

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-15/2021-DS-II

Dated:03.05.2023

To,

All Internet Service Licensees'

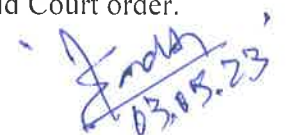
Subject: CS (Comm) No. 78 of 2018; Indiamart Intermesh Limited Vs Ankit & Ors, before Hon'ble Calcutta High Court.

Kindly refer to the following:

- (i) Hon'ble Calcutta High Court order dated **18.03.2019** on the subject. (Annexure-I)
- (ii) Indiamart Intermesh Limited (Plaintiff) has requested to MeitY vide emails dated 28.04.2023 to block the following infringing website.
 - a) <https://lbkmc.com/> (Annexure-II)
- (iii) MeitY letter dated **28.04.2023** to DOT to block the above **one (01)** website. (Annexure-III)

(Copies enclosed for ready reference)

2. In view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking, above websites for compliance of the said Court order.


Director (DS-II)

Tel: 011-2303 6860

Email: dirids2-dot@nic.in

Encl: A/A

Copy to:

- (i) V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi kind information and necessary action.
- (ii) IT wing of DoT for uploading on DoT website.

ORDER SHEET

GA 604 of 2019
WITH
CS 78 of 2018



IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

49

INDIAMART INTERMESH LIMITED
Versus
ANKIT & ORS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
Date : 18th March, 2019.

Appearance:
Mr. S.K. Bajoria, Adv.
Mr. S. Dasgupta, Adv.
Mr. Kanakendu Chatterjee, Adv.

The Court: The plaintiff has filed this suit for alleged infringement of its trademark "INDIAMART". Being prima facie satisfied by the plaintiff's case, an order dated 16th May, 2018 was passed by a learned Judge in terms of prayer (b) and (e) of the notice of motion which read as follows :-

"(b) An order of injunction restraining the Respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, its 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, from using a mark and/or domain name which is

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identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.”

“(e) An order directing the Ministry of Electronics and Information Technology, Government of India to locate the web portals/sites mentioned in the cause title above and forthwith take appropriate measures to make the said web portals/sites defunct and to take steps to take them down from the World Wide Web, the domain names of which are deceptively similar to the registered trademark of the Petitioner.”

The said interim order was confirmed and GA 1020 of 2018 was disposed of by an order dated 17th September, 2018.

The present application has been taken out by the plaintiff praying ^{for}, amongst others, the following order :-

“(a) An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address - legal@indiamart.com from time to time.”

Learned Counsel submits that this has become necessary in view of the report of the Ministry of Electronics and Information Technology, a copy whereof is Annexure-B to the present application. It is submitted that the said Ministry ✓

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SSG

has informed the petitioner that without a specific order of Court, necessary measures cannot be taken by the Ministry.

Having heard learned Counsel for the parties, I pass an order in terms of prayer (a) of the application.

No useful purpose will be served by keeping the application pending.

GA 604 of 2019 is, accordingly, disposed of. ✓

Sd/- A. Banerjee, J.
(ARIJIT BANERJEE, J.)

R. Bhar
R Bhar

P3
Exd
S. Sengupta
08/2/19

CERTIFIED TO BE A TRUE COPY

Omkar Bal chowdhry 8/4/19

Authorised under Section 76 of
the Indian Evidence Act. 1872
Act- 1 of 1872)

GA NO.	604	OF 2019
GA NO.		OF 201
AP NO.		OF 201
CA NO.		OF 201
CP NO.		OF 201
CS NO.	78	OF 2018
WF NO.		OF 201
AS NO.		OF 201
EOS NO.		OF 201
CC NO.		OF 201
TS NO.	8	OF 201
PLA NO.		OF 201
EC NO.		OF 201

- i) Date of application for Copy 19.03.19
- ii) Date of notifying the charges. 01.04.19
- iii) Date of putting in the Charges 01.04.19
- iv) Date on which the copy is ready for delivery. 08.04.19
- v) Date of Making over the copy to the applicant. 09/04/19

Indiamart Intermesh Limited

.....VS.....

Ankit & ORS.

