

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-27/2022-DS-II

Dated:15-07-2022

To,

All Internet Service Licensees'

**Subject: CS Comm No. 447 of 2022; Havells India Ltd. & Anr V/s Ashok Kumar/John Doe & Ors. before Hon'ble Delhi High Court**

Kindly find the enclosed Hon'ble Delhi High Court order dated 06<sup>th</sup> July, 2022 in the subject matter court case C.S. (Comm) No. 447 of 2022 with respect to blocking of websites/domains mentioned in **para 8(i)** of the court order and **domains** listed by the Plaintiffs at Page 322 (**attached**) in the List of Documents of the Petition. DoT is defendant No. 11 in the case.

2. Hon'ble Court vide order dated 06<sup>th</sup> July, 2022 has, inter alia, directed that:

8. *In view of the above, by way of an ad interim order, it is directed as under: -*

*i. The Defendant Nos.1 and 2 are restrained from using in any manner, directly or indirectly, the Plaintiffs registered trademarks i.e., HAVELLS, LLOYD and/ or any other identical/ deceptively similar mark in respect to domain names **havellsfranchise.com, franchiseinfo.in, havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in** as also the list of domains listed by the Plaintiffs at Page 322 of the List of Documents or otherwise amounting to trademark and copyright infringement, and misappropriation of the Plaintiffs registered trademarks;*

*iii. The Defendant Nos. 11 and 12 i.e. DoT and MeitY shall immediately issue directions to all ISPs to block the said websites as also any other website that may subsequently be notified by the Plaintiff (on Affidavits) to be infringing of its exclusive rights, unless the Defendant No. 11 and 12 are of the opinion that such other websites do not infringe the intellectual property rights of the Plaintiffs;*

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified/instructed to take immediate necessary action for compliance of the court order dated 06<sup>th</sup> July, 2022 with respect to blocking of **websites/domains** mentioned in **para 8(i)** of the court order and **domains** listed by the Plaintiffs at Page 322 (**attached**) in the List of Documents of the Petition immediately.

Encl: A/A

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

\$~5

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

+ CS(COMM) 447/2022

HAVELLS INDIA LTD & ANR. .... Plaintiffs

Through: Mr.Sudeep Chatterjee, Mr.Kratraj  
Sadana & Ms.Shifa Nagar, Advs.  
with Mr.Harsh Agarwal & Ms.Roma  
Arora, Authorised Representative.

versus

ASHOK KUMAR/ JOHN DOE & ORS. .... Defendants

Through: Nemo.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

% **06.07.2022**

**I.A. 10117/2022 (Exemption)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**I.A. 10118/2022**

1. This is an application filed on behalf of the plaintiffs seeking to file additional documents.
2. The plaintiff may file the additional documents strictly in accordance with the law.
3. The application stands disposed of.

**I.A. 10119/2022**

1. This is an application filed on behalf of the plaintiff seeking exemption from service to the defendants.
2. For the reasons stated in the application, the same is allowed.
3. The application stands disposed of.

**I.A. 10120/2022**

1. This application has been filed seeking extension of time for filing of the court fee.
2. Having considered the application, the period to file the court fee is enlarged by a period of one week.

**I.A. 10121/2022**

1. This is an application filed by the plaintiff to seek permission to serve the defendants through electronic mode.
2. The application is allowed.

**I.A. 10122/2022**

1. This application has been filed seeking exemption from filing pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.
2. Having perused the contents of the application, the same is allowed.

**I.A. 10123/2022**

1. This application has been filed seeking exemption from serving any notice as required under Section 80(1) of the CPC.
2. For the reasons stated in the application, the same is allowed.

**CS(COMM) 447/2022**

1. Let the plaint be registered as a suit.
2. Issue summons to the defendants to be served electronically, returnable on 1<sup>st</sup> September 2022.
3. The summons to the defendants shall indicate that the written statement to the plaint shall be positively filed within the prescribed period from the date of receipt of summons. Along with the written statement, the defendants shall also file the affidavit of admission/denial of the documents

of the plaintiff, without which the written statement shall not be taken on record.

4. Liberty is given to the plaintiff to file replication within a period of four weeks of the receipt of the written statement. Along with the replication, if any, filed by the plaintiff, the affidavit of admission/denial of documents of the defendants be filed by the plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

**I.A. 10116/2022**

1. Issue notice to be served on the defendants electronically, returnable on 1<sup>st</sup> September 2022.

2. It is the case of the plaintiffs that the plaintiff no. 1 was incorporated in the year 1983 and is engaged in the electrical and power distribution equipment and consumer durables goods business. The plaintiff no. 2 is the owner of trademark Havells, for different categories of goods. The plaintiffs' products are sold under the trademark 'HAVELLS',

**HAVELLS**, ,  **STANDARD LLOYD** . The products can be accessed through their portal <https://www.havells.com/>.

3. The plaintiffs assert that it has a domestic presence across 45 cities in India and there are about 650 Havells Galaxies stores across the country. The plaintiffs also have a mobile application for customers to shop online through the Havells E-store. The plaintiffs' products are sold across the globe having a sale turnover of Rs. 10,427.92 Crore in the financial year

2020-21. The plaintiffs also incur expenditure on advertisement, promotion and marketing of the brands. Expenditure incurred by the plaintiffs was to the tune of Rs. 132.55 Crore for the financial year 2020-21. The plaintiffs have also obtained registration of their trademark, details whereof have been given in paragraph 19 of the plaint.

