

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-03/2022-DS-II**Dated: 02-02-2023****To,**

All Internet Service Licensee's

Subject: CS (Comm.) No. 11 of 2023 titled as Star India Private Limited & Anr. V/s live4wap.click & Ors., Before Hon'ble Delhi High Court.

In continuation to Department of Telecommunications even no. letters dated 18.01.2023 & 27.01.2023; kindly find the enclosed Hon'ble Delhi High Court order dated 11th January, 2023 in the subject matter court case **CS (Comm.) No. 11 of 2023** and **Fourth (6 websites) & Fifth (2 websites)** list of additionally identified websites, as provided by advocate for the plaintiffs in the case along with affidavits dated 27.01.2023 & 31.01.2023 for compliance. DoT is defendant No. 27 in the case.

2. Hon'ble Delhi High Court vide order dated 11th January, 2023 has, inter alia, directed that:

26. Accordingly, the following interlocutory directions are passed, to remain in force till the next date of hearing:

(i) Defendants No. 1 to 11 (and such other mirror/redirect/alphanumeric websites of Defendants 1 to 11 which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights and copyrights), their 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, shall stand restrained from communicating, hosting, streaming, and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the content over which the plaintiff has exclusive copyright, so as to infringe the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights.

(x) To facilitate implementation of the aforesaid directions, Defendants 27 and 28 are directed to issue a notification, calling on internet and telecom service providers registered under the said defendants, to block access to the aforesaid websites identified by the plaintiff and enumerated in the serial no.1 in the documents annexed to the plaint.

27. Mr. Sandeep Sethi, learned Senior Counsel for the plaintiffs, also seeks, in order that the plaintiffs are not constrained to approach this Court time and again against new infringing websites which may mushroom during the

course of these proceedings, that an order of dynamic injunction be granted, whereby access to the said websites would be blocked on the plaintiffs' filing an affidavit with Defendants 18 to 26 and 29, immediately on filing of the said affidavit. He undertakes, in order to maintain transparency in the process, that the plaintiffs would also, side-by-side, file the affidavit before this Court.

29. Accordingly, Defendants 18 to 26 and 29 are directed to block access to any alphanumeric/redirect/mirror website of the defendant-websites which is communicated, to them, by the plaintiffs, on affidavit, to be indulging in infringing activities similar to those in which Defendants 1 to 11 in the present plaint are indulging.

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified to take immediate necessary blocking action for compliance of the court order dated 11.01.2023, in respect of blocking of **Fourth (6 websites) & Fifth (2 websites)** list of additionally identified websites, as mentioned in affidavits dated 27.01.2023 & 31.01.2023 (copies enclosed)

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

Encl: A/A

Copy to:

- i. Sh.V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi (Respondent no. 28) for kind information and necessary action.
- ii. Rimjhim Tiwari, Associate, Saikrishna & Associates, advocate for the Plaintiffs for kind information and inform the Hon'ble Court.
- iii. IT wing of DoT for uploading on DoT Website.

\$~24(Original)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 11/2023 & I.A. 496/2023, I.A. 497/2023, I.A. 498/2023, I.A. 499/2023

STAR INDIA PRIVATE LIMITED. & ANR. Plaintiffs
Through: Mr. Sandeep Sethi, Sr. Adv.
with Mr. Siddharth Chopra, Mr. Yatinder
Garg, Mr. Raunak Das Sharma and Ms.
Rimjhim Tiwari, Advs.

versus

LIVE4WAP.CLICK & ORS. Defendants
Through: Mr Ajay Gupta, Adv. for
Defendant 29

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

% **ORDER**
11.01.2023

I.A. 499/2023 in CS(COMM) 11/2023

1. This is an application, under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act, 2015, seeking permission to file additional documents.

2. For the reasons stated in the application, the plaintiffs are permitted to file additional documents within four weeks from today in accordance with the protocol envisaged by Order XI Rule 1(4) of the CPC.

3. The application is allowed accordingly.

I.A. 498/2023 in CS(COMM) 11/2023

4. Subject to the plaintiffs' filing legible copies of any dim or illegible documents on which they may seek to place reliance within CS(COMM) 11/2023

four weeks from today, exemption is granted for the present.

5. The application is allowed accordingly.

I.A. 497/2023 in CS(COMM) 11/2023

6. Given the urgent nature of the relief sought in the plaint, exemption is granted for the present from serving notice under Section 80 of the CPC on the official defendants.

7. The application is allowed accordingly.

CS(COMM) 11/2023

8. Plaintiff 1 provides broadcasting services. Plaintiff 2 owns the online streaming platform/website www.hotstar.com and “Disney + Hotstar” and the corresponding Mobile App, which enables viewers to watch serials, sports, movies and the like.

9. The plaint asserts that, *vide* agreement dated 5th April 2018 executed between the Board of Control for Cricket in India (BCCI) and the plaintiffs, exclusive global media rights, for streaming/transmitting, over the television and digital media, events conducted by the BCCI, including the cricket tournaments which are to take place between Sri Lanka and India, New Zealand and India and Australia and India during the period from 15th March 2018 to 31st March 2023, have been granted to the plaintiffs.