Gautam Das
 Section Officer 8/4/19
 (Group-A Service)
 High Court, Original Side
 Calcutta
 Adhussan
 08/4/19

ORDER/JUDGMENT PASSED BY
THE HON'BLE JUSTICE

ARIJIT BANERJEE

ON

18/03/2019

FILED THIS 18th DAY OF April 2019

S.K. Bajoria (Adv)



PA
SSQ

G. A. No. 604 OF 2019
G. A. N.D. 03 OF 2019
C. S. No. 78 OF 2018

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

CALCUTTA

Indiamart Intermesh Limited, a company incorporated under provisions of the Companies Act, 1956 and an existing company within the meaning of the Companies Act, 2013, having its registered office at 1st Floor, 29 – Daryaganj, Netaji Subhash Marg, New Delhi – 110002 and also carrying on business from Rowdon Chamber, 3rd floor, 11A, Rowdon Street, Kolkata, within the aforesaid jurisdiction. ...Plaintiff

-Versus-

1. Ankit, operating <http://greatindiamart.in> and carrying on business from and/or residing at 352, Dadabari Ext., Kota – 324009;
2. Srinivas Balmoori, operating <http://kcimart.com> and carrying on business from and/or residing at 16004, Ballentine Street, Overland Park, Kansas, United States of America – 66062;
3. ShanmugaKavitha Subramanian, operating <http://usindiamart.com> and carrying on business from and/or residing at 1122, Winter Storm, Dr. Henderson, Nevada, United States of America – 89052;
4. [Http://www.onlineindiamart.com](http://www.onlineindiamart.com), operated from 14455, N. Hayden Road, Scottsdale Arizona, United States of America – 85260;



21-08-04
2019

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5. Amit, operating <http://www.kemits.biz> and having a mobile number being +919998010455 and email ID being amit 99988@gmail.com, carrying on business from and/or residing at Vishwakarma Consultancy, A – 8, Jivan Park, Nr. Samratnagar, Isanpur, Ahmedabad, Gujrat – 382443;

6. Prince Rajput, operating <http://www.digitalgateway.in> having a mobile number being +917073161736 and an email ID being sales@digitalgateway.in and rajputagra2010@gmail.com, carrying on business from and/or residing at Elaboration Corporation, 375 C, Omicron 2, Greater Noida – 201310, Uttar Pradesh;

7. Jacob Michael, operating <http://www.marketsutra.com> and having a mobile number being +91990990990 and an email ID being n91.jacob@gmail.com, carrying on business and/or residing at Market Sutra, Gurgaon, Delhi – 110012;

8. IT Manage, operating <http://www.softwebtechnology.co.in> and having a mobile number being +919986660960 and an email ID being it@softwebtechnology.co.in, carrying on business from Sultan Palya, Bangalore, - 560032, Karnataka;

9. jSMTP, operating <http://www.jsmtip.com> and having a mobile number being +919310612312 and an email ID being info@jsmtip.com, carrying on business from Sec – 16, Noida – 201301, Uttar Pradesh;

10. Rajbir Vats, operating <http://www.smtpserver.in> and having a mobile number being +0911120473140 and an

email ID being smtpserver.in@gmail.com, carrying on

company and from B 4-5, Alipur, Delhi – 110036;

11. Hemant, operating <http://www.bol7.com> and having an email ID being hemant@bol7.com and hemant@smsshesms.com, carrying on business from and/or residing at F -7, B- 5, Rainbow Building, Sec – 10, Vashi, Navi Mumbai – 400703;
12. Nakul, operating <http://www.Mp3eg.com> and having an email ID being kavitarangani536@gmail.com, carrying on business from and/or residing at PipariyaVadi, Latipur, Ta – Dhrol, Di – Jamanagar, Rajkot – 361220;
13. AbhinavGulyani, operating <http://www.gulyani.com> and having an email ID being aby@gulyani.com, carrying on business from and/or residing at C – 217, PreetVihar, Near Clock Tower, Delhi – 110055;
14. <http://www.dataenginesoft.com/>, having email ID being main.dataengine@gmail.com and privacy@1and1.com, operated from 1 &1, Internet Inc., 701, Lee Road Suite 300, ATTN, Chesterbrook, PA – 19087;
15. <http://www.localextractor.com>, having email ID being c62de054282e4b8fa70cfb1657708ba8.protect@whoisguard.com and ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com, operated from Whoisguard Inc., Panama, PA, P. O. Box – 0823-03411;
16. <http://jusdialextractor.com>, having email ID being ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com, operated from Whoisguard Inc., Panama, P.A., P. O. Box – 0823-03411;

