BY EMAIL/DoT WEBSITE

Dated:22-07-2022

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-24/2022-DS-II

To,

All Internet Service Licensees'

Subject: CS (Comm) No. 389 of 2022; The Capital Group Companies, Inc. v. Ashok Kumar & Ors. Before Hon'ble Delhi High Court.

In continuation to Department of Telecommunications even no. letters dated 06.06.2022, 16.06.2022 and 23.06.2022; kindly find the enclosed Hon'ble Delhi High Court order dated 01st June, 2022 in the subject matter court case C.S. (Comm) No. 389 of 2022 along with **Third list** of additionally identified 2 URLs, as provided by the counsel for the plaintiff along with affidavit. DoT is defendant No. 4 in the case.

- 2. Hon'ble Court vide order dated 01st June, 2022 has, inter alia, directed that:
 - 23. The defendant nos. 4 and 5 are also directed to direct the telecom service providers and the internet service providers to block access to the websites www.capitalgroups.in and www.capitalgroupfinancialfund.in and such other similar/mirror websites upon intimation by the plaintiff within 48 working hours. It is again clarified that in case defendant nos. 4 and 5 find the request of the plaintiff not to be acceptable for any reason, it shall inform the plaintiff of the same, on which, it shall be open to the plaintiff to file an appropriate application before this Court
- 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 01st June, 2022 with respect to **Third list** of additionally identified 2 URLs immediately.

ADG-I (DS-II) Tel: 011-2303 6860

Encl: A/A

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 389/2022

THE CAPITAL GROUP COMPANIES, INC Plaintiff

Through: Mr.Anirudh Bakhru, Mr.Raghav Vig,

Mr.Himanshu Deora, Mr.Naqeeb Nawab & Mr.Yashwardhan Singh,

Advs.

versus

ASHOK KUMAR & ORS.

..... Defendants

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER 01.06.2022

%

I.A. 9071/2022 (Exemption)

1. Allowed, subject to all just exceptions.

I.A. 9070/2022

- 2. This is an application filed on behalf of the plaintiff seeking permission to file additional documents at a later stage.
- 3. The plaintiff may file the additional documents strictly in accordance with the law.
- 4. The application stands disposed of.

I.A. 9072/2022

5. For the reasons stated in the application, the same is allowed.

I.A. 9073/2022

6. The learned counsel for the plaintiff submits that though the Court Fees has been deposited, receipt/certificate thereof is awaited. For the reasons stated, the time for deposit of the Court Fees is enlarged by a period

of two weeks from today.

CS(COMM) 389/2022

- 7. Let the plaint be registered as a suit.
- 8. Issue summons presently to the defendant nos. 3 to 12, to be served through all permitted modes, including electronically, upon plaintiff taking requisite steps, returnable on 21st September, 2022.
- 9. The summons to the defendant(s) shall indicate that the written statement(s) to the plaint shall be positively filed within a period of 30 days weeks from the date of receipt of summons. Along with the written statement(s), the defendant(s) shall also file the affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.
- 10. Liberty is given to the plaintiff to file replication(s) within a period of 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiff, the affidavit(s) of admission/denial of documents of the defendant(s) be filed by the plaintiff, without which the replication(s) 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. 9069/2022

- 11. Issue notice. On the plaintiff taking steps, let notice be served on the defendant nos. 3 to 12 through all permissible modes, including electronically, returnable on 21st September, 2022.
- 12. Let reply to the application be filed by the defendant nos. 3 to 12 within a period of four weeks of receipt of notice. Rejoinder thereto, if any, be filed within three weeks thereafter.

- It is the case of the plaintiff that the plaintiff is a leading American 13. financial services and investment management company, which started as early as in the year 1931. It ranks amongst the world's oldest and largest investment management organizations, with assets worth trillion under management. It serves individual investors, financial intermediaries and institutions around the world through a broad range of products and services, including more than 40 mutual funds, private equity, investment services, and a range of other offerings for institutional clients and individual investors globally.
- It has adopted the mark "CAPITAL GROUP" as a corporate name as 14.

well as trademark in the year 1966 and a 'Frames Logo' depicted as



in 2001. It commenced use of the mark GROUP on 30.04.2013.

The plaintiff has given details of various marks registered in its favour in paragraph 14 of the plaint.

