

**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)**

**Dated: 12.10.2023**

**No. 813-07/LM-13/2022-DS-II**

**To,**  
All Internet Service Licensee's

**Subject: CS Comm 214 of 2022 - Star India Pvt. Ltd. & Anr. V/s Ashar Nisar & Ors.  
Before Hon'ble Delhi High Court**

Kindly find the enclosed Hon'ble Delhi High Court order dated **06.04.2022**, and 105<sup>th</sup>, 106<sup>th</sup>, 107<sup>th</sup> and 108<sup>th</sup> additional Affidavits dated **10.10.2023** on the subject matter.

2. Please refer to **para 31(n)** of said court order in respect para 13, para 11 of 105<sup>th</sup> & 106<sup>th</sup> affidavit and para 14 of 107<sup>th</sup> & 108<sup>th</sup> affidavit for blocking of **06 websites** as enumerated in **Annexure A** of the respective affidavit.

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 affidavit as above in view of the said court order.



**Director (DS-II)  
Tel: 011-2303 6860**

**Email: dirds2-dot@nic.in**

Encl: A/A

**Copy to:**

- (i) Sh. V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi (Respondent no. 33) for kind information and necessary action.
- (ii) Sh. Angad Makkar, (angad@saikrishnaassociates.com) Associate, Saikrishna & Associates, counsel for the Plaintiff for kind information.
- (iii) Shoumendu Mukherji, (shoumendu@smlegalco.com) Advocate SPC for kind information.
- (iv) IT wing of DoT for uploading on DoT website please.

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

+ CS(COMM) 214/2022

STAR INDIA PVT. LTD. & ANR. .... Plaintiffs

Through: Mr. Saikrishna Rajagopal, Mr. Yatinder Garg, Ms. Shehima Jauhari, Mr. Angad Singh Makkar and Ms. Sneha Jain, Advocates

versus

ASHAR NISAR & ORS. .... Defendants

Through: Mr. Mohammad Kamran and Mr. Brijesh Ujjainwal, Advocates for D-13

**CORAM:**

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

**ORDER**

% **06.04.2022**

**IA No.5336/2022 (exemption)**

1. Allowed subject to all just exceptions.
2. Application stands disposed of.

**IA No.5337/2022 (u/O. XI Rule 1(4) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 r/w S. 151 CPC seeking leave to file additional documents)**

3. Present application has been preferred on behalf of the Plaintiffs seeking leave to file additional documents under Order 11 Rule 1(4) CPC.
4. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015.

5. Application is allowed and disposed of.

**I.A. 5335/2022 (under Section 80 read with Section 151 CPC)**

6. Since there is an urgency in the matter and the matter is being heard today, Plaintiffs are exempted from serving Defendants No.24, 27, 32 and 33 with advance notice.

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

**CS(COMM) 214/2022**

8. Let the plaint be registered as a suit.

9. Issue summons.

10. Mr. Mohammad Kamran, learned counsel enters appearance on behalf of Defendant No.13.

11. Written statement be filed by Defendant No.13 within 30 days from today alongwith affidavit of admission/denial of the documents of the Plaintiffs.

12. Replication thereto, be filed by the Plaintiffs within 15 days of the receipt of the written statement alongwith an affidavit of admission/denial of the documents filed by Defendant No.13.

13. Upon filing of process fee, issue summons to the remaining Defendants, through all permissible modes, returnable on 13.07.2022. Summons shall state that the written statement shall be filed by the Defendants within 30 days from the receipt of summons. Along with the written statement, Defendants shall also file affidavits of admission/denial of the documents of the Plaintiffs.

14. Replication be filed by the Plaintiffs within 15 days of receipt of the written statement. Along with the replication, an affidavit shall be filed by

the Plaintiffs of admission/denial of the documents filed by the Defendants.

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

16. List before the Joint Registrar on 13.07.2022.

17. List before the Court on 25.08.2022.

**I.A. 5334/2022 (U/O 39 Rules 1 and 2 read with Section 151 CPC)**

18. Issue notice to the Defendants.

19. Mr. Mohammad Kamran, learned counsel accepts notice on behalf of Defendant No.13.

20. On steps being taken, notice be issued to the remaining Defendants, through all permissible modes, returnable on 25.08.2022.

21. It is averred in the plaint that Plaintiff No. 1 is a leading entertainment and media company in India engaged, *inter alia*, in the production of popular content broadcast on its STAR Channels (such as Star Plus, Star Sports 1, Star Gold, Star Jalsa, etc.) and is an exclusive licensee of media rights to various sporting events which are also broadcast on its Star channels such as the ongoing TATA Indian Premier League 2022. Plaintiff No.1 also claims to be a leading film production and distribution company. Plaintiff No. 2, it is averred, owns and operates the online audio-visual streaming platform and website, 'www.hotstar.com' and the mobile application, 'Disney+ Hotstar' which enables viewers to watch content such as serials (including content of STAR Channels) and programs, films, sports content including live sporting events, trailers of upcoming films and serials, international content through the medium of the internet.

22. Plaintiffs claim to have exclusive rights in the aforesaid works by



virtue of provisions of Section 14(d) of the Copyright Act, 1957, including *inter alia* the rights to publicly exhibit and communicate the said content through any medium or mode, including on STAR Channels or Disney+ Hotstar. It is pleaded that by virtue of the exclusive media rights granted to the Plaintiffs, they broadcast and communicate to the public, live, delayed, highlights, clips and/or repeat telecast of numerous sporting events *inter alia* the ongoing TATA Indian Premier League 2022 in India through Disney+ Hotstar and also through their STAR Channels. Plaintiffs claim to be the sole and exclusive owner of the Broadcast Reproduction Rights in relation to the aforesaid broadcasts of sporting events, communicated through the STAR Channels and Disney+ Hotstar, in accordance with Section 37 of the Copyright Act, 1957.

23. Learned counsel appearing on behalf of the Plaintiffs submits that it has come to the notice of the Plaintiffs that their exclusive rights in the aforementioned content, i.e. movies, general entertainment content (television shows, web-series, etc.) and sporting events *inter alia* the ongoing TATA Indian Premier League 2022, were and are continuing to be infringed by Defendants No.1-12 herein. It is specifically averred that Defendants No. 1-12 are infringing and/or facilitating/enabling/authorising infringement of the Plaintiffs' exclusive rights under Sections 14(d) and 37 of the Copyright Act, 1957, by reproducing, storing, transmitting, communicating, making available for viewing or providing access to the Plaintiffs' aforesaid contents/works.

24. It is further contended that Defendants No. 1-6 (hereinafter referred to as 'Rogue Apps') are third-party Android-based mobile applications that communicate, make available for viewing and provide access to content,

free of cost (or at minimal subscription) and without any authorisation from various right owners, including the aforesaid content of the Plaintiffs. It is also contended that the download, distribution and use of these Android-based mobile Apps, such as the Rogue Apps, occurs through a .APK(Android Package Kit) file format. These Rogue Apps are completely illegal apps and have no permission or authorization to reproduce, store, transmit, communicate or make available for viewing and provide access to any of the Plaintiffs' content. The intent and purpose of these Rogue Apps is clearly to exploit copyright-protected works of the Plaintiffs' content and to provide an alternative to legitimate sources to the user such that the user does not have to pay for enjoying the content.