17. <http://www.vtzmp3.com>, having an email ID being [ad914e080e91460bbe932f4e2412d2f4](mailto:ad914e080e91460bbe932f4e2412d2f4@protect.whoisguard.com).
protect@whoisguard.com, operated from Whoisguard Protected, Panama, P.A., P. O. Box – 0823-03411;
18. <http://www.vimeo.com>, having an email ID being support@vimeo.com, operated from Vimeo Inc., 555, West 18th Street, 2nd Floor, New York – 10011, United States of America;
19. AlexandrSlozhenikin, having an email Id being aleksandrov_alek@list.ru, operating as www.flave.online, carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
20. AlexandrSlozhenikin, having an email Id being aleksandrov_alek@list.ru, operating as www.amirapress.com, carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
21. <http://www.dailymotion.com>, a domain manager, having an email ID being whois@dailymotion.com, operated from 140, Boulevard Malesherbes, Paris – 75017, France;
22. <http://www.leadstoolmarketing.com>, operated by Domains By Proxy, LLC, having an email ID being leadstoolmarketing@gmail.com, carrying on business from 14455, N. Hayden Road, Scottsdale, Arizona – 85260, United States of America;
23. <http://www.pose.newfloats.com>, having an email ID being ceramicpose@gmail.com;
24. <http://www.datawali.com>, domaincontrol.com,
ns18.domaincontrol.com;

25. Aryan Chopra, carrying on business in the name and style of Webposh Infotech, operating as <http://www.travelsindiamart.com/home>, having its place of business at Main Dadri Road, Sector 44 Noida, Uttar Pradesh 201301, outside the jurisdiction aforesaid;

26. Ashil Shah, carrying on business and/ or operating as <https://indianmart.com/about/>, having his place of business at 9, Valley Road, Markfield, LE679, QS, United Kingdom, outside the jurisdiction aforesaid.

27. Ashok Kumars;

All carrying on business and/or operated from and/or residing at, as the case may be, outside the jurisdiction aforesaid.

...Defendants/Respondents

I certify that the supplied cause title in the GA. No. 604 of 2019 with CS. No. 78 of 2018 is true and correct to the best of my knowledge and belief.

S. Mankul

Advocate

S. Mankul

01-4-19

"Cause title Checked & Verified"


Fwd: LETTER FROM INDIAMART

Cyber Law Legal <cyberlaw-legal@meity.gov.in>

Fri 4/28/2023 4:43 PM

To: Abhinesh Meena <abhinesh.meena@gov.in>

Cc: Rakesh Maheshwari MeitY <rakesh@meity.gov.in>; Dr Sandip Chatterjee MeitY <Sandip@meity.gov.in>; V Chinnasamy <chinnasamy.v@meity.gov.in>; sakshi.bhayana@govcontractor.in <sakshi.bhayana@govcontractor.in>; Cyber Law Legal <cyberlaw-legal@meity.gov.in>

 2 attachments (2 MB)

Letter to DoT dated 28.04.2023.pdf; Certified Copy Order dated 18-3-19 (3) (1).pdf;

Dear Sir,

We request you to refer email dated 20.04.2023 as under shared by the plaintiff's counsel in " CS Comm 78 of 2018 Indiamart Intermesh Ltd Vs Ankit & Ors" before Hon'ble Calcutta High Court.

Accordingly, MeitY hereby shares with you an OM dated 28.04.2023 for your kind compliance.

Kindly apprise us once the directions of the Hon'ble High court vide its order dated 18.03.2019 are duly followed.

Enclosed above:

1. Letter by MeitY dated 28.04.2023
2. Court order dated 18.03.2019

regards,

Sakshi Bhayana

Legal Consultant

Ministry of Electronics and IT

+91-9910996059

From: legal@indiamart.com

To: "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>, "V Chinnasamy" <chinnasamy.v@meity.gov.in>

Cc: "anshika goel" <anshika.goel@indiamart.com>

Sent: Thursday, April 20, 2023 12:26:04 PM

Subject: LETTER FROM INDIAMART

Dear Sir,

We are writing to you on behalf of Indiamart Intermesh Limited in reference to the proceedings of Indiamart Intermesh Ltd. Vs. Ankit & Ors. presently pending before the Hon'ble Calcutta High Court wherein Meity is also party.

