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-13/2022-DS-II

Dated:13-09-2022

To,

All Internet Service Licensees'

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

In continuation to Department of Telecommunications even no. letters dated 12.04.2022, 21.04.2022, 26.04.2022, 28.04.2022, 02.05.2022, 04.05.2022, 13.05.2022, 18.05.2022, 20.05.2022, 26.05.2022, 27.05.2022, 03.06.2022, 21.06.2022, 01.07.2022, 21.07.2022, 02.08.2022, 16.08.2022, 01.09.2022, 06.09.2022 & 09.09.2022; kindly find the enclosed Hon'ble Delhi High Court order dated 06th April, 2022 in the subject matter court case C.S. (Comm) No. 214 of 2022 along with **Fifty-First (4 websites)** list of additional websites/URLs, as provided by advocate for the plaintiff in the case along with affidavit dated 10.09.2022 for compliance. DoT is defendant No. 32 in the case.

2. Hon'ble Court in order dated 06th April, 2022 has, inter alia, directed that:

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.

1/3059847/2022

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified to take immediate necessary blocking action for compliance of the court order dated 06th April, 2022 with respect to **Fifty-First** (4 websites) list of additional websites/URLs.

Director(DS-II)
Tel: 011-23036860
Email:dirds2-dot@nic.in

Encl: A/A

Copy to: 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.

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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

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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;

- 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** have 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 (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-kytety.lalalalalalori.workers.dev);
- 1. 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

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: 10th September 2022

Advocates for the Plaintiffs

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New Delhi - 110003

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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 MS. DIKSHA SNEHAL, D/O MR. AMIT RANJAN, AGED ABOUT 28 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:
- 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 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

Debajyoti Behurk Advocate Regn. No. 19716 Period: 24/02/2020 to 24/02/2026 Central Delhi 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 (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

Debajyoti Beharia

Advocate

Advocat

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. I state that the following user interface (UI) domains / websites have been identified by the investigation agency engaged in illegally communicating the Plaintiffs'

Content, including but not limited to the content made available through the Plaintiffs' STAR Channels, through the Rogue

Apps:

S. No.	Domains / Websites	Rogue App
1.	https://livertttss2.xyz/	RTS TV
		(Defendant No. 2)
2.	https://awsindstream.com	Pikashow

Debajyoti BehuMa
Advocate
Advocate
Resin No. 19716
Period: 24/02/2025
to 24/02/2025
Central Delhi

3.	https://i-cdn-0.awsindstream.com	(Additional rogue app identified vide	
4.	https://cdn4506.awsindstream.co	Affidavit dated 09.05.2022)	

4. I state that the 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. 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 any of 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.

5. 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.

I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 16.04.2021, 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

xxx

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."

7. 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) 15-2520M 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.

Debalyou Behing

Advocate 19716

Restr. No. 1971620

Period 241022025

Central Delhi

8. 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.

9. 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

1 0 SEP 2022

Verified at New Delhi on this the __day of September 2022 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.

Identified the deponent who has signed in my presence.

DEPONENT

Debajyoti Behuma Advocate Regn. No. 19716 Period: 24/02/2020 to 24/02/2025 Central Delhi

Definition of the efficient paye been read to available to the

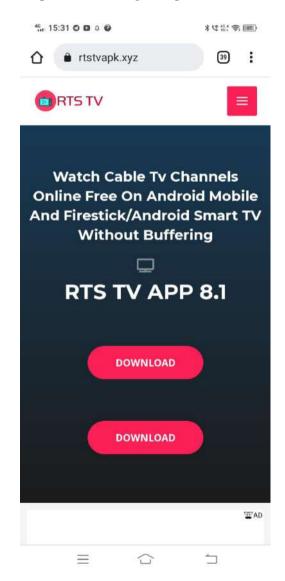
have been read it explained to him/her are true & correct to his/her knowledy/s

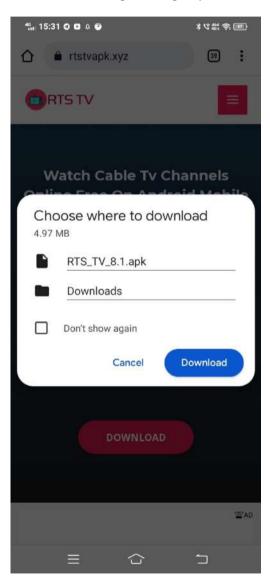
ANNEXURE A: LIST OF DOMAINS / URLs / IP ADDRESSES

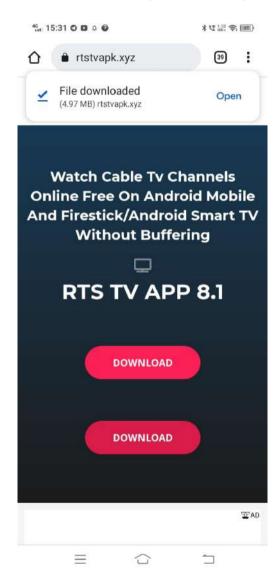
S. NO.	IO. DOMAINS / WEBSITES	
1.	https://livertttss2.xyz/	
2.	https://awsindstream.com	
3.	https://i-cdn-0.awsindstream.com	
4.	4. https://cdn4506.awsindstream.com	

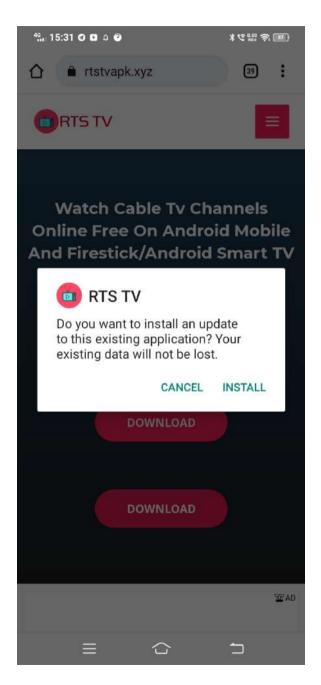
Modus operandi for Investigation into the illegal and infringing activities of the rogue app, RTS TV:

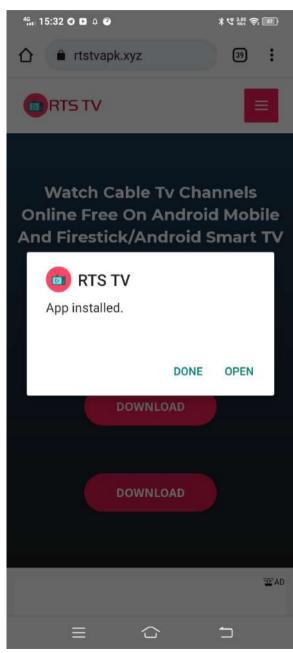
Step 1: The Investigator opened the official website of RTS TV, http://rtstvapk.xyz/, from where the RTS TV APK file (android version) was downloaded.













