

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-23/2023-DS-II

Dated: 08.06.2023

To,

All Internet Service Licensee's

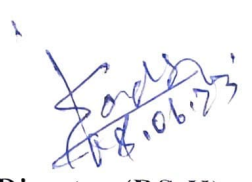
**Subject: CS (COMM) No. 390 of 2023 Inter IKEA Systems BV vs <https://www.cyberxg.top> & Ors.**

Kindly refer to the following:

- (i) Hon'ble Delhi High Court order dated **01.06.2023** on the subject. (Annexure-I)
- (ii) Please refer **Para 17.4** of said court order regarding blocking of **04 websites** identified by plaintiff.
- (iii) Memo of Parties in CS (Comm) No. 390 of 2023. (Annexure -II)

(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. **1 to 4** as given in memo of parties.

  
Director (DS-II)

Tel: 011-2303 6860

Email: [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) Archita, ([archita@fiduslawchambers.com](mailto:archita@fiduslawchambers.com)) counsel for the plaintiff for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 390/2023**  
**INTER IKEA SYSTEMS BV** ..... Plaintiff

Through: Ms. Shwetasree Majumder, Ms.  
Tanya Varma, Ms. Archita Nigam  
and Ms. Parkhi Rai, Advocates.

versus

**HTTPS://WWW.CYBERXG.TOP/ AND OTHERS** ..... Defendants

Through: Ms. Arunima Dwivedi, CGSC with  
Ms. Priya Mishra and Mr. Aakash  
Pathak, Advocates for D-7 & 8.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**01.06.2023**

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**I.A. 11034/2023 (u/ Section 151 of the Code of Civil Procedure, 1908  
[“CPC”] seeking exemption from filing originals, clear copies and  
documents with proper margins)**

1. Exemption is granted, subject to all just exceptions.
2. Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

**I.A. 11033/2023 (u/ Section XI R. 1(4) of CPC as amended by the  
Commercial Courts Act, 2015 seeking leave to file additional documents)**

4. This is an application seeking leave to file additional documents under

the Commercial Courts Act, 2015.

5. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the said Act.

6. Accordingly, the application stands disposed of.

**I.A. 11032/2023 (u/ Section 151 of CPC for exemption from instituting pre-litigation mediation)**

7. Having regard to the facts of the present case and in light of the judgement of Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Private Ltd.*,<sup>1</sup> exemption from attempting pre-institution mediation is allowed.

8. Accordingly, the application stands disposed of.

**CS(COMM) 390/2023**

9. Let the plaint be registered as a suit.

10. Issue summons. Ms. Arunima Dwivedi, counsel for Defendants No. 7 and 8 accepts summons. Let written statement be filed by Defendants No. 7 and 8 within 30 days from today. Upon filing of process fee, issue summons to other Defendants, by all permissible modes. Summons shall state that the written statement(s) shall be filed by such Defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/ denial of the documents of the Plaintiffs, without which the written statement(s) shall not be taken on record.

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<sup>1</sup>DHC Neutral Citation: 2022/DHC/004454.

11. Liberty is given to the Plaintiff to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiff, affidavit(s) of admission/ denial of documents of the Defendants, be filed by the Plaintiff, without which the replication(s) 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.

12. List before the Joint Registrar for marking of exhibits on 4<sup>th</sup> September, 2023. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.


13. List before Court for framing of issues thereafter.

**I.A. 11031/2023 (under Order XXXIX Rule 1 & 2 read with Section 151 of the Code of Civil Procedure 1908)**

14. Ms. Shwetasree Majumder, counsel for Plaintiff, presents the Plaintiff's case as follows:

14.1. The Plaintiff, Inter Ikea Systems BV, is a part of the Inter IKEA Group having its headquarters in Netherlands, which includes service companies and companies selling IKEA products to franchisees in markets. Plaintiff is the owner of the IKEA Concept and IKEA Retail System, which is franchised to specific retailers, for sale of affordable home furnishing


products and accessories under the "IKEA"/ "" trademarks.


14.2. The IKEA trademark was coined and adopted by its founder Mr. Ingvar Kamprad in the year 1943, using the first letters of his name and surname, plus the first letters of Elmtaryd and Agunnaryd, the farm and village where he grew up. This mark and logo "", along with


its colour combination and trade dress have been granted trademark registrations in various countries, including India. Details of registrations of formative versions of the “IKEA” marks are set out in paragraph No. 17 of the plaint.

