

**IMMEDIATE**  
**COURT CASE**  
**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-10/2023-DS-II

Dated: 07.03.2023

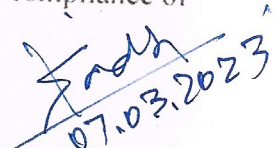
To,

All Internet Service Licensee's

Subject: CS (COMM) No. 95 of 2023; SmithKline Beecham Limited vs. GSKFINANCIAL.COM & Ors., before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High court order dated 21.02.2023 on the subject matter.

2. Please refer to the para '8(v)' of the said court order in respect of blocking of three (03) websites enumerated in para 5 of the aforesaid court order.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said websites, as above, for compliance of the said court order.

  
Director (DS-II)

Tel: 011-2303 6860

Email: dirds2-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 (Respondent no. 30) for kind information and necessary action.
- (ii) Alvin Antony (alvin@sc-ip.in), counsel for the plaintiff for kind information.
- (iii) DoT Website.

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

+ CS(COMM) 95/2023 & I.A. 4087/2023, I.A. 4088/2023

SMITHKLINE BEECHAM LIMITED ..... Plaintiff  
Through: Mr. Dushyant K. Mahant, Mr.  
Urfee Roomi, Ms. Janaki Arun and Mr.  
Alvin Antony, Adv.

versus

GSKFINANCIAL.COM &ORS. .... Defendants  
Through:

**CORAM:**  
**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

% **01.03.2023**

**I.A. 4087/2023 (under Sections 152 and 153 read with Section 151 of the CPC)**

1. Mr. Dushyant Mahant, learned Counsel for the applicant in this application submits that there have been some inadvertent clerical errors in para 21 of the order dated 21<sup>st</sup> February 2023 passed by this Court in I.A. 3425/2023. He submits that sub-paras (ii), (v) and (vii) inadvertently direct taking of action against the websites of the plaintiff instead of websites of the defendants. He submits that these paras should be read thus:

“(ii) Defendants 1 to 3 are also restrained from operating the domain names GSKFINANCIAL.COM, GSK-FINANCE.COM and INDIA-GSK.COM or from operating the websites to which the said domain names resolve.

(v) Defendant 9 is directed to carry out a detailed investigation into the activities carried out by the registrants of the

Signature Not Verified

Digitally Signed  
By: SUNIL SINGH NEGI  
Signing Date: 01.03.2023  
16:29:29

CS(COMM) 95/2023

Page 1 of 2

GSKFINANCIAL.COM, GSK-FINANCE.COM and INDIA-GSK.COM domain names at Defendants 1 to 3 as well as their associated Telegram channel, WhatsApp groups and YouTube channel, and to submit a report to this Court before the next date of hearing.

(vii) Defendants 12 and 13 are directed to take down the videos pertaining to the websites GSKFINANCIAL.COM, GSK-FINANCE.COM and INDIA-GSK.COM to which the domain names at Defendants 1 to 3 resolve and also to provide details, to this Court, of the persons who have uploaded the said videos.”

2. Having perused the material on record and heard Mr. Mahant, the submission is found to be correct. Accordingly, sub-paras (ii), (v) and (vii) of para 21 of the order dated 21<sup>st</sup> February 2023 shall be corrected as above.

3. This order shall be treated as a corrigendum to the order dated 21<sup>st</sup> February 2023.

4. The time for compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) shall stand reckoned from today.

5. *Dasti* under signatures of the Court Master.

**C.HARI SHANKAR, J**

**MARCH 1, 2023/ar**

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS (COMM) 95/2023 & I.A.3425/2023, I.A.3426/2023,  
I.A.3427/2023, I.A.3428/2023

SMITHKLINE BEECHAM LIMITED ..... Plaintiff  
Through: Mr.Dushyant K. Mahant, Mr.Urfee  
Roomi, Ms. Janaki Arun and Mr.Alvin Antony,  
Advs.

versus

GSKFINANCIAL.COM & ORS. .... Defendants  
Through: SI Arun Kumar o/b of  
Insp.Bhanwar Singh, IFSO, Special Cell, Delhi  
Police  
Mr.Madhav Khosla and Ms.Moha Paranjape,  
Advs. for D-14/Telegram FZ-LLC

**CORAM:**  
**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**  
**21.02.2023**

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**CS (COMM) 95/2023**

1. The plaintiff is an international global health care company involved in research and development of innovative speciality medicines. The plaintiff has been using the following marks, which incorporate the business name of the plaintiff, to refer to its goods and services:





2. In 1998, the plaintiff registered the domain name GSK.COM which resolves to the website [www.gsk.com](http://www.gsk.com) on which the afore-noted corporate marks of the plaintiff are prominently displayed. A sub-domain, india-pharma.gsk.com has also been operated by the plaintiff since 2016, which resolves to the website [www.india-pharma.gsk.com](http://www.india-pharma.gsk.com), on which, too, the plaintiff's corporate marks are prominently displayed. These websites are functioning since 1999.