25. It is averred in the plaint and argued by the learned counsel that Defendants No. 7 to 12 (hereinafter referred to as 'Rogue Websites') are third-party websites which serve as a repository of .APK files, that provide access to users of Android based mobile Apps such as the Rogue Apps. Differently put, the user who is looking for a specific Android based App that will provide access to infringing content, would typically be in a position to download such an App from the .APK file provided by the Rogue Websites. Hundreds of Android-based mobile Apps including most of the Rogue Apps are available for download on these Rogue Websites. It is further contended that the Rogue Websites, used to distribute numerous rogue Android-based mobile Apps, have been developed only to enable the download of the application file for such Apps, such as "RTS TV", "Stream India", etc. and are solely instruments/vehicles of infringement which are indulging in the illicit business of communicating/making available infringing content. Thus, according to the learned counsel, Plaintiffs have

reason to believe that the owners of the Rogue Websites, which are distributing the aforesaid Apps, are the owners of/affiliates of the owners of said Apps.

26. It is next contended that Defendants No. 1-12 continue to infringe the Plaintiffs' exclusive rights with respect to films, general entertainment content and sporting events, including but not limited to the TATA IPL 2022, which has commenced on 26.03.2022 and shall conclude on 29.05.2022.

27. It is brought out by the learned counsel that Defendants No. 13-22 are the domain name registrars of websites/UI domains of Defendants No.1-12, as captured in paragraph 81 of the Plaint and have been arrayed for the limited purpose of revoking/cancelling the domains of Defendants No. 1 to 12 as also to seek disclosure of the registrant details and billing details of these Rogue Websites/UI domains, so that the exact identity and location of the owner of these domains can be confirmed and discerned.

28. Learned counsel submits that Defendants No. 23-31 are Internet Service Providers which have been arrayed for the limited purpose of disabling access into India of the Rogue Websites/domains/UI along with the creators/developers of the Rogue Apps identified in the present suit or any other website/UI/App identified by the Plaintiffs on Affidavit. Defendants No. 32 and 33 are the Department of Telecommunications ('DOT') and Ministry of Electronics and Information Technology ('MEITY'), which are Government departments and have been arrayed for the limited purpose of issuing notifications calling upon the internet and telecom service providers to block access to the Rogue Apps and the Rogue Websites, identified in the present suit as also such other websites which are

subsequently discovered to be infringing the rights of the Plaintiffs. No formal relief has been sought against the Defendant No. 13-33.

29. It is further contended that Defendants No. 1-12 are anonymous entities/websites and the details of their owners are hidden or forged/inaccurate and that these entities/websites are vehicles of infringement that engage in flagrant violation of the intellectual property rights of the Plaintiffs. It is claimed that due to the nature of internet, which offers anonymity, these entities/websites systematically engage in violation of intellectual property rights of the Plaintiffs. Thus, the contention is that Defendants No. 1-12, i.e. Rogue Apps and Rogue Websites, are predominantly engaged in violating third party rights.

30. Having heard learned counsel for the Plaintiffs, this Court is of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte ad-interim* injunction. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the injunction, as prayed for, is not granted.

31. Accordingly, the following directions are passed:

a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by

public on payment of charge and/or making available for viewing, the Plaintiffs' Works/Content through their Rogue Apps (*viz*, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs' copyright and Broadcast Reproduction Rights, till the next date of hearing;

b. Defendants No. 7 to 12, on both 'http' and 'https' (and such other websites/entities which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner infringing and/or authorising the infringement by *inter alia* facilitating and materially contributing to the communicating, hosting, streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;

c. Defendant No. 13, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in the capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of Defendant No. 3 (kyte-tv.com), Defendant No. 4 (picasotv.com), Defendant

No. 9 (apkmoles.com) and Defendant No. 11 (downloadapks.net);

d. Defendant No. 14, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 2 (rtstvapk.xyz and rtstv-app.com);

e. Defendant No. 15, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 1 (ninjatv.app), Defendant No. 2 (xtsaiful.xyz), Defendant No. 5 (globalnewsgeeks.xyz), Defendant No. 7 (apkdevil.com) and Defendant No. 10 (apkpot.com);

f. Defendant No. 16, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 12 (techbigs.com);

g. Defendant No. 17, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate / suspend the domain name registration of the Defendant No. 8 (apkfileok.com);

h. Defendant No. 18, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it,

are directed to de-activate/suspend the domain name registration of the Defendant No. 5 (www-streamindianew.xyz);

i. Defendant No. 19, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 4 (jfskkfsjfsksdey.najfilmy.eu and adhkjgfyufsf.najfilmy.eu);

j. Defendant No. 20, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 1 (powerex.pk and ninjatv.pk);

k. Defendant No. 21, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (api-kytetv.lalalalalori.workers.dev);

l. Defendant No. 22, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (kytetv.site);

m. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through,

by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and

n. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom service providers registered under it to block access to the various domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights.

32. Order be given *dasti* to learned counsel for the Plaintiffs.


33. Provisions of Order 39 Rule 3 CPC shall be complied with by the Plaintiffs, within a period of two weeks from today.

**JYOTI SINGH, J**

**APRIL 06, 2022/yg**



SlNo	Diary No.	Case Type	Case No	Filing Category	Date of Filing	Status	Court Fee
1	1884481/2023	CS(COMM)	214/2022	AFFIDAVIT	11-10-2023	SCRUTINY	

SlNo	Diary No.	Case Type	Case No	Filing Category	Date of Filing	Status	Court Fee
1	1884541/2023	CS(COMM)	214/2022	AFFIDAVIT	11-10-2023	SCRUTINY	

SINo	Diary No.	Case Type	Case No	Filing Category	Date of Filing	Status	Court Fee
1	1884563/2023	CS(COMM)	214/2022	AFFIDAVIT	11-10-2023	SCRUTINY	

SINo	Diary No.	Case Type	Case No	Filing Category	Date of Filing	Status	Court Fee
1	1884570/2023	CS(COMM)	214/2022	AFFIDAVIT	11-10-2023	SCRUTINY	

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)  
CS (COMM) NO. 214 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

...Plaintiffs


*Versus*

Ashar Nisar & Ors.

...Defendants

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Yatinder Garg / Snehima Jauhari / Angad S. Makkar  
(D/1330/2015) / (D/2733/2017) / (D/3579/2021)

Place: New Delhi

Saikrishna and Associates

Date: 10<sup>th</sup> October 2023

Advocates for the Plaintiffs

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)  
CS (COMM) NO. 214 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr. ...Plaintiffs  
*Versus*

Ashar Nisar & Ors. ...Defendants

AFFIDAVIT OF MR. ABHISHEK PRAHARAJ, S/O MR. KISHORE PRAHARAJ, AGED ABOUT 30 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 06.04.2022 whereby the Hon'ble Court was pleased to pass an *ex-parte ad-interim* order in terms of the following:

*"31. Accordingly, the following directions are passed:*

- a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been





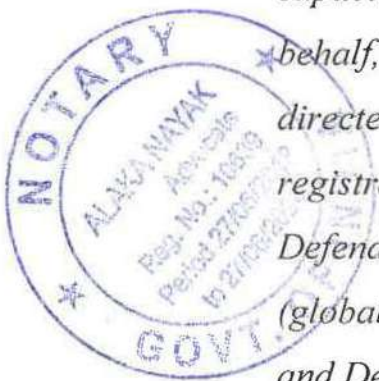


*streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;*

*c. Defendant No. 13, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in the capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of Defendant No. 3 (kyte-tv.com), Defendant No. 4 (picasotv.com), Defendant No. 9 (apkmole.com) and Defendant No. 11 (downloadapks.net);*