10. By virtue of this agreement, the plaintiffs assert exclusive rights to make available to the public the events relating to cricket tournaments conducted by the BCCI during the aforesaid period 15th March 2018 to 31st March 2023, on any platform including the

internet and mobile. Any such transmission or broadcasting of the said event by any other entity, it is submitted, would be infringing the exclusive copyright held by the plaintiffs in that regard, emanating from the agreement dated 5th April 2018.

11. Defendants 1 to 11 are stated to be rogue websites, engaged in making available to public third-party content and information through internet and mobile transmission.

12. The websites are stated to be streaming and providing access, as well as transmitting and broadcasting matches being conducted between India and Sri Lanka during the ongoing tour which commenced on 3rd January 2023 without any authorisation from the plaintiffs. For this purpose, it is stated that Defendant 6 is illegally using the name of website Cricbuzz.com, to which, too, the said defendant has no right.

13. In these circumstances, the plaint asserts that the plaintiffs issued cease and desist notices to Defendants 1 to 11 on 3rd and 4th January 2023 calling on them to desist from transmitting or broadcasting the aforesaid content. The plaintiffs also sent a notice dated 6th January 2023 to the internet service providers (ISPs, Defendants 18 to 26, calling on them to block access to the websites of Defendants 1 to 11.

14. It is in these circumstances that the plaintiffs have approached this Court by means of the present suit, seeking protection against infringement of copyright.

15. The plaintiffs seek, by means of the prayers in the suit, an

injunction against Defendants 1 to 11 from making available to the public, essentially by transmitting or broadcasting, in any manner, whether over the television or over any digital platform or the internet, the content relating to the events conducted by BCCI as broadcasted by the plaintiffs in their channels including “Hotstar” and “Disney + Hotstar”. Other directions, to the remaining defendants, towards implementation of the said injunction is also sought.

16. *Prima facie*, there is substance in the grievance of the plaintiffs. It is a matter of common knowledge that such rogue websites come into being before such events takes places and, without any licence or authorisation, start streaming and broadcasting the events over which copyright is held by others.

17. This Court finds itself inundated with such suits, which keep cropping up every now and then. It may be useful for the Legislature to formulate some kind of a policy by which such disputes can avoid being taking up the time of the courts. That said, as the plaintiffs have a clear *prima facie* case, they would be entitled to an injunction as sought.

18. In the circumstances, let the plaint be registered as a suit.

19. Issue summons in the suit.

20. Summons are accepted, on behalf of Defendant no. 29, by Mr Ajay Gupta.

21. Let summons issue to remaining defendants by all modes.

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

23. List before the Joint Registrar on 21st February 2023 for completion of pleadings, admission and denial of documents and marking of exhibits, whereafter the matter would be placed before the Court for case management and further hearing.

I.A. 496/2023

24. This application seeks *ad interim* protection.

25. My attention has been invited to earlier orders passed by this Court in which similar directions had been issued in similar circumstances.

26. Accordingly, the following interlocutory directions are passed, to remain in force till the next date of hearing:

- (i) Defendants No. 1 to 11 (and such other mirror/redirect/alphanumeric websites of Defendants 1 to 11 which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights and copyrights), their 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, shall stand

restrained from communicating, hosting, streaming, and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the content over which the plaintiff has exclusive copyright, so as to infringe the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights.

(ii) Defendant 12 is directed to suspend the domain name registration of Defendants 1, 3, 8 and 10 in respect of the websites (live4wap.click, khantv.khantv.com, s1.mylivecricket.club and hesgoalTV.me).

(iii) Defendant 13 is directed to suspend the domain name registration of Defendants 2 and 6 & 29 in respect of the websites (a-sports-live.com and cricbuzzlive.in).

(iv) Defendant 14 is directed to suspend the domain name registration of Defendants 4 and 5 in respect of the websites (beemsports.com and btSportLiveStream.com).

(v) Defendant 15 is directed to suspend the domain name registration of Defendant 11 in respect of the website (wikicast.tv).

(vi) Defendant 16 is directed to suspend the domain name registration of Defendant 9 in respect of the website (neymartv.net).

(vii) Defendant 17 is directed to suspend the domain name registration of Defendant 7 (123cric.com) in respect of the website (neymartv.net).

(viii) Defendant 29 is directed to suspend/cancel the domain name registration of the domains cricbuzzlive.in.

(ix) Defendants 12 to 17 and 29 are directed to disclose, on affidavit, (a) complete details such as name, address, email address, phone number, IP address, etc. (b.) Mode of payment along with payment details used for registration of domain name by the registrant(s) and (c.) details of other websites registered by the Defendant Nos. 1 to 11 using similar details, same credit card, payment gateway etc. (disclosed as per sub-clause (b) above) with the Defendant Nos. 12 to 17 & 29.

(x) To facilitate implementation of the aforesaid directions, Defendants 27 and 28 are directed to issue a notification, calling on internet and telecom service providers registered under the said defendants, to block access to the aforesaid websites identified by the plaintiff and enumerated in the serial no.1 in the documents annexed to the plaint.