As you are aware our Company has been running India's largest online B2B (Business-To-Business) marketplace through a website namely www.indiamart.com for more than two decades. On account of its inherently distinctive nature, the trademark "INDIAMART", has acquired an excellent and enviable reputation over the years. The said trademark is duly registered under various classes and in various forms including a word mark, logo mark, label mark etc. The earliest use of the trademark "INDIAMART" dates back to the year 1996, and the earliest registration to the year 2002 in India. Our Company has full rights over the mark

'INDIAMART' and the use of any identical or deceptively similar mark, particularly in respect of identical services, would amount to trademark infringement.

In the year of 2018, it has come to the Notice of the Company that lot of known and unknown entities/persons were infringing our registered trademarks on the world wide web and in order to safeguard our proprietary and legal rights in the registered trademark, the company filed a suit C.S 78 of 2019 and GA No. 1090 of 2018 before Hon'ble Calcutta High Court with title Indiamart vs Ankit and Ors. The Hon'ble High court recognized the proprietary of our company in relation to its trademark 'INDIAMART' and was pleased to pass an interim order dated May 16,2020, a part of which is as follows:

'An order of injunction restraining the respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, its 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, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.'

Along with the above-mentioned directions, the Hon'ble High Court was also passed an order referring to the Ministry of Electronics and Information Technology (MEITY), which is as under:

"The Ministry of Electronics and Information Technology, Government of India to locate the web portals/sites mentioned in the cause title above and forthwith take appropriate measures to make the said web portals/sites defunct and to take steps to take them down from the World Wide Web, the domain names of which are deceptively similar to the registered trademark of the Petitioner"

A copy of the Order dated May 16, 2018 is annexed hereto. The said interim order was confirmed on September 17, 2018.

For the compliance of the said order, a representative of our Company had a meeting with the officials of the MEITY and forwarded certain links/websites infringing the Trademark of Indiamart. It is pertinent to mention that your office was kind enough to take actions against such links/website provided by the Company but later your office requested us to get a specific direction for MEITY from the Hon'ble High Court in relation thereto.

In light of the above advisory by MEITY, Our Company filed an application GA No. 604 of 2019 in titled suit Indiamart Intermesh Ltd. Vs. Ankit & Ors. before the Hon'ble Calcutta High Court, wherein the company prayed that:

*"An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to **make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web** and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry **through email address- legal@indiamart.com** from time to time."*

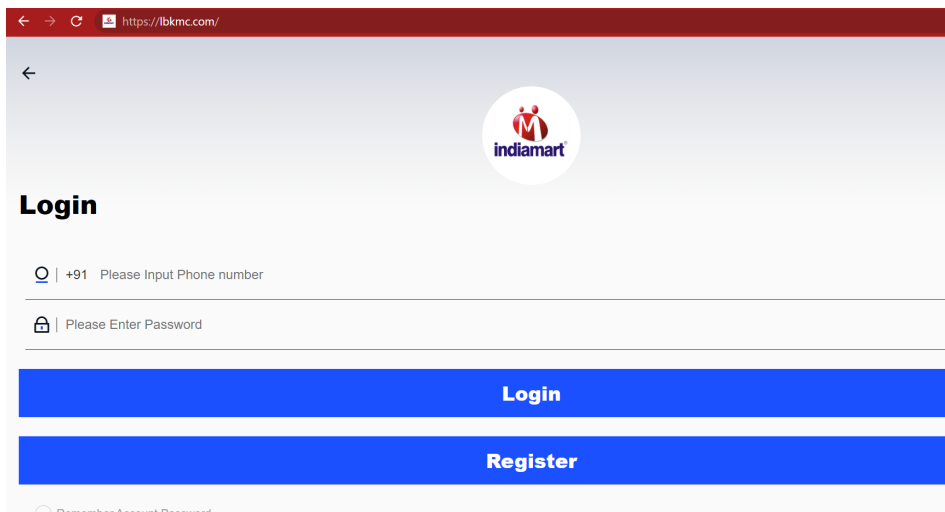
The Hon'ble Court was pleased to pass the said order on March 18, 2019 in favour of the company in terms of the prayer as above.