4. Similarly, the plaintiffs also have a trademark LLOYD, which is registered for various classes of goods, details whereof have been mentioned in paragraph 30 of the plaint. The plaintiffs assert that its sales, while using the said marks, were to the tune of Rs. 1590.27 Crore for the financial year 2019-2020, with the advertising and sales promotion expenses of Rs. 103.15 Crore.

5. In this manner the plaintiffs claim that the above marks are well-known trademarks entitled to protection.

6. The plaintiffs are aggrieved by various rogue websites/domain names being registered using the trademark of the petitioner (Havells), such as havellsfranchisee.com, havellsfranchise.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in and franchiseinfo.in. Further details of such websites/domain names is given by the plaintiff at page 322 of the List of Documents. The plaintiffs assert that these websites/domain names are registered only to mislead the general consumers and public and, in fact, result in fraudulent activities being conducted, causing loss to the general public. The plaintiffs also give details of the manner in which such fraud is perpetuated on the unwary consumer.

7. Having considered the submissions made, the contents of the plaint and the documents filed therewith, I am of the opinion that the plaintiffs have been able to make out a *prima facie* case for grant of an *ex parte*

injunction. The balance of convenience is also in favour of the plaintiffs. Irreparable loss will be caused to the plaintiffs if an *ex parte* injunction is not passed in favour of the plaintiffs. The loss to the public is also incalculable.

8. In view of the above, by way of an ad interim order, it is directed as under: -

- i. The Defendant Nos.1 and 2 are restrained from using in any manner, directly or indirectly, the Plaintiffs registered trademarks i.e., HAVELLS, LLOYD and/ or any other identical/ deceptively similar mark in respect to domain names havellsfranchise.com, franchiseinfo.in, havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains listed by the Plaintiffs at Page 322 of the List of Documents or otherwise amounting to trademark and copyright infringement, and misappropriation of the Plaintiffs registered trademarks;
- ii. The Defendant Nos. 3 to 9 and 13 shall immediately block the domain name havellsfranchise.com, franchiseinfo.in, havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains filed by the Plaintiffs at Page 322 of the List of Documents;
- iii. The Defendant Nos. 11 and 12 i.e. DoT and MeitY shall immediately issue directions to all ISPs to block the said websites as also any other website that may subsequently be

notified by the Plaintiff (on Affidavits) to be infringing of its exclusive rights, unless the Defendant Nos. 11 and 12 are of the opinion that such other websites do not infringe the intellectual property rights of the Plaintiffs;

- iv. The Defendant Nos. 3 to 9 and 13 shall also disclose to the Ld. Counsel for the Plaintiff and file an affidavit before this Court as to the details of the registrants or the persons who have registered the abovementioned domains along with their complete contact details, postal address, email address, bank account details and telephone numbers etc. Let the said affidavit be filed within one week from the receipt of the copy of this order. Upon receipt of this order, the Defendant Nos. 3 to 9 and 13 shall communicate immediately the order to the registrants of the infringing domain names.
- v. The registrants of the infringing domains havellsfranchise.com, franchiseinfo.in Havellsfranchisee.com, havellsfranchise.co.in, havellsdealership.com, havells-distributorship.live, havellsdealershipapply.in as also the list of domains listed by the Plaintiffs at Page 322 of the List of Documents shall cease all use of the domain names and pull down the websites hosted on the said domain names with immediate effect. The email address reflected on the said website as also [support@havellsfranchisee.com](mailto:support@havellsfranchisee.com) and [support@havellsfranchise.com](mailto:support@havellsfranchise.com), shall also be de-activated.
- vi. The Internet and Telecom Service Providers on intimation of this order by the Plaintiff shall give effect to the same

immediately.

- vii. Upon the disclosure of the names of the registrants of the domain names, the Plaintiff is permitted to implead them as the Defendants in the present suit. In case the Plaintiff comes across any other domain names or websites with the mark 'HAVELLS' and 'LLOYD', they are permitted to approach the Court with an application for appropriate relief, including seeking extension of the present injunction to the said domain names or websites as well.
  - viii. The Defendant No. 10 shall restrain from making available the mark HAVELLS and/or LLOYD or any other deceptively similar variation thereof in their Google Ads Programme.
  - ix. The Defendants Nos.14 to 16 shall immediately freeze the bank accounts as given in Paragraph 49 of this application as also provide complete disclosure of the KYC details of the accounts on affidavit in a sealed cover.
  - x. Defendant Nos.17 and 18 are directed to provide complete disclosure of the KYC details and deactivate the numbers 967476675, 7044103139, 9163705518, 987495665, 9163603596 used by the imposters. The KYC details be provided on affidavit in a sealed cover.
9. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, be made within one week from today.