- The plaintiff is aggrieved of registration of and use of domain names 15. and social media accounts bearing the trademarks of the plaintiff "CAPITAL GROUP" as a predominant part. It is also aggrieved by use of its 'Frames Logo' by unknown entities, who are arrayed as defendant no. 1 and 2 in the present suit. The plaintiff has also placed on record a purported Power of Attorney falsely claimed by defendant no. 2 to have been executed in its favour by the plaintiff group. The learned counsel for the plaintiff submits that no such Power of Attorney has been executed by the plaintiff.
- 16. The plaintiff further asserts that the impugned websites are being used

for alluring customers into what it claims to be a ponzi scheme/ pyramid scheme and these websites, upon collecting money are thereafter disbanded, thereby leading to loss to general consumers. This also adversely affects the reputation and goodwill of the plaintiff's inasmuch as these consumers are investing keeping in view the goodwill and reputation of the plaintiff and being misguided that these websites are owned and/or operated by the plaintiff group.

- 17. The plaintiff further claims that on becoming aware of such websites, its representative registered himself at www.capitalgroupfund.in, one of the impugned website, and made several transactions. While the money was deducted and list of transaction is visible, the amount was never credited to the profile of the plaintiff's representative created on the said website.
- 18. The plaintiff further contends that from several videos available on the YouTube, it can be seen that the beneficiary on the rogue Mobile Application is defendant no. 11 and the payment platform is operated by the defendant no. 10 and that the concerned bank is defendant no. 11.
- 19. The plaintiff further asserts that the phone number mentioned on the impugned websites and mobile application is operated by the defendant no.6.
- 20. The plaintiff submits that on its complaint, three websites, being www.capitalgroupfund.in, www.surl.li/bypze and www.capitalgroupfinancialfund.com had been taken down by the domain name registry, that is, defendant no. 3. Social media accounts of defendant nos. 1 and 2 have also been taken down by the Instagram and Facebook, however, immediately thereafter new ones keep springing up as the intent is only to deceive gullible public.

- 21. In my view, the plaintiff has been able to make out a good *prima facie* case in its favour and, the balance convenience is also in favour of the plaintiff and against the defendant. The actions of the defendant no. 1 and 2 appear to be intended to deceive general public. The plaintiff and the general public is therefore, likely to suffer grave irreparable harm in case the adinterim injunction as prayed for is not granted.
- 22. Accordingly, the defendant no. 3 is directed to disclose information about the registrants of the websites, that is, www.capitalgroupfund.in, www.surl.li/bypze, www.capitalgroups.in, and www.capitalgroupfinancialfund.in and to suspend the impugned websites www.capitalgroupfinancialfund.in www.capitalgroups.in and and/or similar/mirror websites that may be identified by the plaintiff and informed to the defendant no. 3, within 48 working hours of the communication of the present order/such intimation by the plaintiff. In case the defendant no. 3 has any objection on suspension of any website pointed out by the plaintiff, it shall inform the plaintiff of the same within the above time, on which, the plaintiff shall be entitled to move an appropriate application in this Court seeking appropriate relief against such website(s).
- 23. The defendant nos. 4 and 5 are also directed to direct the telecom service providers and the internet service providers to block access to the websites www.capitalgroups.in and www.capitalgroupfinancialfund.in and such other similar/mirror websites upon intimation by the plaintiff within 48 working hours. It is again clarified that in case defendant nos. 4 and 5 find the request of the plaintiff not to be acceptable for any reason, it shall inform the plaintiff of the same, on which, it shall be open to the plaintiff to file an appropriate application before this Court.

24. The plaintiff further asserts that through the website www.capitalgroupfund.in, the applicants/visitors were directed to a mobile application which had customer care number as under:

"+91 7381305287"

