

BY EMAIL/DoT WEBSITE

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07/LM-12/2022-DS-II

Dated: 20.09.2023

To,

All Internet Service Licensee's

Subject: TM No. 07 of 2022; Hugo Boss Trademark Management GmbH & Co. KG. Vs. Ashok Kumar before ADJ-04, Patiala House Court, New Delhi.

Kindly find the enclosed Hon'ble Patiala House Court, New Delhi dated **13.05.2022**, and additional affidavit dated **09.09.2023** on the subject matter.

2. Please refer to **para (e)** of said court order in respect **para 6** of aforesaid affidavits for blocking of **15 websites** as enumerated in **para 5** of the said 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-III)
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. Aviral Srivastava, (aviral@unitedandunited.com) Associate, United and United, counsel for the Plaintiff for kind information.
- (iii) Sh. Ram Kavar (ram.kavar@yahoo.co.in) Counsel for DoT & MEITY for kind information.
- (iv) IT wing of DoT for uploading on DoT website please.

IN THE COURT OF MR. SATYABRATA PANDA, ADJ-04,
PATIALA HOUSE COURTS, NEW DELHI

TM No. 07 of 22

HUGO BOSS TRADE MARK MANAGEMENT Vs. ASHOK KUMAR

13.05.2022

At 12:45 noon

Present: Mr. Krisna Gambhir and Ms. Chitra Ahluwalia, Ld. Counsels for plaintiff.

Present suit is listed today for orders/clarifications. On the last date i.e. 09.05.2022, ld. counsel for plaintiff had pressed for ad interim order in terms of prayer (d) of the application u/o 39 Rule 1 and 2 CPC. Today, ld. counsel for plaintiff has also pressed for ad interim relief in terms of prayer (e) and (f).

Put up at 4 pm for orders.

ADJ-04/13.05.2022

At 04:00p.m

ORDER

On 16.03.2022, an ad interim order was passed on the application under Order 39 Rule 1 & 2 CPC filed by the plaintiff pending disposal of the said application. As mentioned in the said Order dated 16.03.2022, the list of the impugned websites/domain names along with detailed of the domain names/registrars and web hosting service providers is as under:

Sl. No.	Website	Registrar	Web Hosting Service Provider.
1	Www.hugobossindia.co.in	Hosting Concepts B.V. (Sales@openprovider.nl)	Fiber Grid Inc. info@fibergrid.eu
2.	Www.hugogossoutletindia.co.in	Hosting Concepts B.V.	Fiber Grid Inc. info@fibergrid.eu

		(Sales@openprovider.nl)	
3.	Www.hugobossfr.fr	NETIM(support@netim.com)	Fiber Grid Inc. info@fibergrid.eu
4.	Www.hugobossfranch.fr	Hosting Concepts B.V. (Sales@openprovider.nl)	Fiber Grid Inc. info@fibergrid.eu
5.	Www.hugobosshungary.me	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
6.	Www.hugobossoutletprotugal.biz	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
7.	Www.hugobossromania.co	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu
8.	Www.hugobossromania.ro	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu
9.	Www.hugobosslovensko.top	NameSilo LLC (support@namesilo.com , pr@namesilo.com)	Fiber Grid Inc. info@fibergrid.eu
10.	Www.hugobossespana.me	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
11.	Www.hugobossmexico.co	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu
12.	Www.hugobossoutletgreece.biz	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
13.	Www.hugobossuomi.me	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
14.	Www.hugobossdenmark.org	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu
15.	Www.hugobossdenmark.co	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu

		abuse@1api.net)	
16.	Www.hugobossale.me	Hosting Concepts B.V (sales@openprovider.nl)	Fiber Grid Inc. info@fibergrid.eu
17.	Www.hugobosssale.co	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu
18.	Www.hugoboss-schweiz.com	Alibaba.com Singapore E-commerce Pvt. Ltd. (dataprotection@service.alibaba.com)	Fiber Grid Inc. info@fibergrid.eu
19.	Www.hugobossaustria.com	NameSilo LLC (support@namesilo.com , pr@namesilo.com)	Fiber Grid Inc. info@fibergrid.eu
20.	Www.hugobossdeoutlet.de	Cloudflare, Inc. privacyquestions@cloudflare.com	Fiber Grid Inc. info@fibergrid.eu
21.	Www.hugobosspl.pl	Hosting Concepts B.V. (sales@openprovider.nl)	Fiber Grid Inc. info@fibergrid.eu
22.	Www.hugobosspolska.me	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
23.	Www.hugobossrabatt.at	Registrar.eu (coc@dns.eu , abuse@combell.com)	Fiber Grid Inc. info@fibergrid.eu
24.	Www.hugoschweiz.com	NameSilo LLC (support@namesilo.com pr@namesilo.com)	Fiber Grid Inc. info@fibergrid.eu
25.	Www.hugobossalenz.top	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
26.	Www.hugobosscanada.me	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
27.	Www.hugobosscanada	1API GmbH	Fiber Grid Inc.