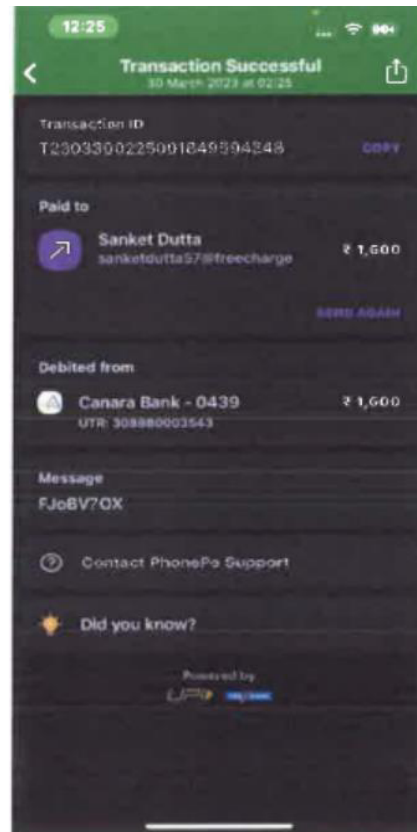
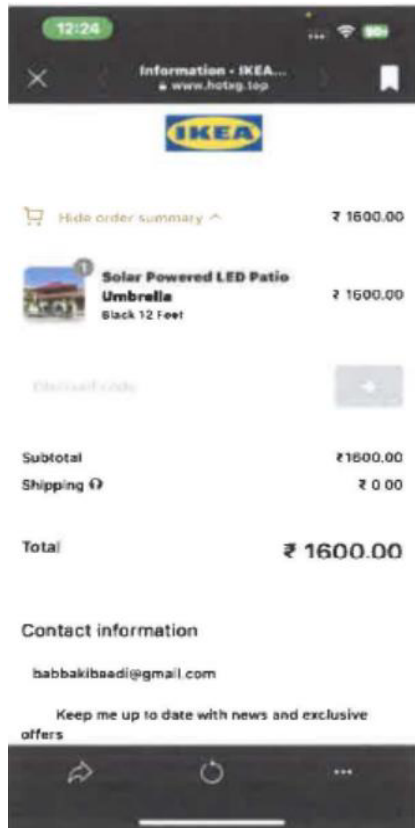
14.3. Plaintiff’s grievance arises from the false advertisements issued by Defendants No. 1 to 4 [websites] for sale of identical products under the “IKEA” mark. The identity of owners of said websites are currently not known to the Plaintiff. The domain name registrar for Defendants No. 1, 2 and 3 is Defendant No. 5 and for Defendant No. 4, it is Defendant No. 6.

14.4. Plaintiff recently came across an advertisement for sale of foldable outdoor electric bike issued by Defendant No. 1 – <https://www.cyberxg.top/>

on Facebook, which displayed its registered mark “”. Upon clicking on the said link, one is directed to the website, where they can

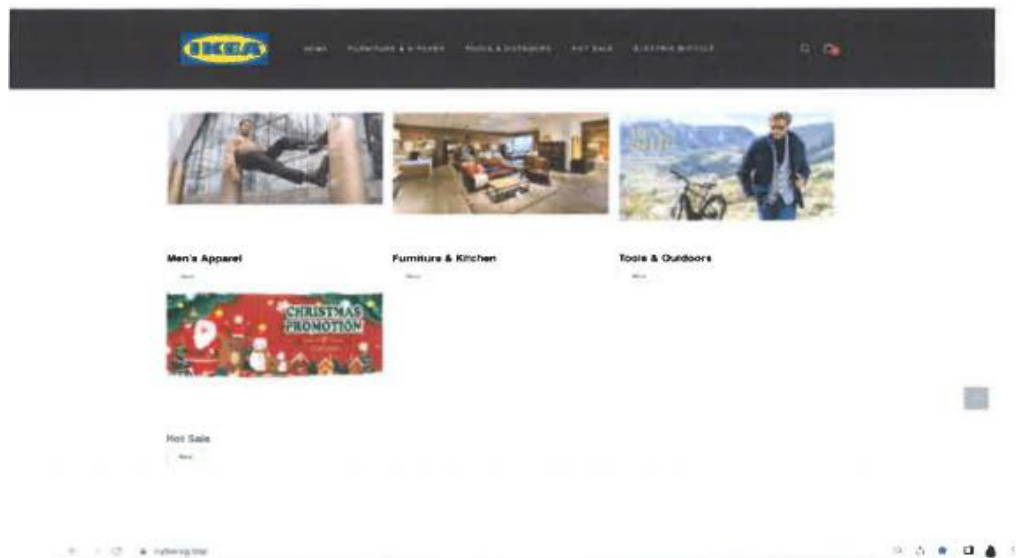
browse through products being sold under “” mark. Plaintiff’s further enquiry led to discovery of Defendants No. 2 to 4 websites, all of which have adopted the same mode of operation *i.e.*, offering products under