27. Mr. Sandeep Sethi, learned Senior Counsel for the plaintiffs, also seeks, in order that the plaintiffs are not constrained to approach this Court time and again against new infringing websites which may mushroom during the course of these proceedings, that an order of dynamic injunction be granted, whereby access to the said websites would be blocked on the plaintiffs' filing an affidavit with Defendants 18 to 26 and 29, immediately on filing of the said affidavit. He undertakes, in order to maintain transparency in the process, that the plaintiffs would also, side-by-side, file the affidavit before this Court.

28. He draws my attention, in this context, to para 93 of the judgment of a Coordinate Bench of this Court in *UTV Software CS(COMM) 11/2023*

Communication Ltd v. 1337X.To and Ors.¹

29. Accordingly, Defendants 18 to 26 and 29 are directed to block access to any alphanumeric/redirect/mirror website of the defendant-websites which is communicated, to them, by the plaintiffs, on affidavit, to be indulging in infringing activities similar to those in which Defendants 1 to 11 in the present plaint are indulging.

30. The plaintiffs would also, immediately, file a copy of the said affidavit before this Court.

31. The aforesaid directions shall remain in force till the next date of hearing.

32. The plaintiffs are directed to comply with the provisions of Order XXXIX Rule 3 of the CPC *qua* the defendants who are un-represented today within a period of one week from today by all modes possible.

33. List this application before the Court on 15th March 2023.

C. HARI SHANKAR, J.

JANUARY 11, 2023

dsn

¹ (2019) 78 PTC 375
CS(COMM) 11/2023

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) NO. 11 OF 2023

IN THE MATTER OF

Star India Private Limited & Anr.

...Plaintiff


Versus

live4wap.click & Ors.

...Defendants

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Raunak Das Sharma
(F/1429/2019)

Place: New Delhi

Date: 27.01.2023

Saikrishna and Associates
Advocates for the Plaintiffs
57 Jor Bagh, First Floor,
New Delhi, 110003
M:8100566300

raunak@sai.krishnaassociates.com

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)
CS (COMM) NO. 11 OF 2023

IN THE MATTER OF
Star India Pvt. Ltd. & Anr.

...Plaintiffs

Versus

live4wap.click & Ors.

...Defendants

AFFIDAVIT OF MS. DIKSHA SNEHAL, D/O MR. AMIT RANJAN, AGED ABOUT 28 YEARS, AUTHORIZED SIGNATORY OF PLAINTIFFS, HAVING ITS OFFICE AT STAR HOUSE, URMI ESTATE, 95 GANPATRAO KADAM MARG, LOWER PAREL (W), MUMBAI, 400013, PRESENTLY AT NEW DELHI

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

1. That, I am the Authorized Representative of the Plaintiffs in the present suit and as such I am conversant with the facts and circumstances of the present suit and competent to depose in respect thereof.
2. That the Plaintiffs own the exclusive rights to broadcast, communicate and make available the live matches on various platforms such as TV, Radio, Internet, Mobile, etc. (hereinafter "the Exclusive Rights") with respect to Sri Lanka's Tour of India 2023, Australia's Tour of India 2023 and New Zealand's Tour of India 2023 (hereinafter "BCCI Events"). I state that these Rights include the live, delayed, highlights, clips and repeat broadcast / exhibition of the BCCI Events in India through the Plaintiffs' website and mobile application – Disney + Hotstar, and through Star Channels.
3. I state that I am aware of the present suit and the order dated 11.01.2023 whereby the Hon'ble Court was pleased to pass an *ex-parte ad-interim* order in terms of the following :

"16. Prima facie, there is substance in the grievance of the plaintiffs. It is a matter of common knowledge that such rogue websites come into being before such events takes

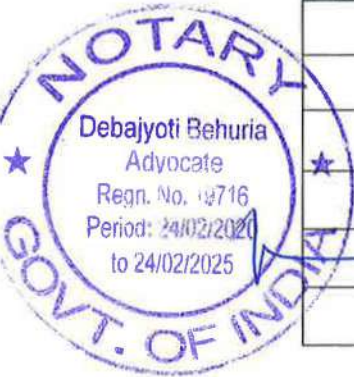


places and, without any licence or authorisation, start streaming and broadcasting the events over which copyright is held by others.

17. This Court finds itself inundated with such suits, which keep cropping up every now and then. It may be useful for the Legislature to formulate some kind of a policy by which such disputes can avoid being taking up the time of the courts. That said, as the plaintiffs have a clear prima facie case, they would be entitled to an injunction as sought.”

4. I state that in order to protect and enforce its exclusive rights in the BCCI Events, the Plaintiffs engaged the services of an investigation agency, Copyright Integrity International, to monitor Rogue Websites. I state that the Plaintiffs with the help of the investigator have identified following 6 additional websites which are illegally streaming the contents of the New Zealand Tour of India 2023, which are infringing the Plaintiffs’ Exclusive Rights. The said websites are:

| S. No. | List of Websites |
|--------|---|
| 1. | https://tv.dtvhindi.in |
| 2. | http://noobbro.xyz/ |
| 3. | http://my1.mylivecricket.site/ |
| 4. | http://my2.mylivecricket.site/ |
| 5. | http://my3.mylivecricket.site/ |
| 6. | http://my4.mylivecricket.site/ |



5. I state that from the evidence filed along with the present Affidavit, it is evident that the above-mentioned websites are hosting and/or streaming and/or providing access and/or making available for viewing the broadcast of the BCCI Events inter alia New Zealand Tour of India 2023. I state that the Plaintiffs are the exclusive right holders for the “BCCI Events” for the worldwide territory and the Plaintiffs have not authorized any of the above-mentioned websites to communicate and or make available for viewing the “BCCI Events”.