	<u>org</u>	(legal@1api.net , abuse@1api.net)	info@fibergrid.eu
28.	<u>Www.hugobosscz.cz</u>	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu
29.	<u>Www.hugobosscz.me</u>	Dynadot, LLC (info@dynadot.com)	Fiber Grid Inc. info@fibergrid.eu
30.	<u>Www.hugobossoutletireland.com</u>	NETIM (support@netim.com)	Fiber Grid Inc. info@fibergrid.eu
31.	<u>Www.hugobossireland.co</u>	1API GmbH (legal@1api.net , abuse@1api.net)	Fiber Grid Inc. info@fibergrid.eu
32.	<u>Www.hugosaleaustralia.com</u>	NETIM (support@netim.com)	Fiber Grid Inc. info@fibergrid.eu
33.	<u>Www.hugobossouthafrica.com</u>	NameSilo LLC (support@namesilo.com , pr@namesilo.com)	Fiber Grid Inc. info@fibergrid.eu
34.	<u>Www.hugobossargentina.com</u>	Alibaba.com Singapore E-commerce Pvt. Ltd. (dataprotection@service.alibaba.com)	Fiber Grid Inc. info@fibergrid.eu
35.	<u>Www.hugobossphilippines.com</u>	NETIM (support@netim.com)	Fiber Grid Inc. info@fibergrid.eu
36.	<u>Www.hugobossdecolumbia.com</u>	NameSilo LLC (support@namesilo.com , pr@namesilo.com)	Fiber Grid Inc. info@fibergrid.eu
37.	<u>Www.hugobosscolombia.top</u>	NameSilo LLC (support@namesilo.com , pr@namesilo.com)	Fiber Grid Inc. info@fibergrid.eu
38.	<u>Www.hugoboss-malaysia.com</u>	NameSilo LLC (support@namesilo.com , pr@namesilo.com)	Fiber Grid Inc. info@fibergrid.eu

In the application under Order 39 Rule 1 and 2, the plaintiff has inter alia prayed for following relief:

(d.) Issue directions to the respective Domain Name Registrars and Web Hosting Service Providers of the Defendant No. 1's impugned websites (and such other Websites/ entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiff's intellectual property rights) to disclose the exact ownership details of the Defendant No. 1's websites and/or mirror/redirect/alphanumeric websites, which are put in play by Defendant No. 1, including details provided at the time of registration and payment details.

(e.) Issue a direction to the Defendant No. 11 to secure blocking of the Web Pages/ URL(s)/ Listings of the impugned web-sites of Defendant No. 1 and/or mirror/redirect/alphanumeric websites, which are put in play by Defendant No. 1 and URLs [as listed in Schedule A] and/or any other URLs which may come up in the future as and when reported to the Defendant No. 11 under affidavit filed by the Plaintiff in respect of impugned goods bearing impugned Trademarks/Labels HUGO BOSS, and its variants or any other word/mark/Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's said Trademark/Label/Trade Name HUGO BOSS, BOSS, HUGO and other BOSS/HUGO formative marks such as HUGO HUGO BOSS, BOSS HUGO.

(f.) Issue a direction to Defendant No. 12 to secure blocking of the Web Pages/URL(s)/ Listings of the impugned web-sites of Defendant No. 1 and/or mirror/redirect/alphanumeric websites, which are put in play by Defendant No. 1 URL(s) [as listed in Schedule A] and/or any other URLs which may come up in the future as and when reported to the Defendant No. 12 under affidavit filed by the Plaintiff in respect of impugned goods bearing impugned Trademarks/Labels HUGO BOSS, HUGO, BOSS and its variants or any other word/mark/Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's said Trademark/Label/Trade Name HUGO BOSS, BOSS, HUGO and other BOSS/HUGO formative marks such as HUGO HUGO BOSS, BOSS HUGO BOSS, HUGO BOSS, etc.