*d. Defendant No. 14, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 2 (rtstvapk.xyz and rtstv-app.com);*

*e. Defendant No. 15, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 1 (ninjatv.app), Defendant No. 2 (xtsaiful.xyz), Defendant No. 5 (globalnewsgeeks.xyz), Defendant No. 7 (apkdevil.com) and Defendant No. 10 (apkpot.com);*





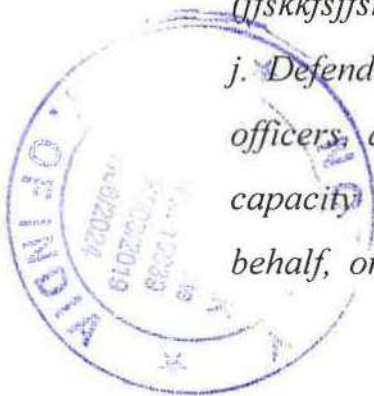
f. Defendant No. 16, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 12 (techbigs.com);

g. Defendant No. 17, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate / suspend the domain name registration of the Defendant No. 8 (apkfileok.com);

h. Defendant No. 18, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 5 (www-streamindianew.xyz);

i. Defendant No. 19, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 4 (jfskkfsjfsksdey.najfilmy.eu and adhkjgfyufsf.najfilmy.eu);

j. Defendant No. 20, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are



*directed to de-activate/suspend the domain name registration of the Defendant No. 1 (powerex.pk and ninjatv.pk);*

*k. Defendant No. 21, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (apikytetv.lalalalalori.workers.dev);*

*l. Defendant No. 22, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (kytetv.site);*

*m. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and*

*n. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom service providers registered under it to block access to the various domains/websites identified by the Plaintiffs in the*

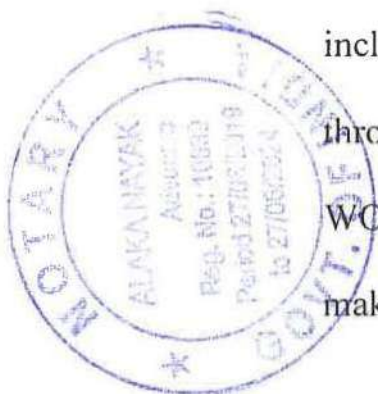




*instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights.”*

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 television channels (such as Star Sports 1, Star Gold, Star Utsav, etc.) (“STAR Channels”), 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 31(a) of the aforementioned order dated 06.04.2022) and additional Rogue Websites collaborating with the said Apps and/or the Rogue Apps identified in the instant suit (i.e., Defendant Nos. 1 to 6) and gather evidence of their infringing activity.

4. I state that the ‘VT WOW’ App has been identified by the investigation agency as an Android-based mobile App which is engaged in illegally communicating the Plaintiffs’ Content, including but not limited to the content made available through the Plaintiffs’ STAR Channels. I state that the ‘VT WOW’ App is an Android application that unauthorizedly makes available for viewing and provides access content



shown on TV Channels including movies, TV shows, live sporting events, web-series and other Video On Demand content including that of the Plaintiffs.

5. I state that the primary intent and purpose of the aforesaid 'VT WOW' App is to exploit various copyright-protected works, including but not limited to the Plaintiffs' Content, free of cost (or at minimal subscription) and without any authorisation from the right owners including the Plaintiffs. In fact, the very intent of the said App is to provide an alternative to legitimate sources to the user, such that a user does not have to pay for enjoying the copyright-protected works. Detailed allegations regarding the "rogue" nature of the aforesaid App are provided hereinafter.

6. I state that the step-by-step process for downloading the APK file for the 'VT WOW' App and running the said mobile App on a computer has been detailed in the evidence filed herewith.

7. I state that it is visible from the evidence filed herewith that the said 'VT WOW' App is a Rogue App:

a. It is evident from the home page of the said App, 'VT WOW' App that the primary purpose of this App is to



commit and facilitate copyright infringement, i.e., to transmit, stream, download, communicate, issue copies of, cause to be seen or heard by the public on payment of charges, make available to the public and provide access to copyright works of various right owners including that of the Plaintiffs, for free and without any authorisation. The home page of the 'VT WOW' App displays the said content available for illegal viewing and streaming free of cost.

- b. 'VT WOW' App has been created as a vehicle of infringement whose whole business model is designed to provide members of the public access to copyright content without authorization. From the evidence on record, it is evident that the infringing content is made available on 'VT WOW' App's platform in a systematic, organised, and intentional manner with regularity and consistency.
- c. The domain(s) through which 'VT WOW' App is being distributed and also the domains where the illegal content is being stored and hosted are all located at unverifiable locations and no contact details are available since the said details of the registrants are





masked and no presence or traceable detail is available either of the creator / registrant.

- d. The 'VT WOW' App provides easy-to-use directories, indexes and categories to infringing content located on their servers for users to navigate and easily find the said content. The said App has indexed content under various categories, and also has sub-indexing / sub-categorisation on the rogue App, through various languages, genres, etc.
- e. Disregard for copyright by the 'VT WOW' App is evident from the fact that the said App generally provides content of various right owners, including the Plaintiffs without any authorisation.

8. I state that the *ex parte ad interim* injunction granted *vide* order dated 06.04.2022 passed by this Hon'ble Court is applicable to the aforesaid Rogue App, *viz* 'VT WOW' App, identified by the Plaintiffs' investigation agency (in terms of para 31(a) of the aforementioned order dated 06.04.2022). Accordingly, the relief granted in terms of paras 31(a) and (b) of the aforementioned order dated 06.04.2022 and the directions issued by the Hon'ble Court to Internet Service Providers (i.e., Defendant Nos. 23 to 31) and to the DoT and

MEITY (i.e., Defendant Nos. 32 and 33) are applicable in relation to user interface (UI) domains / websites / URLs identified and notified by the Plaintiffs to be infringing and/or authorising infringement of the Plaintiffs' Content through the Rogue 'VT WOW' App.

9. In light of the above, I state that the following user interface (UI) domain / website has been identified by the investigation agency as engaged in illegally communicating the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, through the aforesaid Rogue App, viz 'VT WOW' App:

S. No.	Domain / Website
1.	<a href="https://hotstar.gixolok177.repl.co/">https://hotstar.gixolok177.repl.co/</a>

10. I state that from the evidence filed along with the present Affidavit, it is evident that the above-mentioned domains / websites are 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, through the aforesaid Rogue App, viz 'VT WOW' App, and/or authorising infringement of the Plaintiffs' Content by making available for download and usage the said App. I state



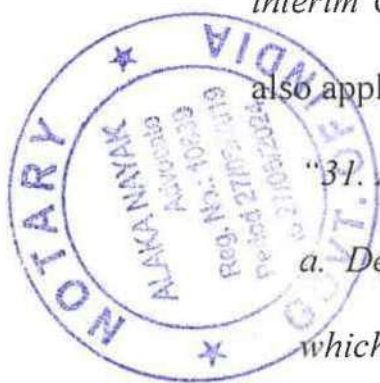
that the Plaintiffs are the exclusive right holders for Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, for the worldwide territory and the Plaintiffs have not authorised the above-mentioned websites to communicate and or make available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

11.I state that the Plaintiffs are not aware of the owner(s) of these rogue UI domains / websites as either they are anonymous or have incorrect or incomplete addresses.

12.I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 06.04.2022, *ex parte ad-interim* order dated 06.04.2022 (reproduced herein above) is also applicable on the above mentioned domains / websites.