6. I state that the Plaintiffs are not aware of the owners of these additional websites as either they are anonymous or have incorrect or incomplete addresses.
7. I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 11.01.2023 (reproduced herein above) is also applicable on the above mentioned 6 websites.

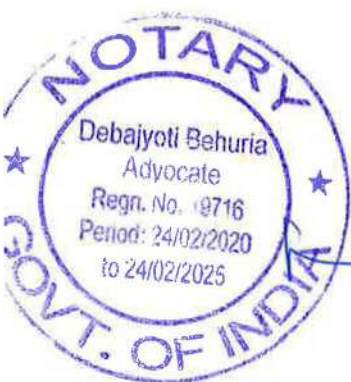
"26. Accordingly, the following interlocutory directions are passed, to remain in force till the next date of hearing:

(i) Defendants No. 1 to 11 (and such other mirror/redirect/alphanumeric websites of Defendants 1 to 11 which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights and copyrights), their 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, shall stand restrained from communicating, hosting, streaming, and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the content over which the plaintiff has exclusive copyright, so as to infringe the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights

(ii) Defendant 12 is directed to suspend the domain name registration of Defendants 1,3 8 and 10 in respect of the websites (live4wap.click, khantv.khantv.com, s1.mylivecricket.club and hesgoalTV.me).

(iii) Defendant 13 is directed to suspend the domain name registration of Defendants 2 and 6 & 29 in respect of the websites (a-sports-live.com and cricbuzzlive.in).

(iv) Defendant 14 is directed to suspend the domain name registration of Defendants 4 and 5 in respect of the websites (beemsports.com and btsportlivestream.com).



(v) Defendant 15 is directed to suspend the domain name registration of Defendant 11 in respect of the website (wikicast.tv)

(vi) Defendant 16 is directed to suspend the domain name registration of Defendant 9 in respect of the website (neymartv.net).

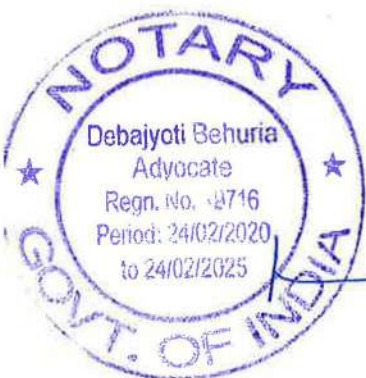
(vii) Defendant 17 is directed to suspend the domain name registration of Defendant 7 (123cric.com) in respect of the website (neymartv.net).

(viii) Defendant 29 is directed to suspend/cancel the domain name registration of the domains cricbuzzlive.in.

(ix) Defendants 12 to 17 and 29 are directed to disclose, on affidavit, (a) complete details such as name, address, email address, phone number, IP address, etc. (b.) Mode of payment along with payment details used for registration of domain name by the registrant(s) and (c.) details of other websites registered by the Defendant Nos. 1 to 11 using similar details, same credit card, payment gateway etc. (disclosed as per subclause (b) above) with the Defendant Nos. 12 to 17 & 29.

(x) To facilitate implementation of the aforesaid directions, Defendants 27 and 28 are directed to issue a notification, calling on internet and telecom service providers registered under the said defendants, to block access to the aforesaid websites identified by the plaintiff and enumerated in the serial no.1 in the documents annexed to the plaint.

27. Mr. Sandeep Sethi, learned Senior Counsel for the plaintiffs, also seeks, in order that the plaintiffs are not constrained to approach this Court time and again against new infringing websites which may mushroom during the course of these proceedings, that an order of dynamic injunction be granted, whereby access to the said websites would be blocked on the plaintiffs' filing an affidavit with Defendants 18 to 26 and 29, immediately on filing of the said affidavit. He undertakes, to maintain transparency in



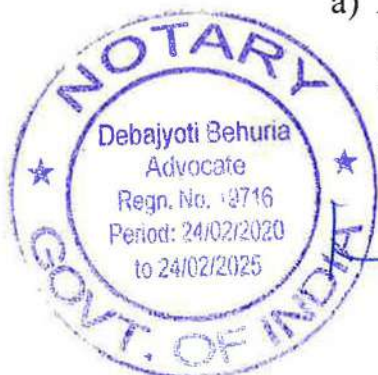
the process, that the plaintiffs would also, side-by-side, file the affidavit before this Court.

28. He draws my attention, in this context, to para 93 of the judgment of a Coordinate Bench of this Court in UTV Software Communication Ltd v. 1337X.to and Ors.

29. Accordingly, Defendants 18 to 26 and 29 are directed to block access to any alphanumeric/redirect/mirror website of the defendant websites which is communicated, to them, by the plaintiffs, on affidavit, to be indulging in infringing activities similar to those in which Defendants 1 to 11 in the present plaint are indulging.”