The counsel for plaintiff has relied upon the order dated 28.09.2021 passed by Hon'ble High Court of Delhi in CS (Comm.) No. 474/2021 entitled Loreal S.A. Vs. Ashok Kumar and Others in which the Hon'ble High Court had issued directions to the concerned

registrar to furnish details and particulars in respect of infringing website.

The counsel for plaintiff has relied upon order dated 25.10.2021 passed by Hon'ble High Court of Delhi in CS (COMM.) No. 524/2021, in which the Hon'ble High Court issued directions to the Department of Telecommunications and Ministry of Electronics and Information Technology.

As already held in the ad interim Order dated 16.03.2022, the plaintiff has made out a prima facie case. Accordingly, directions are issued to the respective domain name registrars and web hosting service providers in terms of prayer (d) of application to disclose the details and particulars of the ownership of the defendant no. 1's websites and/or mirror/redirect/alpha numeric websites including all details provided at the time of registration and payment details.

Directions are issued to the defendant no. 11 and 12 in terms of prayer (e) and (f) of the application.

List on 11.07.2022.

(SATYABRATA PANDA)
Additional District Judge-04
Judge Code- DL01057
PHC/New Delhi/13.05.2022

UNITED & UNITED

PATENT AND TRADE MARK ATTORNEYS

52, SUKHDEV VIHAR, MATHURA ROAD, NEW DELHI - 110025

Tel.: 011-24843455, 46560881, 41085620 23952695, 41320207

E-mail: info@unitedandunited.com | www.unitedandunited.com

Office Also at : Mumbai, Hyderabad and Chennai

K.G. BANSAL

SHEEL KUMAR BANSAL

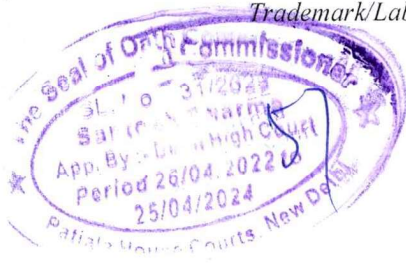
SHRAVAN KUMAR BANSAL

Advocates

AFFIDAVIT

Affidavit of Mr. Anand Kumar, aged 43 years, s/o Shri. K.R. Arya, and R/o 52, Sukhdev Vihar, Mathura Road, New Delhi- 110025. I the above named deponent do hereby solemnly affirm, declare and say as under:

- I am the Constituted Attorney of the Plaintiff Company. I have been duly authorized to institute and prosecute the present suit (*Suit bearing TM No. 7/2022, titled Hugo Boss Trademark Management GmbH & Co. KG. Vs. Ashok Kumar & Ors. pending in the Court of Sh. Sanjeev Aggarwal, District Judge (Commercial)-02, Patiala House Courts of Delhi at New Delhi*), sign and verify its pleadings, applications, depose on oath, execute Vakalatnama, affidavits and do all other acts necessary further for the proper prosecution of the present suit. I am competent to swear this Affidavit.
- That the Plaintiff had instituted a suit bearing TM No. 7/2022, titled Hugo Boss Trademark Management GmbH & Co. KG. Vs. Ashok Kumar & Ors. seeking injunction and restrain against the Defendant No.1 (alphanumeric/rogue/mirror websites) from infringing the Plaintiff's registered HUGO BOSS/BOSS/ BOSS HUGO BOSS Trademarks/Labels; Passing off of the Plaintiff's rights in the Plaintiff's said Trade Marks/Labels; Violation of the Plaintiff's rights in the Plaintiff's said Trade Marks/Labels and Infringement of Plaintiff's Copyrights.
- That this court was pleased to restrain Defendant No.1 (alphanumeric/rogue/mirror websites) from using and operating the impugned websites/domain names for any purpose whatsoever vide order dated 16.03.2022. That further vide order dated 13.05.2022, the court had directed the Defendant No.11 (Department of Telecommunication)-*"To block any other mirror/ redirect/ alphanumeric websites, which are put in play by Defendant No. 1 as well as any other URLs which may come up in future as and when reported to You under Affidavit by the Plaintiff in connection with the impugned goods bearing impugned Trademarks/Labels HUGO BOSS, and its variants or any other Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's said Trademark/Label."*



4. That presently the matter is pending for adjudication in the Court of Sh. Sanjeev Aggarwal, District Judge (Commercial)-02, Patiala House Courts of Delhi at New Delhi.