- , which further directed the visitors to deposit the money.
- 25. On the said mobile application, the visitor was asked to deposit money into the schemes of the defendant nos. 1 and 2 offered by the above websites.
- 26. Defendant no. 6 is, accordingly, directed to disclose the customer details of the said number, on an affidavit.
- 27. The defendant no. 7 is directed to disclose the information about the owner of the Facebook page, that is, www.facebook.com/permalink.php?story_fbid=110200908263989&id=110 196221597791 and Instagram accounts under usernames- "_capital_group_" and "_imtiyaz_ali_prince_".
- The defendant no. 8 is also directed to suspend the YouTube Channels 28. "Financial Funds Capital Group" (http://www.youtube.com/channel/UCnnAyiMlhnvZElv7nj0ekMQ) and "Capital Group Financial Funds"(http://www.youtube.com/channel/UCKjGGP_FhR6C3e3mvqbK11g) and other videos promoting and/or advertising the impugned website and mobile application identified by the plaintiff.
- 29. The defendant no. 9 shall disclose information about the owner of UPI ID- "BHARATPE09903727868@yesbankltd" and "BHARATPE09903724086@yesbankltd" and/or "Abi Technologies" and "Shakthivignesh D" in a sealed cover before this Court. Similar direction is

also issued against defendant no. 10.

- 30. Defendant no. 12 is directed to suspend any customer account which is identical or deceptively similar to the trademark of the plaintiff "CAPITAL ONE" or Frames Logo mentioned hereinabove.
- 31. Compliance with Order XXXIX Rule 3 the Code of Civil Procedure, 1908, be made within three days from today.
- 32. List on 21st September, 2022.

NAVIN CHAWLA, J

JUNE 1, 2022/rv/U.

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Commercial Jurisdiction) Commercial Category Code: 36017, 36017.01 C.S. (COMM) No. 389 of 2022

IN THE MATTER OF:

The Capital Group Companies, Inc. ...Plaintiff

VERSUS

Ashok Kumar & Ors. ...Defendants

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PLAINTIFF

Through

RAGHAV VIG (D/6162/2020)

ZEUSIP ADVOCATES LLP

COUNSEL FOR THE PLAINTIFF

C-4, LGF, JANGPURA EXTENSION, NEW DELHI-110014

E-MAIL: info@zeusip.com;

Mob:-9871160477

NEW DELHI DATED:-19/07/2022

IN THE HIGH COURT OF DELHI AT NEW DELHI (Ordinary Original Commercial Jurisdiction) Commercial Category Code: 36017, 36017.01 C.S. (COMM) No. 389 of 2022

IN THE MATTER OF:

The Capital Group Companies, Inc.

...Plaintiff

VERSUS

Ashok Kumar & Ors.

1.

... Defendants

AFFIDAVIT

Affidavit of Mr. Raghav Vig S/o Sh. Mohinder Vig, aged about 26 years, of the address ZeusIP Advocates LLP, C-4, LGF, Jangpura Extension-110014 India, being the Counsel for the Plaintiff.

I, the deponent above-named, do hereby solemnly declare & affirm as under:

That I am Counsel for the Plaintiff in the present matter and competent to swear & depose the present affidavit on behalf of the Plaintiff.

That the Plaintiff has filed the subject suit for permanent injunction restraining infringement of trademarks and copyright as well as passing off, damages, etc. The subject suit came up for hearing before the Hon'ble High Court of Delhi on 1st June 2022 whereupon the Hon'ble Court was pleased to pass the ex parte ad interim order dated 01.06.2022 ("Ex parte Order"). Vide the Ex parte Order, the Hon'ble Court was pleased to issue the following directions

to Department of Telecommunications (i.e. the Defendant No. 4 in the subject suit proceedings) and Ministry of Electronics and Information Technology (i.e. the Defendant No. 5 in the subject suit proceedings)-

"The defendant nos. 4 and 5 are also directed to direct the telecom service providers and the internet service providers to block access to the websites www.capitalgroups.in and www.capitalgroupfinancialfund.in and such other similar/mirror websites upon intimation by the plaintiff within 48 working hours. It is again clarified that in case defendant nos. 4 and 5 find the request of the plaintiff not to be acceptable for any reason, it shall inform the plaintiff of the same, on which, it shall be open to the plaintiff to file an appropriate application before this Court."

Ex parte Order is enclosed herewith for ready reference and marked as Annexure-A.

That the Plaintiff sent an email dated 03.06.2022 requesting Department of Telecommunications and Ministry of Electronics and Information Technology to direct the telecom service providers and the internet service providers to block access to the websites www.capitalgroups.in and www.capitalgroupfinancialfund.in. The Department of Telecommunications was kind enough to issue the notification dated 07.06.2022 to all telecom service providers and the internet service providers blocking access to www.capitalgroups.in and

www.capitalgroupfinancialfund.in.

3.