**NAVIN CHAWLA, J**

**JULY 6, 2022/rv/DJ**



## List of domain names using the Plaintiff's registered and well-known mark Havells

| S No. | Domain Nmae  | Domain Registrar  |
|-------|--|---|
| 1.    | <a href="http://shophavells.com">shophavells.com</a>                                   | GoDaddy.com, LLC  |
| 2.    | <a href="http://starhavells.com">starhavells.com</a>                                   | GoDaddy.com, LLC  |
| 3.    | <a href="http://havells-sylvania.com">havells-sylvania.com</a>                         | Ascio Technologies, Inc.<br>Danmark - Filial af Ascio<br>technologies, Inc. USA |
| 4.    | <a href="http://havells-usa.com">havells-usa.com</a>                                   | DropCatch.com 372 LLC   |
| 5.    | <a href="http://havellsbd.com">havellsbd.com</a>                                       | PDR Ltd. d/b/a<br>PublicDomainRegistry.com                                      |
| 6.    | <a href="http://havellsceilingart.com">havellsceilingart.com</a>                       | DYNADOT, LLC  |
| 7.    | <a href="http://havellsdealership.com">havellsdealership.com</a>                       | Dreamscape Networks<br>International Pte Ltd                                    |
| 8.    | <a href="http://havellsdistributor.com">havellsdistributor.com</a>                     | GoDaddy.com, LLC  |
| 9.    | <a href="http://havellsebikes.com">havellsebikes.com</a>                               | GoDaddy.com, LLC  |
| 10.   | <a href="http://havellsfranchise.com">havellsfranchise.com</a>                         | Hostinger, UAB  |
| 11.   | Havellsfranchisee.com  | Hostinger, UAB  |
| 12.   | <a href="http://www.havellsfranchise.co.in">www.havellsfranchise.co.in</a>             | Hosting Concepts B.V. d/b/a<br>Openprovider                                     |
| 13.   | <a href="http://www.havellsdealership.com">www.havellsdealership.com</a>               | Dreamscape Networks<br>International Pte Ltd                                    |
| 14.   | <a href="http://www.havells-distributorship.live">www.havells-distributorship.live</a> | GoDaddy.com, LLC  |
| 15.   | <a href="http://www.franchiseinfo.in">www.franchiseinfo.in</a>                         | NameCheap, Inc.   |
| 16.   | www.havellsdealershipapply.in  | GoDaddy.com, LLC  |
| 17.   | <a href="http://havellsgalaxynanded.com">havellsgalaxynanded.com</a>                   | PDR Ltd. d/b/a<br>PublicDomainRegistry.com                                      |
| 18.   | <a href="http://havellsgalaxysurat.com">havellsgalaxysurat.com</a>                     | GoDaddy.com, LLC  |
| 19.   | <a href="http://havellsgroup.com">havellsgroup.com</a>                                 | Big Rock Solutions Ltd.   |
| 20.   | <a href="http://havellshomeautomation.com">havellshomeautomation.com</a>               | GoDaddy.com, LLC  |

|     |  |                       |
|-----|--|-----------------------|
|     |  |                       |
| 21. | <a href="http://havellsind.com">havellsind.com</a>                           | GoDaddy.com, LLC      |
| 22. | <a href="http://havellsindia.com">havellsindia.com</a>                       | DropCatch.com 827 LLC |
| 23. | <a href="http://havellsindialimited.com">havellsindialimited.com</a>         | GoDaddy.com, LLC      |
| 24. | <a href="http://havellsinnovateelevate.com">havellsinnovateelevate.com</a>   | GoDaddy.com, LLC      |
| 25. | <a href="http://havellsland.com">havellsland.com</a>                         | GoDaddy.com, LLC      |
| 26. | <a href="http://havellsled.com">havellsled.com</a>                           | GoDaddy.com, LLC      |
| 27. | <a href="http://havellsmart.com">havellsmart.com</a>                         | GoDaddy.com, LLC      |
| 28. | <a href="http://havellsmobile.com">havellsmobile.com</a>                     | GoDaddy.com, LLC      |
| 29. | <a href="http://havellsmotordealer.com">havellsmotordealer.com</a>           | GoDaddy.com, LLC      |
| 30. | Havellsnepal.com   | GoDaddy.com, LLC      |
| 31. | <a href="http://havellsnorthamerica.com">havellsnorthamerica.com</a>         | GoDaddy.com, LLC      |
| 32. | <a href="http://havellspestcontrol.com">havellspestcontrol.com</a>           | GoDaddy.com, LLC      |
| 33. | <a href="http://havellsreo.com">havellsreo.com</a>                           | GoDaddy.com, LLC      |
| 34. | <a href="http://havellsstudio.com">havellsstudio.com</a>                     | GoDaddy.com, LLC      |
| 35. | <a href="http://indspirebyhavellsstudio.com">indspirebyhavellsstudio.com</a> | GoDaddy.com, LLC      |
| 36. | havellsolar.com  | GoDaddy.com, LLC      |