"31. Accordingly, the following directions are passed:

a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers,





*servants, affiliates, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing, the Plaintiffs' Works/Content through their Rogue Apps (viz, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs' copyright and Broadcast Reproduction Rights, till the next date of hearing;*

*b. Defendants No. 7 to 12, on both 'http' and 'https' (and such other websites/entities which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, employees and all others in capacity of principal or agent acting for and on*



*their behalf, or anyone claiming through, by or under it, are restrained from in any manner infringing and/or authorising the infringement by inter alia facilitating and materially contributing to the communicating, hosting, streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;*

*xxx*

*m. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and*

*n. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom*

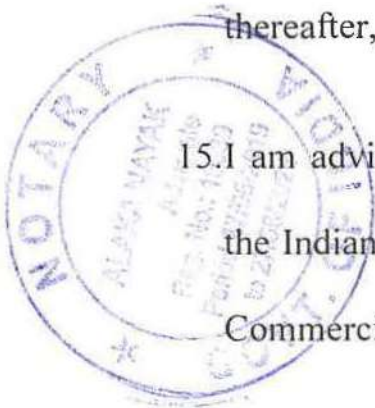


*service providers registered under it to block access to the various domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights.”*

13. In light of the abovementioned, the Department of Telecommunications (Defendant No. 32) and the Ministry of Electronics and Information Technology (Defendant No. 33) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 23 – 31) to block the additional rogue websites / UI domains identified in Annexure A hereto.

14. 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.

15. 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.

16. 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.



  
DEPONENT

VERIFICATION

10 OCT 2023

Verified at New Delhi on this the \_\_\_ day of October 2023 that the contents of the above said Affidavit are true to the best of knowledge, information and belief and nothing material has been

*AS*  
I identified the deponent  
has signed in my presence  
concealed therefrom.

*[Signature]*  
DEPONENT



10 OCT 2023

CERTIFIED THAT THE DEPONENT  
Shri / Smt. / Km : *Abhinav Debnis*  
S/o, W/o R/o .....  
I identified by *AS*  
Has solemnly affirmed & sworn at  
Delhi on.....  
That the contents of .....  
have been read & explained to  
him are true & correct to his knowledge  
*[Signature]*

**ANNEXURE A: LIST OF DOMAINS / URLs / IP  
ADDRESSES**

S. NO.	UI DOMAIN / WEBSITE OF VT WOW APP
1.	<a href="https://hotstar.gixolok177.repl.co/">https://hotstar.gixolok177.repl.co/</a>

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)  
CS (COMM) NO. 214 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

...Plaintiffs


*Versus*

Ashar Nisar & Ors.

...Defendants

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Yatinder Garg / Snehima Jauhari / Angad S. Makkar  
(D/1330/2015) / (D/2733/2017) / (D/3579/2021)

Place: New Delhi

Saikrishna and Associates

Date: 10<sup>th</sup> October 2023

Advocates for the Plaintiffs

57 Jor Bagh,

New Delhi - 110003

+91 9999064036

[yatinder@saikrishnaassociates.com](mailto:yatinder@saikrishnaassociates.com)



IN THE HIGH COURT OF DELHI AT NEW DELHI  
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)  
CS (COMM) NO. 214 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr. ...Plaintiffs

*Versus*

Ashar Nisar & Ors. ...Defendants

AFFIDAVIT OF MR. ABHISHEK PRAHARAJ, S/O MR. KISHORE PRAHARAJ, AGED ABOUT 30 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:

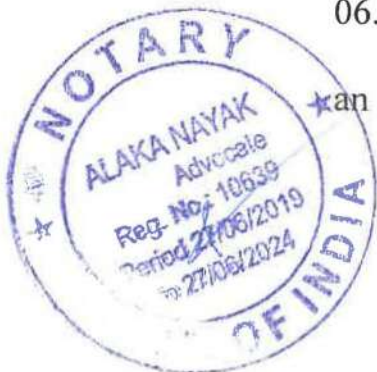
1. That, I am the Authorized Representative of the Plaintiffs in the present suit and as such I am conversant with the facts and circumstances of the present suit and competent to depose in respect thereof.

2. I state that I am aware of the present suit and the order dated 06.04.2022 whereby the Hon'ble Court was pleased to pass

an *ex-parte ad-interim* order in terms of the following:

"31. Accordingly, the following directions are passed:

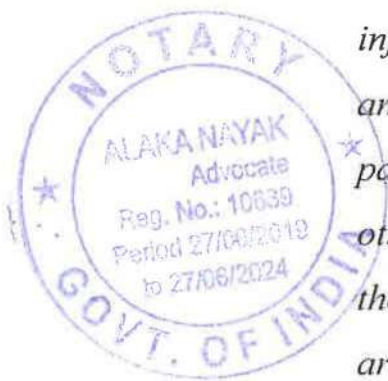
a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been





*infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing, the Plaintiffs' Works/Content through their Rogue Apps (viz, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs' copyright and Broadcast Reproduction Rights, till the next date of hearing;*

*b. Defendants No. 7 to 12, on both 'http' and 'https' (and such other websites/entities which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner infringing and/or authorising the infringement by inter alia facilitating and materially contributing to the communicating, hosting,*



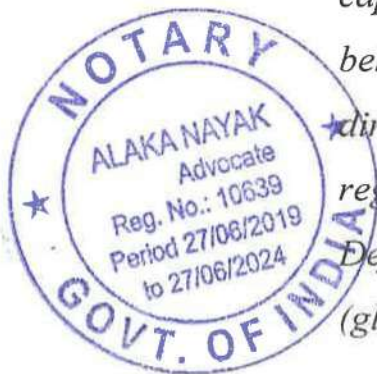
*streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;*

*c. Defendant No. 13, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in the capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of Defendant No. 3 (kyte-tv.com), Defendant No. 4 (picasotv.com), Defendant No. 9 (apkmole.com) and Defendant No. 11 (downloadapks.net);*

*d. Defendant No. 14, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 2 (rtstvapk.xyz and rtstv-app.com);*

*e. Defendant No. 15, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are*

*★ directed to de-activate/suspend the domain name registration of the Defendant No. 1 (ninjatv.app), Defendant No. 2 (xtsaiful.xyz), Defendant No. 5 (globalnewsgeeks.xyz), Defendant No. 7 (apkdevil.com) and Defendant No. 10 (apkpot.com);*





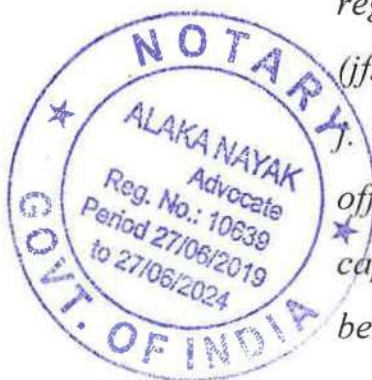
f. Defendant No. 16, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 12 (techbig.com);

g. Defendant No. 17, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate / suspend the domain name registration of the Defendant No. 8 (apkfileok.com);

h. Defendant No. 18, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 5 (www-streamindianew.xyz);

i. Defendant No. 19, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 4 (jfskkfsjfsksdey.najfilmy.eu and adhkjgyufsf.najfilmy.eu);

j. Defendant No. 20, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are



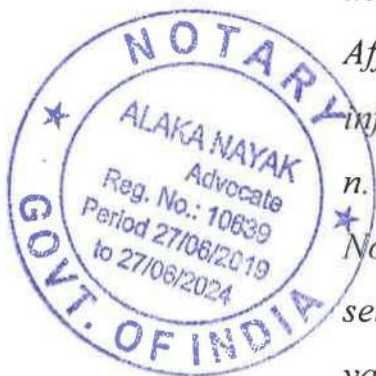
*directed to de-activate/suspend the domain name registration of the Defendant No. 1 (powerex.pk and ninjatv.pk);*

*k. Defendant No. 21, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (apikytetv.lalalalalori.workers.dev);*

*l. Defendant No. 22, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (kytetv.site);*

*m. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and*

*n. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom service providers registered under it to block access to the various domains/websites identified by the Plaintiffs in the*





*instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights.”*

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 television channels (such as Star Sports 1, Star Gold, Star Utsav, etc.) (“STAR Channels”), 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 31(a) of the aforementioned order dated 06.04.2022) and additional Rogue Websites collaborating with the said Apps and/or the Rogue Apps identified in the instant suit (i.e., Defendant Nos. 1 to 6) and gather evidence of their infringing activity.