5. That I recently came across certain mirror/ redirect/ alphanumeric / rogue websites **in addition to the “suit website”** (*mirror/ redirect/ alphanumeric/ rogue websites, which are already part of the suit*) which are active and are showcasing the impugned goods bearing impugned Trademarks/Labels HUGO BOSS, and its variants, the same is identical with and/or deceptively similar to the Plaintiff’s said Trademark/Label. List of such websites are provided herewith below:

- a) www.hugobosssouthafrica.com
- b) www.hugobosssrbija.co
- c) www.hugoboss.br.com
- d) www.hugobossnorges.com
- e) www.hugoboss-saleonline.com
- f) www.hugoboss-india.com
- g) www.hugobossdesconto.pl
- h) www.hugobossakeia.sk
- i) www.bossinromania.com
- j) www.hugobossincolombia.com
- k) www.bosschileshop.com
- l) www.hugobosshr.co
- m) www.bossindanmark.co
- n) www.hugoboss-india.com
- o) www.hugobosscomprar.com

6. That vide Court Order dated 13.05.2022 passed by the Court of Mr. Satyabrata Panda, Addl. District Judge-04, Patiala House Courts of Delhi at New Delhi, in the aforesaid matter, You being the Defendant No.11 were directed in the following terms by the Court:

“To block any other mirror/ redirect/ alphanumeric websites, which are put in play by Defendant No. 1 as well as any other URLs which may come up in future as and when reported to You under Affidavit by the Plaintiff in connection with the impugned goods bearing impugned Trademarks/Labels HUGO BOSS, and its variants or any other Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff’s said Trademark/Label.”



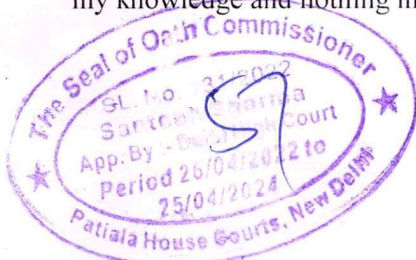
7. That in view of order dated 13.05.2022 of the Hon'ble Court of Mr. Satyabrata Panda, Addl. District Judge-04, Patiala House Courts of Delhi at New Delhi in the captioned matter and as per plain and simple interpretation of the orders, you **Defendant No. 11**, are bound to block the aforementioned rogue/mirror/ redirect/ alphanumeric websites, since the notice of the same is being reported by the Plaintiff by way of the **Present Affidavit** as prescribed in the order dated 13.05.2022.
8. That the said rogue/mirror/ redirect/ alphanumeric websites are wrongly operating in connection with the impugned goods bearing impugned Trademarks/Labels HUGO BOSS, and its variants or any other Trademark/Label which may be identical with and/or deceptively similar to the Plaintiff's said Trademark/Label.
9. The aforementioned impugned domain names/websites are unauthorized websites containing infringing content which violate the statutory and common law rights of the Plaintiff in its said HUGO BOSS Trademarks/Labels and Copyrights. In fact, the overall look, getup and impression of the impugned websites is identical/similar to the Hugo Boss online official outlets/websites. The impugned websites are accessible in India and are interactive in nature leading to consumer deception in the market by way of such fraudulent imitation. That innocent Consumers are indulging in the purchase of these impugned products and as a result are being trapped in fake transactions and purchasing of counterfeit goods.
10. **Therefore, blocking of the aforesaid rogue/mirror/ redirect/ alphanumeric websites is of utmost importance and the same has to be done expeditiously in the interest of justice.**
11. Hence, through the present Affidavit and in compliance of the order dated 13.05.2022, I request to block the aforementioned rogue/mirror/alphanumeric/redirect websites.
12. The contents of the present affidavit are true to my knowledge as derived from the records of the Plaintiff Company. The legal submissions are on advice, believed to be true.


DEPONENT

I identified the deponent who
has signed in my presence
VERIFICATION:

9 SEP 2023

Verified at New Delhi on this day of September, 2023, that the contents of said Affidavit are true to my knowledge and nothing material or relevant has been concealed therefrom.



