

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-03/2022-DS-II

Dated: 13-06-2022

To,

All Internet Service Licensee's

Subject: CS (COMM) No. CS (COMM) No. 12 of 2022; New Balance Athletics Inc v/s nbstoresinindia.in & Ors., before Hon'ble Delhi High Court.

In continuation to Department of Telecommunications (DoT) even no. letter dated 17.01.2022 & 23.02.2022, kindly find the enclosed Hon'ble Delhi High Court order dated 03rd June, 2022 in the subject matter court case C.S.(Comm) No. 12 of 2022 along with list of domains/websites of defendant no. 29 to 31 for compliance. Wherein DoT is defendant no. 15 in the case.

2. Hon'ble Court vide corrigendum order 03rd June 2022 has, inter alia, directed that:

5. Pending further orders, the following ad interim relief is granted, qua the newly added Defendants:

(i). Defendants No. 29 to 31, as well as any other entity acting through them or on their behalf are restrained from using the registered 'NEW BALANCE' and 'NB' trademarks of the Plaintiff, in any manner, whatsoever, including by reflecting the said marks on their websites at any point or position;

(iii). Defendants No. 15 and 16 are directed to issue a notification calling upon the various Internet Service Providers, registered under them, to block access to Defendants No. 29 to 31.

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified to take immediate necessary action for compliance of the court order dated 03rd June, 2022 with respect to defendant no. 29 to 31.

Encl: A/A

Director (DS-II)
Tel: 011-2303 6860
Email: dirds2-dot@nic.in

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

+ CS(COMM) 12/2022

NEW BALANCE ATHLETICS INC Plaintiff

Through: Mr. Dushyant Kumar Mahant,
Mr. Urfee Roomi, Mr. Parth Agarwal and
Mr. Vishesh Kumar, Advocates.

versus

NBSTORESININDIA.IN & ORS. Defendants

Through: Mr. Sandeep Mahapatra, Central
Government Standing Counsel for D-15.
Mr. Naveen Kumar Jain, Advocate for D-17.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

03.06.2022

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I.A. 9562/2022 (under Order 1 Rule 10 CPC, by Plaintiff)

1. By way of the present application Plaintiff seeks interim injunction in terms of the orders dated 07.01.2022, 24.01.2022 read with order dated 11.02.2022, in respect of additional websites which are indulging in infringing activities, similar to the infringing activities of the existing Defendants.

2. Plaintiff also seeks impleadment of the said Defendants along with their domain name registrars. The websites are proposed to be impleaded as Defendants No. 29 to 31. Plaintiff has placed on record as Document No. '1' along with the application, screenshots from the websites of the proposed Defendants indicating the unauthorized use of the Plaintiff's registered marks 'NEW BALANCE' and 'NB'.

3. Having heard learned counsel for the Plaintiff, prayer to implead the proposed Defendants is allowed and they are impleaded as Defendants No. 29 to 31 in the present suit.

4. Amended memo of parties is taken on record.

5. Pending further orders, the following *ad interim* relief is granted, qua the newly added Defendants:

(i). Defendants No. 29 to 31, as well as any other entity acting through them or on their behalf are restrained from using the registered 'NEW BALANCE' and 'NB' trademarks of the Plaintiff, in any manner, whatsoever, including by reflecting the said marks on their websites at any point or position;

(ii). Defendants No. 11, 12 and 28 are directed forthwith to suspend and render inoperative the domain name registrations held by Defendants No. 29 to 31, till further orders;

(iii). Defendants No. 15 and 16 are directed to issue a notification calling upon the various Internet Service Providers, registered under them, to block access to Defendants No. 29 to 31.

6. Application is allowed and disposed of in the above terms.

7. As the order is being passed *ex parte* against the aforesaid Defendants, Plaintiff shall comply with Order 39 Rule 3 CPC by e-mail within three weeks from today.

CS(COMM) 12/2022

8. Issue summons to Defendants No. 29 to 31, through all permissible modes, returnable on 17.08.2022 before the learned Joint Registrar, the date already fixed.

9. Summons shall state that the written statement shall be filed by Defendants No. 29 to 31 within 30 days from the receipt of summons. Along with the written statement, Defendants No. 29 to 31 shall also file an affidavit of admission/denial of the documents filed by the Plaintiff.

10. Replication be filed by the Plaintiff within 15 days of the receipt of the written statement. Along with the replication, an affidavit of admission/denial of documents filed by the Defendants No. 29 to 31, shall be filed by the Plaintiff.

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

JYOTI SINGH, J

JUNE 03, 2022/sn

CS Comm 12 of 2022

Grid of Defendants and corresponding Domain Name Registrars

S. No.	Rogue Site(s)
1.	NBSTOREINDIA.COM Defendant No. 29
2.	NBINDIASTORE.COM Defendant No. 30
3.	NEWBALANCESTORESINDIA.IN Defendant No. 31