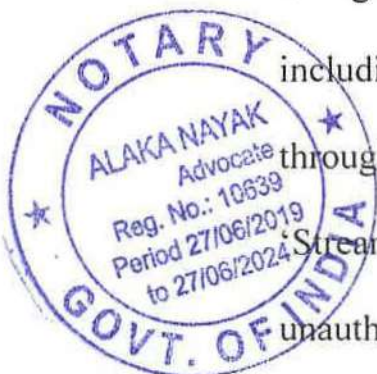
4. I state that the ‘Stream Bangla’ App has been identified by the investigation agency as an Android-based mobile App which is engaged in illegally communicating the Plaintiffs’ Content,

including but not limited to the content made available

through the Plaintiffs’ STAR Channels. I state that the

‘Stream Bangla’ App is an Android application that

unauthorizedly makes available for viewing and provides





access content shown on TV Channels including movies, TV shows, live sporting events, web-series and other Video On Demand content including that of the Plaintiffs.

5. I state that the primary intent and purpose of the aforesaid 'Stream Bangla' App is to exploit various copyright-protected works, including but not limited to the Plaintiffs' Content, free of cost (or at minimal subscription) and without any authorisation from the right owners including the Plaintiffs. In fact, the very intent of the said App is to provide an alternative to legitimate sources to the user, such that a user does not have to pay for enjoying the copyright-protected works. Detailed allegations regarding the "rogue" nature of the aforesaid App are provided hereinafter.

6. I state that the step-by-step process for downloading the APK file for the 'Stream Bangla' App and running the said mobile

App on a computer has been detailed in the evidence filed

herewith.

I state that it is visible from the evidence filed herewith that

the said 'Stream Bangla' App is a Rogue App:

a. It is evident from the home page of the said App,

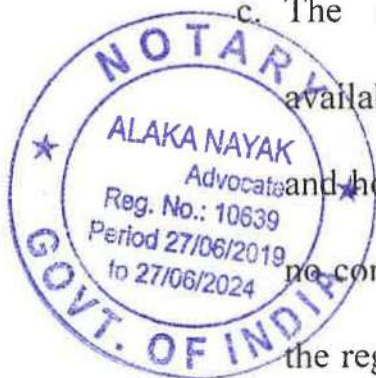
'Stream Bangla' App that the primary purpose of this



App is to commit and facilitate copyright infringement, i.e., to transmit, stream, download, communicate, issue copies of, cause to be seen or heard by the public on payment of charges, make available to the public and provide access to copyright works of various right owners including that of the Plaintiffs, for free and without any authorisation. The home page of the 'Stream Bangla' App displays the said content available for illegal viewing and streaming free of cost.

b. 'Stream Bangla' App has been created as a vehicle of infringement whose whole business model is designed to provide members of the public access to copyright content without authorization. From the evidence on record, it is evident that the infringing content is made available on 'Stream Bangla' App's platform in a systematic, organised, and intentional manner with regularity and consistency.

c. The domain(s) where the illegal content, made available on the 'Stream Bangla' App, is being stored and hosted are all located at unverifiable locations and no contact details are available since the said details of the registrants are masked and no presence or traceable detail is available either of the creator / registrant.



- d. The 'Stream Bangla' App provides easy-to-use directories, indexes and categories to infringing content located on their servers for users to navigate and easily find the said content. The said App has indexed content under various categories, and also has sub-indexing / sub-categorisation on the rogue App, through various languages, genres, etc.
- e. Disregard for copyright by the 'Stream Bangla' App is evident from the fact that the said App generally provides content of various right owners, including the Plaintiffs without any authorisation.

8. I state that the *ex parte ad interim* injunction granted *vide* order dated 06.04.2022 passed by this Hon'ble Court is applicable to the aforesaid Rogue App, *viz* 'Stream Bangla' App, identified by the Plaintiffs' investigation agency (in terms of para 31(a) of the aforementioned order dated 06.04.2022). Accordingly, the relief granted in terms of paras 31(a) and (b) of the aforementioned order dated 06.04.2022 and the directions issued by the Hon'ble Court to Internet Service Providers (i.e., Defendant Nos. 23 to 31) and to the DoT and MEITY (i.e., Defendant Nos. 32 and 33) are applicable in relation to user interface (UI) domains / websites





/ URLs identified and notified by the Plaintiffs to be infringing and/or authorising infringement of the Plaintiffs' Content through the Rogue 'Stream Bangla' App.

9. In light of the above, I state that the following user interface (UI) domain / website has been identified by the investigation agency as engaged in illegally communicating the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, through the aforesaid Rogue App, viz 'Stream Bangla' App:

S. No.	Domains / Websites
1.	<a href="https://streambangla.xyz">https://streambangla.xyz</a>

10. I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 06.04.2022, *ex parte ad-interim* order dated 06.04.2022 (reproduced herein above) is also applicable on the above mentioned domains / websites.

*"31. Accordingly, the following directions are passed:*

*a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of*



*principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing, the Plaintiffs' Works/Content through their Rogue Apps (viz, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs' copyright and Broadcast Reproduction Rights, till the next date of hearing;*

*b. Defendants No. 7 to 12, on both 'http' and 'https' (and such other websites/entities which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it,*





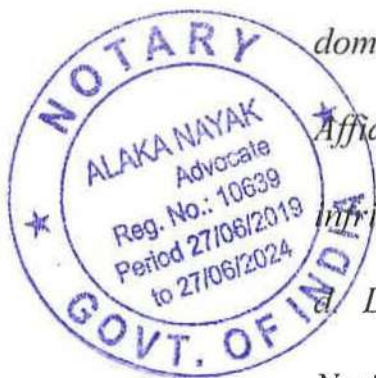
are restrained from in any manner infringing and/or authorising the infringement by inter alia facilitating and materially contributing to the communicating, hosting, streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;

xxx

c. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on

Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and

d. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom service providers registered under it to block access to the



*various domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights.”*

11. In light of the abovementioned, the Department of Telecommunications (Defendant No. 32) and the Ministry of Electronics and Information Technology (Defendant No. 33) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 23 – 31) to block the additional rogue websites / UI domains identified in Annexure A hereto.

12. 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.