Solemnly sworn before me read
over & explained to the deponent
Admitted to be correct


DEPONENT

Oath Commissioner, New Delhi 9 SEP 2023

IN THE COURT OF HON'BLE DISTRICT JUDGE,
PATIALA HOUSE COURTS, NEW DELHI

IN
TM NO. OF 2022

IN THE MATTER OF:

Hugo Boss Trade Mark Management
GmbH & Co., KG. ...Plaintiff

Versus

Ashok Kumar & Ors. ...Defendants

MEMO OF PARTIES

Hugo Boss Trade Mark Management
GmbH & Co. KG.
Dieselstrasse 12,
Metzingen, 72555,
Germany

Through

Mr. Anand Kumar
Constituted Attorney
52, Sukhdev Vihar,
Mathura Road, New Delhi – 110025 ...Plaintiff

Versus

Ashok Kumar
Address: Hidden/Unknown
Email id: Hidden/Unknown
Website/s: www.hugobossindia.co.in
www.hugobossoutletindia.co.in
www.hugobossfr.fr
www.hugobossfranch.fr
www.hugobosshungary.me
www.hugobossoutletportugal.biz

www.hugobossromania.co
www.hugobossromania.ro
www.hugobossslovensko.top
www.HugobossEspana.me
www.hugobossmexico.co
www.hugobossoutletgreece.biz
www.hugobosssuomi.me
www.hugobossdenmark.org
www.hugobossdanmark.co
www.hugobosssale.me
www.hugobosssale.co
www.hugoboss-schweiz.com
www.hugobossaustria.com
www.hugobossdeoutlet.de
www.hugobosspl.pl
www.hugobospolska.me
www.hugobossrabatt.at
www.hugoschweiz.com
www.hugobossalenz.top
www.hugobosscanada.me
www.hugobosscanada.org
www.hugobosscz.cz
www.hugobosscz.me
www.hugobossoutletireland.com
www.hugobossireland.co
www.hugosaleaustralia.com
www.hugobosssouthafrica.com
www.hugobossargentinaropa.com
www.hugobossphilippines.com
www.hugobossdecolombia.com
www.hugobosscolombia.top
www.Hugoboss-Malaysia.com

...Defendant No.1

Hosting Concepts B.V. d/b/a OpenProvider
Kipstraat 3c, 5C,
3011 RR Rotterdam, Netherlands
Email: sales@openprovider.nl

...Defendant No.2

Netim Sarl
264 Avenue Arthur Notebart
59160 Lille, France
Email: support@netim.com

...Defendant No. 3

Dynadot, LLC
210 S Ellsworth Ave
#345 San Mateo, CA 94401 US
Email: info@dynadot.com ...Defendant No. 4

1API GmbH
Im Oberen Werk 1
66386 St. Ingbert, Germany
Email: legal@lapi.net, abuse@lapi.net ...Defendant No.5

NameSilo, LLC
8825 N. 23rd Ave Suite 100
Phoenix, Arizona
85021, USA
Email: support@namesilo.com, pr@namesilo.com ...Defendant No. 6

Alibaba.com Singapore E-Commerce Pvt. Ltd.
8 Shenton Way, #45-01,
AXA Tower, Singapore 068811
Email- dataprotection@service.alibaba.com ...Defendant No.7

Registrar.eu
Combelle NV, Skaldenstraat 121
9042 Ghent, Belgium
Email- coc@dns.eu, abuse@combelle.com ...Defendant No.8

Cloudflare, Inc.
101 Townsend St.
San Francisco, CA 94107
Email: privacyquestions@cloudflare.com ...Defendant No.9

Fiber Grid Inc.
N°5 Sturdee Avenue, Suite 301
2196, Rosebank, Johannesburg
South Africa
Email- info@fibergrid.net ...Defendant No.10

The Department of Telecommunications [DoT]
Ministry of Communications,
Government of India, Sanchar Bhawan
20, Ashoka Road, New Delhi – 110001
Email: Adetds2-dot@gov.in ...Defendant No.11

Ministry of Electronics and Information Technology (MeitY)
Through the Division of Cyber Laws & E-Security
Government of India, Electronics Niketan,
6, CGO Complex,
Lodhi Road, New Delhi – 110003
Email: Webmaster.meity@gov.in

...Defendant No. 12

K.G. Bansal & S.K. Bansal
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M/S K.G. Bansal & Company
52, Sukhdev Vihar, Mathura Road
New Delhi – 110 025
Phone: 26843455, 26936783
E-Mail: unitedmark@unitedipr.com

Place: New Delhi
Date: .02.2022