

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:20/07/2022

To,

All Internet Service Licensees'

Subject: CS (COMM) No. 470 of 2022: Sporta Technologies Pvt. Ltd. vs. CricHD & Ors.;
before the Hon'ble High Court of Delhi

Kindly find the enclosed Hon'ble Delhi High Court order dated 14th July, 2022 in the subject matter court case C.S. (Comm) No. 470 of 2022 for compliance specifically with respect to **Para's 17(ii) & 17(iii)** of the said court order. DoT is defendant No. 49 in the case.

2. Hon'ble Court vide order dated 14th July, 2022 has, inter alia, directed that:

17..... Accordingly, the following directions are issued:

i) All the websites arrayed as Defendant Nos.1 to 23 and mobile applications arrayed as Defendant No. 24 to 26 are restrained from telecasting, broadcasting, streaming or in any manner making available to the public any of the events covered by the agreements extracted in paragraph 10 above, including the upcoming events as listed in paragraph 11.

ii) Defendant No.49 i.e., DoT is directed to issue blocking orders against the following websites:

..... (For list see in court order)

iii) The said blocking orders shall be issued by the DoT within 24 hours after service of this order. Pursuant to the said blocking order/s, all the ISPs i.e., Defendant Nos. 40 to 48 shall block access to the URLs as also the mobile applications/APKs within 24 hours and shall not permit downloading of these apps or streaming of these websites.

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified/instructed to take immediate necessary blocking action for compliance of the court order dated 14th July, 2022 specifically for Para's 17(ii) & 17(iii) of the court order immediately.

Encl: A/A


Director (DS-II)
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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 470/2022**
SPORTA TECHNOLOGIES PVT. LTD. Plaintiff
Through: Ms. Shwetasree Majumder, Mr.
Prithvi Singh & Mr. Rohan Krishna
Seth, Advocates (M-9999845680)
versus
CRICHD AND ORS. Defendants
Through: None.
CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **14.07.2022**

I.A. 10706/2022 (for exemption)

1. Allowed, subject to all just exemption.
2. *I.A.10706/2022* is disposed of.

I.A. 10705/2022 (for additional documents)

3. This is an application seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (*hereinafter, 'Commercial Courts Act'*). The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act.
4. *I.A. 10705/2022* is disposed of.

CS(COMM) 470/2022

5. Let the plaint be registered as a suit.
6. Issue summons to the Defendants through all modes upon filing of Process Fee.
7. The summons to the Defendants shall indicate that a written statement

to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

8. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an 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.

9. List before Court on 12th October, 2022.

I.A. 10704/2022 (u/O XXXIX Rule 1 and 2 CPC)

10. The Plaintiff- Sporta Technologies Pvt. Ltd. has instituted the present suit seeking permanent injunction restraining infringement of broadcast reproduction rights, damages, rendition of accounts and profits. The case of the Plaintiff is that it is the proprietor of a multi-sport aggregator platform called 'FanCode' which has a website and a mobile application. This is a platform which offers sporting news, live match scores, research-based insights, fantasy sports statistics along with tips from experts. The 'FanCode' platform also streams a large number of events for which exclusive broadcasting rights have been acquired by the Plaintiff by entering into agreements with various third parties. The subject matter of the present suit are the following agreements which cover several cricketing events which are scheduled to be held over the next one to two years:

- a. Agreement with Cricket West Indies, Inc. (CWI)
- b. Agreement and Addendum to Agreement with European Cricket

League AG (ECL AG)

- c. Agreement with Ace Sports Network Inc.
 - d. Agreement with New Zealand Cricket (Incorporated)
 - e. Agreement with Malaysian Cricket Association
 - f. Agreement with Afghanistan Cricket Board
 - g. Agreement with Total Sports Marketing FZE for matches of Afghanistan Cricket Board
 - h. Agreement with Total Sports Marketing FZE for matches organised by Zimbabwe Cricket
 - i. Agreement with TCM Sports Management Private Limited for KCA (Kerala Cricket Association) President's Cup T20
 - j. Agreement with Total Sports Marketing FZE for matches organised by Cricket Nederland BV
 - k. Agreement with European Cricket League AG
 - l. Agreement with Twenty First Century Media Private Limited
 - m. Letter by Cricket Ireland
 - n. Letter from Twenty First Century Media Pvt. Ltd.
 - o. Broadcast license letter from Cricket Hong Kong
 - p. Letter from Cricket Australia
 - q. Letter from Pitch International LLP
 - r. Letter from TCM Sports Management Private Limited
 - s. Agreements with TCM Sports Management Pvt. Ltd.
11. The above agreements cover a large number of forthcoming sporting events some of which are:

<i>S. No.</i>	<i>Teams</i>	<i>Dated</i>
<i>1</i>	<i>India vs West Indies (3 ODI and 5 T20s)</i>	<i>July 2022</i>
<i>2</i>	<i>Andhra Premier League</i>	<i>16 & 17 July 2022</i>
<i>3</i>	<i>Minor League Cricket</i>	<i>1 July – 28 August, 2022</i>
<i>4</i>	<i>New Zealand tour of Ireland 3 ODIs + 3 T20s</i>	<i>10 – 22 July, 2022</i>
<i>5</i>	<i>Bangladesh tour of Zimbabwe 3 ODIs + 3 T20s</i>	<i>28 July – 8 August, 2022</i>
<i>6</i>	<i>Shpageeza T20s</i>	<i>18 July – 5 August, 2022</i>
<i>7</i>	<i>New Zealand tour of West Indies 3 ODIs + 3 T20s</i>	<i>10 – 21 August, 2022</i>
<i>8</i>	<i>New Zealand tour of Netherlands 2 ODIs</i>	<i>4 – 6 August, 2022</i>
<i>9</i>	<i>Pakistan tour of Netherlands 3 ODIs</i>	<i>16- 21 August, 2022</i>
<i>10</i>	<i>Cricket Ireland Domestic Men's and Women's tournament</i>	<i>1 May – 10 August, 2022</i>

12. The Plaintiff has a large user base and it earns revenue through subscriptions. The Plaintiff contends that it owns the broadcast reproduction rights in the broadcasts made on its online platform and the same is entitled to protection under Section 37 of the Copyright Act, 1957.

13. It is the case of the Plaintiff that recently in March 2022 it came across a large number of websites and mobile applications which were illegally re-broadcasting, re-communicating, and telecasting the live streaming of the cricketing events in which the exclusive broadcasting rights belong to the Plaintiff as per the agreements. The Plaintiff has been able to garner evidence during the recent Bangladesh tour of West Indies, Netherlands tour of England, and England tour of West Indies to show how all of the Defendant web portals and mobile applications are illegally

broadcasting and violating the Plaintiff's broadcast reproduction rights. The screenshots of websites and mobile applications of Defendant Nos.1-26 streaming the content in which the Plaintiff is the exclusive owner of the broadcast reproduction rights for the territory of India have been placed on record. The details of the said portals are set out below:

- CricHD, URLs- www.crichd.com; www.crichd.live; stream.crichd.live;
- NodelayTV, URL- nodelaytv.pw;
- DaddyLive, URLs- www.daddylive.eu; daddylive.nl;
- WebCric, URL- my.webcric.com;
- L1L1, URL- l1l1.to; cdn1.link; s.cdn2.link/;
- Sportsala, URL- www.sportsala.cc;
- Freestreams, URL- ny.freestreams-live1.com; ky.freestreamslive1.com;
- Cricstream, URL- live.cricstream.me;
- Cricfree, URL- www.cricfree.pw;
- Livecricket, URL- web.livecricket.is;
- Joker Livestream, URL- www.jokerlivestream.life;
- Time4tv, URL- www.time4tv.stream;
- Livetv, URL- livetv.video;
- Buffstreams, URL- buffstreams.sx;
- Strims Top, URL- strims.top;
- Watchcric, URL- free.watchcric.cc;
- Soduxsports, URL- www.soduxsports.com;
- Crackstreams, URL- crackstreams.nu;
- Vipstand, URL- vipstand.se;

- Livesportsbd, URL- livesportsbd.net;
- 22Bet, URL- www.22bet.com;
- 20Bet, URL- www.20bet.com;
- World777, URL- world777.com;
- CricPK, URL- www.cricpk.live;
- Dora Tv, URL- www.doratv.me and
- AOS Tv, URL- www.aostv.asia.

14. The case of the Plaintiff is that since the content on all these websites is predominantly illegal and unlawful, the Plaintiff is entitled to orders blocking the said websites and mobile applications.

15. Ms. Majumdar, Id. Counsel for the Plaintiff submits that in a majority of these websites, the Plaintiff is unable to even obtain information as to who are the registrants of these websites as the said information is privacy protected. The Domain Names Registrars (DNRs) of all these websites are arrayed as Defendant Nos. 28 to 39. Defendant Nos. 40 to 48 are internet service providers (ISPs) through whom blocking orders are to be implemented. Defendant No. 49 is the Department of Telecommunications (*hereinafter 'DoT'*) which issues website blocking orders.