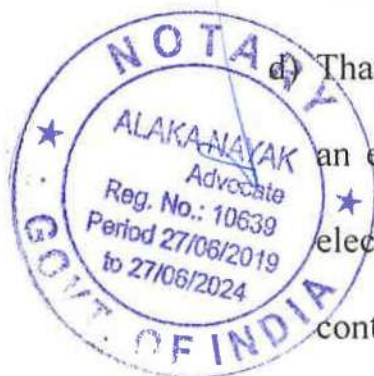
13. I am advised to state that the conditions of Sections 65B of the Indian Evidence Act, 1872 and Order XI Rule 6(3) of the Commercial Courts, Commercial Division and Commercial



Appellate Division of High Courts Act, 2015 are complied with in respect of these documents.

14. 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.



  
DEPONENT



**VERIFICATION**  
I identified the deponent who  
has signed in my presence.

10 OCT 2023

Verified at New Delhi on this the \_\_\_ day of October 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.

*[Signature]*  
DEPONENT



**CERTIFIED THAT THE DEPONENT**  
Smt/Smt./Km. *[Signature]*  
S/o, W/o R/o *[Signature]*  
Identified by Smt/Smt. *[Signature]* me at  
Has solemnly affirmed to me at  
Delhi on... 10 OCT 2023...  
That the contents of the affidavit which  
have been read & explained to him/her  
are true & correct to his/her knowledge  
*[Signature]*  
NOTARY



**ANNEXURE A: LIST OF DOMAIN / URL / IP ADDRESS**

S. NO.	UI DOMAINS / WEBSITES OF STREAM BANGLA APP
1.	<a href="https://streambangla.xyz">https://streambangla.xyz</a>

IN THE HIGH COURT OF DELHI AT NEW DELHI  
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...Defendants

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2.	Annexure A: Additional list of 2 domains / URLs / IP Addresses	17
3.	Evidence with respect to additional list of 2 domains / URLs / IP Addresses that are engaged in hosting and/or streaming and/or providing access and/or making available for viewing the Plaintiffs' Content	18 - 32

  
Yatinder Garg / Snehima Jauhari / Angad S. Makkar  
(D/1330/2015) / (D/2733/2017) / (D/3579/2021)

Place: New Delhi

Saikrishna and Associates

Date: 10<sup>th</sup> October 2023

Advocates for the Plaintiffs

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)  
CS (COMM) NO. 214 OF 2022

IN THE MATTER OF

Star India Pvt. Ltd. & Anr. ...Plaintiffs

*Versus*

Ashar Nisar & Ors. ...Defendants

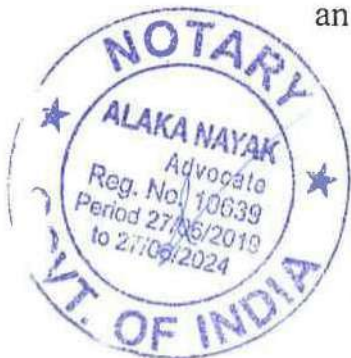
AFFIDAVIT OF MR. ABHISHEK PRAHARAJ, S/O MR. KISHORE PRAHARAJ, AGED ABOUT 30 YEARS, AUTHORIZED SIGNATORY OF PLAINTIFFS, HAVING ITS OFFICE AT STAR HOUSE, URMI ESTATE, 95 GANPATRAO KADAM MARG, LOWER PAREL (W), MUMBAI, 400013, PRESENTLY AT NEW DELHI

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 06.04.2022 whereby the Hon'ble Court was pleased to pass an *ex-parte ad-interim* order in terms of the following:

*"31. Accordingly, the following directions are passed:*

- a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been





*infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing, the Plaintiffs' Works/Content through their Rogue Apps (viz, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs' copyright and Broadcast Reproduction Rights, till the next date of hearing;*

*b. Defendants No. 7 to 12, on both 'http' and 'https' (and such other websites/entities which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner infringing and/or authorising the infringement by inter alia facilitating and materially contributing to the communicating, hosting,*





*streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;*

*c. Defendant No. 13, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in the capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of Defendant No. 3 (kyte-tv.com), Defendant No. 4 (picasotv.com), Defendant No. 9 (apkmole.com) and Defendant No. 11 (downloadapks.net);*

*d. Defendant No. 14, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 2 (rtstvapk.xyz and rtstv-app.com);*

*e. Defendant No. 15, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 1 (ninjatv.app), Defendant No. 2 (xtsaiful.xyz), Defendant No. 5 (globalnewsgeeks.xyz), Defendant No. 7 (apkdevil.com) and Defendant No. 10 (apkpot.com);*



f. Defendant No. 16, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 12 (techbigs.com);

g. Defendant No. 17, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate / suspend the domain name registration of the Defendant No. 8 (apkfileok.com);

h. Defendant No. 18, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 5 (www-streamindianew.xyz);

i. Defendant No. 19, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 4 (jfskksjfsksdey.najfilmy.eu and adhkjgyufsf.najfilmy.eu);

j. Defendant No. 20, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are





*directed to de-activate/suspend the domain name registration of the Defendant No. 1 (powerex.pk and ninjatv.pk);*

*k. Defendant No. 21, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (api-kytetv.lalalalalori.workers.dev);*

*l. Defendant No. 22, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 3 (kytetv.site);*

*m. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and*

*n. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom service providers registered under it to block access to the various domains/websites identified by the Plaintiffs in the*



*instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights.”*

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 television channels (such as Star Sports 1, Star Gold, Star Utsav, etc.) (“STAR Channels”), 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 31(a) of the aforementioned order dated 06.04.2022) and additional Rogue Websites collaborating with the said Apps and/or the Rogue Apps identified in the instant suit (i.e., Defendant Nos. 1 to 6) and gather evidence of their infringing activity.

4. I state that the ‘Rapid Streamz’ App has been identified by the investigation agency as an Android-based mobile App which is engaged in illegally communicating the Plaintiffs’ Content, including but not limited to the content made available through the Plaintiffs’ STAR Channels. I state that the ‘Rapid Streamz’ App is an Android application that unauthorizedly makes available for viewing and provides access content





shown on TV Channels including movies, TV shows, live sporting events, web-series and other Video On Demand content including that of the Plaintiffs.

5. I state that the primary intent and purpose of the aforesaid 'Rapid Streamz' App is to exploit various copyright-protected works, including but not limited to the Plaintiffs' Content, free of cost (or at minimal subscription) and without any authorisation from the right owners including the Plaintiffs. In fact, the very intent of the said App is to provide an alternative to legitimate sources to the user, such that a user does not have to pay for enjoying the copyright-protected works. Detailed allegations regarding the "rogue" nature of the aforesaid App are provided hereinafter.
6. I state that the step-by-step process for downloading the APK file for the 'Rapid Streamz' App and running the said mobile App on a computer has been detailed in the evidence filed herewith.

I state that it is visible from the evidence filed herewith that the said 'Rapid Streamz' App is a Rogue App:

- a. It is evident from the home page of the said App, 'Rapid Streamz' App that the primary purpose of this



App is to commit and facilitate copyright infringement, i.e., to transmit, stream, download, communicate, issue copies of, cause to be seen or heard by the public on payment of charges, make available to the public and provide access to copyright works of various right owners including that of the Plaintiffs, for free and without any authorisation. The home page of the 'Rapid Streamz' App displays the said content available for illegal viewing and streaming free of cost.