We would further like to inform you that trademark "INDIAMART" has been officially included in the list of Well Known Trademarks. This was confirmed in the Trademark Journal No. 2093 published on February 27, 2023. Now, the trademark "INDIAMART" not only enjoys a substantial reputation and a high degree of recognition among the relevant sections of the public but also provides a higher level of protection against infringement, dilution, or passing off by other parties from using the same or similar trademark for different goods and services.

Therefore, in view of the directions as contained in the annexed order dated March 18, 2019 and in pursuance of the inclusion of "INDIAMART" in the list of Well Known Trademarks, we humbly request you to take appropriate action and/or direct the appropriate agency/ individual to remove/ delete and/or defunct and/or disable the links/websites (appended below) in compliance with the above-mentioned Hon'ble Calcutta High Court order.

Please Note: The operator or owner of the website is cheating the innocent users of the internet and till date we have received 4 complaints from the innocent users who have been cheated by the owner or the operator of the impugned website. Hence, we request you to take appropriate action at the earliest.

<https://lbkmc.com/>



The screenshot shows a mobile browser interface for the website https://lbkmc.com/. At the top, there is a navigation bar with a back arrow and the URL. Below this is a header area with the Indiamart logo. The main content area is titled "Login" and contains two input fields: one for a phone number (with a country code dropdown set to +91 and the placeholder "Please Input Phone number") and one for a password (with the placeholder "Please Enter Password"). Below the input fields are two prominent blue buttons labeled "Login" and "Register". At the bottom, there is a checkbox labeled "Remember Account Password".

In case of any other query, please feel free to contact the undersigned.

Regards,

DANISH ALI KHAN

Principal Legal Counsel - IPR & Policy Advocacy

IndiaMART InterMESH Ltd.

Hand Phone: +91-9711003839

Government of India
Ministry of Electronics and Information Technology
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110003

Dated: 28-April-2023

Office Memorandum

Subject: Request for blocking of websites (<https://lbkmc.com/>) as per court order dated 18.03.2019 in CS Comm 78 of 2018 Indiamart Intermesh Limited Vs Ankit & Ors: Reg

Indiamart Intermesh Limited (plaintiff) has requested MeitY vide email dated 20-04-2023 (enclosed) to block the infringing website “<https://lbkmc.com/>” as per the order of Hon’ble High Court of Calcutta dated 18-03-2019.

2. Please find attached herewith the aforesaid copy of the order cited in the subject noted above, wherein the Hon’ble High Court of Calcutta has, inter alia, passed ad-interim in terms of the prayer made in the application of the plaintiffs for restraining the defendants and such other websites/entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner’s exclusive rights, or anyone claiming through, by or under it, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner.

3. in this regard. In particular, attention is invited to the following extracts from the said order:

“(a) An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address – legal@indiamart.com from time to time.”

4. Accordingly, Ministry of Electronics and Information Technology, Government of India, has been directed to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address "legal@indiamart.com" from time to time.

5. With regard to the above, it is pertinent that Internet service providers enter into the license agreement and register themselves with DoT.

6. Against this background, DoT is requested to take necessary action to give effect to the Hon'ble High Court's aforesaid order and therefore to block the infringing website as per the request of the plaintiff.

Thanking you

Encl.: As above



(V. Chinnasamy)
Scientist "E"

Tel.: 011-24301328

Email: chinnasamy.v@meity.gov.in

To:
The Secretary
Department of Telecommunications
Sanchar Bhawan
20, Ashoka Road, New Delhi - 110001

V. CHINNASAMY
Scientist 'E'
Government of India
Ministry of Electronics & Information Technology
Electronics Niketan, 6, CGO, Complex,
Lodhi Road, New Delhi-110 003

Copy to:

Mr. Abhinesh Meena
JTO-2(DS-II), Data Services Cell,
Sanchar Bhawan, DOT HQ,
New Delhi-110001
Ph. 23036760