16. It is submitted by Ms. Majumdar, Id. Counsel, that since telecast and broadcast of cricketing events is a continuous process, more and more websites are likely to come up during the currency of the cricketing events covered by the agreements. Moreover, these websites are able to move the streaming of infringing content in a very short period to a mirror website even if the main website and URL is blocked. Thus, it is prayed that a dynamic injunction be granted restraining any further websites from coming up which are mirror websites of the rogue websites so that they can also be

blocked.

17. The Court has perused the plaint and documents on record. A perusal of the same shows that, in the plaint itself, various screenshots have been put to establish how in various cricket tours including the ongoing Bangladesh and West Indies series, the websites and mobile applications arrayed as Defendant Nos.1 to 26 are indulging in illegal broadcast. Defendant No. 27 is a John Doe party whose name is yet to be identified and as the events progress, there is a possibility of more websites streaming infringing content coming up. Since a large number of sporting events are likely to be held over the currency of the present calendar year, an *ex parte ad interim* injunction deserves to be granted in order to ensure that the investment made by the Plaintiff in acquiring broadcasting rights to these events is not jeopardized in any manner. The Plaintiff has made out a *prima facie* case for grant of an injunction against all these rogue websites and mobile applications for blocking orders to be issued. If the interim injunction is not granted at this stage, irreparable injury would be caused to the Plaintiff. Balance of convenience lies in the favor of the Plaintiff. Accordingly, the following directions are issued:

- i) All the websites arrayed as Defendant Nos.1 to 23 and mobile applications arrayed as Defendant No. 24 to 26 are restrained from telecasting, broadcasting, streaming or in any manner making available to the public any of the events covered by the agreements extracted in paragraph 10 above, including the upcoming events as listed in paragraph 11.
- ii) Defendant No.49 i.e., DoT is directed to issue blocking orders against the following websites:

- www.crichd.com;
- www.crichd.live;
- stream.crichd.live;
- nodelaytv.pw;
- www.daddylive.eu;
- daddylive.nl;
- my.webcric.com;
- 1111.to;
- cdn1.link;
- s.cdn2.link/;
- www.sportsala.cc;
- ny.freestreams-live1.com;
- ky.freestreamslive1.com;
- live.cricstream.me;
- www.cricfree.pw;
- web.livecricket.is;
- www.jokerlivestream.life;
- www.time4tv.stream;
- livetv.video;
- buffstreams.sx;
- strims.top;
- free.watchcric.cc;
- www.soduxsports.com;
- crackstreams.nu;
- my.webcric.com;
- vipstand.se;

- livesportsbd.net;
 - www.cricpk.live;
 - www.dorativ.me and
 - www.aostv.asia
- iii) The said blocking orders shall be issued by the DoT within 24 hours after service of this order. Pursuant to the said blocking order/s, all the ISPs i.e., Defendant Nos. 40 to 48 shall block access to the URLs as also the mobile applications / APKs within 24 hours and shall not permit downloading of these apps or streaming of these websites.
- iv) The DNRs being Defendant Nos. 28 to 39 shall reveal the names of all the registrants of the websites mentioned in paragraph number 13 as also any other information including their mobile numbers, subscription information, bank account, credit card or any other details which they may have.

18. During the currency of these events covered by the Plaintiffs' agreements, if the Plaintiffs discover other mirror websites or rogue websites which are broadcasting and telecasting the sporting events which are covered by the present suit, they may:

- i) File an affidavit in this regard before this Court along with evidence thereof. The said websites shall stand blocked with immediate effect, upon notice being issued by the Plaintiffs to the DoT and ISPs that such an affidavit has already been filed before this Court.
- ii) Upon DoT receiving the notices and communications from the Plaintiffs that the affidavits have been filed before the Court,

the orders for blocking such further rogue websites shall be passed, immediately and in any case, within 24 hours, so that the websites do not continue to stream infringing content in any manner whatsoever.

19. Compliance of Order XXXIX Rule 3 CPC be made by e-mail within one week considering the large number of parties in the present suit.

20. Reply to the application be filed within four weeks from the date of service of the present order. Rejoinder be filed within four weeks, thereafter.

21. List the application for hearing on 12th October, 2022.

22. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

PRATHIBA M. SINGH, J.

JULY 14, 2022

Rahul/SK