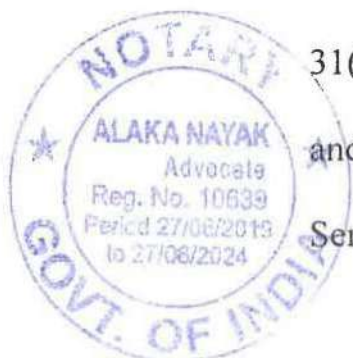
- b. 'Rapid Streamz' App has been created as a vehicle of infringement whose whole business model is designed to provide members of the public access to copyright content without authorization. From the evidence on record, it is evident that the infringing content is made available on 'Rapid Streamz' App's platform in a systematic, organised, and intentional manner with regularity and consistency.
- c. The domain(s) through which 'Rapid Streamz' App is being distributed and also the domains where the illegal content is being stored and hosted are all located at unverifiable locations and no contact details are available since the said details of the registrants are



masked and no presence or traceable detail is available either of the creator / registrant.

- d. The 'Rapid Streamz' App provides easy-to-use directories, indexes and categories to infringing content located on their servers for users to navigate and easily find the said content. The said App has indexed content under various categories, and also has sub-indexing / sub-categorisation on the rogue App, through various languages, genres, etc.
- e. Disregard for copyright by the 'Rapid Streamz' App is evident from the fact that the said App generally provides content of various right owners, including the Plaintiffs without any authorisation.

8. I state that the *ex parte ad interim* injunction granted *vide* order dated 06.04.2022 passed by this Hon'ble Court is applicable to the aforesaid Rogue App, *viz* 'Rapid Streamz' App, identified by the Plaintiffs' investigation agency (in terms of para 31(a) of the aforementioned order dated 06.04.2022). Accordingly, the relief granted in terms of paras 31(a) and (b) of the aforementioned order dated 06.04.2022 and the directions issued by the Hon'ble Court to Internet Service Providers (i.e., Defendant Nos. 23 to 31) and to the





DoT and MEITY (i.e., Defendant Nos. 32 and 33) are applicable in relation to user interface (UI) domains / websites / URLs identified and notified by the Plaintiffs to be infringing and/or authorising infringement of the Plaintiffs' Content through the Rogue 'Rapid Streamz' App.

9. In light of the above, I state that the following user interface (UI) domain / website has been identified by the investigation agency as engaged in illegally communicating the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, through the aforesaid Rogue App, viz 'Rapid Streamz' App:

S. No.	Domains / Websites
1.	<a href="https://alpha.rapidstreams.io/">https://alpha.rapidstreams.io/</a>

10. I further state the following third-party websites have been identified by the investigation agency as engaged in authorising infringement of the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, through the aforesaid Rogue App, viz 'Rapid Streamz' App, by exclusively making available for download and usage the said App:



S. No.	Domain / Website
1.	<a href="https://www.rapidstreamz.tv/">https://www.rapidstreamz.tv/</a>



11.I state that from the evidence filed along with the present Affidavit, it is evident that the above-mentioned domains / websites are 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, through the aforesaid Rogue App, viz 'Rapid Streamz' App, and/or authorising infringement of the Plaintiffs' Content by making available for download and usage the said App. 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, 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.

12.I state that the Plaintiffs are not aware of the owner(s) of these rogue UI domains / websites as either they are anonymous or have incorrect or incomplete addresses.



13.I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 06.04.2022, *ex parte ad-*

*interim* order dated 06.04.2022 (reproduced herein above) is also applicable on the above mentioned domains / websites.

*“31. Accordingly, the following directions are passed:*

*a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing, the Plaintiffs' Works/Content through their Rogue Apps (viz, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs'*



*copyright and Broadcast Reproduction Rights, till the next date of hearing;*

*b. Defendants No. 7 to 12, on both 'http' and 'https' (and such other websites/entities which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner infringing and/or authorising the infringement by inter alia facilitating and materially contributing to the communicating, hosting, streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;*

xxx

*m. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all*





*others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and*

*n. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom service providers registered under it to block access to the various domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights."*

14. In light of the abovementioned, the Department of Telecommunications (Defendant No. 32) and the Ministry of Electronics and Information Technology (Defendant No. 33) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 23 – 31) to block the additional rogue websites / UI domains identified in Annexure A hereto.





15.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.

16.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.

17.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.

*[Handwritten Signature]*  
 DEPONENT

*[Handwritten Signature]*  
 I identified the deponent who has signed in my presence.  
 VERIFICATION

10 OCT 2023

Verified at New Delhi on this the \_\_\_ day of October 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. *[Handwritten Name]*  
 S/o, W/o R/o *[Handwritten Name]*  
 Identified by Shri/Smt. *[Handwritten Name]*  
 Has solemnly sworn before me at  
 Delhi on 10 OCT 2023  
 That the contents of the affidavit which  
 have been read & explained to him/her  
 are true & correct to his/her knowledge

*[Handwritten Signature]*  
 DEPONENT

NOTARY

**ANNEXURE A: LIST OF DOMAINS / URLs / IP  
ADDRESSES**

S. NO.	UI DOMAINS / WEBSITES OF RAPID STREAMZ APP
1.	<a href="https://www.rapidstreamz.tv/">https://www.rapidstreamz.tv/</a>
2.	<a href="https://alpha.rapidstreams.io/">https://alpha.rapidstreams.io/</a>

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Yatinder Garg / Snehima Jauhari / Angad S. Makkar  
(D/1330/2015) / (D/2733/2017) / (D/3579/2021)

Place: New Delhi

Saikrishna and Associates

Date: 10<sup>th</sup> October 2023

Advocates for the Plaintiffs

57 Jor Bagh,

New Delhi - 110003

+91 9999064036

[yatinder@saikrishnaassociates.com](mailto:yatinder@saikrishnaassociates.com)



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IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

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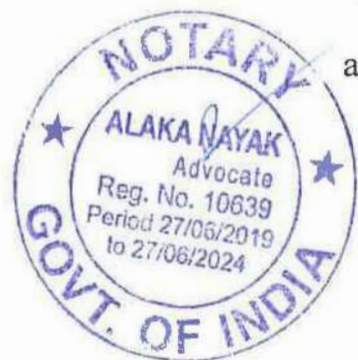
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I, the above-named deponent, do hereby solemnly affirm and declare as under:

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.
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*infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing, the Plaintiffs' Works/Content through their Rogue Apps (viz, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs' copyright and Broadcast Reproduction Rights, till the next date of hearing;*

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i. Defendant No. 19, its directors, partners, proprietors, officers, affiliates, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to de-activate/suspend the domain name registration of the Defendant No. 4 (jfskksjfsksdey.najfilmy.eu and adhkjgyufsf.najfilmy.eu);

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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 television channels (such as Star Sports 1, Star Gold, Star Utsav, etc.) ("STAR Channels"), 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 31(a) of the aforementioned order dated 06.04.2022) and additional Rogue Websites collaborating with the said Apps and/or the Rogue Apps identified in the instant suit (i.e., Defendant Nos. 1 to 6) and gather evidence of their infringing activity.

4. I state that the 'Castle TV' App has been identified by the investigation agency as an Android-based mobile App which is engaged in illegally communicating the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels. I state that the 'Castle TV' App is an Android application that unauthorizedly makes available for viewing and provides access content shown on



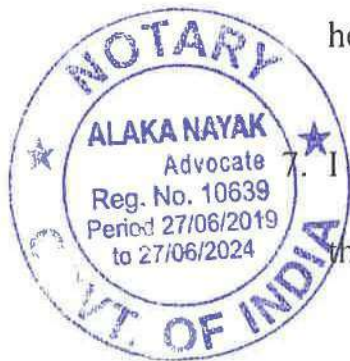
TV Channels including movies, TV shows, live sporting events, web-series and other Video On Demand content including that of the Plaintiffs.