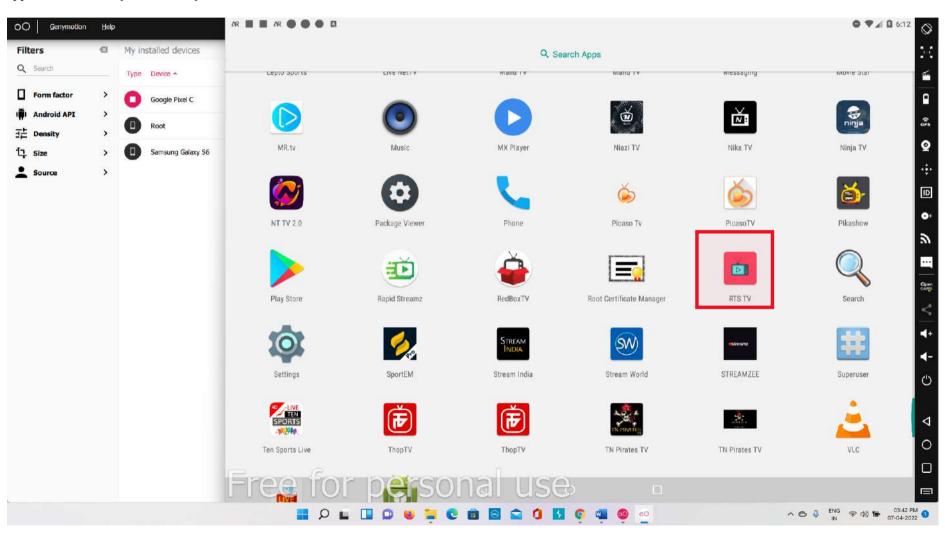






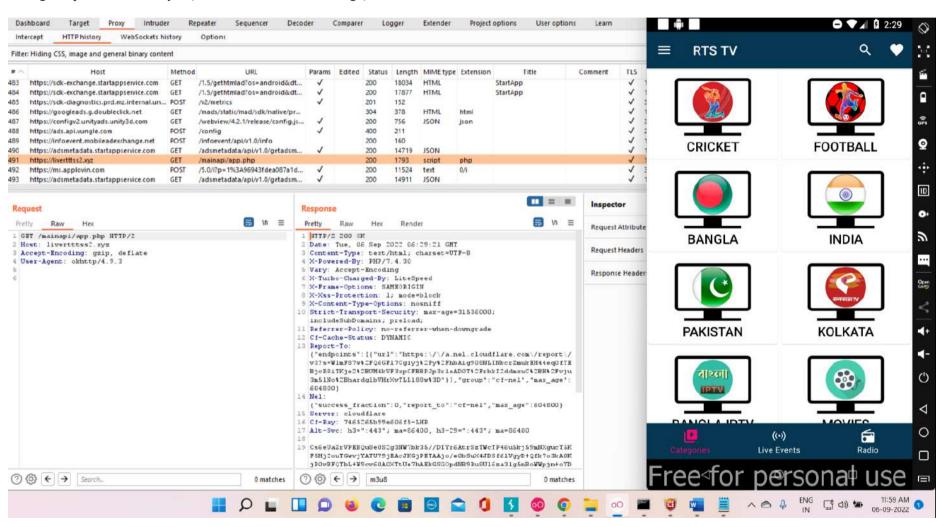
Step 2: The Investigator then installed the RTS TV APK file on "Genymotion".

Note: The Genymotion application is designed to enable Android applications to run on PCs running Microsoft Windows and Apple's macOS. This application's basic features are free to download and use.

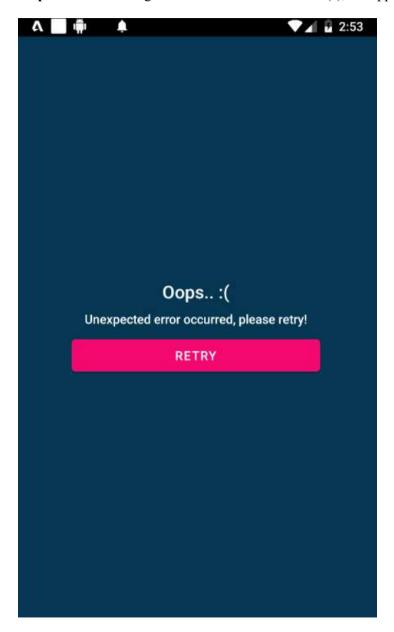


Step 3: Prior to launching the RTS TV application, the Investigator launched Burp Suite software to capture the data packets (network logs) of the app.

The Investigator then launched the RTS TV app and simultaneously observed the network logs appearing in Burp Suite. It was found that the app was loading through https://livertttss2.xyz/ (as shown in the below image).



Step 4: After blocking the above-mentioned domain(s), the app stopped working as shown below.



Step 5: Evidence of infringement of Plaintiffs' content (viz ACC Asia Cup 2022) on RTS TV app:











We stand with our friends and colleagues in Ukraine. To support Ukraine in their time of need visit this page.