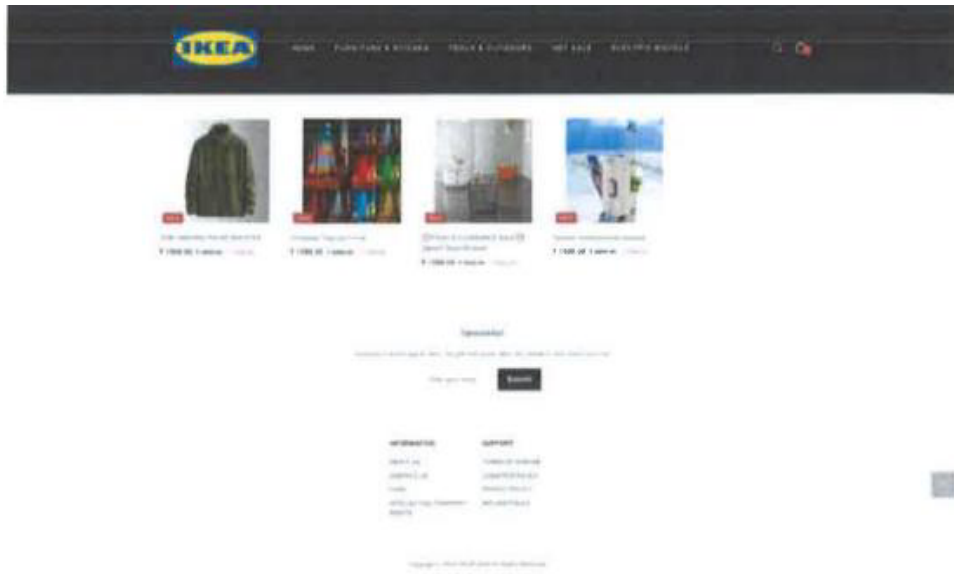
“” mark for sale, without any authorisation from Plaintiff. The Plaintiff also placed certain orders from Defendant No. 2 on 30<sup>th</sup> March, 2023, however, the products were never received although payment for the same was made in advance by representative of Plaintiff to the UPI ID of one Mr. Sanket Dutta, which was provided on Defendant No. 2 website. Screenshots of the payment made are as follows:



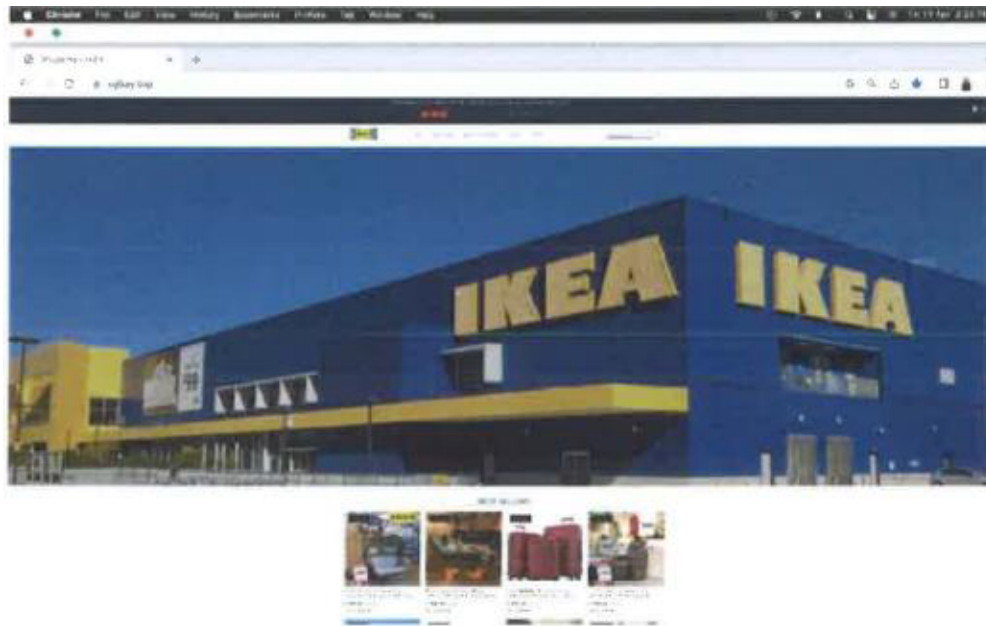
15. Heard. Screenshots of the impugned websites [Defendants No. 1 to 4] have been extracted in the plaint, some of which are reproduced below:

**Defendant No. 1**



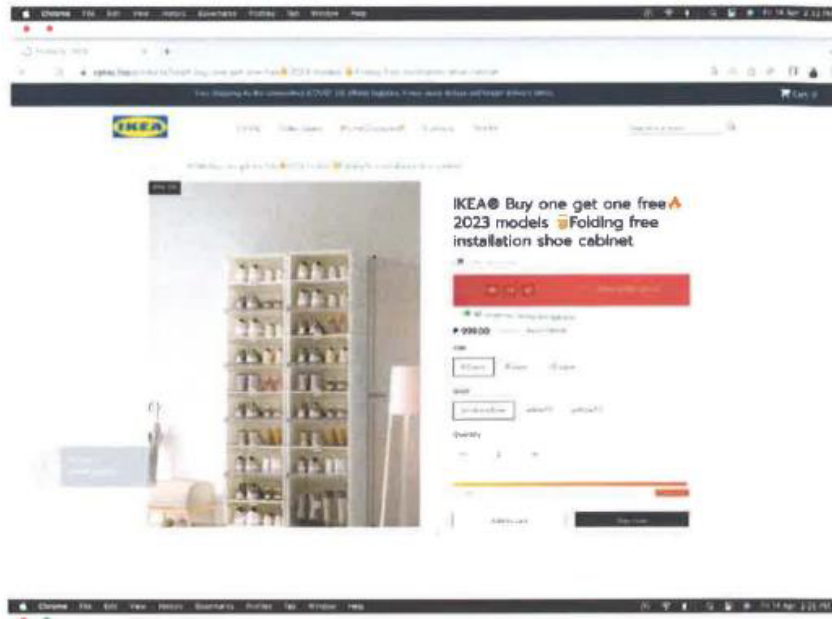



**Defendant No. 3**




**Defendant No. 4**





16. As can be seen from the above, Defendants No. 1 to 4 are prominently and unauthorisedly displaying Plaintiff's “” mark, in an attempt to create an impression of legitimacy. They are defrauding unwary consumers by soliciting money from them under the pretext of selling products. In view of the above, Plaintiff has made out a *prima facie* case in its favour and in case an *ex-parte* ad-interim injunction is not granted, Plaintiff will suffer an irreparable loss; balance of convenience also lies in favour of the Plaintiff and against the Defendants.

17. Accordingly, the following directions are being issued:

17.1. Till the next date of hearing, Defendants No. 1 to 4 and all persons acting on their behalf are restrained from using Plaintiff's “IKEA”/ ” trademarks.

17.2. Defendant No. 5 is directed to suspend access to and maintain *status quo* with respect to ownership of the domains <https://www.cyberxg.top/>,



<https://www.hotxg.top/> and <https://www.xgbay.top/>, during the pendency of the present proceedings. Defendant No. 5 shall further disclose the contact details of the registrants of the said domains to the Plaintiff. The KYC details of said registrants shall be filed in a sealed cover within a period of four weeks from today.