- 4. Thereafter, the Plaintiff has been made aware of an additional link- bit.ly/3uD1w0k-capitalfunds which redirects to the website- https://cricket7331234.wixsite.com/capitalfunds-2 ("said website"). The said website links to the Telegram user t.me/Capital0011 which uses the Plaintiff's CAPITAL GROUP Mark and the Frames logo. Extracts from the said website are enclosed herewith and marked as Annexure-B. Extracts from the telegram channel t.me/Capital0011 are enclosed herewith and marked as Annexure-C.
- 5. That the details of the owner of the said website are hidden/masked and as such the Plaintiff is not aware of the owners of the said website. However, the said website encourages users to "recharge" their account on the Impugned Websites and Mobile Application and provides link to the telegram channel which uses the Plaintiff's trademark and copyright. Therefore, the Plaintiff has strong apprehension that the said website also belongs to the Defendant Nos. 1 and 2 (i.e. the owner of the earlier websites).

That in view of the above, the directions passed in the Exparte Order are equally applicable to the website https://cricket7331234.wixsite.com/capitalfunds-2 and similar notification ought to be passed to all telecom service providers and the internet service providers blocking access to https://cricket7331234.wixsite.com/capitalfunds-2 and bit.ly/3uD1w0k-capitalfunds.

7. I say that the extracts filed along with the present affidavit have been taken from publicly available sources on the

internet, namely websites that were relevant to the aforementioned matter. All the information and content downloaded from the Internet that is being filed herein have been compared to the website from which the print was taken. The printouts contain information that is identical to the information disclosed on the web pages. The pages have been taken as per the requirement of the law. The computer output containing the information was produced by the computer during the period over which the computer was used regularly to store or process information in the regular course of business. That the computer as well as the attached printer are routinely serviced under maintenance contracts and have been operating properly and therefore the Plaintiff confirms that the accuracy and content of the pages filed with this Affidavit have not been altered or tampered

with.

3 Mentity the Uebo Samedrout Tr it in my presence

DEPONENT

VERIFICATION

19 JUL 2022

Verified at New Delhi on this day of July 2022 that the contents of paragraphs 1 to 7 of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom

810, WIO, DIO

Identified by read & explained to him/her are fue & cor

his/her knowledge.

DEPONENT

Oath Commissioner, New Delhi

1 9 JUL 2022

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 389/2022

THE CAPITAL GROUP COMPANIES, INC Plaintiff

Through: Mr.Anirudh Bakhru, Mr.Raghav Vig,

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..... Defendants

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER 01.06.2022

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1. Allowed, subject to all just exceptions.

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- 3. The plaintiff may file the additional documents strictly in accordance with the law.
- 4. The application stands disposed of.

I.A. 9072/2022

5. For the reasons stated in the application, the same is allowed.

I.A. 9073/2022

6. The learned counsel for the plaintiff submits that though the Court Fees has been deposited, receipt/certificate thereof is awaited. For the reasons stated, the time for deposit of the Court Fees is enlarged by a period

Signature valid

Digitally Signed A:SHALOO BATRA Signing Date 1.06.2022 14:06:17 of two weeks from today.

CS(COMM) 389/2022

- 7. Let the plaint be registered as a suit.
- 8. Issue summons presently to the defendant nos. 3 to 12, to be served through all permitted modes, including electronically, upon plaintiff taking requisite steps, returnable on 21st September, 2022.
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Signature valid
Digitally Signed y:SHALOO
BATRA
Signing Date v.06.2022
14:06:17

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- It has adopted the mark "CAPITAL GROUP" as a corporate name as 14.



well as trademark in the year 1966 and a 'Frames Logo' depicted as



CAPITAL in 2001. It commenced use of the mark GROUP on 30.04.2013.

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- 21. In my view, the plaintiff has been able to make out a good *prima facie* case in its favour and, the balance convenience is also in favour of the plaintiff and against the defendant. The actions of the defendant no. 1 and 2 appear to be intended to deceive general public. The plaintiff and the general public is therefore, likely to suffer grave irreparable harm in case the adinterim injunction as prayed for is not granted.
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"+91 7381305287"

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- 28. The defendant no. 8 is also directed to suspend the YouTube Channels "Financial Group" Funds Capital (http://www.youtube.com/channel/UCnnAyiMlhnvZElv7nj0ekMQ) and "Capital Financial Group Funds"(http://www.youtube.com/channel/UCKjGGP FhR6C3e3mvqbK11g) and other videos promoting and/or advertising the impugned website and mobile application identified by the plaintiff.
- 29. The defendant no. 9 shall disclose information about the owner of UPI ID- "BHARATPE09903727868@yesbankltd" and "BHARATPE09903724086@yesbankltd" and/or "Abi Technologies" and "Shakthivignesh D" in a sealed cover before this Court. Similar direction is



also issued against defendant no. 10.