3. The plaintiff also holds the following trademark registrations:

S.No.	Registration	Trade Mark	Class(es)	Registration Date	Valid until
1.	930851	GSK	3	09/06/2000	09/06/2030
2.	930870	GSK	9	09/06/2000	09/06/2030
3.	930871	GSK	5	09/06/2000	09/06/2030
4.	930865	GSK	32	09/06/2000	09/06/2030
5.	930863	GSK	10	09/06/2000	09/06/2030
6.	930866	GSK	30	09/06/2000	09/06/2030
7.	930868	GSK	21	09/06/2000	09/06/2030
8.	1236679	GSK	41, 42	15/09/2003	15/09/2033


9.	IRDI- 2758722		1, 3, 5, 9, 10, 16, 21, 25, 28, 29, 30, 32, 35, 41, 42, 44	23/08/2013	23/08/2023
10.	IRDI- 2759279		1, 3, 5, 9, 10, 16, 21, 29, 30, 32, 35, 41, 42, 44	23/08/2013	23/08/2023
11.	944362	  	5	02/08/2000	02/08/2030
12	1294579	  	35, 41, 42	06/07/2004	06/07/2024
13.	1000740		30	02/04/2001	02/04/2031
14.	1000741		29	02/04/2001	02/04/2031

4. In order to emphasise its reputation and goodwill in the market, the plaintiff has provided its annual turnover which, during the year 2021, is



to the tune of £ 34.1 billion. The plaintiff has also provided a tabular statement of the advertising and promotional expenses incurred by it over the years which, too, during the year 2021, is to the tune of £ 1806 million.

5. Defendants 1 to 3 are stated to be rogue websites, who are misrepresenting, to consumers, that they are genuine websites operated by the plaintiff or authorised to provide services related to the plaintiff. Defendants 1 to 3 have been represented through their domain names, as the identities of the said defendants are stated to be unavailable, their WHOIS details being masked. The domain names of Defendants 1 to 3 are stated to resolve to active websites [www.gskfinancial.com](http://www.gskfinancial.com), [www.gsk-finance.com](http://www.gsk-finance.com) and [www.india-gsk.com](http://www.india-gsk.com). As such, it is alleged that the impugned domain names are incorporating the plaintiff's "GSK" corporate identity.

6. The plaint further alleges that, through the websites operated under the aforesaid impugned domain names, large sums of money are being collected from the public by holding out the promise of services, making it appear as though the services are being provided by the plaintiff. The plaintiff's distinctive logos, already depicted in para 3 *supra*, are also to be found on the websites operated by Defendants 1 to 3. The plaint also provides screenshots of the websites to which the domain names at Defendants 1 to 3 resolve, and it is seen, from a glance at the said screenshots, that the plaintiff's  mark is prominently featured on the websites to which the said domain names resolve.

7. Paras 48 and 49 of the plaint explain how, through the aforesaid websites, the defendants are fraudulently extracting moneys from the public:

“48. It is pertinent to note that a monetary reward is provided by the Defendant No. 1 website to a user, who uploads a video regarding transactions made through the Defendant No. 1 website, on the website/platform of the Defendant Nos. 12-13. It is pertinent to note that during the first registration on the Defendant No. 1 website, a party will receive a One-Time Password (OTP) for verification of the mobile number from text message advertising account with the title "RUMMY ADPLRUMY". Clearly, the people/ entity(s)/ registrants behind Defendants Nos. 1-3 Websites are promoting their malicious activities through these videos. Printouts from the website/ platform operated by the Defendants Nos.12 and 13 evidencing the above statements are annexed hereto and marked as Document- 32. Further, a list of Uniform Resource Locator (URL) links of the videos, as stated above, is annexed hereto and marked as DOCUMENT - 33.