5. I state that the primary intent and purpose of the aforesaid 'Castle TV' App is to exploit various copyright-protected works, including but not limited to the Plaintiffs' Content, free of cost (or at minimal subscription) and without any authorisation from the right owners including the Plaintiffs. In fact, the very intent of the said App is to provide an alternative to legitimate sources to the user, such that a user does not have to pay for enjoying the copyright-protected works. Detailed allegations regarding the "rogue" nature of the aforesaid App are provided hereinafter.

6. I state that the step-by-step process for downloading the APK file for the 'Castle TV' App and running the said mobile App on a computer has been detailed in the evidence filed herewith.

7. I state that it is visible from the evidence filed herewith that the said 'Castle TV' App is a Rogue App:

- a. It is evident from the home page of the said App, 'Castle TV' App that the primary purpose of this App is





to commit and facilitate copyright infringement, i.e., to transmit, stream, download, communicate, issue copies of, cause to be seen or heard by the public on payment of charges, make available to the public and provide access to copyright works of various right owners including that of the Plaintiffs, for free and without any authorisation. The home page of the 'Castle TV' App displays the said content available for illegal viewing and streaming free of cost.

- b. 'Castle TV' App has been created as a vehicle of infringement whose whole business model is designed to provide members of the public access to copyright content without authorization. From the evidence on record, it is evident that the infringing content is made available on 'Castle TV' App's platform in a systematic, organised, and intentional manner with regularity and consistency.
- c. The domain(s) through which 'Castle TV' App is being distributed and also the domains where the illegal content is being stored and hosted are all located at unverifiable locations and no contact details are available since the said details of the registrants are



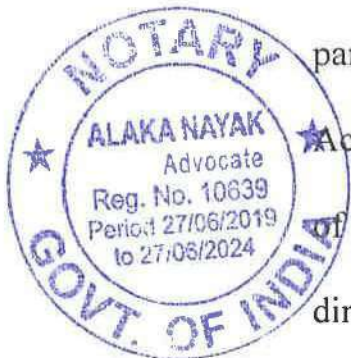


masked and no presence or traceable detail is available either of the creator / registrant.

- d. The 'Castle TV' App provides easy-to-use directories, indexes and categories to infringing content located on their servers for users to navigate and easily find the said content. The said App has indexed content under various categories, and also has sub-indexing / sub-categorisation on the rogue App, through various languages, genres, etc.
- e. Disregard for copyright by the 'Castle TV' App is evident from the fact that the said App generally provides content of various right owners, including the Plaintiffs without any authorisation.

8. I state that the *ex parte ad interim* injunction granted *vide* order dated 06.04.2022 passed by this Hon'ble Court is applicable to the aforesaid Rogue App, viz 'Castle TV' App, identified by the Plaintiffs' investigation agency (in terms of para 31(a) of the aforementioned order dated 06.04.2022).

Accordingly, the relief granted in terms of paras 31(a) and (b) of the aforementioned order dated 06.04.2022 and the directions issued by the Hon'ble Court to Internet Service Providers (i.e., Defendant Nos. 23 to 31) and to the DoT and



MEITY (i.e., Defendant Nos. 32 and 33) are applicable in relation to user interface (UI) domains / websites / URLs identified and notified by the Plaintiffs to be infringing and/or authorising infringement of the Plaintiffs' Content through the Rogue 'Castle TV' App.

9. In light of the above, I state that the following user interface (UI) domain / website has been identified by the investigation agency as engaged in illegally communicating the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, through the aforesaid Rogue App, viz 'Castle TV' App:

S. No.	Domain / Website
1.	<a href="http://api.dyskb.com/">http://api.dyskb.com/</a>

10. I further state the following third-party websites have been identified by the investigation agency as engaged in authorising infringement of the Plaintiffs' Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, through the aforesaid Rogue App, viz 'Castle TV' App, by exclusively making available for download and usage the said App:

S. No.	Domain / Website
1.	<a href="https://www.castleapks.com/">https://www.castleapks.com/</a>



11.I state that from the evidence filed along with the present Affidavit, it is evident that the above-mentioned domains / websites are 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, through the aforesaid Rogue App, viz 'Castle TV' App, and/or authorising infringement of the Plaintiffs' Content by making available for download and usage the said App. 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, 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.



12.I state that the Plaintiffs are not aware of the owner(s) of these rogue UI domains / websites as either they are anonymous or have incorrect or incomplete addresses.

13.I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 06.04.2022, *ex parte ad-*



*interim* order dated 06.04.2022 (reproduced herein above) is also applicable on the above mentioned domains / websites.

*“31. Accordingly, the following directions are passed:*

*a. Defendants No. 1 to 6 (and such other Rogue Apps which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs’ exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner communicating to the public, hosting, storing, reproducing, streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing, the Plaintiffs’ Works/Content through their Rogue Apps (viz, Ninja TV, RTS TV, Kyte TV, Picaso TV, Stream India and Hotstar Mod App) or any other App, including ones whose names/branding/trademark recall is deceptively or substantially similar to the Rogue Apps identified hereinabove, amounting to infringement of the Plaintiffs’*





*copyright and Broadcast Reproduction Rights, till the next date of hearing;*

*b. Defendants No. 7 to 12, on both 'http' and 'https' (and such other websites/entities which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing/authorising the infringement of the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights), their owners, partners, proprietors, officers, servants, employees and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from in any manner infringing and/or authorising the infringement by inter alia facilitating and materially contributing to the communicating, hosting, streaming and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Plaintiffs' content, so as to infringe the*

*Plaintiffs' exclusive rights, copyrights and Broadcast Reproduction Rights, till the next date of hearing;*



*m. Defendants No. 23 to 31, their directors, partners, proprietors, officers, affiliates, servants, employees and all*

*others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to block access to the various UI domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other UI domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights; and*

*n. Defendants No. 32 and 33 are directed to issue a Notification calling upon the various internet and telecom service providers registered under it to block access to the various domains/websites identified by the Plaintiffs in the instant suit at S.No. 1 of the Documents or such other domains/websites that may subsequently be notified on Affidavit by the Plaintiffs to be infringing/authorising infringement of its exclusive rights."*

14. In light of the abovementioned, the Department of Telecommunications (Defendant No. 32) and the Ministry of Electronics and Information Technology (Defendant No. 33) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 23 – 31) to block the additional rogue websites / UI domains identified in Annexure A hereto.



15.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.

16.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.

17.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.

*[Signature]*  
DEPONENT

*[Signature]*  
I identified the deponent who has signed in my presence.  
VERIFICATION

10 OCT 2023

Verified at New Delhi on this the \_\_\_ day of October 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.



*[Signature]*  
DEPONENT

CERTIFIED THAT THE DEPONENT  
Shri/Smt./Km.....  
S/o, W/o R/o.....  
Identified by Shri/Smt.....  
Has solemnly affirmed before me at  
Delhi on 10 OCT 2023 as S/R.....  
That the contents of the affidavit which  
have been read & explained to him/her  
are true & correct to his/her knowledge  
*[Signature]*  
NOTARY



**ANNEXURE A: LIST OF DOMAINS / URLs / IP  
ADDRESSES**

S. NO.	UI DOMAINS / WEBSITES OF CASTLE TV APP
1.	<a href="https://www.castleapks.com/">https://www.castleapks.com/</a>
2.	<a href="http://api.dyskb.com/">http://api.dyskb.com/</a>