8. Considering the abovementioned, the Department of Telecommunications (Defendant No. 27) and the Ministry of Electronics and Information Technology (Defendant No. 28) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 18 – 26) to block the additional rogue websites domains identified in Annexure A hereto.
9. I state that the evidence filed along with the present affidavit was shared by the investigating agency in google drive link. I downloaded the same onto the computer (Intel (R) Core (TM) i5-2520M CPU @ G2010 @ 2.50 GHz 2.50 GHz), which is regularly used by me in the ordinary course of business and thereafter, shared the same with the Plaintiffs’ Counsel.
10. I am advised to state that the conditions of Sections 65B of the Indian Evidence Act, 1872 and Order XI Rule 6(3) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 are complied with in respect of these documents.
11. In particular, I confirm: -

- a) That the said computer system is regularly used to produce computer outputs like emails and information from the World Wide Web (Internet) and store other electronic records. The relevant information from the websites and electronic records as mentioned



above was downloaded by me in the course of activity of the Plaintiffs. I have a lawful control over the use of the said computer system by virtue of my capacity in the organization.

- b) That the electronic records mentioned above are downloaded from the computer system as part of the ordinary course of activities of the Plaintiffs.
- c) That the computer system as used by me has been operating properly and the electronic records and their accuracy and contents have not been altered and tampered with in any manner whatsoever.
- d) That the information contained on the computer outputs is an exact replica and has been produced from the original electronic record and therefore, reproduces the information contained on the electronic records therein.

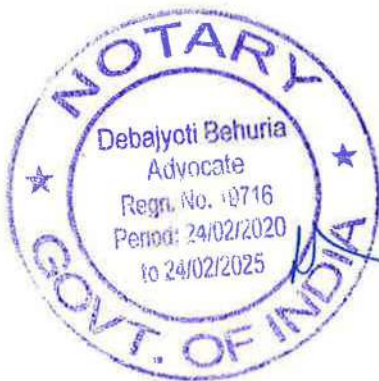
Diksha J
DEPONENT

Fanshi
I identified the deponent who has signed in my presence.
VERIFICATION

27 JAN 2023

Verified at New Delhi on this the 27th day of January 2023 that the contents of the above said Affidavit are true to the best of knowledge, information and belief and nothing material has been concealed therefrom.

Diksha J
DEPONENT



CERTIFIED THAT THE DEPONENT
 Shri/Smt./Kmr. *Diksha J*
 S/o, W/o R/o. *Ramesh Chandra*
 Identified by Shri. *Ramesh Chandra*
 Has solemnly affirmed before me at
 Delhi on *27* day of *Jan* 2023.
 That the contents of the affidavit which
 have been read & explained to
 him are true & correct to his knowledge

27 JAN 2023

[Signature]
NOTARY

ANNEXURE – A

LIST OF WEBSITES

| S. No. | List of Websites |
|--------|---|
| 1. | https://tv.dtvhindi.in |
| 2. | http://noobbro.xyz/ |
| 3. | http://my1.mylivecricket.site/ |
| 4. | http://my2.mylivecricket.site/ |
| 5. | http://my3.mylivecricket.site/ |
| 6. | http://my4.mylivecricket.site/ |

LIST OF WEBSITES

| S. No. | List of Websites |
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| 3. | http://my1.mylivecricket.site/ |
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| 5. | http://my3.mylivecricket.site/ |
| 6. | http://my4.mylivecricket.site/ |

IN THE HIGH COURT OF DELHI AT NEW DELHI
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| 4. | Proof of Service | |


Raunak Das Sharma
(F/1429/2019)

Place: New Delhi

Date: 31.01.2023

Saikrishna and Associates
Advocates for the Plaintiffs

57 Jor Bagh, First Floor,
New Delhi, 110003

M:8100566300

raunak@saikrishnaassociates.com

IN THE HIGH COURT OF DELHI AT NEW DELHI
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IN THE MATTER OF

Star India Pvt. Ltd. & Anr.

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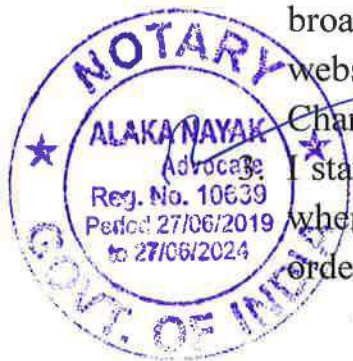
AFFIDAVIT OF MS. DIKSHA SNEHAL, D/O MR. AMIT RANJAN, AGED ABOUT 28 YEARS, AUTHORIZED SIGNATORY OF PLAINTIFFS, HAVING ITS OFFICE AT STAR HOUSE, URMI ESTATE, 95 GANPATRAO KADAM MARG, LOWER PAREL (W), MUMBAI, 400013, PRESENTLY AT NEW DELHI

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

1. That, I am the Authorized Representative of the Plaintiffs in the present suit and as such I am conversant with the facts and circumstances of the present suit and competent to depose in respect thereof.
2. That the Plaintiffs own the exclusive rights to broadcast, communicate and make available the live matches on various platforms such as TV, Radio, Internet, Mobile, etc. (hereinafter "the Exclusive Rights") with respect to Sri Lanka's Tour of India 2023, Australia's Tour of India 2023 and New Zealand's Tour of India 2023 (hereinafter "BCCI Events"). I state that these Rights include the live, delayed, highlights, clips and repeat broadcast / exhibition of the BCCI Events in India through the Plaintiffs' website and mobile application – Disney + Hotstar, and through Star Channels.