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- 31. Compliance with Order XXXIX Rule 3 the Code of Civil Procedure, 1908, be made within three days from today.
- 32. List on 21st September, 2022.

NAVIN CHAWLA, J

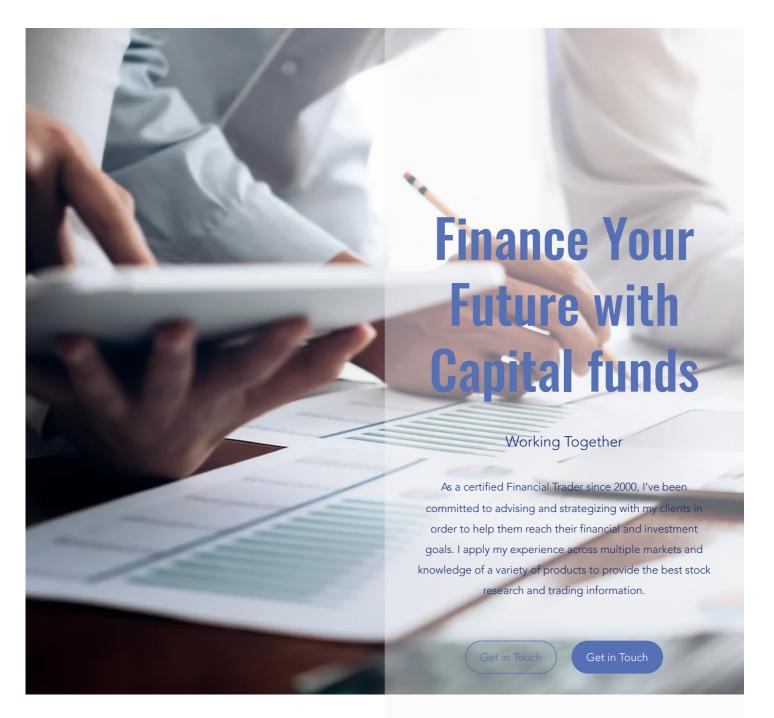
JUNE 1, 2022/rv/U.

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Be sure to contact our team leaders after recharging



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Payment method UPI IdCopy - capitalfunds@axl

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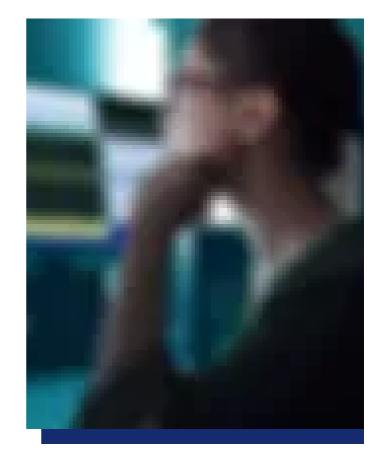
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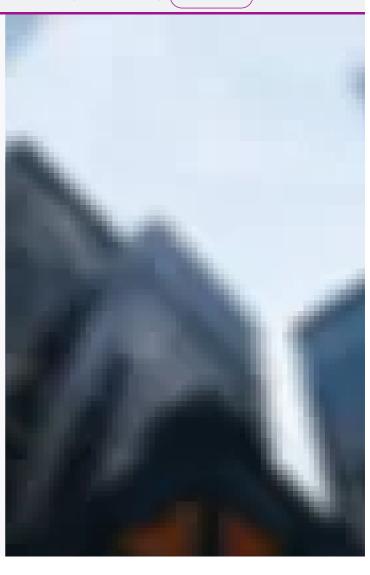
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CS (Comm) No. 389 of 2022; The Capital Group Companies, Inc. v. Ashok Kumar & Ors. Before Hon'ble Delhi High Court. (Third additional list)

- 1. https://cricket7331234.wixsite.com/capitalfunds-2
- 2. bit.ly/3uD1w0k-capitalfunds