17.3. Defendant No. 6 is directed to suspend access to and maintain *status quo* with respect to ownership of the domain <https://www.abovei.site/>, during the pendency of the present proceedings. Defendant No. 6 shall further disclose the contact details of the registrant of the said domain to the Plaintiff. The KYC details of said registrant shall be filed in a sealed cover within a period of four weeks from today.

17.4. Defendants No. 7 and 8 are directed to issue a notification calling upon various internet and telecom service providers registered under them to block access to Defendants No. 1- 4/ websites.

17.5. Defendant No. 9 is directed to file with the Court, the details associated with the bank account linked to UPI ID [sanketdutta57@freecharge](mailto:sanketdutta57@freecharge), in a sealed cover within four weeks from today.

17.6. Defendant No. 10 is directed to temporarily freeze the bank account associated with Defendant No. 2 identified by the UPI ID [sanketdutta57@freecharge](mailto:sanketdutta57@freecharge). KYC documents of such person(s) shall be filed in a sealed cover before the Court within a period of four weeks from today.

18. List before the Court on 3<sup>rd</sup> November, 2023.

**SANJEEV NARULA, J**

**JUNE 1, 2023**

*nk*

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(*Ordinary Commercial Jurisdiction*)  
CS (COMM) No.            of 2023  
Code No. 36017

MEMO OF PARTIES

Inter IKEA Systems BV

Olof Palmestraat 1

2616 Delft, Netherlands

...Plaintiff

Versus

<https://www.cyberxg.top/>

Email: [abuse@namesilo.com](mailto:abuse@namesilo.com)

...Defendant No. 1

<https://www.hotxg.top/>

Email: [abuse@namesilo.com](mailto:abuse@namesilo.com)

...Defendant No. 2

<https://www.xgbay.top/>

Email: [gpatienter.inl@outlook.com](mailto:gpatienter.inl@outlook.com)

[abuse@namesilo.com](mailto:abuse@namesilo.com)

...Defendant No. 3

<https://www.abovei.site/>

Email: [support@namecheap.com](mailto:support@namecheap.com)

...Defendant No. 4

NameSilo, LLC

1300 E. Missouri Ave.,

Suite A-110,

Phoenix, Arizona, US 85014

Email: [abuse@namesilo.com](mailto:abuse@namesilo.com)  
[support@namesilo.com](mailto:support@namesilo.com) ...Defendant No. 5

Namecheap Inc.  
4600 East Washington Street  
Suite 305  
Phoenix, AZ 85034, USA  
Email: [support@namecheap.com](mailto:support@namecheap.com) ...Defendant No. 6

Department of Telecommunications  
Through Secretary  
Ministry of Communications and IT  
20, Sanchar Bhawan, Ashoka Road  
New Delhi- 110001  
Email: [uoidhc@gmail.com](mailto:uoidhc@gmail.com)  
[abhinesh.meena@gov.in](mailto:abhinesh.meena@gov.in)  
[secy-dot@nic.in](mailto:secy-dot@nic.in)  
[dirds2-dot@nic.in](mailto:dirds2-dot@nic.in) ...Defendant No.7

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[sathya.s@meity.gov.in](mailto:sathya.s@meity.gov.in)  
[cyberlaw@meity.gov.in](mailto:cyberlaw@meity.gov.in) ...Defendant No. 8

Phone Pe Private Limited  
Unit No. 001. Ground Floor,

Boston House, Suren Road,  
Andheri (East),  
Mumbai 400093  
Email: [corp.sec@phonepe.com](mailto:corp.sec@phonepe.com)

...Defendant No. 9

Axis Bank Limited  
Trishul, 3rd Floor,  
Opposite Samartheswar Temple.  
Near Law Garden, Ellis Bridge,  
Ahmedabad 38006

Also at:

Axis House, 7<sup>th</sup> Floor,  
C-2 Wadia International Centre,  
Pandurang Budhkar Marg,  
Worli,  
Mumbai 400025  
Email: [PNO@axisbank.com](mailto:PNO@axisbank.com)  
[customer.service@axisbank.com](mailto:customer.service@axisbank.com)

...Defendant No. 10

Note: - Defendants No. 1 to 4 are main contesting party. Physical addresses of Defendant No. 1 to 4 are not available.

Filed by:



New Delhi  
Date: 29<sup>th</sup> May 2023

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NIGAM/PARKHI RAI  
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