Domains → Whois Lookup → Results

Whois results: livertttss2.xyz is already registered. Want it? Make an offer now.

livertttss2.xyz

TAKEN

Domain name: livertttss2.xyz

Registry Domain ID: D321055438-CNIC

Registrar WHOIS Server: whois.namecheap.com

Registrar URL: http://www.namecheap.com Updated Date: 0001-01-01T00:00:00.00Z Creation Date: 2022-09-05T14:06:35.00Z

Registrar Registration Expiration Date: 2023-09-05T14:06:35.00Z

Registrar: NAMECHEAP INC Registrar IANA ID: 1068

Registrar Abuse Contact Email: abuse@namecheap.com

Registrar Abuse Contact Phone: +1.9854014545

Reseller: NAMECHEAP INC

Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited Domain Status: serverTransferProhibited https://icann.org/epp#serverTransferProhibited

Registry Registrant ID:

Registrant Name: Redacted for Privacy

Registrant Organization: Privacy service provided by Withheld for Privacy ehf

Registrant Street: Kalkofnsvegur 2

Registrant City: Reykjavik

Registrant State/Province: Capital Region

Registrant Postal Code: 101

Registrant Country: IS

Registrant Phone: +354.4212434

Registrant Phone Ext:

Registrant Fax: Registrant Fax Ext:

Registrant Email: 3dfbafbbb4994f1da2b296502c25b37b.protect@withheldforprivacy.com

Registry Admin ID:

Admin Name: Redacted for Privacy

Admin Organization: Privacy service provided by Withheld for Privacy ehf

Admin Street: Kalkofnsvegur 2

Admin City: Reykjavik

Admin State/Province: Capital Region

Admin Postal Code: 101

Admin Country: IS

Admin Phone: +354.4212434

Admin Phone Ext:

Admin Fax:

Admin Fax Ext:

Admin Email: 3dfbafbbb4994f1da2b296502c25b37b.protect@withheldforprivacy.com

Registry Tech ID:

Tech Name: Redacted for Privacy

Tech Organization: Privacy service provided by Withheld for Privacy ehf

Tech Street: Kalkofnsvegur 2

Tech City: Reykjavik

Tech State/Province: Capital Region

Tech Postal Code: 101

Tech Country: IS

Tech Phone: +354.4212434

Tech Phone Ext:

Tech Fax:

Tech Fax Ext:

Tech Email: 3dfbafbbb4994f1da2b296502c25b37b.protect@withheldforprivacy.com

Name Server: elinore.ns.cloudflare.com Name Server: keanu.ns.cloudflare.com

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/

>>> Last update of WHOIS database: 2022-09-05T16:31:12.98Z <<<

For more information on Whois status codes, please visit https://icann.org/epp

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Terms and Conditions Privacy Policy <u>UDRP</u> Cookie Preferences

WE SUPPORT

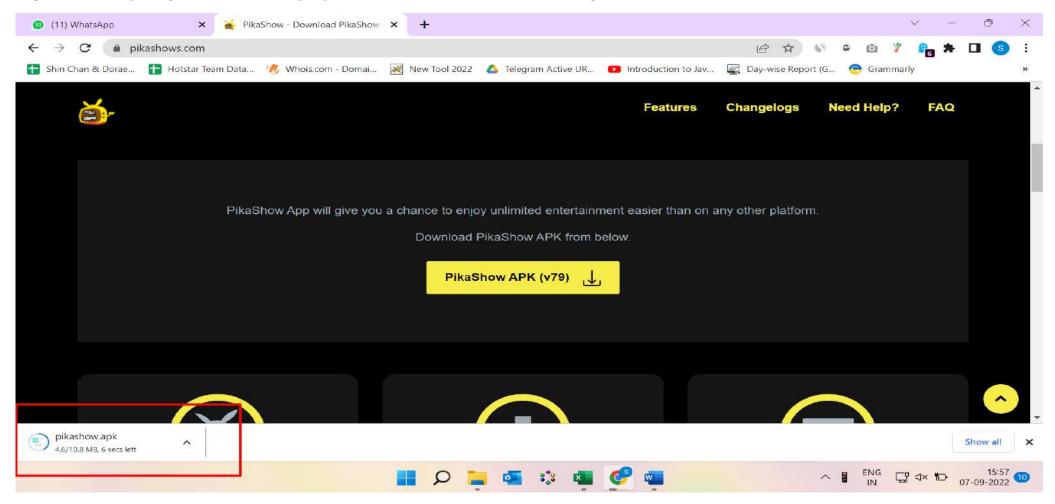
We are an <u>ICANN</u> accredited registrar. Serving customers since 2001.

Payment Options



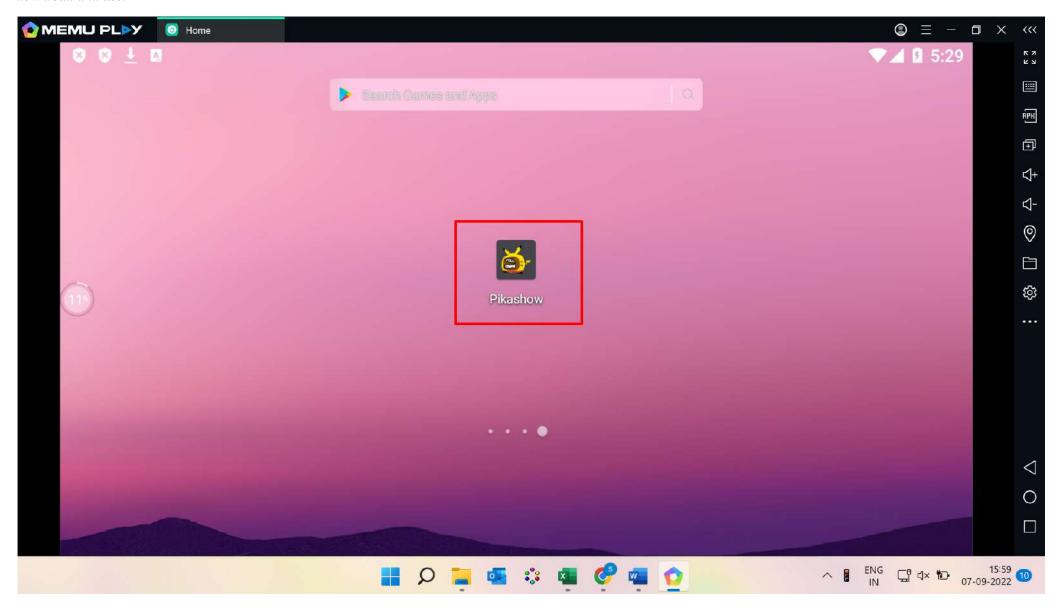
Modus operandi for Investigation into the illegal and infringing activities of the rogue app, Pikashow:

Step 1: The Investigator opened the website (https://pikashows.com/) from where the Pikashow .apk file can be downloaded:



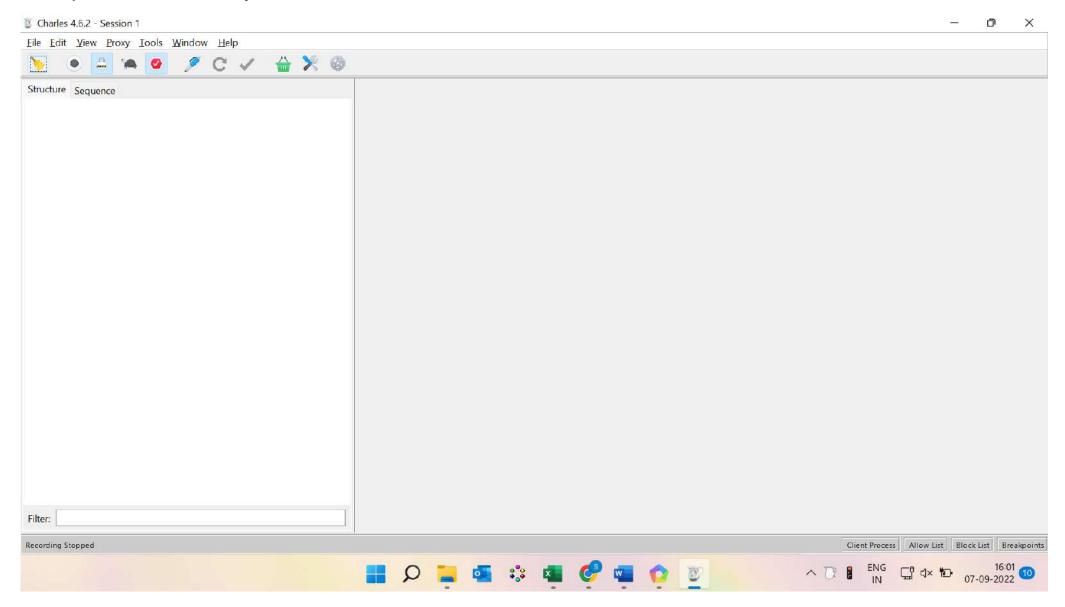
Step 2: The Investigator then installed the Pikashow. apk file on "Memu Play".

Note: The Memu Play application enables Android applications to run on PCs running Microsoft Windows and Apple's macOS. This application's basic features are free to download and use.

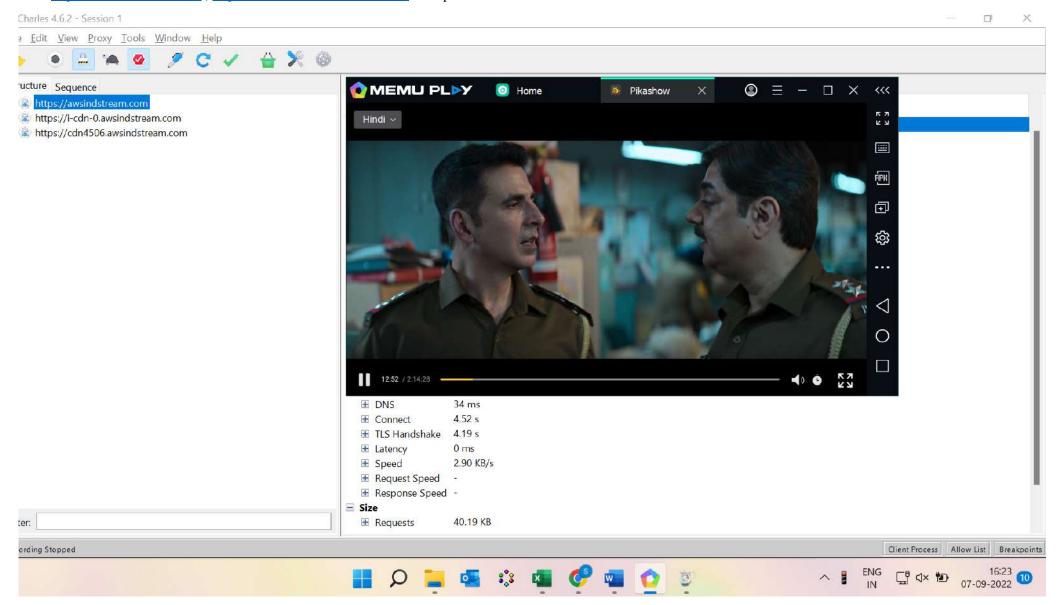


Step 3: Before launching the Pikashow .apk application, the Investigator launched "Charles Proxy" to capture the data packets (network logs) of the Pikashow .apk app.

Note: Charles Proxy is a cross-platform HTTP debugging proxy server application written in Java. It enabled the user to view HTTP, HTTPS, HTTP/2, and TCP port traffic accessed from, to, or via the local computer.