49. The Plaintiff further notes that people/ entity(s)/ registrants behind the Defendant Nos. 1-3 Websites have also provided links to a group on the instant messaging application of Defendant No. 15. A review of the group reveals that two mobile phone numbers, namely, 8102913724 and 9910168513 are the numbers of the "group administrators". Further, another account on the instant messaging application of Defendant No. 15, with the phone number 8210363734 is linked with the Defendant No. 1 website as 'contact manager'. The Plaintiff notes that the mobile phone numbers, 8210363734 and 8102913724 are registered with Defendant No. 10 and 9910168513 is registered with Defendant No. 11. Documents evidencing above statements is annexed hereto and marked as DOCUMENT - 34.”

8. It is, in these circumstances that the plaintiff has moved this Court by means of the present suit, seeking

- (i) permanent injunction restraining Defendants 1 to 3 from infringing one or more of the plaintiff's registered trademarks, as contained in the table in para 3 *supra*,
- (ii) a restraint against Defendants 1 to 3 from infringing the copyright vested in the plaintiff in the websites



<https://www.gsk.com/en-gb/> and <https://india-pharma.gsk.com/en-in/>,

(iii) a decree restraining Defendants 1 to 3 from registering any domain names containing the plaintiff's corporate marks,

(iv) a direction to Defendants 5 to 6 to provide the contact details/addresses of the entities in whose name the domain name as Defendants 1 to 3 are registered and who are operating the websites to which the said domain names resolve,

(v) a direction to Defendants 7 and 8 to issue a notification directing the various internet service providers and mobile network operators registered under Defendants 7 and 8 to block access to the websites to which the domain names at Defendants 1 to 3 resolve,

(vi) a direction to Defendant 9 to investigate the fraudulent activities carried out by Defendants 1 to 3 and their associated social media platforms and websites,

(vii) a direction to Defendant 9 to investigate and take action against the registrants of mobile nos. 8210363734, 8102913724, 9910168513 and UPI IDs maria001101@ibl, bhartiindrajeet800@okaxis, bineeshtd@upi, asdf8750@idfcbank and qlpay9098@airtel,

(viii) directions to Defendants 10 and 11 to provide details of the holders of mobile nos. (+91) 8210363734, (+91) 8102913724 and (+91) 99101 68513,

(ix) a direction to Defendants 12 and 13 to take down all material pertaining to the websites of Defendants 1 to 3 on their YouTube channels and platforms,

(x) a direction to Defendant 14 (Telegram) to block/suspend/cancel Telegram channel with user ID: @GSK1983 and joining link: <https://t.me/GSK1983>,

(xi) a direction to Defendant 15 (WhatsApp) to block the WhatsApp group which has been floated by the group name GSK-Fortune Study Group with the joining link: <https://chat.whatsapp.com/LmaDuJdF5cjHJ6V50CHGN9>, of which Defendants 1 to 3 are stated to be admins,

(xii) a direction to Defendants 16, 17 and 18 to suspend and freeze the bank accounts associated with UPI ID: maria001101@ibl, bhartiindrajeet800@okaxis, bineeshtd@upi respectively and provide the details of the holders of the said accounts to this Court, apart from directions for rendition of accounts, costs and damages.

**9.** The averments in the plaint make out a clear *prima facie* case in the plaintiff's favour. This appears to be a serious case of persons who, with impunity, are holding themselves out to be acting on behalf of the plaintiff and duping the public into investing huge amounts of money. The matter, therefore, is of utmost seriousness, and also warrants directions to the cyber cell of the police to conduct the necessary investigations.

**10.** As such, let the plaint be registered as a suit. Issue summons in the suit.

**11.** Summons are accepted on behalf of Defendants 9 and 14 by SI

Arun Kumar and Mr. Madhav Khosla, learned Counsel.

**12.** Let summons be issued to the remaining defendants by all modes.

**13.** Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiff be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendants within 30 days thereof.

**14.** List before the learned Joint Registrar (Judicial) for completion of the pleadings, admission and denial of documents and marking of exhibits on 24<sup>th</sup> March 2023 whereafter the matter would be placed before the Court for case management hearing and further proceedings.

**I.A.3425/2023 (under Order XXXIX Rules 1 and 2 of the CPC)**

**15.** This application seeks interlocutory injunctive and directive reliefs.

**16.** The facts as set out hereinabove make out a clear *prima facie* case in the plaintiff's favour. As the matter relates to deception of the public by persons who are floating fraudulent websites, holding themselves out to be acting on behalf of plaintiff, without authorisation, using the plaintiff's registered trademark, serious public interest is involved and accordingly, immediate action is necessary.