I state that I am aware of the present suit and the order dated 11.01.2023 whereby the Hon'ble Court was pleased to pass an *ex-parte ad-interim* order in terms of the following :

"16. Prima facie, there is substance in the grievance of the plaintiffs. It is a matter of common knowledge that such rogue websites come into being before such events takes



places and, without any licence or authorisation, start streaming and broadcasting the events over which copyright is held by others.

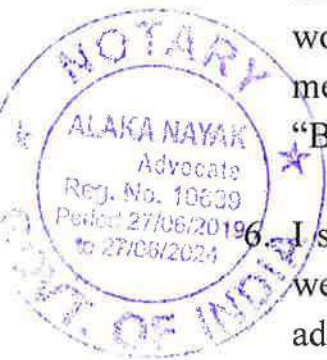
17. This Court finds itself inundated with such suits, which keep cropping up every now and then. It may be useful for the Legislature to formulate some kind of a policy by which such disputes can avoid being taking up the time of the courts. That said, as the plaintiffs have a clear prima facie case, they would be entitled to an injunction as sought."

4. I state that in order to protect and enforce its exclusive rights in the BCCI Events, the Plaintiffs engaged the services of an investigation agency, Copyright Integrity International, to monitor Rogue Websites. I state that the Plaintiffs with the help of the investigator have identified following 2 additional websites which are illegally streaming the contents of the New Zealand Tour of India 2023, which are infringing the Plaintiffs' Exclusive Rights. The said websites are:

| S.No. | List of Websites |
|-------|---|
| 1. | http://ckthd.fun/ |
| 2. | https://www.12thmanmalayalam.com/ |

5. I state that from the evidence filed along with the present Affidavit, it is evident that the above-mentioned websites are hosting and/or streaming and/or providing access and/or making available for viewing the broadcast of the BCCI Events inter alia New Zealand Tour of India 2023. I state that the Plaintiffs are the exclusive right holders for the "BCCI Events" for the worldwide territory and the Plaintiffs have not authorized any of the above-mentioned websites to communicate and or make available for viewing the "BCCI Events".

6. I state that the Plaintiffs are not aware of the owners of these additional websites as either they are anonymous or have incorrect or incomplete addresses.



7. I state that in terms of the following directions passed by this Hon'ble Court, vide order dated 11.01.2023 (reproduced herein above) is also applicable on the above mentioned 2 websites.

"26. Accordingly, the following interlocutory directions are passed, to remain in force till the next date of hearing:

(i) Defendants No. 1 to 11 (and such other mirror/redirect/alphanumeric websites of Defendants 1 to 11 which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights and copyrights), their 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, shall stand restrained from communicating, hosting, streaming, and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the content over which the plaintiff has exclusive copyright, so as to infringe the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights

(ii) Defendant 12 is directed to suspend the domain name registration of Defendants 1,3 8 and 10 in respect of the websites (live4wap.click, khantv.khantv.com, s1.mylivecricket.club and hesgoalTV.me).

(iii) Defendant 13 is directed to suspend the domain name registration of Defendants 2 and 6 & 29 in respect of the websites (a-sports-live.com and cricbuzzlive.in).

(iv) Defendant 14 is directed to suspend the domain name registration of Defendants 4 and 5 in respect of the websites (beemsports.com and btSportLiveStream.com).

(v) Defendant 15 is directed to suspend the domain name registration of Defendant 11 in respect of the website (wikicast.tv)



(vi) Defendant 16 is directed to suspend the domain name registration of Defendant 9 in respect of the website (neymartv.net).

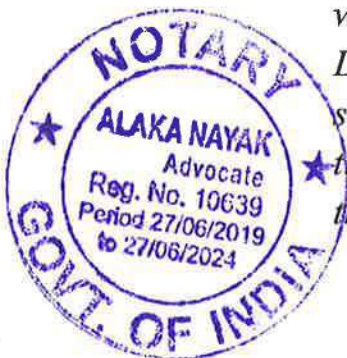
(vii) Defendant 17 is directed to suspend the domain name registration of Defendant 7 (123cric.com) in respect of the website (neymartv.net).

(viii) Defendant 29 is directed to suspend/cancel the domain name registration of the domains cricbuzzlive.in.

(ix) Defendants 12 to 17 and 29 are directed to disclose, on affidavit, (a) complete details such as name, address, email address, phone number, IP address, etc. (b.) Mode of payment along with payment details used for registration of domain name by the registrant(s) and (c.) details of other websites registered by the Defendant Nos. 1 to 11 using similar details, same credit card, payment gateway etc. (disclosed as per subclause (b) above) with the Defendant Nos. 12 to 17 & 29.

(x) To facilitate implementation of the aforesaid directions, Defendants 27 and 28 are directed to issue a notification, calling on internet and telecom service providers registered under the said defendants, to block access to the aforesaid websites identified by the plaintiff and enumerated in the serial no.1 in the documents annexed to the plaint.