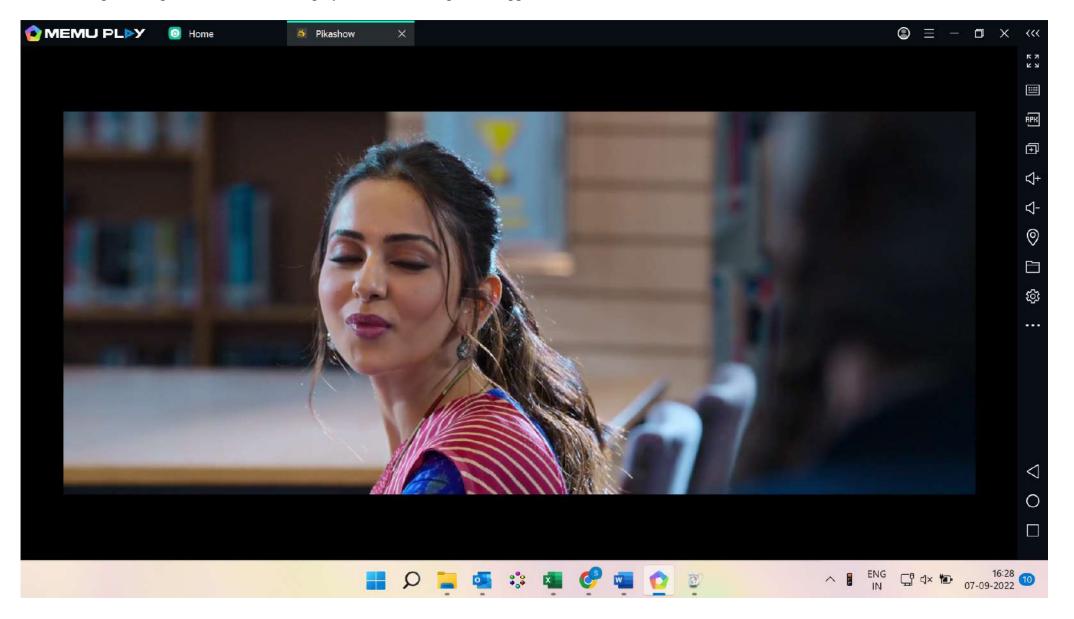


Step 4: The Investigator then launched the Pikashow app and simultaneously observed the network logs appearing in Charles Proxy. It was found that the content is playing with: https://awsindstream.com, https://i-cdn-0.awsindstream.com & https://cdn4506.awsindstream.com

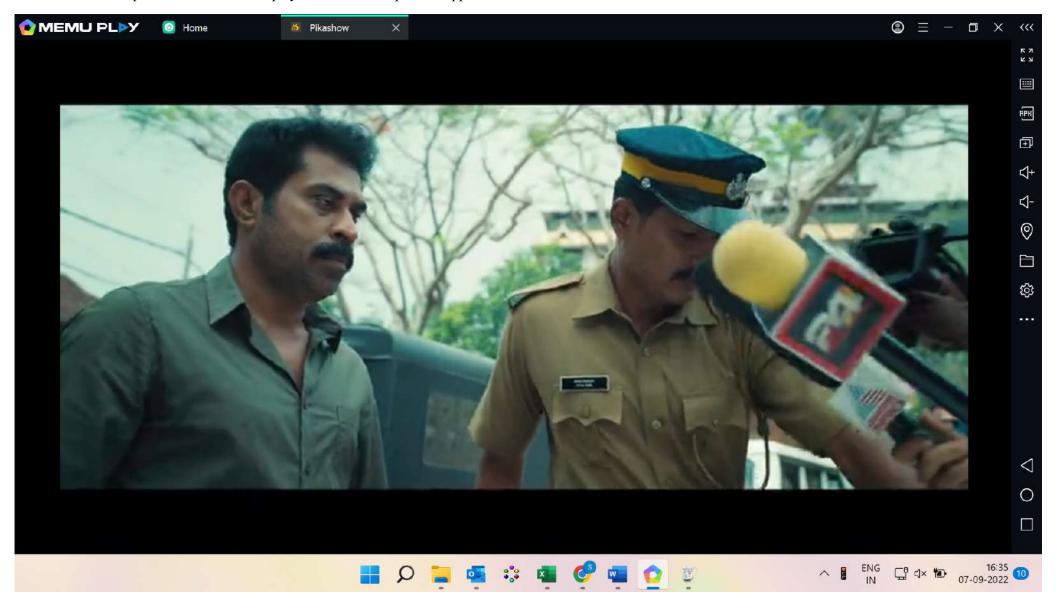


Screenshots of Plaintiffs' content playing before blocking the above-mentioned domain:

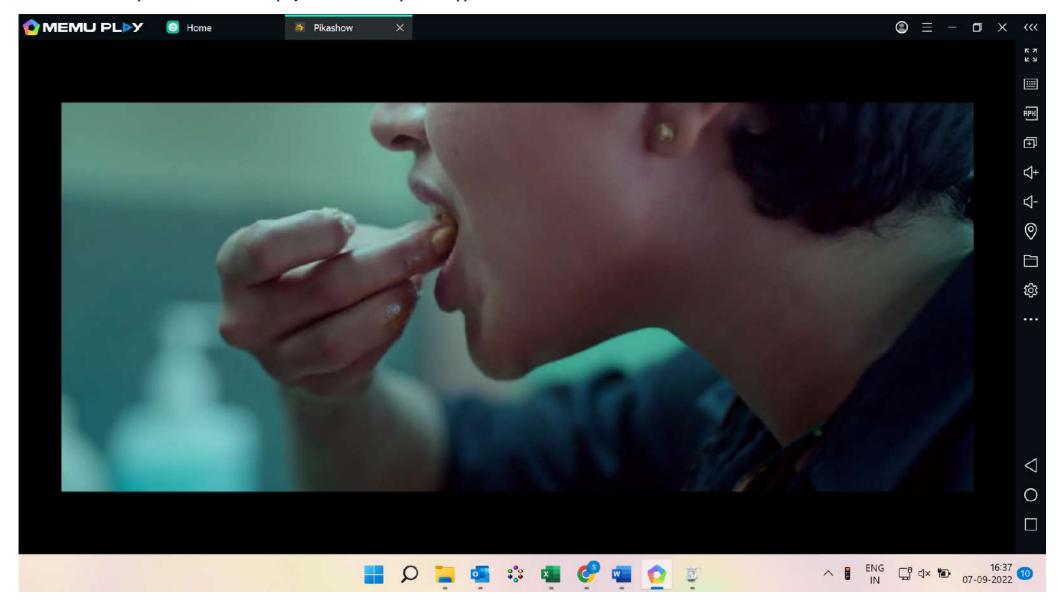
1. Cuttputlli: https://awsindstream.com/play/ftt15315164?d=pikachu.app&?sinku