**17.** As such, issue notice in the application, returnable before the Court on 24<sup>th</sup> April 2023.

**18.** Notice is accepted on behalf of Defendants 9 and 14 by SI Arun Kumar and Mr. Madhav Khosla, learned Counsel.

**19.** Let notice issue to the remaining defendants by all modes.

**20.** Replies, if any, be filed within four weeks, with advance copy to learned Counsel for the plaintiff who may file rejoinder thereto, if any, before the next date of hearing.

**21.** Till the next date of hearing, the following interim directions are issued:

(i) Defendants 1 to 3 and all others acting through them or on their behalf shall stand restrained from using or displaying on their websites, or otherwise, in any manner, the following marks of the plaintiff:



(ii) Defendants 1 to 3 are also restrained from operating the domain names <https://www.gsk.com/en-gb/> and <https://india-pharma.gsk.com/en-in/> or from operating the websites to which the said domain names resolve.

(iii) Defendants 5 and 6 are directed to provide contact details/addresses of the registrants of the domain names at Defendants 1 to 3 and, for the present, to suspend access to the said domain names.

(iv) Defendants 7 and 8 are directed to issue a notification calling upon the various internet service providers and mobile internet operators registered under them to block access to the websites to which Defendants 1 to 3 resolve.

(v) Defendant 9 is directed to carry out a detailed investigation into the activities carried out by the registrants of the domain names [dohttps://india-indiapharma.gsk.com/en-in/main](https://india-indiapharma.gsk.com/en-in/main) names at Defendants 1 to 3 *inter alia* through the websites <https://www.gsk.com/en-gb/> and <https://india-pharma.gsk.com/en-in/> as well as their associated Telegram channel, WhatsApp groups and YouTube channel, and to submit a report to this Court before the next date of hearing.

(vi) Defendants 10 and 11 are directed to provide details of the holders of the mobile nos. (+91) 82103 63734, (+91) 81029 13724

and (+91) 99101 68513 to this Court as well as to Defendant 9.

(vii) Defendants 12 and 13 are directed to take down the videos pertaining to the websites <https://www.gsk.com/en-gb/> and <https://india-pharma.gsk.com/en-in/> to which the domain names at Defendants 1 to 3 resolve and also to provide details, to this Court, of the persons who have uploaded the said videos.

(viii) Defendants 14 and 15 are directed to forthwith block access to the Telegram channel (User ID: @GSK1983; joining link: [https://t.me/GSK\\_1983](https://t.me/GSK_1983)) and WhatsApp group (GSK-Fortune Study Group; Joining link: <https://chat.whatsapp.com/LmaDuJdF5cjHJ6V50CHGN9>) and to provide details of the administrators/registrants of the said channel and group to this Court.

(ix) Defendants 16, 17 and 18 are directed, forthwith, to freeze the bank accounts, associated with UPI ID: maria001101@ibl, bhartiindrajeet800@okaxis and bineeshtd@upi and to provide details, to this Court, of the holders of the said bank accounts.

**22.** All details as sought in the above directions may be filed by way of affidavits of the concerned defendants, if necessary, in a sealed cover, before the next date of hearing, after providing a copy thereof to learned Counsel for the plaintiff.

**23.** Mr. Madhav Khosla, learned Counsel for Defendant 14 submits



that the channel is already blocked.

**24.** Should the plaintiff come across any other rogue website, it is at liberty to move an appropriate application to seek directions in respect of the said website/domain name as well.

**25.** The plaintiff is directed to comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) within a period of one week from today.

**I.A.3426/2023 (under Order XI Rule 1(4) of the CPC)**

**26.** The plaintiff is permitted to file additional documents in accordance with the protocol of Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act, 2015, within four weeks from today.

**27.** The application stands allowed accordingly.

**I.A.3427/2023 (under Section 151)**

**28.** Subject to the plaintiff filing clearer copies of any dim or illegible documents on which it may seek to place reliance within four weeks from today, exemption is granted for the present.

**29.** The application is disposed of.

**I.A.3428/2023 (under Section 12A of the Commercial Courts Act,**

2015)

30. This application seeks exemption from pre institution mediation under Section 12A of the Commercial Courts Act, 2015. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd.*<sup>1</sup>, exemption as sought is granted.

31. The application stands allowed accordingly.

32. Let this order be uploaded on the website of this Court within 24 hours.

**C.HARI SHANKAR, J**

**FEBRUARY 21, 2023/kr**

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<sup>1</sup> 2022 SCC OnLine Del 3529

CS(COMM) 95/2023