitation in blocking at ISPs.
- (iv) IT wing of DoT for uploading on DoT website.

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

+ **CS(COMM) 303/2022 and I.A. 13276/2023**

BURGER KING CORPORATION Plaintiff

Through: Mr. Raunaq Kamath and Mr. Mukul
Kochhar, Advocates (M:
9873941450).

versus

SWAPNIL PATIL & ORS. Defendants

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Sagar Mehlawat and Mr.
Alexander Mathai Paikaday
Advocates (M: 72047 11976).
Ms. Shweta Sahu and Mr. Brijesh
Ujjainwal Advs. for D-16 (M:
9987115749).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **21.07.2023**

1. This hearing has been done through hybrid mode.

I.A. 13276/2023 (stay)

2. This is a fresh application seeking suspension of the registered domain name www.burger-king.in.

3. The Plaintiff-Burger King Corporation is stated to be unaware as to who is the actual person who has registered this particular domain name. The Registrar is Hosting Concepts B.V d/b/a Openprovider.

4. The case of the Plaintiff is that through the said domain name, several lakhs of rupees are being collected under the garb of offering Burger King

franchises. The details of the receipt of the successful transaction received by the Plaintiffs Indian Master franchisee which was used to collect payments with the masked bank account number have also been placed on record. The same are extracted as under:-

Transaction ID: T2307061102133069338739
*Paid to: Vikash Kumar; YES Bank - *****3395*
Amount: Rs. 97,500/-
Debited from: XX3500
UTR: 318749253113

5. In view of the fact that the use of the mark 'Burger King' is completely illegal and unlawful and injunctions have already been issued by this Court, it is directed that the Ministry of Electronics & Information Technology (*hereinafter 'MEITY'*) shall immediately issue directions for suspending the domain name www.burger-king.in as also the connected e-mail addresses.
6. Defendant No. 17- Yes Bank Ltd., is also directed to freeze the bank accounts which are claiming to have received amounts through the said domain name.
7. Compliance of Order XXXIX Rule 3 CPC within one week.
8. Issue notice to all the Defendants.
9. List before the Joint Registrar for completion of pleadings on 10th August, 2023.
10. List before the Court on 29th November, 2023.

PRATHIBA M. SINGH, J

JULY 21, 2023

mr/rp

eF. no.4(71)/2022-CL
Government of India
Ministry of Electronics and Information Technology,
Electronic Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110 003

Dated: 1st August, 2023

Office Memorandum

Subject: Order dated 21.07.2023 of the Hon'ble High Court of New Delhi in CS (Comm) 303/2022, BURGER KING CORPORATION Versus SWAPNIL PATIL & ORS. — Request for blocking of the website www.burger-king.in

2. The Plaintiff (Burger King Corporation) in the captioned matter has filed a suit before the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi has directed for blocking of certain domain(s) as per Order dated 21.07.2023.

3. In the said order, the Hon'ble High Court had passed *ad interim* orders in terms of the plaintiff's prayer to restrain defendant's website from using any content or deceptively similar content of the Plaintiff's website. Attention is invited to the following extract from the said order:

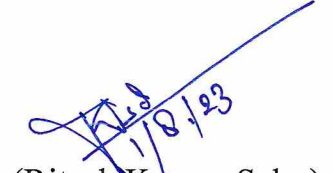
5. *"In view of the fact that the use of the mark 'Burger King' is*

completely illegal and unlawful and injunctions have already been issued by this Court, it is directed that the Ministry of Electronics & Information Technology (hereinafter 'MEITY') shall immediately issue directions for suspending the domain name www.burger-king.in as also the connected e-mail addresses.."

4. In this connection, it is pertinent that Internet Service Providers enter into a license agreement and register themselves with the Department of Telecommunications.

5. In view of the above, the undersigned is directed to request the Department of Telecommunications to take necessary action to give effect to the direction contained in the Hon'ble High Court's said order by blocking the said website for the infringement as represented by the plaintiff.

Encl.: As above



(Ritesh Kumar Sahu)

Scientist D

Email: ritesh.s@meity.gov.in

To:

Secretary

Department of Telecommunications

Sanchar Bhawan, 20, Ashoka Road

New Delhi – 110 001

रीतेश कुमार साहू / RITESH KUMAR SAHU
वैज्ञानिक 'डी' / Scientist 'D'
भारत सरकार / Government of India
इलेक्ट्रॉनिक्स और सूचना प्रौद्योगिकी मंत्रालय
Ministry of Electronics & Information Technology
इलेक्ट्रॉनिक्स निकेतन / Electronics Niketan
6, लोधी रोड कॉम्प्लेक्स, लोधी रोड/6, CGO Complex, Lodhi Road
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