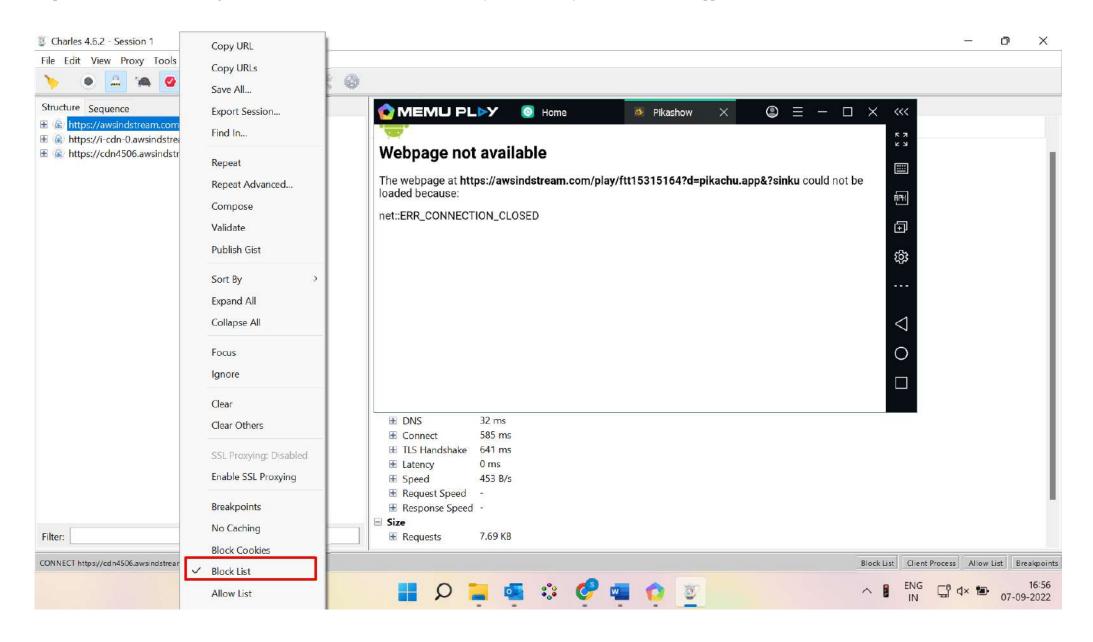
2. Heaven: https://awsindstream.com/play/ftt20115138?d=pikachu.app&?sinku



3. Cadaver: https://awsindstream.com/play/ftt11102262?d=pikachu.app&?sinku

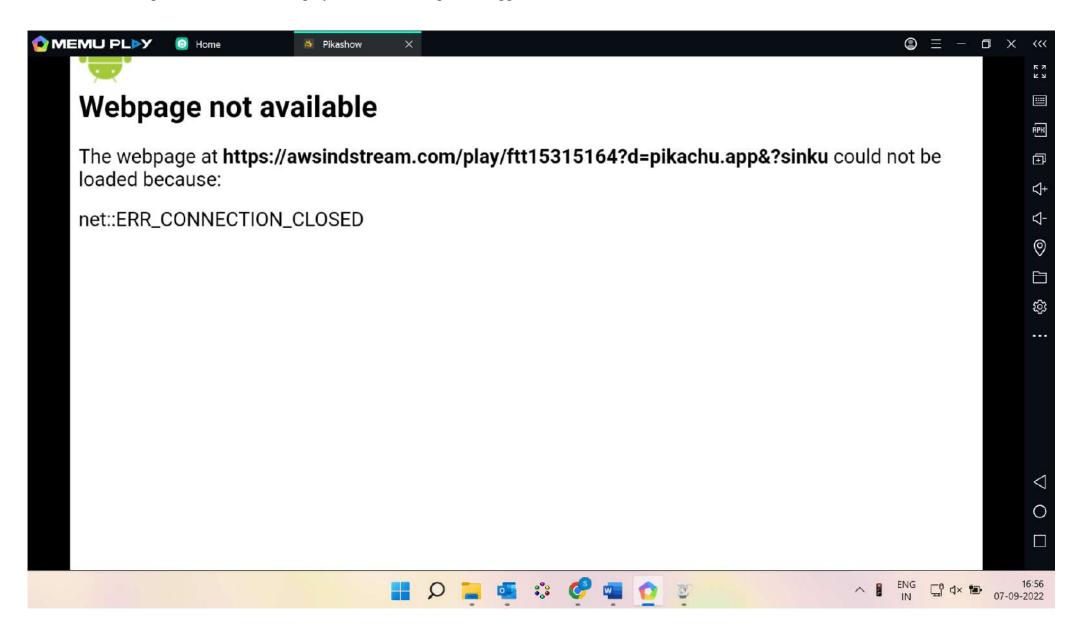


Step 5: However, after blocking the above-mentioned domain simultaneously on the local system, the Pikashow app was unable to stream:



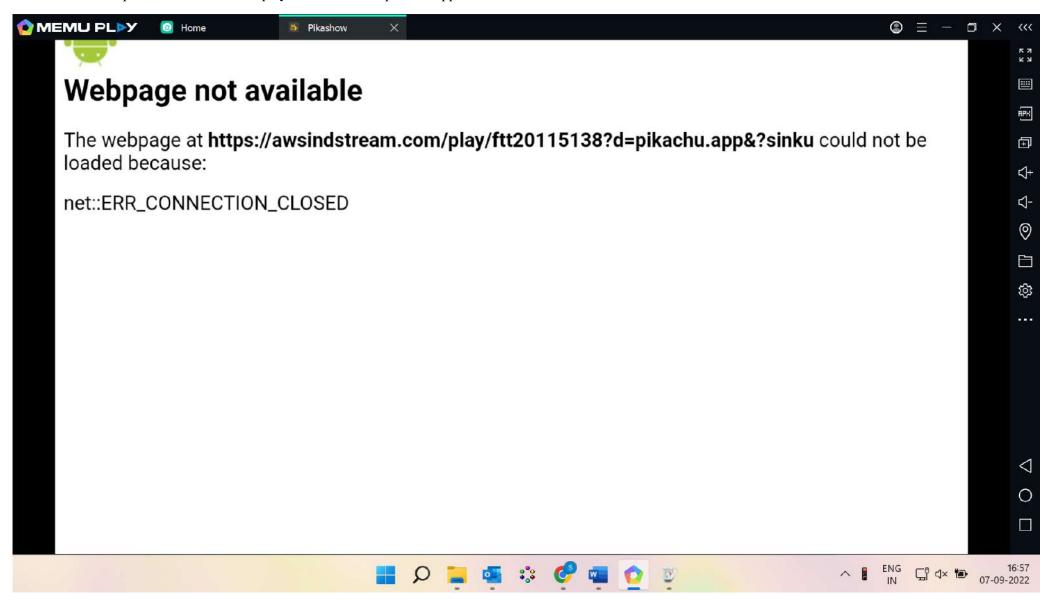
1. Cuttputtli:

Source Domain: https://awsindstream.com/play/ftt15315164?d=pikachu.app&?sinku



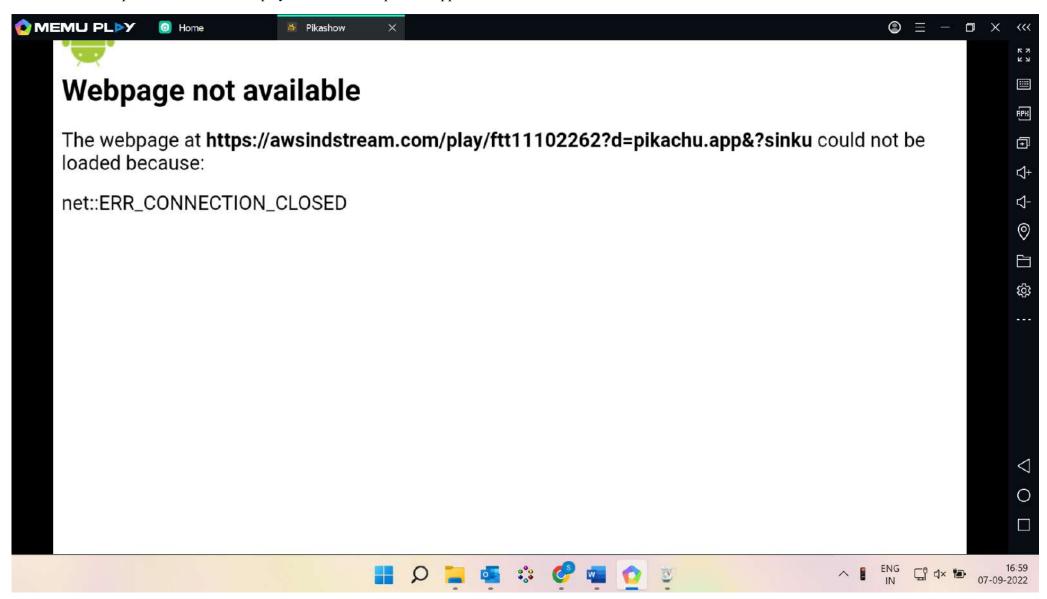
2. Heaven:

Source domain: https://awsindstream.com/play/ftt20115138?d=pikachu.app&?sinku



3. Cadaver:

Source domain: https://awsindstream.com/play/ftt11102262?d=pikachu.app&?sinku



9/7/22, 5:03 PM Whois awsindstream.com



Enter Domain or IP

WHOIS

DOMAINS

WEBSITE

CLOUD

HOSTING

SERVERS

EMAIL

SECURITY

Updated 3 days ago 🗘

WHOIS

SUPPORT

LOGIN

0

awsindstream.com

Domain Information			
Domain:	awsindstream.com		
Registrar:	GoDaddy.com, LLC		
Registered On:	2021-09-06		
Expires On:	2022-09-06		
Updated On:	2021-12-07		
Status:	clientDeleteProhibited clientRenewProhibited clientTransferProhibited clientUpdateProhibited		
Name Servers:	gigi.ns.cloudflare.com		

Interested in similar domains?

awsindstreaming.com	Buy Now
awsindstreamapp.com	Buy Now
getawsindstream.com	Buy Now
devopsindstream.com	Buy Now
awsindstream.net	Buy Now
awsindstreaming.net	Buy Now

Registrant Contact Name: Registration Private

Organization: Domains By Proxy, LLC

sid.ns.cloudflare.com

Street: DomainsByProxy.com 2155 E Warner Rd

Arizona

City: Tempe

Postal Code: 85284

Country: US

State:

Phone: +1.4806242599

Fax: +1.4806242598

Email: Select Contact Domain Holder link at

https://www.godaddy.com/whois/results.aspx?

domain=awsindstream.com

.space

\$24.88 \$**1.48**

BUY NOW

*Offer ends 31st August 2022

On Sale!



.FUN @ \$1.48 \$23.88

Administrative Contact

Name:	Registration Private	
Organization:	Domains By Proxy, LLC	
Street:	DomainsByProxy.com 2155 E Warner Rd	
City:	Tempe	



State:	Arizona	
Postal Code:	85284	
Country:	US	
Phone:	+1.4806242599	
Fax:	+1.4806242598	
Email:	Select Contact Domain Holder link at https://www.godaddy.com/whois/results.aspx? domain=awsindstream.com	

Technical Contact		
Name:	Registration Private	
Organization:	Domains By Proxy, LLC	
Street:	DomainsByProxy.com 2155 E Warner Rd	
City:	Tempe	
State:	Arizona	
Postal Code:	85284	
Country:	US	
Phone:	+1.4806242599	
Fax:	+1.4806242598	
Email:	Select Contact Domain Holder link at https://www.godaddy.com/whois/results.aspx? domain=awsindstream.com	

Raw Whois Data

Domain Name: awsindstream.com Registry Domain ID: 2639058725_DOMAIN_COM-VRSN

Registry Domain ID: 2639058/25_DOMAIN_COM-VRS
Registrar WHOIS Server: whois.godaddy.com
Registrar URL: https://www.godaddy.com
Updated Date: 2021-09-06T08:40:47Z
Creation Date: 2021-09-06T08:40:46Z

Registrar Registration Expiration Date: 2022-09-06T08:40:46Z

Registrar: GoDaddy.com, LLC Registrar IANA ID: 146

Registrar Abuse Contact Email: abuse@godaddy.com Registrar Abuse Contact Phone: +1.4806242505

Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited Domain Status: clientUpdateProhibited https://icann.org/epp#clientUpdateProhibited Domain Status: clientRenewProhibited https://icann.org/epp#clientRenewProhibited Domain Status: clientDeleteProhibited https://icann.org/epp#clientDeleteProhibited

Registry Registrant ID: Not Available From Registry

Registrant Name: Registration Private Registrant Organization: Domains By Proxy, LLC

Registrant Street: DomainsByProxy.com

Registrant Street: DomainsByProxy.com
Registrant Street: 2155 E Warner Rd

Registrant City: Tempe

Registrant State/Province: Arizona Registrant Postal Code: 85284 Registrant Country: US

Registrant Phone: +1.4806242599

Registrant Phone Ext:

Registrant Fax: +1.4806242598

Registrant Fax Ext:

Registrant Email: Select Contact Domain Holder link at https://www.godaddy.com/whoi