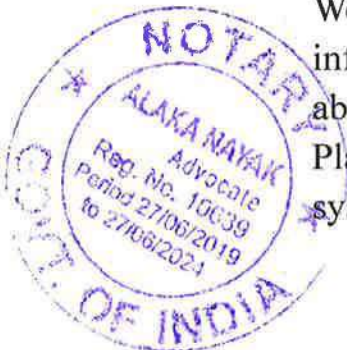
27. Mr. Sandeep Sethi, learned Senior Counsel for the plaintiffs, also seeks, in order that the plaintiffs are not constrained to approach this Court time and again against new infringing websites which may mushroom during the course of these proceedings, that an order of dynamic injunction be granted, whereby access to the said websites would be blocked on the plaintiffs' filing an affidavit with Defendants 18 to 26 and 29, immediately on filing of the said affidavit. He undertakes, to maintain transparency in the process, that the plaintiffs would also, side-by-side, file the affidavit before this Court.



28. He draws my attention, in this context, to para 93 of the judgment of a Coordinate Bench of this Court in *UTV Software Communication Ltd v. 1337X.to and Ors.*

29. Accordingly, Defendants 18 to 26 and 29 are directed to block access to any alphanumeric/redirect/mirror website of the defendant websites which is communicated, to them, by the plaintiffs, on affidavit, to be indulging in infringing activities similar to those in which Defendants 1 to 11 in the present plaint are indulging.”

8. Considering the abovementioned, the Department of Telecommunications (Defendant No. 27) and the Ministry of Electronics and Information Technology (Defendant No. 28) are urged to issue a notification to the Internet Service Providers (Defendant Nos. 18 – 26) to block the additional rogue websites domains identified in Annexure A hereto.
9. I state that the evidence filed along with the present affidavit was shared by the investigating agency in google drive link. I downloaded the same onto the computer (Intel (R) Core (TM) i5-2520M CPU @ G2010 @ 2.50 GHz 2.50 GHz), which is regularly used by me in the ordinary course of business and thereafter, shared the same with the Plaintiffs’ Counsel.
10. I am advised to state that the conditions of Sections 65B of the Indian Evidence Act, 1872 and Order XI Rule 6(3) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 are complied with in respect of these documents.
11. In particular, I confirm: -
 - a) That the said computer system is regularly used to produce computer outputs like emails and information from the World Wide Web (Internet) and store other electronic records. The relevant information from the websites and electronic records as mentioned above was downloaded by me in the course of activity of the Plaintiffs. I have a lawful control over the use of the said computer system by virtue of my capacity in the organization.



- b) That the electronic records mentioned above are downloaded from the computer system as part of the ordinary course of activities of the Plaintiffs.
- c) That the computer system as used by me has been operating properly and the electronic records and their accuracy and contents have not been altered and tampered with in any manner whatsoever.
- d) That the information contained on the computer outputs is an exact replica and has been produced from the original electronic record and therefore, reproduces the information contained on the electronic records therein.



31 JAN 2023

Seen
VERIFICATION
 I identified the deponent who has signed in my presence.

verified at New Delhi on this the 31st day of January 2023 that the contents of the above said Affidavit are true to the best of knowledge, information and belief and nothing material has been concealed therefrom.



31 JAN 2023



CERTIFIED THAT THE DEPONENT
 Mr./Smt./Km.....
 Do, W/o R/o.....
 Identified by Shri/Smt.....
 was solemnly affirmed before me at
 Delhi on.....as Sl. No.....
 That the contents of the affidavit which
 have been read & explained to him/her
 are true & correct to his/her knowledge

NOTARY

ANNEXURE – A

LIST OF WEBSITES

| S. No. | List of Websites |
|--------|---|
| 1. | http://ckthd.fun/ |
| 2. | https://www.12thmanmalayalam.com/ |

ckthd.fun

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हिन्दी

| | | | | | | |
|--------------------|--------------|-------------------|-------------------|-------------------|----------------|-------------------|
| भारत | 8-0 1 | न्यूजीलैंड | लक्ष्य 100 | जीत के लिए | TATA 92 | ल. बॉल 114 |
| गिल 7 3 > किशन 1 3 | | एम ब्रेसवेल 0-0 0 | | | | |

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Domains → **Whois Lookup** → **Results**

Whois results: ckthd.fun is already registered. Want it? Make an offer now.

ckthd.fun

TAKEN

Domain name: ckthd.fun

Registry Domain ID: D345431598-CNIC

Registrar WHOIS Server: whois.namecheap.com

Registrar URL: <http://www.namecheap.com>

Updated Date: 0001-01-01T00:00:00.00Z

Creation Date: 2023-01-25T17:05:38.00Z

Registrar Registration Expiration Date: 2024-01-25T17:05:38.00Z

Registrar: NAMECHEAP INC

Registrar IANA ID: 1068

Registrar Abuse Contact Email: abuse@namecheap.com

Registrar Abuse Contact Phone: +1.9854014545

Reseller: NAMECHEAP INC

Domain Status: serverTransferProhibited <https://icann.org/epp#serverTransferProhibited>

Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>

Registry Registrant ID:

Registrant Name: Redacted for Privacy

Registrant Organization: Privacy service provided by Withheld for Privacy ehf

Registrant Street: Kalkofnsvegur 2

Registrant City: Reykjavik

Registrant State/Province: Capital Region

Registrant Postal Code: 101

Registrant Country: IS

Registrant Phone: +354.4212434

Registrant Phone Ext:

Registrant Fax:

Registrant Fax Ext:

Registrant Email: 6ae4b457c3c6446fa53f7b6add19903d.protect@withheldforprivacy.com

Registry Admin ID:

Admin Name: Redacted for Privacy

Admin Organization: Privacy service provided by Withheld for Privacy ehf

Admin Street: Kalkofnsvegur 2

Admin City: Reykjavik

Admin State/Province: Capital Region

Admin Postal Code: 101

Admin Country: IS

Admin Phone: +354.4212434

Admin Phone Ext:

Admin Fax:

Admin Fax Ext:

Admin Email: 6ae4b457c3c6446fa53f7b6add19903d.protect@withheldforprivacy.com

Registry Tech ID:

Tech Name: Redacted for Privacy

Tech Organization: Privacy service provided by Withheld for Privacy ehf

Tech Street: Kalkofnsvegur 2

Tech City: Reykjavik

Tech State/Province: Capital Region

Tech Postal Code: 101

Tech Country: IS

Tech Phone: +354.4212434

Tech Phone Ext:

Tech Fax:

Tech Fax Ext:

Tech Email: 6ae4b457c3c6446fa53f7b6add19903d.protect@withheldforprivacy.com

Name Server: linda.ns.cloudflare.com

Name Server: scott.ns.cloudflare.com

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>

>>> Last update of WHOIS database: 2023-01-30T06:53:02.69Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

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Whois results: 12thmanmalayalam.com is already registered. Want it? Make an offer now.

12thmanmalayalam.com

REGISTERED IN 2022

Domain Name: 12thmanmalayalam.com

Registry Domain ID: 2685963445_DOMAIN_COM-VRSN

Registrar WHOIS Server: whois.registrar.eu

Registrar URL: http://www.registrar.eu

Updated Date: 2023-01-14T06:35:46Z

Creation Date: 2022-04-01T07:50:37Z

Registrar Registration Expiration Date: 2023-04-01T07:50:37Z

Registrar: Hosting Concepts B.V. d/b/a Registrar.eu

Registrar IANA ID: 1647

Registrar Abuse Contact Email: abuse@registrar.eu

Registrar Abuse Contact Phone: +31.104482297

Reseller:

Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>

Registry Registrant ID: REDACTED FOR PRIVACY
Registrant Name: REDACTED FOR PRIVACY
Registrant Organization: Whois Privacy Protection Foundation
Registrant Street: REDACTED FOR PRIVACY
Registrant City: REDACTED FOR PRIVACY
Registrant State/Province: Zuid-Holland
Registrant Postal Code: REDACTED FOR PRIVACY
Registrant Country: NL
Registrant Phone: REDACTED FOR PRIVACY
Registrant Phone Ext: REDACTED FOR PRIVACY
Registrant Fax: REDACTED FOR PRIVACY
Registrant Fax Ext: REDACTED FOR PRIVACY
Registrant Email: <https://contact-form.registrar.eu/?domainName=12thmanmalayalam.com&purpose=owner>
Registry Admin ID: REDACTED FOR PRIVACY
Admin Name: REDACTED FOR PRIVACY
Admin Organization: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin City: REDACTED FOR PRIVACY
Admin State/Province: REDACTED FOR PRIVACY
Admin Postal Code: REDACTED FOR PRIVACY
Admin Country: REDACTED FOR PRIVACY
Admin Phone: REDACTED FOR PRIVACY
Admin Phone Ext: REDACTED FOR PRIVACY
Admin Fax: REDACTED FOR PRIVACY
Admin Fax Ext: REDACTED FOR PRIVACY
Admin Email: <https://contact-form.registrar.eu/?domainName=12thmanmalayalam.com&purpose=admin>
Registry Tech ID: REDACTED FOR PRIVACY
Tech Name: REDACTED FOR PRIVACY
Tech Organization: REDACTED FOR PRIVACY
Tech Street: REDACTED FOR PRIVACY
Tech City: REDACTED FOR PRIVACY
Tech State/Province: REDACTED FOR PRIVACY
Tech Postal Code: REDACTED FOR PRIVACY
Tech Country: REDACTED FOR PRIVACY
Tech Phone: REDACTED FOR PRIVACY
Tech Phone Ext: REDACTED FOR PRIVACY
Tech Fax: REDACTED FOR PRIVACY
Tech Fax Ext: REDACTED FOR PRIVACY

Tech Email: <https://contact-form.registrar.eu/?domainName=12thmanmalayalam.com&purpose=tech>
Name Server: randall.ns.cloudflare.com
Name Server: cloe.ns.cloudflare.com
DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>
>>> Last update of WHOIS database: 2023-01-30T07:53:35Z <<<

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; We do not guarantee its accuracy.
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; only for lawful purposes and that, under no circumstances, you will
; use this data to
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; telephone, or facsimile of mass, unsolicited, commercial advertising
; or solicitations to entities other than the data recipient's own
; existing customers; or
; b) enable high volume, automated, electronic processes that send queries
; or data to the systems of any Registry Operator or ICANN-Accredited
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; is expressly prohibited without prior written consent.
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