Registry Admin ID: Not Available From Registry Admin Name: Registration Private Admin Organization: Domains By Proxy, LLC Admin Street: DomainsByProxy.com Admin Street: 2155 E Warner Rd Admin City: Tempe Admin State/Province: Arizona Admin Postal Code: 85284 Admin Country: US Admin Phone: +1.4806242599 Admin Phone Ext: Admin Fax: +1.4806242598 Admin Fax Ext: Admin Email: Select Contact Domain Holder link at https://www.godaddy.com/whois/res Registry Tech ID: Not Available From Registry Tech Name: Registration Private Tech Organization: Domains By Proxy, LLC Tech Street: DomainsByProxy.com Tech Street: 2155 E Warner Rd Tech City: Tempe Tech State/Province: Arizona Tech Postal Code: 85284 Tech Country: US Tech Phone: +1.4806242599 Tech Phone Ext: Tech Fax: +1.4806242598 Tech Fax Ext: Tech Email: Select Contact Domain Holder link at https://www.godaddy.com/whois/resu Name Server: GIGI.NS.CLOUDFLARE.COM Name Server: SID.NS.CLOUDFLARE.COM DNSSEC: unsigned URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/ >>> Last update of WHOIS database: 2022-08-19T11:53:06Z <<< For more information on Whois status codes, please visit https://icann.org/epp TERMS OF USE: The data contained in this registrar's Whois database, while believed registrar to be reliable, is provided "as is" with no guarantee or warranties regar accuracy. This information is provided for the sole purpose of assisting you in obt information about domain name registration records. Any use of this data for any ot is expressly forbidden without the prior written permission of this registrar. By s an inquiry, you agree to these terms and limitations of warranty. In particular, yo to use this data to allow, enable, or otherwise support the dissemination or collec data, in part or in its entirety, for any purpose, such as transmission by e-mail, postal mail, facsimile or other means of mass unsolicited, commercial advertising o of any kind, including spam. You further agree not to use this data to enable high or robotic electronic processes designed to collect or compile this data for any pu

mining this data for your own personal or commercial purposes. Failure to comply wi may result in termination of access to the Whois database. These terms may be subje at any time without notice.

related domain names

godaddy.com icann.org cloudflare.com domainsbyproxy.com internic.net



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Register Domain Name

Transfer Domain Name

View Domain Pricing

Name Suggestion Tool

Whois Lookup

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Hosting & Products

Datacenter Details

Infrastructure

Windows Hosting

WordPress Hosting

Hosting Security

24 x 7 Servers Monitoring

Backup and Recovery

Linux Reseller Hosting

Windows Reseller Hosting

Support

Free with Every Domain **Dedicated Servers** 9/7/22, 5:03 PM Follow Us Whois awsindstream.com

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Cloud Hosting

Website Builder

Business Email

Enterprise Email

Google Workspace

SSL Certificates

Sitelock

CodeGuard

39 View Knowledge Base

Contact Support

Report Abuse

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Hotstar Enforcement <hotstar enforcement@markscan.in>

[Notice ID: 514165464] Copyright Infringement Notice under DMCA Act.

1 message

Hotstar Enforcement <hotstar_enforcement@markscan.in> To: Melbicom <abuse@melbicom.net>

Dear Sir/Madam,

This is to bring to your attention that we have found copyright infringements on a website (listed below) who is using your hosting services, further indulged in the act of digital piracy by

Domain Name(s):

1. awsindstream.com

With reference to the above, we reported infringing material to websites owners and haven't received any response from them, and pirate content continues to be active resulting in mor

We are therefore escalating the matter, the domains in question are hosted under "Melbikomas UAB' Therefore we are seeking your intervention in order to get this pirated content ren domains in such activities of digital piracy.

Please note we, MarkScan, act on behalf of our Client, Novi Digital Entertainment Pvt. Ltd. which is amongst India's most diverse media companies. It is brought to your notice that O to the public, content on the digital OTT platform, "hotstar.com". No other entity can, without authorization from Our Client, upload, stream, make available for download, broadcast and etc.) through any transmission platform including the internet for viewing on various devices such as computers, laptops, mobile phones, tablet computers, etc.

Below are the details of the pirated URLs -

URL	Property Name
https://awsindstream.com/play/ ftt15315164?d=pikachu.app&? sinku	Cuttputlli
https://awsindstream.com/play/ ftt20115138?d=pikachu.app&? sinku	Heaven
https://awsindstream.com/play/ ftt11102262?d=pikachu.app&? sinku	Cadaver

Domain IP Address For Your Reference :- 213.183.62.122

Accordingly, this is an official notification as required under the Digital Millennium Copyright Act ("DMCA") and the Information Technology (Intermediary Guidelines) Rules 2011 framed Novi Digital Entertainment Pvt. Ltd. (Digital Rights Holder) is protected under the Indian Copyright Act, 1957, through the intermediary's portal. The unauthorized distribution of the Rig (OCILLA), which is a part of the Digital Millennium Copyright Act, 1998.

We have good faith & belief that the use of the described material in the manner complained of is not authorized by the copyright owner, its agent, or the law. The information in the notifi behalf of the owner of an exclusive right that is allegedly infringed. We hereby declare that the information in the notification is accurate to the best of our knowledge & belief.

AUTHORIZATION LETTER OF THE COPYRIGHT OWNER (OR PERSON/COMPANY REPRESENTING)

http://markscan.co.in/LOA_HOTSTAR.pdf

A DOCUMENT PROVING THAT THE MATERIALS ARE COPYRIGHTED AND BELONG TO OWNER (OR PERSON/COMPANY REPRESENTING)

http://www.hotstar.com/tv

DIGITAL SIGNATURE FOR COPYRIGHT CLAIM

Ishita Singh

MarkScan

Email: hotstar_enforcement@markscan.in E-14C 1st floor, Sector 8, Noida U.P. India. Ph: +91-11-43596246, Website: www.markscan.co.in

COPYRIGHT OWNERS:

Novi Digital Entertainment Pvt. Ltd. Star House, Urmi Estate, 95, Ganpatrao Kadam Marg, Lower Parel (West), Mumbai - 400013, India. Ph No. +91 22 66305555 Fax No. +91 22 66305555

Regards

MarkScan Internet Enforcement Team